

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	5 <sup>th</sup> October 2011		
Application Number	11/01769/S73A		
Site Address	The Dairy, Sodom Lane, Dauntsey, Wiltshire, SN15 4JA		
Proposal	Use of ancillary residential accommodation as self contained independent residential class C3 unit (retrospective)		
Applicant	Mr J Garlick		
Town/Parish Council	Dauntsey		
Electoral Division	Brinkworth	Unitary Member	Cllr Toby Sturgis
Grid Ref	400216 181409		
Type of application	Retrospective		
Case Officer	Lydia Lewis	01249 706 643	Lydia.lewis@wiltshire.gov.uk

## Reason for the application being considered by Committee

Councillor Sturgis has submitted a request for the planning application to be considered by the committee to consider the Parish Council comments and the structural state of the original building, considering the amount of new build required to put the building into its present state (Policy BD6).

### 1. Report Summary

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### 2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- The principle of development; and
- Parking and Access

The application has generated objection from Dauntsey Parish Council and 4 letters of objection from 2 different properties.

### 3. Site Description

The site is situated on the south west side of Sodom Lane in Dauntsey, outside of the Settlement Framework Boundary as defined on the Proposals Map. The building previously formed a domestic outbuilding associated with the bungalow.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
08/02157/FUL	Erection of replacement dwelling and garage	Permitted

## **5. Proposal**

The applicant seeks retrospective consent for the use of the outbuilding as a self contained, independent residential unit. The work was undertaken in December 2010. The property has one bedroom. Four car parking spaces exist to the front of the site shared between this property and the main bungalow. A shed has also been erected on site.

The 2008 planning permission has not been implemented, rather the existing bungalow (shown as being replaced under that 2008 permission) was renovated.

## **6. Planning Policy**

### North Wiltshire Local Plan 2011

C3 – Development Control Policy

BD6 – Re-Use of Rural Buildings

CF3 – Provision of Open Space

## **7. Consultations**

**Dauntsey Parish Council** – Recommend refusal. Consider that this is a new dwelling within the countryside and does not comply with policy H4 of the local Plan. In addition, the proposal does not meet the criteria of policy BD6 as the existing building had no architectural merit and was of poor construction being single skin blockwork with a corrugated asbestos roof. It is not considered that the ‘Uttlesford decision’ applies in this case as claimed by the applicant.

Wish to draw attention to the fact that conversion does not comply with Building Regulations for residential use and connects to an existing structurally unsound septic tank of insufficient capacity for two households and that should permission by allowed needs replacing by an approved bio-system. The existing septic tank contaminates the surrounding ground and the Council believes that the site is contaminated as a considerable quantity of asbestos materials has been buried within the curtilage.

**Principal Ecologist** – No objection in relation to ecology.

**Thames Water** – With regard to sewerage and water infrastructure they would not have an objection.

**Environment Agency** - No comments on the application.

**Wessex Water** – The developer has indicated that the disposal of foul drainage will be to ‘mains sewer’ please note that there are no sewers close to the vicinity of the site. The developer has proposed to dispose of surface water to ‘soakaways’. It is advised that the Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage. The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be uncharted sewers or water mains within (or very near to) the site.

If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications.

**Environmental Health** – Have recently been dealing with a complaint regarding foul drainage from the property which has now been satisfactorily resolved with building control. Environmental health therefore have no comments to make regarding the planning application.

**County Highways** – Subject to the fence line being set behind the visibility demonstrated, no highway objection is raised in this respect. However, the proposal represents the creation of a dwelling in the open countryside and it is recommended that the proposal be refused on the following highway grounds:

*'The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.'*

Should the committee be minded to approve the application, conditions relating to visibility and the laying out of parking spaces are recommended.

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

4 letters of objection received in response to the application publicity from 2 different properties. In summary, the following concerns have been raised:

- There is no mains sewer available in Sodom Lane;
- The property has been connected to an existing septic tank which has caused environmental problems and polluting the ditch to the rear of the properties;
- Would not wish to see this site overdeveloped with two larger residential buildings;
- In the survey (08/02157/FUL) it will be noted that the property is incapable of inhabitation with some of the reasons being blocked drains. The survey notes that the outbuilding was not inspected in any detail, but were noted as being generally dilapidated;
- The actual start date of the work to change the outbuilding was in May 2010 and the building was occupied in November 2010;
- The original materials are not listed;
- The schedule of works makes no mention of the 3 large wooden doors or what was done to fill them and the materials used to do so, what materials were used to create the 2 window openings, only the front face of the building has been painted. There is no mention of damp proofing;
- The electrics and plumbing come from the main bungalow;
- There is an absence of information regarding how the heating and cooking is fuelled;
- There is an added bathroom which is not on the schedule;
- The photographs show that the existing building had no architectural merit;
- There is nothing to say the building is safe or complies with any current building requirements, or is finished to a satisfactory standard;
- Uttlesford decision does not apply;
- Increase in noise from loud music and cars;
- Smell from pollution of ditch; and
- Question whether there is sufficient space for 4 cars.

## 9. Planning Considerations

### Principle of development

Policy BD6 of the Local Plan states that in the countryside, the re-use of buildings will be permitted provided that:

- i) The proposed use will be contained within the building and does not require extensive alterations, re-building and or extension; and
- ii) The proposed use respects both the character and setting of the subject building and any distinctive local building styles and materials; and
- iii) Consideration is given to whether a building by reason of its design and or location would be more appropriately retained in or converted to, in order of preference, employment, community, or residential use; and
- iv) There being no abuse of the concession given to buildings erected within the benefit of permitted development rights; and
- v) The proposal will not have an adverse impact upon the surrounding road network.

Policy BD6 does not specify precisely what constitutes extensive alteration or re-building. It needs to be judged as a matter of fact and degree.

A schedule of works has been submitted in support of the application. The works effectively involved the removal of the sheet roofing and the strengthening of the roof structure to take the new concrete tiles, together with blocking up some of the openings to insert new windows. The existing walls were retained with a new render coat applied externally and internally and the building has been insulated and drylined. It has also been wired and plumbed as necessary.

In addition, photographs of the building prior to its conversion have been submitted. The applicants' agent has drawn attention to the details of the construction of the buildings corners and specifically that overlapping of the blockwork is clearly still present, as is the pillar evident on the rear elevation.

From the information submitted, it is clear that the proposed use has been contained within the building and the building has not been rebuilt in order to facilitate the residential use. Furthermore, given the sites location within a predominantly residential area with residential properties on either side, it is not considered that an employment or community use would be appropriate in this context. Given the normally restrictive policies relating to residential development in this location it is considered appropriate to remove permitted development rights relating to extensions and outbuildings.

#### Parking and Access

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria, including inter alia: promote sustainable patterns of development that will reduce the overall need to travel and support increased use of public transport, cycling and walking; and have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

The proposal will not have an adverse impact on the surrounding road network and whilst the highways authority have objected in respect of PPG 13 advice on reduction of length and number of motorised journeys they are happy that the access is acceptable. In response to concerns raised by County Highways, an amended plan has been received which indicates the available visibility from 2.5 metres back. The agent has further confirmed that the open post and rail fence in front of the existing property will be removed. No gates are proposed.

#### **10. Recommendation**

Planning Permission be GRANTED for the following reason:

From the information submitted, it is clear that the proposed use has been contained within the existing building and the building has not been rebuilt. The proposal is therefore considered to be a suitable reuse of an existing building, which would comply with the provisions of Policies BD6 and C3 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements to this converted building.

POLICIES – C3 and BD6 of the North Wiltshire Local Plan 2011.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICIES – C3 and BD6 of the North Wiltshire Local Plan 2011.

4. Within two months of this decision visibility splays shall be provided between the edge of the carriageway and a line extending from a point 2.5 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway approximately 21 metres in the north-west direction from the centre of the access in accordance with the approved plans. The existing fence line shall be set behind the fence line. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

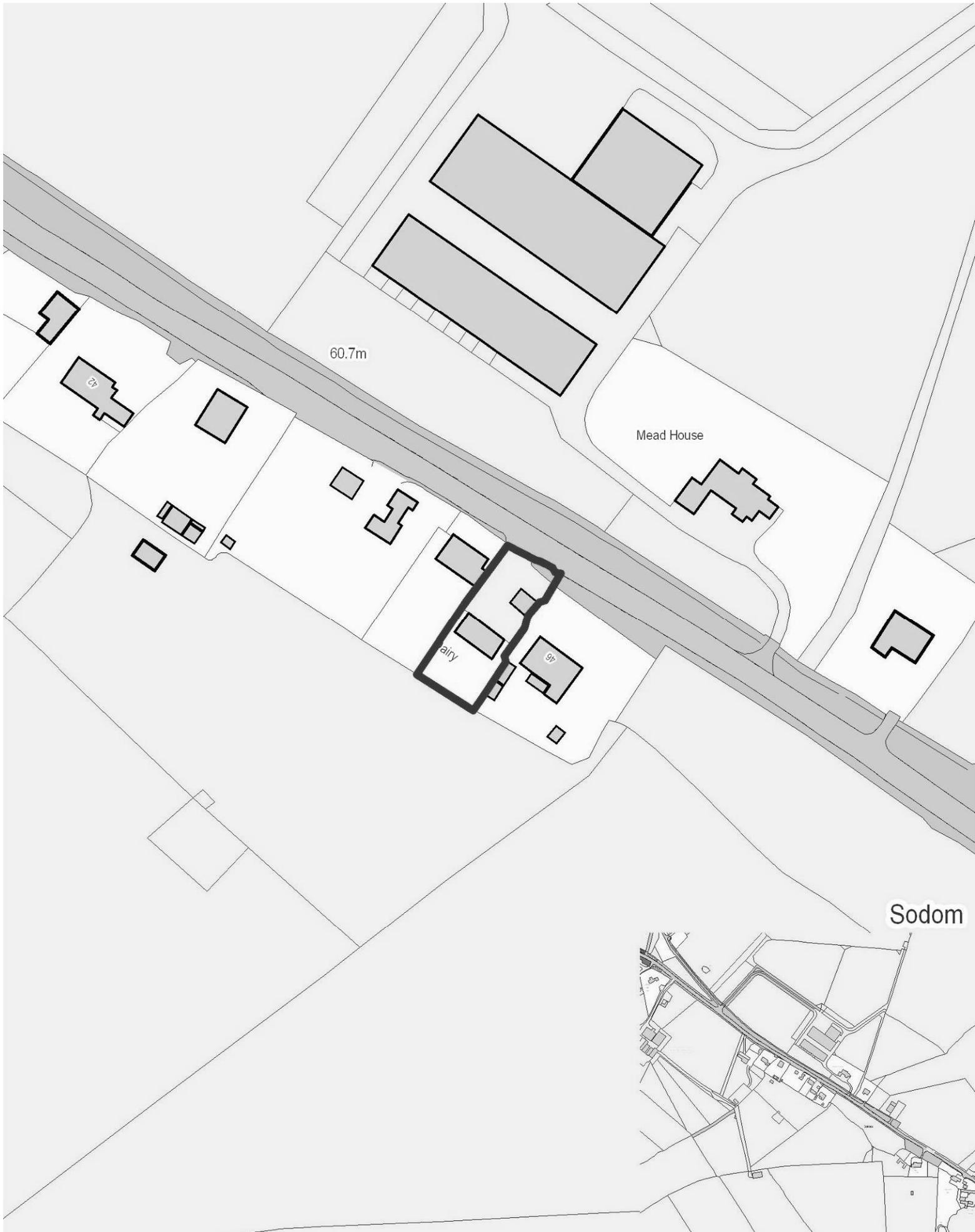
5. Within two months of this decision the parking area shown on the approved plans shall be consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

6. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

- Site location plan
- LPC/2625/2A – Existing ground floor plans
- LPC/2625/4A – Existing elevations
- LPC/2625/5A – Site layout plan

REASON: To ensure that the development is implemented as approved.



60.7m

Mead House

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Sodom