

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	31 July 2013		
Application Number	N/13/01174/FUL		
Site Address	The Forge, High Street, Malmesbury, SN16 9AT		
Proposal	Conversion of Forge to Dwelling, addition of glazed gables, porch and garden room.		
Applicant	Mr Poynton		
Town/Parish Council	Malmesbury Town Council		
Electoral Division	Malmesbury Central	Unitary Member	Cllr Simon Killane
Grid Ref	393440 186961		
Type of application	Full		
Case Officer	David Cox	01225 716774	david.cox@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Killane, as the primary issue is the change of use from retail to residential and allowing a business near the town centre converting to residential and setting a precedent and its economic impact. The relationship with surrounding properties should also be considered.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to a S106 agreement and conditions.

Malmesbury Town Council has deferred their recommendation subject to clarification as to whether the site needs to be marked for B1 use or not?

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the host building
- Impact on the conservation area
- Impact on neighbouring amenity
- S106 contributions

3. Site Description

The Forge is a former telephone exchange building that was converted and now used as a Farriers workshop. The application site is within the Malmesbury conservation area and is located on a slope with properties to the north being on higher ground and those to the south being on lower ground. The site is outside both the Town Centre Primary Frontage Area and the Secondary Areas of Malmesbury.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/92/0693/F	Change of use from telephone exchange to Farriers Workshop	Permitted

5. Proposal

The proposal includes extending the hip roofs into gables and inserting glazing in the end elevations. On the southern side elevation another glazed gable would be introduced into the roof.

Additional and revised plans have been received from the applicant following concerns with the design of the front porch and the impact of the front gable end on the neighbouring property to the north.

6. Consultations

Malmesbury Town Parish Council - Defer recommendation subject to clarification as to whether the site needs to be marketed for B1 use.

Public Open Space Officer – Contribution of £5,820 required.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

6 letters of objection and 7 letters of support received.

Objections:

- The front bedrooms will overlook my garden (No 72).
- The family room glazing will overlook my property (No 94 & 96 High Street).
- Our garden is approx 4-5 lower at the east end and the garden would become a family garden and overlook our garden. Would prefer a privacy screen to be erected (10 St John Street).
- The site is within the primary retail frontage of Malmesbury.
- The loss of this business will harm the vitality and viability of the high street.

Support:

- This will help with the security of the area.
- People won't even realise the building is there.
- Residential use would be more in keeping with the area.
- No harm to the commercial aspect of the town.
- The design is superb.

8. Planning Considerations

Principle of Development:

The application site is outside of the Malmesbury Town Centre and therefore Policies R1 and R2 of the Local Plan do not apply in this instance. Additionally, the business is not retail and the loss of the Farrier business will not harm the vitality or viability of the town centre.

However, the Town Council make a very relevant point in regards as to whether the site needs to be marketed to meet policy BD2 of the Local Plan. Policy BD2 states that buildings in existing business use of B1, B2 or B8 should be safeguarded for these uses unless;

- i) The continued use as a business raises unacceptable environmental or traffic problems; or
- ii) An alternative use offers greater benefits to the community; or
- iii) The retention of the site for business use has been explored fully without success for at least 1 years and the site is no longer required to meet economic development needs.

The Forge is used as a Farrier Business, where horses are brought into the building to have their horse shoes replaced. A Farrier is a specialist in equine hoof care and is professionals in their own right who happen to use blacksmiths skills.

A blacksmiths is considered to fall within use class B2 but a Farrier is considered to be Sui-Generis which means that the application falls outside the scope of policy BD2.

Even if Policy BD2 did apply, it is highly unlikely that the Forge would find another business use. This is because the access is only a single car width wide which is not ideal for business use. The Farrier use is not currently a problem because single horse boxes arrive at certain pre-arranged times. Other business uses will have very different vehicle patterns.

Although the car park is fairly large, its shape only lends itself to the parking of 4-5 vehicles with limited turning space. There would also be substantial conversion costs that would put off prospective buyers. There is also the potential noise and disturbance impact on neighbouring amenity from another business use. The access passes between two dwellings and the building is surrounded by other dwellings. The existing noise of the Farrier is contained within the building but another business use could involve external loading of lorry's for example. Therefore the site isn't really suitable for an alternative business use.

Finally, in application N/92/0693/F – Change of Use from Telephone Exchange to Farriers Workshop – condition 3 inserted a personal condition to the named applicant, Mr Poynton. The condition was added for the reason that “permission would not have been given for the proposed development but for the personal circumstances of the applicant”. This effectively means that in 1992 the Council considered the site to be un-suitable for business use. Therefore it would be unreasonable to change this position now.

Being located within a residential area, it is therefore logical to convert the building into residential use. As the site is within the framework boundary of Malmesbury the principle of new residential development is supported.

Impact on the host building:

It is not considered that the porch, changes to the roof or introduction of the glazed gables would cause any harm to the host building.

Impact on the conservation area:

It is considered that the proposal would preserve the character and appearance of the conservation area.

The historic character of the building will be preserved because it would be converted rather than demolished and a new building built in its place. The existing large front door opening would be respected by its replacement with large glazed doors.

The changing of the hips to the gables would not harm this character and some domestic features like the glazed gables and roof lights would be limited to the roof only, leaving the main form of the building unaltered. The revised plans have also included a far more appropriate porch design that respects the industrial character of the building.

The appearance of the conservation area would also be preserved by the use of matching materials and the use of Neo rooflights that would be flush with the roof slope.

Impact on neighbouring amenity:

Additional and revised plans have been received, following the neighbour consultation.

The parapet wall on the front elevation will not be dropped by 500mm as previously intended. The additional cross section plan shows that the brick wall would be 1.5 metres (4.9 feet) above the floor level and would be 400mm deep. Whilst most people's head heights would still be able to look out and over the wall, the general outlook from bedrooms 2 and 3 would be dominated by looking at the wall rather than excessively over it.

There would be a small balcony but only at a depth at which the bedroom doors can open. Therefore, for the majority of the year, the glazed doors would be 1 metre back from the 1.5 metre tall and 400mm deep wall. This also means that the roof overhang would obscure approximately 20 degrees of view from the centre of the door looking towards No 72. Whilst this would only protect the rear end of the garden, the actual view of the garden would diminish the deeper into the bedroom occupants go. The 1.5 metre tall wall would also be likely to discourage any willingness to look outwards; and the glazing would mostly allow for views upwards towards the sky. There will be some instances where visitors arrive and are greeted by occupants looking out over the wall and down into the driveway, but such occurrences would be rare.

It is therefore acknowledged that some overlooking would occur on the garden area of the neighbouring property No 72, but not to the extent to warrant the refusal of the application.

The 1.5 metre parapet wall would also work to the same effect for the proposed family room and would only allow for views of the sky and rooftops of the town and not of the gardens to the south. The cross section plan also confirms that the roof lights would only allow for views upwards and not down and over neighbouring gardens.

One objection has also been received regarding bedroom 1 and the new rear garden overlooking a rear garden of No 10 St John Street. Unlike on bedrooms 2 and 3 the wall will be dropped to allow for views over their own garden. However, the window would be 20 metres away from the boundary with the neighbouring garden and therefore this is a more than reasonable distance to ensure a fair level of privacy. The rear garden would now be a residential garden for the first time and the concern is noted. However, there are a number of small trees and bushes that appear to be in the ownership of No 10 as they are on the other side of the fence. This already provides a decent screen and should it be allowed to grow further will completely screen the two gardens from each other.

The ground floor windows are also quite high level and when combined with the boundary fence, no overlooking down into the neighbours gardens should occur.

S106 contributions:

The applicant has confirmed that they are willing to enter into a S106 agreement to secure the £5,820 public open space contribution subject to gaining approval to the recommendation.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development, by virtue of its design and revised appearance, will not harm the character or appearance of the host dwelling or its setting in a Conservation Area and will not in any case result in the loss of residential amenity. The proposal therefore accords with Policies C3,

H3, CF3 and HE1 of the adopted North Wiltshire Local Plan 2011 and Sections 7 and 12 of the National Planning Policy Framework.

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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the conservation area.

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

- 3 No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the conservation area.

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

- 4 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 those Orders with or without modification), no development within Part 1, Classes A, B, C, D and E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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.

POLICY- C3 and HE1 of the North Wiltshire Local Plan 2011.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement - Received 18 April 2013.

Site Location and Block Plan - Received 18 April 2013.

Plan View Existing - Received 18 April 2013.

Plan View Proposed - Received 18 April 2013.

Existing Elevations - Received 18 April 2013.

Section Plan - Received 9 June 2013.

Revised Proposed Elevations - Received 11 June 2013.

Email from applicant - Received 12 June 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

POLICY- C3, H4, BD2 and HE1 of the North Wiltshire Local Plan 2011.

