

PLANNING COMMITTEE

18 December 2008

Planning Applications for Determination

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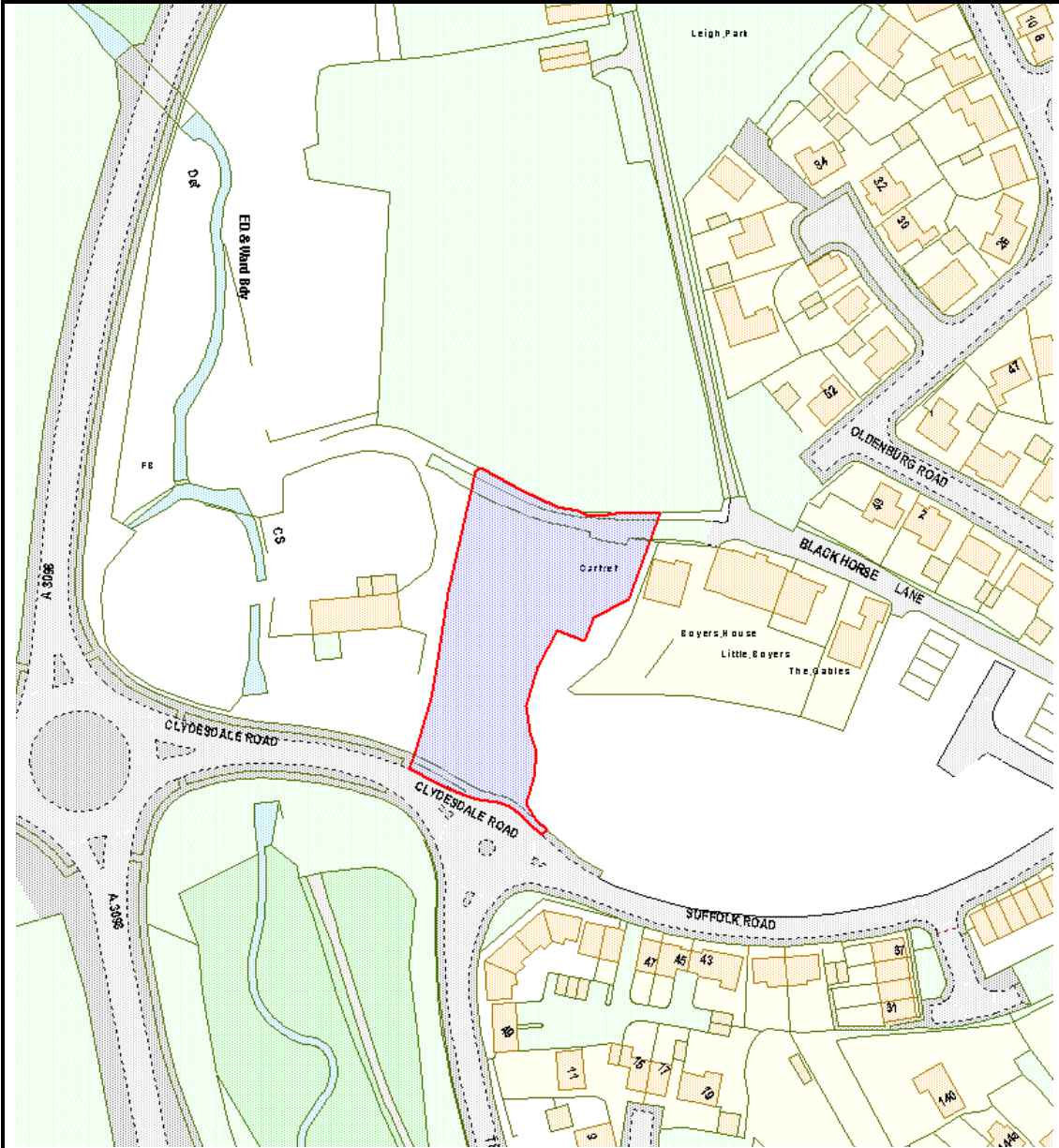
PLANNING COMMITTEE

18 December 2008

ITEM NO: 01

APPLICATION NO: 08/02155/FUL

LOCATION: Land Rear Of Stables Black Horse Lane Westbury
Wiltshire



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SLA: 100022961

The dwellings would be arranged over three separate buildings. At the southern end of the site there would be a terrace of three x two-bedroom units. A semi-detached pair of three-bedroom houses is proposed in the north-eastern sector of the site, whilst in the north western sector a terrace of 5 x four bedroom units would be provided.

A tree survey and design and access statement have been submitted in support of the application.

CONSULTATIONS

Parish/Town Council

WESTBURY TOWN COUNCIL

Objects to the proposal on grounds of:

- "- shortfall in Public open Space;
- industrial access lane inappropriate for residential use;
- loss of trees within red-line area;
- adverse affect on nearby listed building."

DILTON MARSH

Objects:

- "- The Parish Council is determined to preserve the rural buffer zone to its greatest extent and to prevent the coalescence between the village of Dilton Marsh and Westbury Leigh;
- the development of this site was not included in the original discussions and the outline plan approval of June 1996. It was specifically excluded;
- this application appears to conflict with the application to give access to the Romsey Management site;
- there is a strong possibility of contamination by heavy metals or anthrax on this site;
- The Council has consistently identified the problem of heavy traffic on the B3099 and A3098 due to the increase of traffic from Leigh Park. This proposed development will exacerbate the problem and give rise to additional highway safety concerns."

External

HIGHWAY AUTHORITY

In initial comments, additional information was requested by the Highway Authority to show that ground levels could be reduced so that safe pedestrian access can be obtained to the Black Horse Lane and footpath 26. Subject to this there would be no highway objection, provided that footpath 26 is improved in accordance with a scheme to be submitted for further LPA approval; and is reconstructed in accordance with the approved scheme before occupation of development fronting the footpath. Conditions are also recommended so that the highway authority could further approve full construction, with details of the internal access road to be submitted for further approval of LPA before the start of development; and the internal access road must be constructed in accordance with the approved details to road basecourse level before occupation of any dwelling. The access point to the roundabout is shown satisfactorily subject to the full engineering details being submitted for further approval.

The agents provided additional information in the form of site levels and a "street-scene" elevation drawing onto Black Horse Lane. These were considered by the highway authority with final comment as follows resulting:-

- the recommended conditions in the earlier comment are confirmed;
- the upgrade to footpath 26 should also include street lighting;
- the parking bays should be at least 4.8m x 2.4m with a 6m aisle also provided, this could be conditioned.

There are also two further recommended conditions:

1. Provision shall be made for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the LPA.
2. Driveway and access way gradients shall not exceed 1 in 12.

ENVIRONMENT AGENCY

The proposal falls outside the scope of matters on which the Agency is a consultee. No comment.

WESSEX WATER

No objection subject to agreement by the developer in regard to connection to systems.

EDUCATION AUTHORITY

Seeks contributions towards the provision of education needs. A full developer contribution is required. Current 2008/09 cost multipliers are £11 356 per primary and £ 17351 per secondary school place, but if the housing number/mix change an updated assessment will be applied.

DISTRICT ECOLOGIST

An ecological survey should be undertaken on the site to identify the potential for or presence of protected species. This should be sent to the District Ecologist before a decision is made. If the site holds the potential for protected species, further surveys may be required. If species are found, suitable mitigation will need to be drawn up.

Internal

HOUSING SERVICES

The application site falls within a housing allocation area where affordable housing policy applies. 30% Affordable Housing would apply in this scheme. There are 242 people in priority need in Westbury, the predominant need being for small family housing.

LANDSCAPE OFFICER

There are no arboricultural reasons to refuse this application. Conditions recommended in respect of landscaping and tree protection.

HERITAGE OFFICER

The proposed development are of simple design and would be subsidiary in the street scene relative to the listed building. No negative impact on the setting would result.

PLANNING POLICY

Housing development on the site is clearly acceptable in principle as it falls within the boundaries of the H13 land allocation in the District Plan. It is also within Town Policy Limits. Affordable Housing Policy applies. With regard to the Dilton Marsh Parish comments, there was a rural buffer in the 1996 Local Plan. However this related to land to the west of the new distributor road, and was removed from the 2004 Plan. This is no longer a valid objection.

Subject to the provision of affordable housing the proposal is acceptable in principle.

NOTIFICATIONS

Site Notices/Visits

Date of visit: The site was visited on 24 July 2008.

Neighbours

Two neighbours responded to advertising. Comments were as follows:

- the new Westbury Leigh development contains inappropriate and bulky buildings not in keeping with the setting. The current proposals do not have to follow this trend;
- there needs to be clarity on whether or not the road would terminate before Black Horse Lane, and what boundary treatments are proposed at the end of the turning area;
- there are land level issues;
- the modest house design for plots 1 to 3 is welcomed;
- plots 4 to 8 are overly tall, and would be domineering in this landscape. They are four bedroom houses but have small gardens;

- one less unit should be provided;
- plots 9 and 10 may have issues of access - there is no clarity on levels;
- the new houses should not dominate Cartref;
- the proposal would impact negatively on the nearby listed building settings and on a listed wall;
- just because Black Horse Lane has become surrounded by modern and characterless houses this does not mean that the older houses have to be completely swamped by "tasteless constructions";
- the lane will become a car park.

RELEVANT PLANNING HISTORY

04/01489/FUL: Formation of highway access: Permission: 27.03.2006

06/01979/FUL: Erection of 62 dwelling houses, associated public open space, road infrastructure and works to Blackhorse Lane: Permission: 05.07.2007 (adjacent site).

KEY ISSUES

The key issues in this case are acceptability in policy terms, highway safety, affordable housing provision, the setting of listed building, TPOs in the area and nature conservation.

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

DP8 Affordable housing

West Wiltshire District Plan - 1st Alteration 2004

C7 Protected species

C31A Design

C32 Landscaping

C37 Contaminated Land

C38 Nuisance

C40 Tree Planting

R4 Open space in new housing developments

R11 Footpaths and rights of way

H2 Affordable housing

H13 Leigh Park, Westbury

T10 Car parking

S1 Education

U2 Surface water disposal

National Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG15 Planning and the Historic Environment

OFFICER APPRAISAL

Principle of the Development

This site is part of the Policy H13 allocation for housing in the adopted West Wiltshire District Plan - 1st Alteration 2004. It also lies within Westbury Town Policy Limits. The proposal is for 10 dwellings and is acceptable in principle, given the underlying Policy. The density for the scheme is approximately 33 dwellings per hectare, which accords with the minimum national average of 30 units/ha. suggested by PPS3. The principle of residential development of this site has been established through the District Plan process and constitutes the efficient use of land when considered in terms of PPS3 guidance.

The comments of the Dilton Marsh Parish Council relating to a "buffer zone" and the non-inclusion of this site in the 1996 outline application are noted. However, a rural buffer has not been established in the West Wiltshire District Plan - 1st Alteration 2004 and the site falls within the housing allocation area as well as Westbury Town Policy limits. This is also a full application that must be considered on its own merits, again within the context of policy applicable to the area.

Design and Impact on Listed Buildings

Development Plan policy and PPS3 require development to have a mix of sizes and types of dwellings. Policies C31A and H24 of the West Wiltshire District Plan - 1st Alteration, plus the supporting Supplementary Planning Guidance, attempt to ensure that new development is integrated into its local environment.

The proposed development reflects the new housing types that have been accepted on the rest of the Westbury Leigh site. The proposal site lies directly to the north of the Area R14 development of Westbury Leigh, which is characterised by modern housing that includes dwellings of fairly substantial 2½ storey proportions prominent to street frontages. This form of building is characteristic to the wider area that makes up the Policy H13 area as well.

The layout of the development is constrained to a degree by the alignment of the approved access road and the services that underlie it. Given this context and the requirement for the efficient use of land while providing a mix of housing sizes, the layout should be supported.

Dwellings are orientated in a manner that avoids issues of privacy within the development. No loss of privacy or harm to neighbouring amenity would arise where the dwellings on plots 9 and 10 address Black Horse Lane along the same alignment as the only dwelling immediately adjacent to the site, known as "Cartref". No windows to habitable rooms would be placed in the end elevation to this building facing "Cartref". There are no other dwellings on abutting properties.

The site levels have been disturbed with the result that the land adjacent to Black Horse Lane is raised above the level of the lane itself. The street scene that has been submitted shows that the site would be subject to re-levelling in order to achieve an acceptable relationship to neighbouring properties. Any permission should include a condition requiring full final site level and finished floor details prior to the commencement of development.

Boyers House is the Grade II listed building referred to in the Council comments and neighbour observations. (The reference to the listed wall appears to relate to the wall which lies to the east near Boyers House, which would not be affected by the application). Boyers House would be separated from the proposed development by "Cartref".

The street scene view from Black Horse Lane shows (subject to ground levelling as referred to above) that the new dwellings on plots 9 and 10 would not be out of scale with Cartref, which itself is wholly subservient to the size and scale of Boyers House. The building on plots 9 and 10 would be visually separated from Boyers House by Cartref and would also be aligned with the front of Cartref relative to Black Horse Lane. This is approximately 7m set back from the frontage of Boyers House. To the north of Boyers House is the "Area R1" element of the Westbury Leigh development. Dwellings within this development are all of modern form and the nearest of these are in closer proximity to Boyers House than the dwellings now proposed.

There would be no harm to the setting of the listed building.

Highways

The proposed residential development is arranged around the already approved access road. The highway authority has no objections, subject to conditions as referred to above. Whilst noting the comments on the access and traffic from the Town and Parish Councils respectively, it is considered that, provided the recommended conditions are made applicable, highway issues are satisfactorily addressed.

Affordable Housing

Following negotiation the applicant agreed to provide the 3 dwellings on plots 1 to 3 as affordable housing units. This would accord with the requirements of Council's housing services section. This would need to be confirmed by way of a S106 agreement.

Protected Trees and Landscaping

There are a number of protected trees in and around the site, and in addition to these there are other trees, particularly on the site boundary, which are worthy of retention. The landscape officer is satisfied that the proposal is acceptable from the perspective of tree protection, subject to conditions.

Contaminated land

Recent developments in the vicinity have been subject to a condition requiring a land contamination survey where the land falls within a designated "historic landfill site" area. Whilst studies carried out in these other cases has not lead to any major issues being identified and this site is a relatively limited portion of the whole area, a condition should be imposed requiring a study on the same basis as for previous permissions.

Nature Conservation/Protected Species

The site has been disturbed and used partially as parking and a depot whilst development of Area R14 has progressed. Permission also exists for the construction of the road through the site. In these circumstances, and whilst noting the comment of the District Ecologist, it is considered acceptable that a condition be imposed on any permission requiring a protected species survey prior to the commencement of development or further clearing of the site.

Other considerations

Public Open Space Provision and Contributions

Policy H13 requires public open space provision within the Westbury Leigh development, and Policy R4 of the West Wiltshire District Plan - 1st Alteration requires all development proposals of 10 or more dwellings to make appropriate provision for public open space or a contribution to off-site facilities. In considering the application for the larger adjacent development (Area R14) it was noted that adequate provision had been made for to "meet the Leigh Park public open space requirement". In this case therefore it is considered acceptable that no on-site provision is made but that contribution towards the off-site provision of facilities/maintenance of public open space be provided.

Education Contributions

Policy S1 of the West Wiltshire District Plan - 1st Alteration requires a planning obligation to be provided by the developer where the residential development gives rise to the need for additional education provision. The Education Authority, Wiltshire County Council, have identified a need based on the requirement for 3 primary and 2 secondary age pupils needing places. As neither the designated primary or secondary schools can accommodate these increases, a financial contribution of £11356 per primary and £17351 per secondary school place has been requested. This would need to be addressed by way of S106 agreement, but with allowance for an updated assessment at the time that the agreement is concluded.

CONCLUSION

The proposal is considered to be in accordance with Development Plan policies, and subject to satisfactory completion of the required Legal Agreements and the attachment of the suggested conditions, no planning objections are raised.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: That the Development Control Manager be authorised to grant permission on completion of a Section 106 agreement to secure the following:

(a) Affordable housing provision in accordance with Policy H2 of the West Wiltshire District Plan and the SPG on Affordable Housing;

(b) An index linked financial contribution towards primary and secondary education provision in accordance with the education authority approved formula dependent on the level of Affordable Housing provision; and

(c) An index linked financial contribution of £6953 towards the provision of public open space.

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 Prior to any site clearance or commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 5 Driveway and access way gradients shall not exceed 1 in 12.

REASON: In the interests of highway safety.

- 6 Detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority before development commences. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. Car parking bays shall have minimum dimensions of 4.8m x 2.4m, with a 6m aisle where provided. All works referred to in this condition shall be completed, and the parking and servicing areas shall be available for use before the premises are occupied.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

- 7 The dwellings hereby approved that shall not be occupied prior to the completion of improvement works, which shall include lighting, to Footpath 26 in accordance with a scheme to be submitted and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

- 8 Before any works commence on site, details of all highway works, comprising the new access road and its access to the adjacent roundabout, shall be submitted to and approved in writing by the Local Planning Authority. Details and drawings at a scale of 1:50 shall be submitted showing the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, cuttings, visibility splays, accesses, carriageway gradients, and street furniture. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction shall be submitted to the Local Planning Authority. The drawings shall also include details of the measures and works being undertaken to protect the Protected Trees near the site. The works shall take place in accordance with these approved details.

REASON: To ensure highway and pedestrian safety, and to protect the Protected Trees near the site.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C40.

- 9 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: In the interests of proper planning of the area.

- 10 An investigation and risk assessment in respect of land contamination must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This study must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 '.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 12 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels. Upon approval:
- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
 - All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
 - The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
 - The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

- 13 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;

- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- A schedule of tree works conforming to BS3998;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

- 14 Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to the adoption of sewers serving the site, the connection to water infrastructure and to check the routing of existing infrastructure over the site.

RELATED PLANS

- Drawing : LOCATION PLAN received on 17.07.2008
- Drawing : 05.111.100 received on 17.07.2008
- Drawing : 825/PL1 received on 17.07.2008
- Drawing : 825/PL4 received on 17.07.2008
- Drawing : 05.111.110 received on 17.07.2008
- Drawing : 05.111.111 received on 17.07.2008
- Drawing : 05.111.112 received on 17.07.2008
- Drawing : EXTRACT FROM SURVEY received on 22.08.2008
- Drawing : 05.111.120 received on 22.08.2008

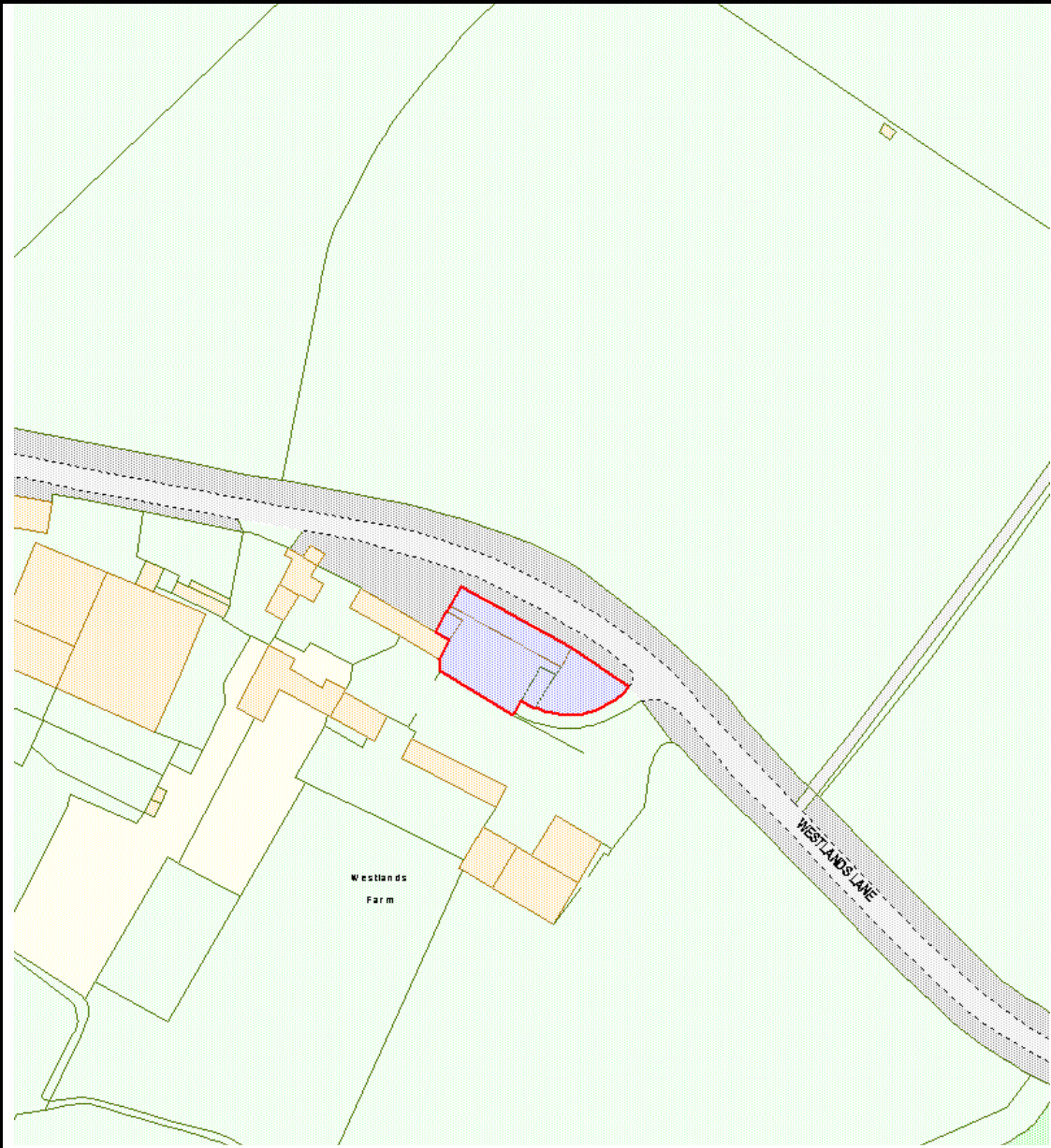
PLANNING COMMITTEE

18 December 2008

ITEM NO: 02

APPLICATION NO: 08/02639/FUL

LOCATION: Barn North East Of Westlands Farm Westlands Lane
Beanacre Wiltshire



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SLA: 100022961

02 Application: 08/02639/FUL

Site Address: Barn North East Of Westlands Farm Westlands Lane Beanacre Wiltshire

Parish: Melksham Without Ward: Atworth Whitley And South Wraxall

Grid Reference 389448 166707

Application Type: Full Plan

Development: Conversion and extension of barn to provide residential accommodation

Applicant Details: Mr Robert Nicholas
Westlands Farm Westlands Lane Whitley Nr Melksham SN12 7QG

Agent Details: CMS (Bath) Ltd
51-53 High Street Corsham Wiltshire SN13 0EZ

Case Officer: Mr Ed Purnell
Phone: 01225 776655 ext 202
Email: epurcell@westwiltshire.gov.uk

Date Received: 04.09.2008 Expiry Date: 30.10.2008

COMMITTEE REPORT

This application is brought to committee at the request of Councillor Terry Chivers.

APPLICATION SITE & SURROUNDING AREA

The application site is located in the open countryside approximately 0.7 km from the eastern edge of Beanacre village.

The northern boundary of the site fronts onto Westlands Lane. The western boundary of the site is defined by an existing highway access with hard standing beyond. Immediately to the south is a dwarf wall which separates the site from a converted barn (granted planning permission in 2006 under application 06/01632/FUL). To the east are a series of agricultural buildings. The farmhouse, which is Grade II listed, is situated approximately 30 metres south east of the site.

The application site currently contains two single storey buildings. The first (the main barn) is sited parallel to Westlands Lane. It measures 31 metres in length by 5.5 metres in width with a maximum ridge height of 4.5 metres.

The roof is constructed from corrugated metal sheeting steel. The west, north and east elevations are constructed from coursed rubble. The south elevation, however, is constructed entirely of concrete block work. The only openings in the buildings are located in the south elevation. They consist of a series of horizontal openings, located beneath the eaves, and a 3 metre wide floor to ceiling opening that provides access into the barn.

The second building (referred to in the submitted documents as the "small barn") is sited perpendicular to the main barn. It is separated by a 2.5 metre gap. It measures 10 metres in length and 4.5 metres in width with a maximum ridge height of 4 metres. It is constructed entirely from concrete blockwork and finished with corrugated metal sheeting.

The barns are listed by virtue of their association with the Grade II farmhouse situated approximately 30 metres to the south east.

PROPOSAL

Full planning permission is sought to convert the main barn into a three bedroom property to provide residential accommodation ancillary to the main dwelling (the Grade II listed farmhouse).

The second barn would be demolished and replaced by an enlarged single storey building. Unlike the present situation, this new structure would be attached to the main barn. It would provide "guest/study/office" accommodation.

CONSULTATIONS

Parish/Town Council

MELKSHAM WITHOUT PARISH COUNCIL – no objection.

External

HIGHWAYS, WILTSHIRE COUNTY COUNCIL – No objection, subject to a condition to ensure that the development does not result in a separate dwelling. Condition should read, "The accommodation to be provided within the development hereby approved shall remain as permanent ancillary accommodation to the principal dwelling Westlands Farm and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit".

COUNTY ECOLOGIST, WILTSHIRE COUNTY COUNCIL – No objection.

COUNTY ARCHAEOLOGIST, WILTSHIRE COUNTY COUNCIL – No objection.

WESSEX WATER – No objection. It is recommended that the developer should agree with Wessex Water a connection onto Wessex Water infrastructure prior to commencement of works on site.

ENVIRONMENT AGENCY – No objection.

Internal

PLANNING POLICY - Objection on the basis that it is unclear what attempts have been made to secure such businesses uses required by Policy H21.

DRAINAGE ENGINEER – No objection.

HERITAGE DEVELOPMENT OFFICER – Objection, on the basis that the proposed alterations are wholly inappropriate and would not protect the character and appearance or the special architectural quality of this Listed agricultural building.

NOTIFICATIONS

Site Notices/Visits

07 November 2008

Neighbours

There are no neighbours within the vicinity of the application site.

RELEVANT PLANNING HISTORY

06/01632/FUL Conversion of redundant barn into residential accommodation ancillary to main dwelling - Approved: 13 July 2006

RELEVANT PLANNING POLICIES

West Wiltshire District Plan – 1st Alteration 2004

C28	Alterations and Extensions to Listed Buildings
C31a	Design
C38	Nuisance
H21	Conversions of Rural Buildings
T10	Car Parking
U1a	Foul Water Disposal
U2	Surface Water Disposal

National Policy

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPS 7	Sustainable Development in Rural Areas
PPG 13	Transport
PPG 15	Planning and the Historic Environment

Supplementary Planning Guidance – Design Guidance – Principles (Adopted) July 2004

Material Considerations:

A material consideration in the determination of this application is the 2006 permission to convert a barn approximately 30 metres south of the subject barn (application reference 06/01632/FUL: approved 13 July 2006).

KEY ISSUES

The main issues to consider are whether the:

- principle of residential use of the barns is acceptable;
- buildings are capable of conversion without extensive alteration;
- proposal safeguards or enhances the buildings special architectural or historic interest;
- proposal preserves the setting of the listed building;
- proposal would be acceptable to the amenities of neighbours;
- proposal would be acceptable in highway terms, and;
- proposal is not subject to flood risk and does not harm the natural environment.

OFFICER APPRAISAL

Local development plan Policy H21 (Conversions of Rural Buildings) and C28 (Alterations and Extensions to Listed Buildings) are particularly relevant to the determination of this application.

ACCEPTABILITY OF RESIDENTIAL RE-USE

In terms of national planning policy, paragraph 17 of PPS 7 states that “the Government’s policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of buildings”.

Paragraph 17 also states that when assessing proposals for the conversion and re-use of buildings in the countryside planning authorities should take account of, along with other issues, the following criteria: “the suitability of different types of buildings” and “the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest”.

Policy H21 states that the conversion of rural buildings in the countryside will be permitted only where: “every reasonable attempt has been made to secure a business, tourism or sport and recreation re-use, and the application is supported by a statement of the efforts which have been made”

In addition, paragraph 3.2.101 of the supporting text for Policy H21 states that conversion of rural buildings “for new business uses and for the purposes of tourism and sport and recreation can have a positive impact on local employment and is therefore to be preferred over conversion for residential uses. Residential conversion can also be inappropriate where there would be a significant adverse impact on the landscape, the building is of poor quality, or conversely, where it could result in the loss of the rural building’s character and/or damage to its historic structure”.

In order to address the policy requirement to prove that a reasonable attempt has been made to secure an alternative business re-use, a supporting letter from King Sturge has been submitted to accompany the application.

Their letters states that the conversion costs for business purposes would be "uneconomical bearing in mind the fairly low rent available for such a building"; the building is in the "wrong location" for a holiday let and its close proximity to a large electricity station would restrict such a use. The letter concludes that residential conversion would be the best use for the building.

Although King Sturge state that an employment use would be uneconomical bearing in mind the fairly low level of rent available”, no evidence has been submitted about the level of interest from local businesses or the amount of rent that could be generated from a business re-use.

The Council’s policy department have assessed the proposal having regard to the building’s suitability for a business re-use. They state It is understood that the agricultural use of this building has ceased as farming activity has moved to an alternative site. However, both policies H21 and E5 are designed to avoid the loss of employment floorspace and ensure that any opportunities for new employment activity are exhausted before non business uses can be permitted. Policy H21 makes it clear, along with other criteria, that ‘every reasonable attempt’ should be made to secure either business, tourism or sport and recreation use for the site. Although it has been suggested by the developer that alternative uses for the site would be inappropriate, it is unclear what attempts have been made to secure such business uses as required by Policy H21. Therefore, the current application does not appear to meet the requirements of Policy H21.

In the absence of such information it is not possible to justify an exception to Policy H21. For example, no substantive evidence has been put forward to prove that the premises has been marketed for business, tourism or sport and recreation use.

Officers consider that the position of the electricity station would not preclude the use of the barns for holiday purposes. The application site is located approximately 0.5 km from the barn and there is an established woodland to the south of Westlands Farm. This sufficiently mitigates the visual impact of the electricity station. Moreover, owing to the siting of the barn, its orientation, the existing converted barn to the south and the substantial agricultural buildings to the south east, it is not possible to view the electricity station from the application site. The existence of the electricity station, therefore, is not so severe as to prevent a tourism use.

In the absence of convincing evidence that all reasonable efforts have been made to secure a business, tourism or sport and recreation re-use the proposed conversion is unacceptable and fails to comply with Policy H21(A) of the West Wiltshire District Plan First Alteration 2004.

CAPABLE OF CONVERSION

Policy H21(B) states that the conversion of rural buildings in the countryside will be permitted only where (among other issues) “the building is of...permanent construction and capable of conversion without extensive alteration, rebuilding and or extension or otherwise significantly altering its original character”;

A structural report has been submitted as part of the application package. With exception of two paragraphs (2.16 & 2.17) the vast majority of the report refers to the “main barn”.

Although the report states that “generally the trusses are in good condition” it is fair to conclude that a new roof will be required to facilitate a residential use. In addition, the report states that “none of the walls appear to be suffering from any settlement or subsidence”.

Officers have conducted a site visit and it is evident that the “main barn” appears to be of permanent construction and capable of conversion without major reconstruction.

With regard to “small barn” the report acknowledges that “the roof construction is very skinny and appears to have pushed the eaves out...as can be seen from a lean on the east wall and tapering crack in the east end of the south gable”.

The proposal involves demolishing the small barn. Consequently, it is not being converted but rebuilt for residential purposes. The proposal is therefore contrary to Policy H21 and Policy H19 which seeks to resist the construction of new buildings for residential purposes in the open countryside unless justified in connection with the essential needs of agriculture or forestry. The future occupier of the barn (the applicant’s son) will not be employed in agriculture or forestry but continue to run the golf course located approximately 1 kilometre south of the site.

The development is therefore unacceptable by reason of the proposal to demolish the small barn and replace it with a new building. The development would therefore fail to comply with criterion B of Policy H21 and Policy H19.

VISUAL AMENITY & IMPACT ON LISTED BUILDINGS

Paragraph 2.12 of PPG 15 states that when considering an application which affects a listed building or its setting special regard should be made “to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possess”.

Policy C28 seeks to ensure that the “essential form of the building is not adversely affected”, “features of architectural or historic interest are retained unaltered”, “the loss or damage to the historic fabric is minimised”, “any new details are designed so as to match or be in keeping with, and respect, the character of the building” and “materials to be used match those of the existing building, or exceptionally are of a colour finish sympathetic to the existing materials”.

Policy H21 states that the conversion of rural buildings in the countryside will be permitted only where: “the proposed conversion safeguards and/or enhances the essential form, structure, character, and features of the building and the countryside”.

Policy C31a requires that proposals for new development respect or enhance the quality of architecture of surrounding buildings and historic spatial characteristics. In addition, proposals for new development on prominent or sensitive sites (such as the application site, owing to its curtilage listed status) will be required to pay particular attention to proportion, composition, form, massing and scale and utilise high quality materials, finishes and details.

The submitted structural report acknowledges that “originally the south elevation would have been open with timber posts on each of the truss positions sitting on straddle stones. Only two such stones remain in position”. These features are of “architectural interest”. Therefore a policy presumption in favour of their retention exists. The proposal, however, would remove these features and replace the entire south elevation with “insulated/blockwork cavity walls”.

The proposed design, specifically in relation to the south elevation, has not been informed by the original open character of the barn. The insertion of blockwork into the south elevation would create a sense of solidity and permanence which would erode the original open character. A more acceptable approach would involve greater use of light weight materials (such as timber) to enable a differentiation between the original natural stone walls and the open south elevation.

Secondly the proposed development also includes the insertion of a front porch. The introduction of this feature would cause the barn to have a suburban and overly domesticated appearance which fails to preserve the humble character of the barn. In addition, the proposed fenestration style and pattern also appears overly domesticated: it fails to respect the rural character of the barn.

Overall, the development is considered unacceptable by reason of the failure to preserve the existing features of architectural interest and the inappropriate design and appearance of the south elevation. The development would therefore fail to comply with Policy H21, Policy C28 and Policy C31a of the West Wiltshire District Plan First Alteration 2004.

RESIDENTIAL AMENITY

Policy C38 seeks to ensure that proposals do not detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses by reason of loss of privacy, overshadowing, traffic generation...the generation of unpleasant emissions...".

The closest residential property is a converted barn to the south of the site. A separation distance of 33 metres exists between that barn and the application barn. This distance is considered sufficient to avoid any loss of residential amenity. Moreover, the north elevation of this barn contains only arrow slot windows, further ensuring a loss residential amenity would not occur.

The proposal would therefore comply with Policy C38 West Wiltshire District Plan – 1st Alteration 2004.

HIGHWAY SAFETY

Policy H21 states that the conversion of rural buildings in the countryside will be permitted only where "it can be satisfactorily serviced and it does not create highway problems";

Vehicular access into the site would be from an existing highway entrance.

Wiltshire County Council's Highways Department have not objected to the proposal on the basis that it does not result in a separate dwelling. They have suggested that a condition be applied should the Local Planning Authority wish to approve the application.

The proposal, subject to the imposition of a condition, would therefore comply with criterion D of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004.

FLOODING

Policy H21 states that the conversion of rural buildings in the countryside will be permitted only where "it is not subject to flood risk and does not harm the natural environment".

The Environment Agency has assessed the proposal and has not raised an objection.

The proposal would therefore comply with Policy H21(E) of the West Wiltshire District Plan 1st Alteration 2004.

PROTECTED SPECIES

The applicant has submitted a Bat Assessment with the application. This document concludes that "the property currently supports no significant bat activity and is of negligible importance to bats. Therefore the complete renovation or total loss of the building and any resulting disturbance at the site is estimated to have no significant impact on local bat populations. Consequently no mitigating steps need to be included in development plans and as such a license is required from either Natural England or DEFRA to continue with the proposed development".

The County Ecologist has reviewed the submitted bat survey and raises no objection.

MATERIAL CONSIDERATION

The conversion of the neighbouring barn in 2006 is not considered to represent a material consideration of significant weight in light of the fact that the current application has not met the marketing tests in Policy H21.

CONCLUSION

The proposal which lacks the necessary justification would be contrary to policy and fails to respect the traditional character of the building and would neither preserve nor enhance the character of the listed building or the setting of the principal listed building at the site.

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed conversion is considered unacceptable in the absence of convincing evidence that all reasonable efforts have been made to secure a business, tourism or sport and recreation re-use. The proposal therefore fails to comply with Policy H21 of the West Wiltshire District Plan First Alteration 2004.
- 2 The proposed alterations to the south elevation, including the proposed fenestration and the insertion of a porch, are of a poor quality design that fails to safeguard or enhance the traditional rural character of the barn. As such the proposals would neither preserve nor enhance the character of this historic listed building or the setting of the principal listed building at the site. The proposed development is therefore contrary to Policy H21, Policy C28 and Policy C31a of the West Wiltshire District Plan First Alteration 2004.
- 3 The "small barn" is of poor quality and is not capable of conversion without extensive alteration. The proposed development is therefore contrary Policy H21 of the West Wiltshire District Plan First Alteration 2004.
- 4 The proposed development fails to retain the historic timber supports and staddle stones on the south elevation which are important to the integrity and historic character of this traditional farm building. The proposed development is therefore contrary to guidance contained within PPG 15 and Policy C28 and Policy H21 of the West Wiltshire District Plan First Alteration 2004.

RELATED PLANS

- Drawing : 08-1190-L(0)02 received on 27.08.2008
- Drawing : 08-1190-L(0)03 received on 27.08.2008
- Drawing : 08-1190-L(0)04 received on 27.08.2008
- Drawing : 08-1190-L(0)01 received on 04.09.2008
- Drawing : 08-1190-L(0)05 received on 04.09.2008
- Drawing : 08-1190-L(0)06 received on 27.08.2008
- Drawing : 08-1190-L(0)07 received on 27.08.2008

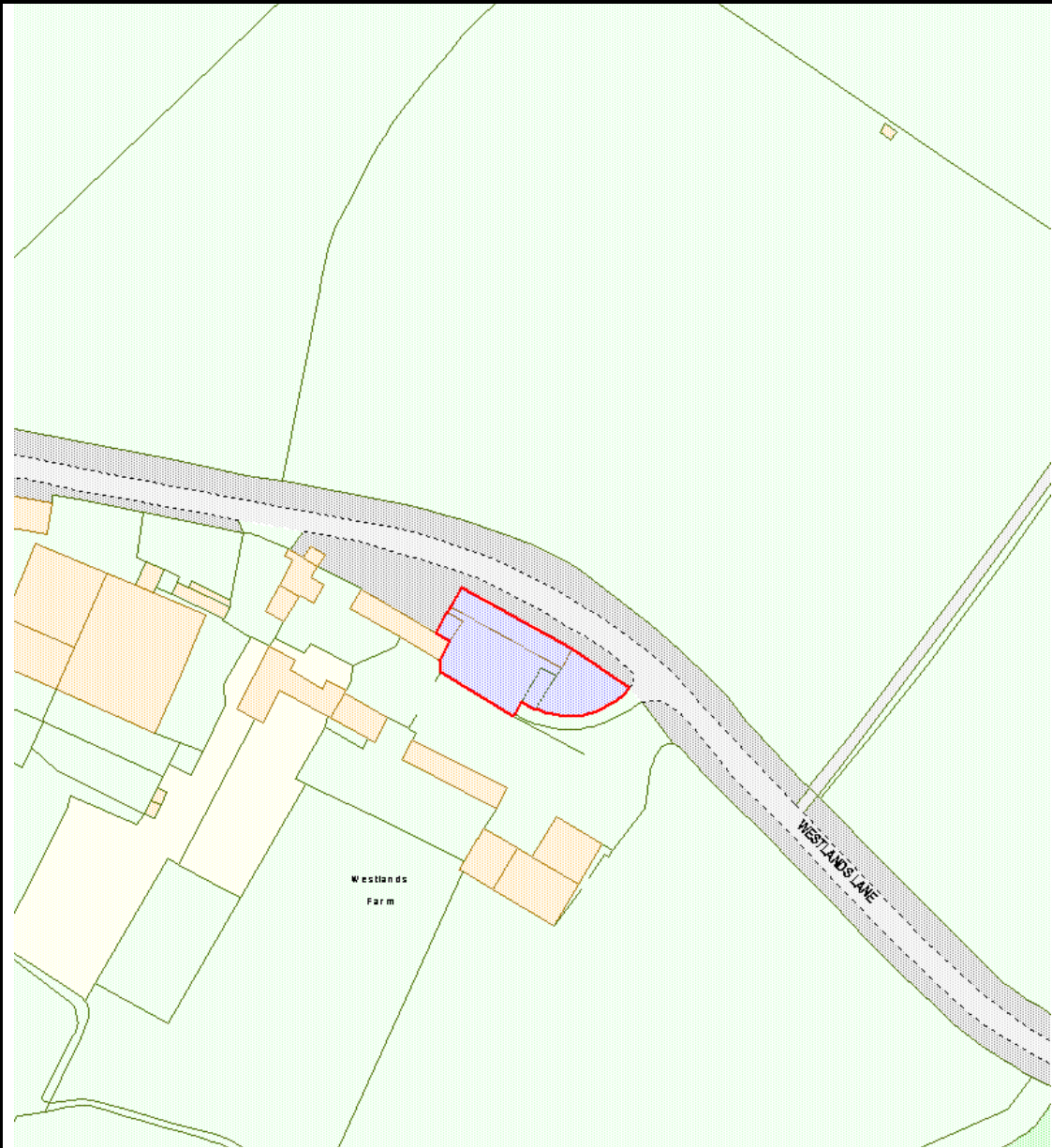
PLANNING COMMITTEE

18 December 2008

ITEM NO: 03

APPLICATION NO: 08/02640/LBC

LOCATION: Barn North East Of Westlands Farm Westlands Lane
Beanacre Wiltshire



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SLA: 100022961

03 Application: 08/02640/LBC

Site Address: Barn North East Of Westlands Farm Westlands Lane Beanacre Wiltshire

Parish: Melksham Without Ward: Atworth Whitley And South Wraxall

Grid Reference 389448 166707

Application Type: Listed building

Development: Conversion and extension of barn to provide residential accommodation

Applicant Details: Mr Robert Nicholas
Westlands Farm Westlands Lane Whitley Nr Melksham SN12 7QG

Agent Details: CMS (Bath) Ltd
51-53 High Street Corsham Wiltshire SN13 0EZ

Case Officer: Mr Ed Purnell
Phone: 01225 776655 ext 202
Email: epurcell@westwiltshire.gov.uk

Date Received: 04.09.2008 Expiry Date: 30.10.2008

COMMITTEE REPORT

This application is brought to committee at the request of Councillor Terry Chivers.

APPLICATION SITE & SURROUNDING AREA

The application site is located in the open countryside approximately 0.7 km from the eastern edge of Beanacre village, as defined on Proposals Map No.8.

The northern boundary of the site fronts onto Westlands Lane. The western boundary of the site is defined by an existing highway access with hard standing beyond. Immediately to the south is a dwarf wall which separates the site from a converted barn (granted planning permission in 2006 under application 06/01632/FUL). To the east are a series of agricultural buildings. The farmhouse, which is Grade II listed, is situated approximately 30 metres south east of the site.

The application site currently contains two single storey buildings. The first (the main barn) is sited parallel to Westlands Lane. It measures 31 metres in length by 5.5 metres in width with a maximum ridge height of 4.5 metres.

The roof is constructed from corrugated metal sheeting steel. The west, north and east elevations are constructed from coursed rubble. The south elevation, however, is constructed entirely of concrete block work. The only openings in the buildings are located in the south elevation. They consist of a series of horizontal openings, located beneath the eaves, and a 3 metre wide floor to ceiling opening that provides access into the barn.

The second building (referred to in the submitted documents as the "small barn") is sited perpendicular to the main barn. It is separated by a 2.5 metre gap. It measures 10 metres in length and 4.5 metres in width with a maximum ridge height of 4 metres. It is constructed entirely from concrete blockwork and finished with corrugated metal sheeting.

The barns are listed by virtue of their association with the Grade II farmhouse situated approximately 30 metres to the south east.

PROPOSAL

Full planning permission is sought to convert the main barn into a three bedroom property to provide residential accommodation ancillary to the main dwelling (the Grade II listed farmhouse).

The second barn would be demolished and replaced by an enlarged single storey building. Unlike the present situation, this new structure would be attached to the main barn. It would provide "guest/study/office" accommodation.

CONSULTATIONS

Parish/Town Council

MELKSHAM WITHOUT PARISH COUNCIL – no objection.

External

COUNTY ARCHAEOLOGIST, WILTSHIRE COUNTY COUNCIL – No objection.

Internal

HERITAGE DEVELOPMENT OFFICER – Objection, on the basis that the proposed alterations are wholly inappropriate and would not protect the character and appearance or the special architectural quality of this Listed agricultural building.

NOTIFICATIONS

Site Notices/Visits

07 November 2008

Neighbours

There are no neighbours within the vicinity of the application site.

RELEVANT PLANNING HISTORY

06/01632/FUL - Conversion of redundant barn into residential accommodation ancillary to main dwelling - Approved: 13 July 2006

RELEVANT PLANNING POLICIES

West Wiltshire District Plan – 1st Alteration 2004

C28 Alterations and Extensions to Listed Buildings

National Policy

PPG 15 Planning and the Historic Environment

Material Considerations:

A material consideration in the determination of this application is the 2006 permission to convert a barn approximately 30 metres south of the subject barn (application reference 06/01632/FUL: approved 13 July 2006).

KEY ISSUES

The main issues to consider are whether the:

- proposal safeguards or enhances the buildings special architectural or historic interest;
- proposal preserves the setting of the listed building;

OFFICER APPRAISAL

Policy C28 (Alterations and Extensions to Listed Buildings) is particularly relevant to the determination of this application.

LISTED BUILDING IMPACT

Paragraph 2.12 of PPG 15 states that when considering an application which affects a listed building or its setting special regard should be made “to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possess”.

Policy C28 seeks to ensure that the “essential form of the building is not adversely affected”, “features of architectural or historic interest are retained unaltered”, “the loss or damage to the historic fabric is minimised”, “any new details are designed so as to match or be in keeping with, and respect, the character of the building” and “materials to be used match those of the existing building, or exceptionally are of a colour finish sympathetic to the existing materials”.

The submitted structural report acknowledges that “originally the south elevation would have been open with timber posts on each of the truss positions sitting on straddle stones. Only two such stones remain in position”. These features are of “architectural interest”. Therefore a policy presumption in favour of their retention exists. The proposal, however, would remove these features and replace the entire south elevation with “insulated/blockwork cavity walls”.

The proposed development also includes the insertion of a front porch. The introduction of this feature would cause the barn to have a suburban and overly domesticated appearance which fails to preserve the humble character of the barn. In addition, the proposed fenestration style and pattern also appears overly domesticated: it fails to respect the rural character of the barn.

The proposed design, specifically in relation to the south elevation, has not been informed by the original open character of the barn. The insertion of blockwork into the south elevation would create a sense of solidity and permanence which would erode the original open character. A more acceptable approach would involve greater use of light weight materials (such as timber) to enable a differentiation between the original natural stone walls and the open south elevation.

Overall, the development is considered unacceptable by reason of the failure to preserve the existing features of architectural interest and the inappropriate design and appearance of the south elevation Policy C28 of the West Wiltshire District Plan First Alteration 2004.

CONCLUSION

The proposal fails to respect the traditional character of the building and would neither preserve nor enhance the character of the listed building or the setting of the principal listed building at the site.

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed alterations to the south elevation, including the proposed fenestration and the insertion of a porch, are of a poor quality design that fails to safeguard or enhance the traditional rural character of the barn. As such the proposals would neither preserve nor enhance the character of this historic listed building or the setting of the principal listed building at the site. The proposed development is therefore contrary to Policy C28 and Policy C31a of the West Wiltshire District Plan First Alteration 2004.
- 2 The proposed development fails to retain the historic timber supports and staddle stones on the south elevation which are important to the integrity and historic character of this traditional farm building. The proposed development is therefore contrary to guidance contained within PPG 15 and Policy C28 of the West Wiltshire District Plan First Alteration 2004.

RELATED PLANS

Drawing : 08-1190-L(0)01 received on 04.09.2008
Drawing : 08-1190-L(0)02 received on 27.08.2008
Drawing : 08-1190-L(0)03 received on 27.08.2008
Drawing : 08-1190-L(0)04 received on 27.08.2008
Drawing : 08-1190-L(0)05 received on 04.09.2008
Drawing : 08-1190-L(0)06 received on 27.08.2008
Drawing : 08-1190-L(0)07 received on 27.08.2008

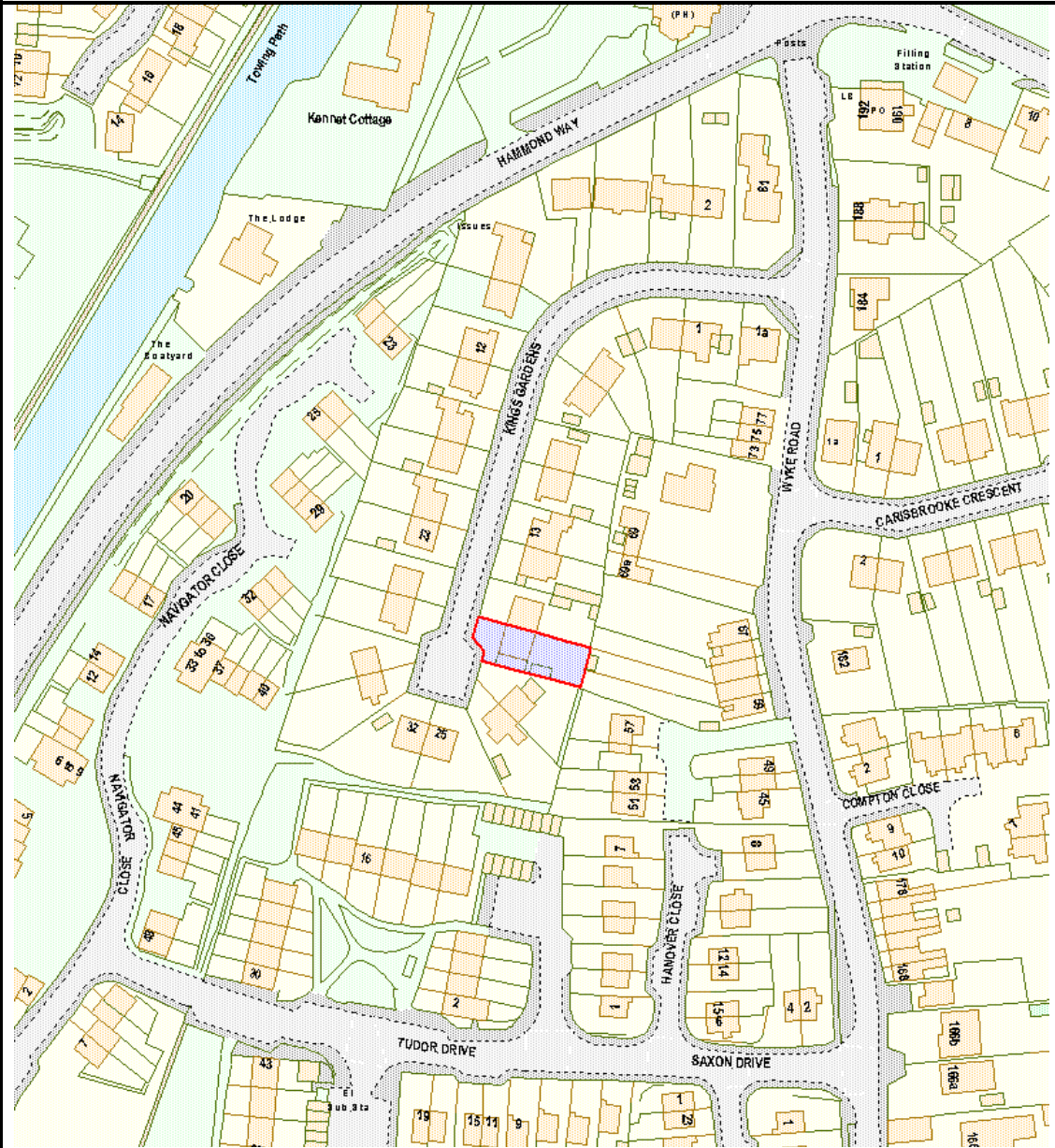
PLANNING COMMITTEE

18 December 2008

ITEM NO: 04

APPLICATION NO: 08/02853/FUL

LOCATION: 19 Kings Gardens Hilberton Wiltshire BA14 7NX



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SLA: 100022961

04 Application: 08/02853/FUL

Site Address: 19 Kings Gardens Hilperton Wiltshire BA14 7NX

Parish: Hilperton

Ward: Avonside

Grid Reference 386106 160026

Application Type: Full Plan

Development: New dormer to side extension (amendment to 08/00450/ful)

Applicant Details: Mr A Mabey
19 Kings Gardens Hilperton Wiltshire BA14 7NX

Agent Details:

Case Officer: Miss Jennifer Fivash
Phone: 01225 776655 ext 297
Email: jfivash@westwiltshire.gov.uk

Date Received: 27.10.2008

Expiry Date: 22.12.2008

COMMITTEE REPORT

This application is brought to committee because Hilperton Parish Council object contrary to your officers recommendation.

APPLICATION SITE & SURROUNDING AREA

This is a full planning application for a new dormer in the side of a semi detached property. The property is located towards the end of the street on the east side of the street. The area is characterised by similar semi detached properties ending in a cul de sac.

PROPOSAL

The application proposes a new dormer which is an amendment to a previous scheme planning application 08/00450/FUL. The dormer would be located on the south side of the property on the (under construction) extensions roof.

The dormer would be 3.1 metres by 2.4 metres with a height of 1.5 metres. The dormer would be located 3 metres above ground level and 0.4 metres below the ridge of the roof.

CONSULTATIONS

Parish/Town Council

Hilperton Parish Council – Objects. Due to the potential loss of amenity, as the proposed new dormer will overlook No. 21 Kings Gardens. Comments received 26 November 2008.

External

None

Internal

None

NOTIFICATIONS

Site Notices/Visits

Date of visit: 11 and 13 November 2008

Neighbours

No comments received

RELEVANT PLANNING HISTORY

08/00450/FUL – Construction of an extension and porch – PERMISSION 18.03.2008

07/03087/FUL – Construction of a conservatory – PERMISSION 22.10.2007

KEY ISSUES

- Impact on neighbours
- Impact on street scene

RELEVANT PLANNING POLICIES

West Wiltshire District Plan First Alteration 2004

C31A Design

C38 Nuisance

SPG Design Guidance House Alterations and Extensions

OFFICER APPRAISAL

The application proposes an amendment to a previously approved scheme 08/00450/FUL which was for an extension and porch. The amendment is the inclusion of a dormer window in the roof of the extension. The dormer would be a sympathetic addition to the host dwelling and the extension.

Neighbours

The proposed dormer would look onto the neighbour's (no. 21) garage and side elevation of the property there would be no direct overlooking due to there being no windows in the side elevation of the property. Minimal overlooking of the garden would occur but on balance this is considered to be acceptable.

Street Scene

The proposed dormer would be partially visible from the street but there would be no adverse harm to the character of the area and therefore on balance the amendment is considered acceptable.

The proposal complies with policy.

CONCLUSION

Permission should be granted as had the dormer been included on the original planning application there would have been no reason for refusal.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

RELATED PLANS

Drawing : LOCATION PLAN received on 27.10.2008

Drawing : BLOCK PLAN received on 27.10.2008

Drawing : SOUTH ELEVATION received on 27.10.2008

Drawing : REAR ELEVATION received on 27.10.2008

Drawing : NORTH ELEVATION received on 27.10.2008

Drawing : EXISTING AND PROPOSED FLOORPLAN received on 27.10.2008

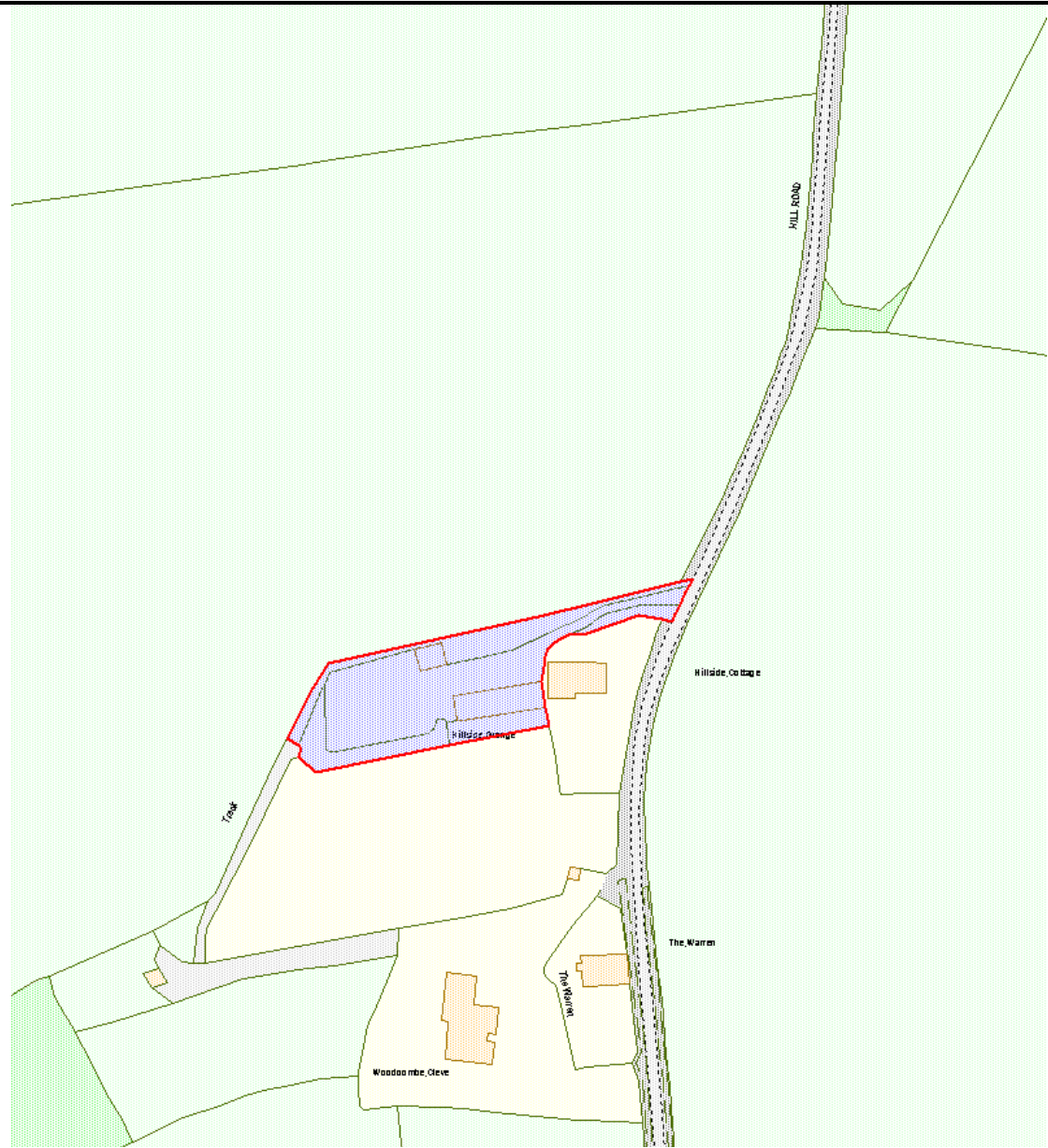
PLANNING COMMITTEE

18 December 2008

ITEM NO: 05

APPLICATION NO: 08/02672/FUL

LOCATION: Hillside Workshops Hill Road Sutton Veny Wiltshire



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SLA: 100022961

05 Application: 08/02672/FUL

Site Address: Hillside Workshops Hill Road Sutton Veny Wiltshire

Parish: Sutton Veny Ward: Shearwater

Grid Reference 389973 141377

Application Type: Full Plan

Development: (a) Removal of planning condition no.1 imposed on W81/0386 and
(b) replace existing corrugated asbestos roof with corrugated metal sheet roof

Applicant Details: Mr And Mrs Tony Griffin
The Workshops Hill Road Sutton Veny Warminster Wiltshire

Agent Details: R K Architecture
The Design Centre Crusader Park Warminster Wiltshire BA12 8BT

Case Officer: Mr Matthew Perks
Phone: 01225 776655 ext 207
Email: mperks@westwiltshire.gov.uk

Date Received: 08.10.2008 Expiry Date: 03.12.2008

COMMITTEE REPORT

This application is brought to Committee because the Sutton Veny Parish Council objects and officers recommend permission.

APPLICATION SITE & SURROUNDING AREA

The application site is an irregularly-shaped portion of land of some 2300m² in extent, located within the Area of Outstanding Natural Beauty. It is occupied by a building with a footprint of 27.5 x 7.6m, which houses workshops and an office, and a smaller building adjacent to the northern boundary. Access is via a single width track with a metalled surface and of some 65m in length.

PROPOSAL

The application is for:

(a) The removal of Condition 1 that applies to permission reference 81/00386 which states:- "In order to define its terms and having regard to the circumstances advanced in support of the application, this permission shall be for the benefit of Mr T Griffin and shall not be transferred to any other party without the prior permission of the Local Planning Authority."; and

(b) The replacement of the asbestos and metal roof sheeting to the building with new olive green sheeting, incorporating 8 rooflights to each roof slope.

CONSULTATIONS

Parish/Town Council

The Sutton Veny Parish Council has no objection to the replacement roofing, but objects to the removal of planning Condition 1. The reason is that the village has altered since the original permission was given and what was suitable originally would not be so now. There would be increased traffic, the narrowness of Hill Road and the entry into the High Street are issues, as is the proximity of neighbours.

External

Highway Authority
No objection.

Internal

Environmental Health

No objection to change to roof covering. Also, given the passage of time since permission was granted there does not appear to be value in retaining the condition.

NOTIFICATIONS

Site Visit

The site was visited on 15 October 2008.

Neighbours

Two neighbours commented on the proposal. Issues raised were:-

- the removal of the condition could allow the transfer of the use to a business that would be too large for the site;
- the circumstances have changed since the original approval. There would now be greater highway safety issues;
- the original permission was granted to an owner who would have lived next door, limiting the likelihood of nuisance;
- the business moved from the site around 1989;
- the use has been abandoned, as is evidenced by a previous application for holiday accommodation in which it was stated that the occupiers were re-locating to a town site (06/00129/FUL);
- fire hazard and nuisance to adjacent property;

RELEVANT PLANNING HISTORY

76/00547: Use of outbuilding in connection with agricultural and machinery repair service:
Permission

81/00386/FUL: Vehicle recovery and repair depot : Permission : 12.05.1981

83/00817/FUL: Re-siting of access and addition of LPG enclosure : Permission : 27.09.1983

84/00044/FUL: Replacement of existing vehicular body shop : Permission : 15.02.1984

87/01663/FUL: Erection of spray shop : Permission : 15.01.1988

06/00129/FUL: Conversion of workshop into holiday accommodation : Refused : 26.04.2006

KEY ISSUES

The key issue in this case is whether or not the removal of the condition tying the established use to the original applicant would be acceptable.

The replacement roof covering is a further matter for consideration.

RELEVANT PLANNING POLICIES

C1- Protection of the rural landscape and environment

C2 - AONB

C38 - Effects of development on neighbouring properties

E7- Farm diversification

E8 - Rural Conversions

OFFICER APPRAISAL

The vehicle recovery and repair use has been long established on this site, having been granted permission in 1981. The use was preceded by a permitted agricultural and machinery repair service.

Neighbour comments on the non-continuous use of the site are noted, but recent research by WWDC officers led to the view that the use could not be considered to have been abandoned. Where the use may not have been exercised for a period of time, this would not necessarily constitute abandonment, and the buildings on site bear no sign of dereliction.

The history file for the 1981 application does not contain any record of the Committee discussion that led to the decision for permission or why the personal condition was applied. The correspondence on file however suggests that the applicant's business had evolved from the agricultural repair to vehicle recovery and repair, and that the application at the time was made to regularise the situation. The Committee report indicates that issues raised by the Parish Council were related to inadequate access and potential harm to neighbouring properties. Committee nevertheless resolved to grant permission. Apart from the personal condition, four other conditions were imposed. These required landscaping, restricted the storage of vehicles to those genuinely recovered (whilst simultaneously prohibiting the stacking of vehicles), prohibited the sale of vehicles and prohibited the burning of any scrap materials.

Seen in the context of current Development Plan the use accords with the goal of supporting rural diversification. The use is established and the use right has been in place for 27 years. The buildings appear in good repair to continue to accommodate it.

It is considered that the other conditions placed on the original permission address issues of potential harm. The Parish Council and neighbour comments are noted. However, the highway authority does not object to the proposal and there is also no Council record of any complaint having been upheld in respect of nuisance or environmental harm on the site.

The replacement of the roof material would not result in any harm, given that the roof shape and height would not be altered.

CONCLUSION

Permission is recommended subject to the imposition of conditions in relation to the replacement roofing.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 The planning condition (1) attached to W81/00386 is to be removed.

RELATED PLANS

Drawing : 133/01 received on 08.10.2008

Drawing : 133/02 received on 08.10.2008

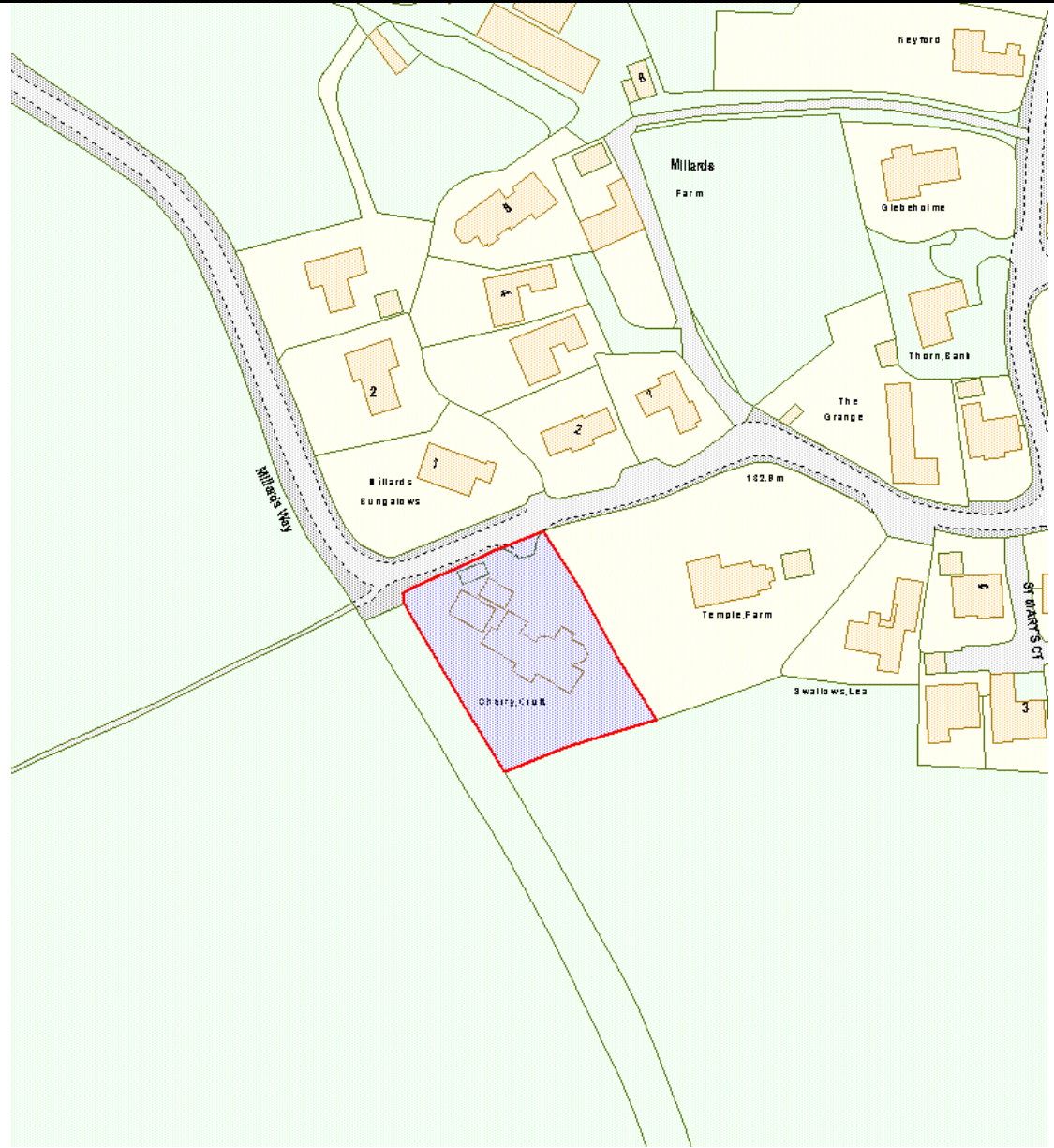
PLANNING COMMITTEE

18 December 2008

ITEM NO: 06

APPLICATION NO: 08/03134/FUL

LOCATION: Cherry Croft Upton Scudamore Wiltshire BA12 0AQ



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SLA: 100022961

06	Application:	08/03134/FUL
	Site Address:	Cherry Croft Upton Scudamore Wiltshire BA12 0AQ

Parish: Upton Scudamore Ward: Dilton

Grid Reference 386283 147664

Application Type: Full Plan

Development: Construction of new two storey dwelling

Applicant Details: Mr Kevin Smith
Cherry Croft Upton Scudamore Wiltshire BA12 0AQ

Agent Details: Beech Tyldesley
FAO Mr Christopher Wells Old Deanery Court Cathedral Green
Wells Somerset

Case Officer: Mr James Taylor
Phone: 01225 776655 ext 169
Email: jtaylor@westwiltshire.gov.uk

Date Received: 06.11.2008 Expiry Date: 01.01.2009

COMMITTEE REPORT

This application is brought to Committee because Upton Scudamore Parish Council objects to the proposals contrary to your officers' recommendation.

APPLICATION SITE & SURROUNDING AREA

The application site is a large residential plot, which lies within the village policy limits of Upton Scudamore. It is currently a building site with development taking place without the benefit of the necessary consents. The plot was originally occupied by one single storey dwelling with ancillary outbuildings including garage, swimming pool and greenhouses.

The site is enclosed by natural hedges and is raised above the road level to the north and then slopes to the south. Access is obtained from the north. A public right of way runs adjacent to the west boundary of the site, but sunken below the garden level.

The surrounding area is characterised by a variety of residential properties, including bungalows, 1½ storey development and 2 storey properties. To the south and west of the application site are open agricultural fields.

PROPOSAL

The proposal is for the erection of a new dwelling. The proposal would result in a final development virtually identical to the scheme for alterations and extensions to the original dwelling that was granted planning permission by the committee on 17 April 2008 (reference 08/00105/FUL). The planning committee carried out a site visit as part of the consideration of that scheme. The differences relate to revised window positions, internal layout and a slight change to the footprint on the east side.

Apparently when implementing planning permission 08/00105/FUL it was determined that a more appropriate course of action was to demolish the dwelling and erect a replacement new build. This is a materially different form of development, a replacement dwelling rather than alterations and extensions, and as such requires planning permission. Further any changes to the external appearance of the development compared to the approved plans would have required planning permission.

CONSULTATIONS

Parish/Town Council

Upton Scudamore Parish Council: 'At the meeting on 12th November 2008, the Parish Council discussed the above application and regret that they could not support this application. The councillors feel that the owners of the property have breached the conditions of the original planning approval by knocking down the old property and starting to build a new property. Also, the Parish Council felt that the new building seemed larger than the original footprint and plans. The Council agreed that the property was in a very prominent location and the height of the new building would exceed the agreed height restriction for that area. The Parish Council would also like the Planning officer to pay a site visit before a decision is made.'

NOTIFICATIONS

Site Notices/Visits

Date of visit: 14 November 2008

Site notice erected at the public right of way, immediately to the north west of the application site.

Neighbours

3 letters of objection have been received raising the following matters:

- Disproportionate to original dwelling, to neighbouring properties and surrounding environment.
- Does not respect the amenity of neighbours.
- Too high and would dominate the skyline when viewed from the A36 and A350.
- The plan is for a 2-storey dwelling not 1½ which was originally proposed.
- Should not impinge of the height restrictions imposed near Temple farm recently or the ridge line of the hill.
- Other properties have been built into excavated land.
- Not the same footprint and height as the original plans
- Demolition and carrying on with works shows a disregard of the local authority, Parish and neighbours.
- Concerned that further breaches will take place – so monitoring required.
- Loss of privacy, overshadowing, overdevelopment, impact on skyline and setting a precedent for other development.
- Building materials are uncharacteristic, already red brick up to eaves.
- The bungalow had been doubled in size already prior to being demolished.
- do not understand why some development has had to be lowered to suit the aesthetic and visual amenity of the buildings along the escarpment when this application totally ignores everything that has gone before.
- Obscure glazing condition should be reapplied.

RELEVANT PLANNING HISTORY

08/00105/FUL – Extensions and Alterations to existing single storey dwelling – Permission – 17/04/2008

KEY ISSUES

The key issues to consider with this application are the recent extant planning history, the principle of the proposals and the details of design and wider impact on the street scene and appearance in the landscape.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C31a Design
C38 Nuisance
R11 Footpaths and Rights of Way
H17 Village Policy Limits

OFFICER APPRAISAL

The application site is located within the defined village policy limits of Upton Scudamore and as such the principle of further limited housing development is acceptable. The proposal is similar to the final development approved under application 08/00105/FUL. It is clear that the earlier approval has been used as a template for this application.

The differences between the two schemes are so nominal, with exactly the same resulting eaves and ridge heights being proposed, that it is not considered that the development now proposed would have any materially different impact than the scheme for alterations and extensions to the original dwelling (ref: 08/00105/FUL). As such the proposal would not cause any significant harm and in the light of there being a general presumption in favour of development then the application should be approved.

This application seeks to address the unauthorised works that have taken place to date and includes a modestly larger footprint than has been previously approved. It is agreed that the site is quite prominent; however planning officers are not aware of any agreed height restrictions for buildings in this areas. This proposal has the same eaves and ridge height as approved under application 08/00105/FUL; further the development can be monitored through enforcement and compliance to ensure the final development is in accordance with any plans that may subsequently be approved. Finally all planning applications are subject to a site visit from the case officer, in this case it occurred on 14 November 2008, in addition to the 3 previous site visits made earlier in the year on other matters.

Finally in light of the planning history and the merits of the case, conditions have been suggested in order for consistency and to protect the character of the area and neighbouring amenity. The condition regarding obscure glazing was previously imposed by Committee in addition to those recommended by officers.

CONCLUSION

Based on the planning merits alone, and taking in account the previous history (08/00105/FUL), this application is recommended for approval.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

- 1 No further development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A and H17.

- 2 No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C32 and H17.

- 3 The rooflights on the north-east elevation shall be glazed with obscure glass and shall be maintained as such in perpetuity.

REASON: In order to protect the amenity of neighbours.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C38 and H17.

Note(s) to Applicant:

- 1 The applicant is advised that the development should be completed strictly in accordance with the approved plans and any attached conditions to this permission.

RELATED PLANS

Drawing : 3943/16 received on 06.11.2008
Drawing : 3943/04 received on 06.11.2008
Drawing : 3943/01 received on 06.11.2008
Drawing : 3943/13 received on 06.11.2008
Drawing : 3943/14 received on 06.11.2008
Drawing : 3943/15 received on 06.11.2008