

PLANNING COMMITTEE

12 March 2009

Planning Applications for Determination

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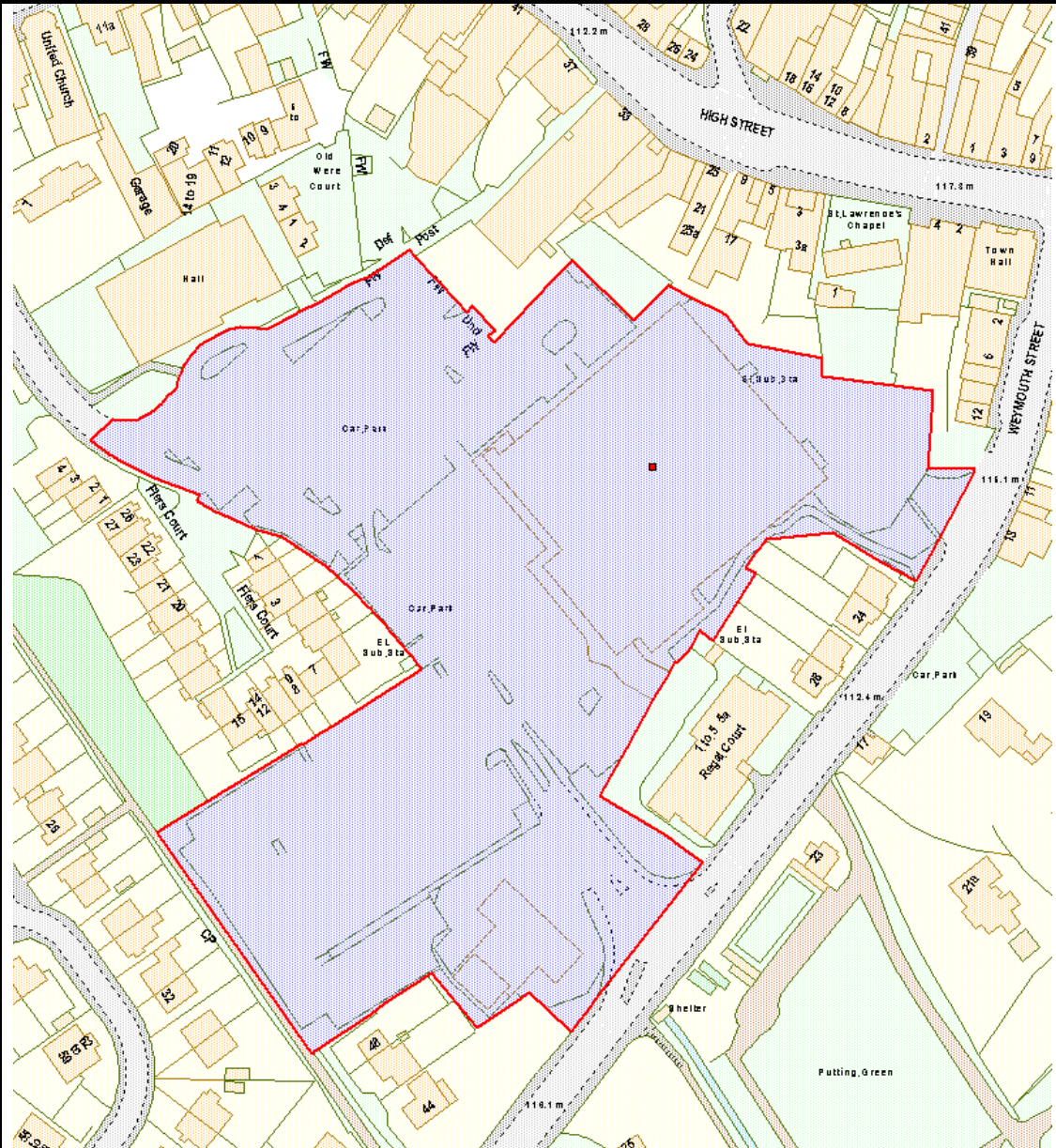
PLANNING COMMITTEE

12 March 2009

ITEM NO: 01

APPLICATION NO: 08/01046/FUL

LOCATION: Morrisons Weymouth Street Warminster Wiltshire
BA12 9NT



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SLA: 100022961

01 Application: 08/01046/FUL

Site Address: Morrisons Weymouth Street Warminster Wiltshire BA12 9NT

Parish: Warminster Ward: Warminster East

Grid Reference 387332 145027

Application Type: Full Plan

Development: Extension to existing food store, car parking and associated works

Applicant Details: W M Morrison Supermarkets Plc
Hilmore House Gain Lane Bradford BD3 7DL

Agent Details: Smith Design Associates
16 Lyneodch Crescent Glasgow G3 6EQ

Case Officer: Mr Rajan Patel
Phone: 01225 776655 ext
Email: rpatel@westwiltshire.gov.uk

Date Received: 04.04.2008 Expiry Date: 04.07.2008

COMMITTEE REPORT

This application is brought to Committee following a deferral at an earlier committee meeting in order to seek further information to clarify the extent of public parking provisions on site in addition to details on the car park management plan.

This information has now been received and the application as a whole has been subject to re-consultation to a wider area than the previous public consultation.

APPLICATION SITE & SURROUNDING AREA

The proposal site comprises of an existing Morrison's food superstore with its own branded petrol station and dedicated car park. The store is largely single storey in scale and is sited directly to the rear of buildings along the middle section of the High Street. The whole site is presently accessed from a single main access entrance off Weymouth Street. The adjoining land to the north-west is owned and operated by the Council as parking, which serves the local shopping area and Assembly Hall opposite. There is a secondary access to the superstore car park through this area.

There is also a protected Beech Tree in the Council car park, close to the recycle facility and adjacent to the north western elevation of the store building.

PROPOSAL

The proposal seeks to extend the existing food retail store by a further 33% in floor space. The new floorspace is broken down into 3 core areas:

1. An extension to the south-western elevation which will accommodate a new customer cafe with 164 seats (90 more than at present) and make way for a larger cafe kitchen, ancillary customer facilities, a new security/first aid room, and a new kiosk.
2. An extension to the north-western elevation which will accommodate the additional sales floorspace and
3. An extension to the north-eastern elevation which will accommodate the larger warehouse within the existing service yard. This brings service activities no closer than at present to existing properties to the north and east.

Floor areas changes

Total existing - 3866sq.m

Total post development - 5,141sq.m

Gross increase - 1,275sq.m

Increase of approx. 33% in new retail, warehouse, café and ancillary floor area.

In order to achieve the above development the applicant will need to take control of further land to the northwest which presently forms council car parking land and relocate the existing Beech tree.

The application is accompanied by a Design and Access Statement, a Retail and Planning Appraisal and Transport Assessment

CONSULTATIONS

Parish/Town Council

WARMINSTER TOWN COUNCIL: Members of our Planning Committee have no issue with the extension of the Store, but the loss of Public Parking concerns the members. Concern has been expressed by the members, specifically on the car park which may come into the ownership of WM Morrison's which could necessitate difficulties in access for ourselves and residents in Flers Court and Old Were Court. Raise objection.

External

HIGHWAYS AUTHORITY: Following detailed negotiations with the applicant the Highways Authority have secured additional safeguards and improvement to the original highway layout and traffic safety measures (amended plan G2131 - P01 - Rev.H) on top of a financial contribution to encourage sustainable travel modes. The funds to be secured by way of a s106 agreement have been agreed at £80,000 for cycle provision and a further £10,000 for bus service publicity.

The Highway Authority raised no objection to the application.

COUNTY PLANNING OFFICER: Wiltshire County Council as strategic planning authority does not wish to raise an objection to the proposed extension of the Morrisons store in Warminster. However, given that the proposal will result in a significantly larger store, consideration should be given to the use of conditions to control the level and type of retailing that can be undertaken from the store in line with paragraph 3.31 PPS6.

WESSEX WATER: 'We have advised Smith Design Associates that this extension, in current form, would not be feasible due to the proposed build over a high pressure rising main from the Property Sewage Pumping Station which serves most of Warminster. Furthermore a 300mm foul sewer also crosses the site. We have invited Smith Design Associates to discuss the options available to them but to date they have not been in contact. We have also advised that even after appraisal it cannot be guaranteed that the sewers could be diverted. Any costs for diversions will be borne by the applicant.

We therefore request that a 'Condition' be included in any detailed planning permission that your Council may grant for the proposed development.

Condition – Prior to redevelopment of the site the applicant should seek agreement with Wessex Water to ensure that the high foul rising main and 300mm foul sewer which cross the development site are not built over.

Reason – To protect the sewers from structural damage and collapse. To prevent flooding and pollution. To ensure safe access for maintenance and repair. To ensure an uninterrupted service for customers.'

Internal

TREE & LANDSCAPE OFFICER: No objection subject to replanting conditions

POLICY OFFICER: Warminster has been classified by the District Council as a Development Policy B settlement, as defined by the Draft Regional Spatial Strategy for the South West. This classification denotes the important role the town will play during the plan period for the forthcoming Wiltshire Council Core Strategy. The existing concentration of business and employment, the realistic potential for expansion of employment opportunities and the importance of the shopping and cultural services within the town are all recognised.

The application for expansion of the existing Morrisons food store within Warminster should be considered partly in relation to the future role of Warminster, set out above, and Policy SP1 within the West Wiltshire District Plan First Alteration 2004.

It is felt that the application is consistent with Policy SP1. Although the store is not within the primary retail frontage (criterion Aa), it is immediately behind this frontage and is within the commercial area boundary. The application is fully compliant with criteria A to D within Policy SP1.

The existing West Wiltshire Retail Needs Study published in April 2007 does identify the need for some additional convenience goods floorspace in Warminster in the period up to 2012 and beyond. Although the proposed extension would provide more floorspace than suggested by the Retail Needs Study in the period up to 2012, this report was published before the future role of the town was identified. The fact that the store is seeking to expand during a period of economic difficulties suggests ongoing support for the town.

There are no policy objections to the proposal in principle.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 01/12/2008

Neighbours

None received

RELEVANT PLANNING HISTORY

Various other applications in the early 1990's related to the original planning consent for the store and subsequent reserve matters applications.

W98/0854 - Proposed extension to foodstore - Withdrawn October 2004

03/00228/FUL - Installation of sprinkler storage tank and pump house in existing service yard - Approved 2003

03/00229/FUL - Extension to existing foodstore to provide additional warehouse space - Approved 2003

KEY ISSUES

- Character
- Conservation Area
- Neighbouring Amenity
- Highway Flows
- Parking
- Retail Impact
- Employment
- Trees

RELEVANT PLANNING POLICIES

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable Development

DP3 - Development Strategy

DP4 - Housing and Employment Proposals

DP5 - Town Centres, District Centres and Employment Areas

DP6 - Hierarchy of Shopping Centres

T3 - Public Passenger Transport

T5 - Cycling and Walking

T16 - Demand Management Measures

HE7 - Conservation Areas and Listed Building

West Wiltshire District Plan First Alteration (June 2004)

SP1 - Town Centre Shopping Development

T10 - Car Parking

T11 - Cycleway

T12 - Footpaths and Bridleways

I3 - Access for Everyone

C17 - Conservation Areas

C23 - New Development in Conservation Areas

C31A - Design

C32 - Landscaping

C40 - Tree Planting

Regional Planning Guidance/Regional Spatial Strategy for the South West
EC6

PPS1 Delivering Sustainable Development

PPS6 Planning for Town Centres

PPG13 Transport

PPG15 Planning and Historic Environment

OFFICER APPRAISAL

The proposal seeks the enlargement of the existing single storey Morrison's food store which is located in a secondary position, but close to the primary retail shopping frontage of Warminster town centre. The new extensions would in part enlarge the food retail space, in part enlarge an existing customer café by over 100% and would provide further ancillary floorspace including a larger rear warehousing area.

The extensions are all single storey in nature and flat roof in design. All the extensions are close to the existing main food store building. However the extension to the side will overspill into adjoining land presently owned by the Council and used for public parking.

The scale and percentage of additional floor space whilst considerable can readily be accommodated within the enlarged site area without appearing overly dominant or overbearing on the mixed character of the area.

The proposal also requires additional land which Morrisons is seeking to take over which presently provides public car parking spaces to the north of the site with a reduction in the number of available parking spaces within the existing store parking area. This car park is mainly owned by West Wiltshire District Council with a small proportion owned by Warminster Town Council. The applicant has now updated their notifications to all site owners including Warminster Town Council who had previously been missed. This was served on the 30th October 2008.

Separate negotiations are currently under way with West Wiltshire District Council to acquire the additional land but this is a separate issue and land ownership is not a matter for consideration as part of the planning process.

The new parking provisions of the store would be 292 with a further 133 parking spaces being provided for town centre shopping use to the north-west in the public car park. The net loss of parking to the town centre parking area provision would fall from 182 existing down to 133 parking spaces and a further 9 parking spaces have been lost within the dedicated Morrison's car park.

The Highways Authority have reviewed the applicants highway assessments and mitigation plans and have raised no objection to the proposed development and loss of parking spaces subject to agreed amendments being implemented as detailed in amended plan G2131 - P01 - Rev.H. Furthermore, the developer has agreed to pay contributions towards supporting more sustainable transport provisions including £80,000 for cycle provision and a further £10,000 for bus service publicity.

The Parish Council have raised concern about the use and control of an frontage access area in front of the existing town hall and parking controls. Access to the front of the town hall drop off point is not considered an essential requirement for the functioning of the Town Hall. Notwithstanding this the applicants have made no plans to remove or limit this access either. Access for customer parking to the assembly room will be provided and controlled by way of conditions to safeguard parking provisions for store and non store customers alike.

Following the deferral of the application at an earlier committee meeting, the applicants have submitted a car park management plan and further plans to clarify the proposed parking arrangements in more detail.

In summary the car parking management plan states 'Following the proposed Morrisons Warminster Store extension, the Morrisons car park will be secured outside of store opening hours using barriers, as is currently the case. These barriers will be located as they currently are. As a result of the proposed store extension, it will be possible to access the Council car park via the Morrisons car park during store opening hours.

Access to the Council car park, and its associated services, is currently possible 24 hours a day, 7 days a week, via Flers Court off Sambourne Road. This will continue to be the case following the proposed store extension.

Any parking charges or restrictions in place in the Council car park are the responsibility of the Local Planning Authority. This will continue to be the case following the proposed store extension.'

The information summarised above and as detailed in the car park management plans, provides greater clarity to the siting, ownership and management of the parking provisions to serve the extended store and public to the officers satisfaction.

Retail Impact

The proposal will increase the net tradable floor space of the store in addition to providing an enlargement of the onsite customer café from 74 covers to 164 and an enlargement of the warehouse floorspace. The Council's and County Council's policy officers have reviewed the applicants retail impact assessment and have concluded that the new extensions would not materially harm the primary retail shopping parade of Warminster, but would rather compliment it and enhance the service of the local store in its secondary position. No objection has been raised on policy grounds subject to appropriate conditions.

Employment

The proposal will increase the number of staff by 13, of which 5 will be full time staff and 8 part-time with the company seeking to fill the posts locally as per its own recruitment policy.

Amenity Impact

The proposed extensions are to an existing commercial building set within a large open ground with extensive parking areas. The existing residential properties adjoining the site already have an outlook onto the existing store. The new extensions, by reason of their single storey scale, location and flat roof form would not detrimentally alter the outlook from neighbouring properties into the site. The location of the rear warehouse extension would be largely enclosed by the site wall and would not detract from the visual amenity of the area or residential amenity.

Conservation Impact

The existing store is located on the edge of the Warminster Conservation Area. The immediate character of the site and its surrounding building is general in appearance with no significant buildings or other structures of interest within the visible vicinity of the site. The form, siting and scale of the extensions would not materially depart from the appearance of the existing commercial building. It is not considered that the proposed extensions would have any adverse impact on the character or setting of the adjoining Conservation Area.

Tree Impact

The development will lead to the removal of an existing TPO tree however the Council's Tree & Landscape Officer has raised no objection in principle to the development subject to replanting of trees elsewhere on the site to be controlled by way of conditions.

Other Matters

A number of advertisements have been identified on the new extensions, these have not been considered as part of the planning assessment and consequently separate advertisement consent will need to be sought for the inclusion on any external advertisements.

Wessex Water has raised concerns regarding its infrastructure but has no objection subject to any permission being conditional on measures being taken to ensure the integrity of its services.

CONCLUSION

Approval is recommended subject to a S106 agreement and conditions.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement to secure:

An index linked financial contribution to encourage sustainable transport initiatives in the area to comprise £80,000 for cycle provision and an additional £10,000 for bus service publicity.

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.
- 3 Prior to the occupation of the new extension the parking spaces shall first be laid out and made available to the public in accordance with revised drawing number G2131- P01 Rev H.
- REASON: In the interest of maintaining satisfactory town centre car parking provisions and car parking provisions for customers of the enlarged store.
- 4 Prior to any development commencing the applicant shall first provide full construction details of all internal safety measures as indicated on drawing G2131- P01 Rev H to be submitted for the written approval of the Local Planning Authority before the start of development. The approved details shall be constructed prior the first use of the extended floorspace.
- REASON: In the interest highway safety.
- 5 1no. Extra Heavy Standard tree, of a species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Part 1 and 4) BS4043 and BS4228 in the earliest planting season following implementation of this permission. The tree shall be thereafter maintained for a period of five years including the replacement of any tree, or any tree planted in replacement for it, which die, are removed or become damaged or diseased within the period with tree(s) of a similar size of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.
- REASON: In order to preserve the visual amenities which at present exist on the site and to ensure that the work is carried to current best practice.
- POLICY: West Wiltshire District Plan First Alteration 2004 - Policy C32.
- 6 No development shall take place until proposals for landscaping of this 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 2004 - Policies C32 & C40.

- 7 Prior to the commencement of any development the applicant shall seek agreement with Wessex Water to ensure that the high foul rising main and 300mm foul sewer which cross the development site are not built over.

REASON: To protect the sewers from structural damage and collapse, to prevent flooding and pollution, to ensure safe access for maintenance and repair and to ensure an uninterrupted service for customers.

- 8 The new floor space created shall be used ancillary to the main store only and operated within the existing time controls permitted for the main store only

REASON: To control of use and operations of the new extensions.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP1.

- 9 The proposed warehousing and A3 café floor space shall only be used for the purposes identified in the approved plans and shall not be used for any other uses including Class A1 retail.

REASON: To prevent against uncontrolled changes of use occurring without fully assessing any resulting impacts.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP1.

Note(s) to Applicant:

- 1 The applicant is reminded that the proposed Advertisements shown on the proposed plans will required separate advertisement consent.

RELATED PLANS

Drawing : P02 B received on 04.04.2008
Drawing : E01 C received on 04.04.2008
Drawing : P01 F
Drawing : NN01 received on 04.04.2008
Drawing : E02 A received on 04.04.2008
Drawing : E03 A received on 04.04.2008
Drawing : E04 A received on 04.04.2008
Drawing : P04 B received on 04.04.2008
Drawing : P03 C received on 04.04.2008

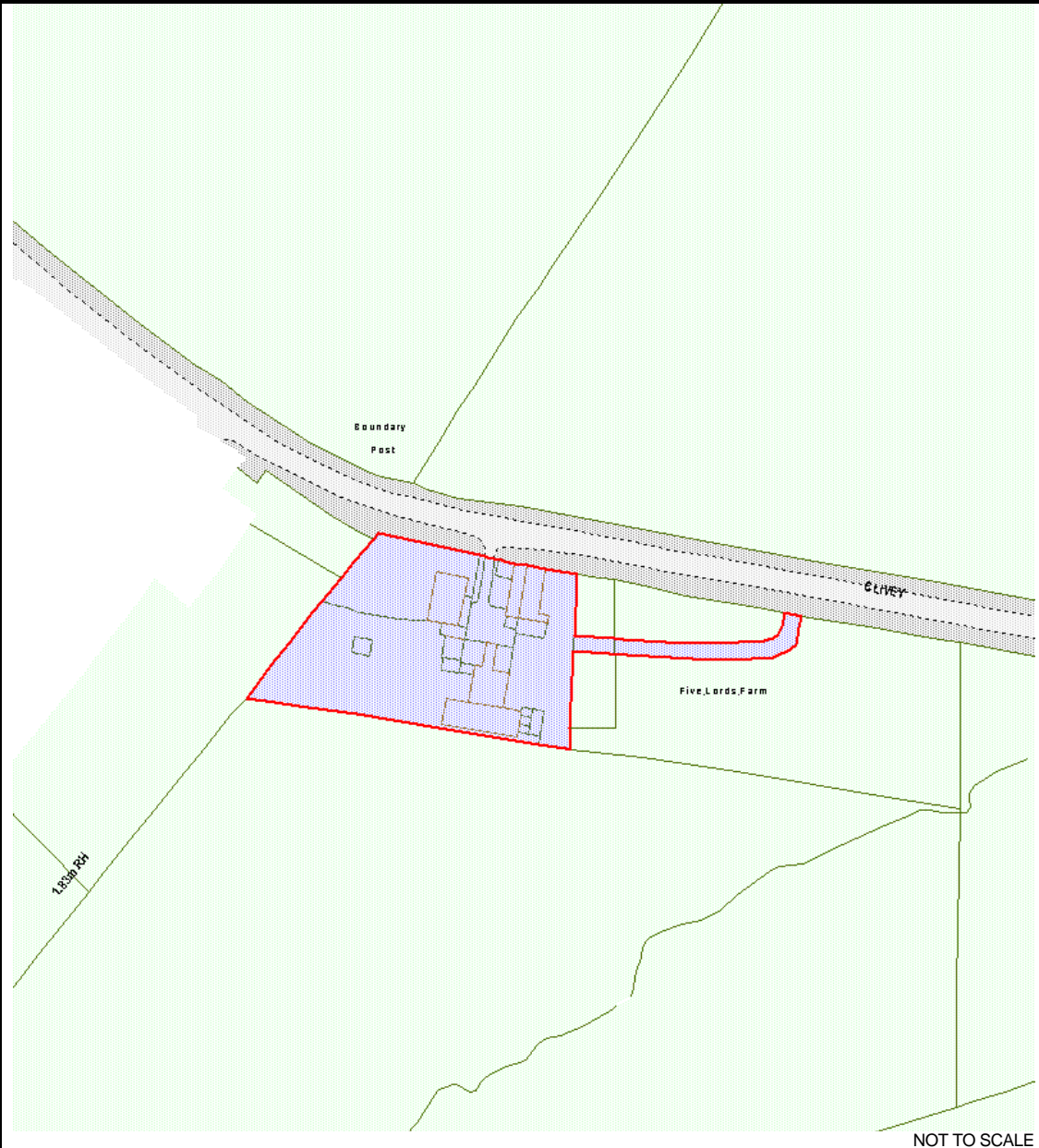
PLANNING COMMITTEE

12 March 2009

ITEM NO: 02

APPLICATION NO: W/09/00061/FUL

LOCATION: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: W/09/00061/FUL

Site Address: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ

Parish: Dilton Marsh Ward: Dilton

Grid Reference 382771 150186

Application Type: Full Plan

Development: Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room

Applicant Details: Mr And Mrs N Browne
25 Westbury Road Warminster Wiltshire BA12 0AW

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

Case Officer: Mrs Judith Dale
Phone: 01225 776655 ext 245
Email: jdale@westwiltshire.gov.uk

Date Received: 05.01.2009

Expiry Date: 02.03.2009

COMMITTEE REPORT

This application is brought to Committee at the request of Councillor Conley.

APPLICATION SITE & SURROUNDING AREA

The application site comprises a former farm complex located within an identified curtilage of approx on the south side of marsh road. The principal house is a symmetrical, brick built, 2 storey dwelling, with its side gable presenting onto the highway and its rear elevation facing into the original farm courtyard formed by the current arrangement of buildings. These buildings include a detached 2 storey stone barn at right angles to the farmhouse and a low profiled single storey cow shed opposite the main house to formally enclose the yard. Access to the site was originally at this point, but this has recently been closed up and a new vehicular access created to the east. The principal house is a Grade 2 listed building with the outbuildings as curtilage listed structures.

The site is partially screened behind a roadside hedge, but is nonetheless highly visible from the adjoining highway which links the village of Dilton Marsh with the A36. It is located within open countryside and an area defined as a Special Landscape Area.

The site is currently the subject of major building works which were approved by the Planning Committee at their meeting on 21 August 2008 (08/00919/FUL & 08/00920/LBC).

PROPOSAL

This application is for the demolition of the existing single storey cow shed and its replacement with a building to be used as stables for the applicants' donkeys. This building, which is in a recognisably poor state of repair, faces the rear elevation of the principal farmhouse on the opposite side of the farmyard with its northern gable end adjoining the main highway boundary. The existing structure measures approx 15m by 4m, constructed predominantly of brick, with masonry piers supporting a hipped clay tiled roof. A small square addition, approx 2.5m by 3m, rendered and now unroofed, is attached to the south elevation.

The proposal is to demolish this structure and construct a replacement building on the existing footprint to provide 2 no stables, a tack room, and a garden store. The walls are stated to be of reclaimed brickwork under a similar profile hipped roof clad in clay pantiles, with the proposed front elevation set back approx 600mm from the eaves line; this is supported on timber posts.

The existing 'small square addition' is being incorporated into the main building under the extended new roof and is to be used for housing 3 no ground source heat pumps.

The application is supported by an extract from a structural survey originally carried out in October 2007 and revised in March 2008 and submitted in support of the previous applications approved in August 2008. No ecological report has been formally submitted, but a survey for protected species was carried out in connection with the previous applications on this site.

CONSULTATIONS

Parish/Town Council

DILTON MARSH PARISH COUNCIL - No observations but advises that the Conservation Officer be invited to comment.

External

None

Internal

HERITAGE DEVELOPMENT OFFICER – recommends refusal on the grounds of insufficient justification for the demolition and rebuild of this curtilage listed building and the extent, nature and details of the proposed replacement building.

NOTIFICATIONS

Site Notices/Visits

Date of visit: Site Notices advertising the development as affecting a Listed Building were attached on the front fence on 20 January.

Neighbours

No letters of comment or objection have been received in response to the advertisement.

RELEVANT PLANNING HISTORY

O8/00919/FUL - Extensions and alterations to dwelling and barn, including change of use of barn to business accommodation; demolition of outbuildings; change of use of land to equestrian with erection of field shelter; revised access including new driveway - Permission - 22.08.08

O8/00920/LBC - Extensions and alterations to listed buildings together with demolition of outbuildings - Consent - 22.08.08

W/09/00065/LBC – Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room – Pending

W/09/00066/LBC – Alterations to O8/00920/LBC including changes to windows and omission of shutters - Pending

W/09/00067/LBC – Two storey extension to farmhouse incorporating changes to fenestration – Pending

W/09/00068/FUL – Two storey extension to farmhouse incorporating changes to fenestration - Pending

KEY ISSUES

The key issues raised by this application are considered to be –

- the principle of the demolition of a curtilage listed building;
- the design of the proposed building and its impact on the setting of the principal listed building;
- ecological considerations.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration 2004

- C3 Special Landscape Area
- C7 Protected species
- C28 Alterations and extensions to Listed Buildings
- C31A Design

PPG15 Planning and the Historic Environment

OFFICER APPRAISAL

Background

In order to set the current application in context, it is necessary to consider the wider background. Both planning permission and listed building consent were granted for comparatively large scale development at this site by the Planning Committee at their meeting in August 2008. Those applications originally incorporated the demolition and rebuilding of the cow shed, but this element was considered unacceptable both in terms of the principle and detail, and was withdrawn from the scheme prior to determination. The current application now seeks permission for this proposal as a stand alone element.

Principle of Demolition

Policy guidance relating to the demolition of listed buildings is now entirely encompassed within PPG15, the former District Plan Policy C29 (Demolition in Listed Buildings) no longer forming part of the Development Plan.

PPG15 states that 'Listed Building controls ensure that proposals for demolition are fully scrutinised before any decision is reached.' Such scrutiny should include the following considerations:

- the condition of the building, and the cost of repairing and maintaining it relative to its importance and use;
- the adequacy of efforts made to retain the building in use;
- the merits of alternative proposals for the site.

While a structural survey has been submitted which states that the building is in a poor state of repair, no information or justification has been submitted on the possibility and cost of its repair for stabling; the efforts made by the applicants to retain and maintain the building since their acquisition of the site; whether there is a more appropriate use for the building which might allow for a partial retention of the building. No additional information beyond that submitted in respect of the previous applications (08/00919/FUL & 08/00920/LBC), and deemed inadequate at that time, has been provided, and will not 'unless we have a positive response in the rebuilding of the cow shed.'

Since a 'positive response' depends on the fundamental principle of demolition being first agreed, but this principle cannot be agreed without the information requested being first submitted, such a guarantee cannot be given.

Members will note in respect of the following report which considers the parallel application for listed building consent that the Georgian Group has commented as follows:

'Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building or its setting'

The Council's Heritage Development Officer also comments as follows:

'.....no justification has been provided as to the need for the extent of the rebuild which is being proposed as part of the current application. It is felt that a full justification is required, as it is likely that the complete rebuild would result in a total loss of character of this existing building which forms an important part of the historic curtilage of this farm house.'

In the light of the above, this aspect of the development would be contrary to the guidance in PPG15 and cannot be supported.

Design Considerations

In the event that the principle of demolition of the original building were to be agreed, the principle and detail of a replacement building would require careful consideration.

In terms of principle, the existing building clearly defines the perimeter of the farmyard and contributes to its sense and character of enclosure. It is a visible structure from the public realm and an appropriate replacement building would help to retain the character and setting of the principal farmhouse.

In terms of detail, while it might be argued that there is little merit in building an exact replica of the existing building, there are certain features and characteristics which would require to be 'retained' – these would include its low profile, characteristic roof pattern and overall appearance as a subservient agricultural outbuilding:

- with regard to the height and profile of the replacement building, it is not clear from the submitted plans the extent of any excavation works or existing and proposed floor levels, without which it is not possible to accurately assess the height and visual impact of the new building

- it is not clear how much of the existing roof structure is to be reused within the replacement building. The application states that the existing roof will be 'dismantled, repaired and strengthened' but there is no evidence from the structural report that the timbers are suitable for reuse as suggested

- in terms of specific details, the Heritage Development Officer comments as follows:

'The alterations to this curtilage listed building are still considered to be far too extensive, and would detract from the original form and character of this building. I would expect to see a rebuild which retains the original fenestrations and does not alter the character of the building. The East elevation of the cow stall is characterised by an uninterrupted wall, with the exception of the doorway on its far end. The insertion of windows on this elevation would erode the character of the building and are considered to be unnecessary within what has been described as a proposed stable building. The creation of a pitched roof to the boiler room on the south end of the barn, which is currently a flat roof, low profile element, would further detract from the building's original character, scale and form, by decreasing the subservience of what appears to be a later addition to the building.'

Ecological Considerations

Although no ecological report was submitted in connection with the current application, a report which accompanied the previous application did not identify evidence of bats or other protected species within the barn. On the basis of that report, it is not considered that the demolition of this building raises any ecological concerns.

CONCLUSION

For the reasons outlined above, the proposed demolition of this curtilage building has not been justified in accordance with the principles of PPG15 while the proposed replacement building is considered to be detrimental to the character and setting of the listed farmhouse. The application is therefore recommended for refusal.

RECOMMENDATION: Refusal

Reason(s):

- 1 The applicant has failed to provide sufficient evidence or justification for the demolition of this curtilage building, contrary to the guidance within PPG15 (Planning and the Historic Environment), the loss of which would be detrimental to the character and setting of the principal listed farmhouse.
- 2 Notwithstanding the previous reason for refusal which is considered to be fundamental, the proposed building by reason of its form, scale and detail would be detrimental to the character and setting of the principal listed farmhouse contrary to the principles and guidance within PPG15 (Planning and the Historic Environment).

RELATED PLANS

Drawing : 014 001 A received on 05.01.2009
Drawing : 014 020 A received on 05.01.2009
Drawing : 139/01 A received on 23.01.2009
Drawing : 014 002 A received on 05.01.2009
Drawing : 014 010 C received on 05.01.2009

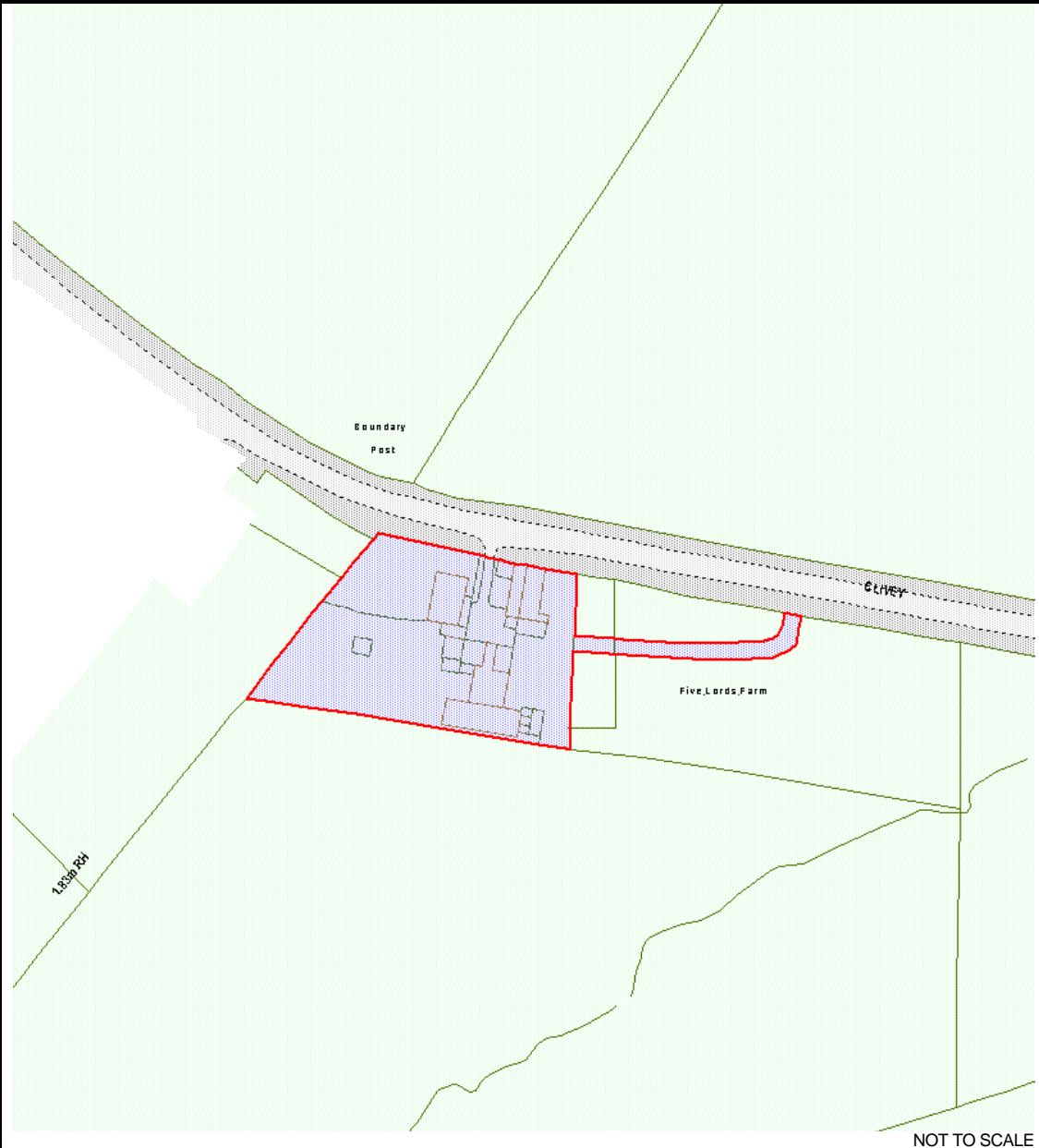
PLANNING COMMITTEE

12 March 2009

ITEM NO: 03

APPLICATION NO: W/09/00065/LBC

LOCATION: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: W/09/00065/LBC

Site Address: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ

Parish: Dilton Marsh Ward: Dilton

Grid Reference 382771 150186

Application Type: Listed building

Development: Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room

Applicant Details: Mr And Mrs N Browne
25 Westbury Road Warminster Wiltshire BA12 0AW

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

Case Officer: Mrs Judith Dale
Phone: 01225 776655 ext 245
Email: jdale@westwiltshire.gov.uk

Date Received: 05.01.2009 Expiry Date: 02.03.2009

COMMITTEE REPORT

This application is brought to Committee at the request of Councillor Conley.

APPLICATION SITE & SURROUNDING AREA

This is the parallel application for Listed Building Consent to support planning application W/09/00061/FUL.

The application site comprises a former farm complex located within an identified curtilage of approx on the south side of marsh road. The principal house is a symmetrical, brick built, 2 storey dwelling, with its side gable presenting onto the highway and its rear elevation facing into the original farm courtyard formed by the current arrangement of buildings. These buildings include a detached 2 storey stone barn at right angles to the farmhouse and a low profiled single storey cow shed opposite the main house to formally enclose the yard. Access to the site was originally at this point, but this has recently been closed up and a new vehicular access created to the east. The principal house is a Grade 2 listed building with the outbuildings as curtilage listed structures.

The site is partially screened behind a roadside hedge, but is nonetheless highly visible from the adjoining highway which links the village of Dilton Marsh with the A36. It is located within open countryside and an area defined as a Special Landscape Area.

The site is currently the subject of major building works which were approved by the Planning Committee at their meeting on 21 August 2008 (08/00919/FUL & 08/00920/LBC).

PROPOSAL

This application is for the demolition of the existing single storey cow shed and its replacement with a building to be used as stables for the applicants' donkeys. This building, which is in a recognisably poor state of repair, faces the rear elevation of the principal farmhouse on the opposite side of the farmyard with its northern gable end adjoining the main highway boundary. The existing structure measures approx 15m by 4m, constructed predominantly of brick, with masonry piers supporting a hipped clay tiled roof. A small square addition, approx 2.5m by 3m, rendered and now unroofed, is attached to the south elevation.

The proposal is to demolish this structure and construct a replacement building on the existing footprint to provide 2 no stables, a tack room, and a garden store. The walls are stated to be of reclaimed brickwork under a similar profile hipped roof clad in clay pantiles, with the proposed front elevation set back approx 600mm from the eaves line; this is supported on timber posts. The existing 'small square addition' is being incorporated into the main building under the extended new roof and is to be used for housing 3 no ground source heat pumps.

The application is supported by an extract from a structural survey originally carried out in October 2007 and revised in March 2008 and submitted in support of the previous applications approved in August 2008.

CONSULTATIONS

Parish/Town Council

DILTON MARSH PARISH COUNCIL - No observations but advises that the Conservation Officer be invited to comment

External

ENGLISH HERITAGE – Does not wish to be consulted on the application

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS – No comment received

ANCIENT MONUMENTS SOCIETY – No comment received

COUNCIL FOR BRITISH ARCHAEOLOGY – No comment received

GEORGIAN GROUP – Draws the Council's attention to PPG15 which states that 'Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary.'

In addition, the group requests additional information on the age and architectural significance of the building.

VICTORIAN SOCIETY – No comment received

20TH CENTURY SOCIETY – No comment received

Internal

HERITAGE DEVELOPMENT OFFICER – recommends refusal on the grounds of insufficient justification for the demolition and rebuild of this curtilage listed building and the extent, nature and details of the proposed replacement building.

NOTIFICATIONS

Site Notices/Visits

Date of visit: Site Notices advertising the development as affecting a Listed Building were attached on the front fence on 20 January.

Neighbours

No letters of comment or objection have been received in response to the advertisement

RELEVANT PLANNING HISTORY

O8/00919/FUL - Extensions and alterations to dwelling and barn, including change of use of barn to business accommodation; demolition of outbuildings; change of use of land to equestrian with erection of field shelter; revised access including new driveway - Permission - 22.08.08

O8/00920/LBC - Extensions and alterations to listed buildings together with demolition of outbuildings - Consent - 22.08.08

W/09/00061/FUL – Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room – Pending

W/09/00066/LBC – Alterations to O8/00920/LBC including changes to windows and omission of shutters - Pending

W/09/00067/LBC – Two storey extension to farmhouse incorporating changes to fenestration – Pending

W/09/00068/FUL – Two storey extension to farmhouse incorporating changes to fenestration - Pending

KEY ISSUES

The key issues raised by this application are considered to be –

- the principle of the demolition of a curtilage listed building;
- the design of the proposed building and its impact on the setting of the principal listed building.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration 2004

C3 Special Landscape Area

C28 Alterations and extensions to Listed Buildings

C31A Design

PPG15 Planning and the Historic Environment

OFFICER APPRAISAL

The assessment of the development in terms of its impact on this listed building has been given in the report to the accompanying planning application (W/09/00061/FUL) as follows:

Background

In order to set the current application in context, it is necessary to consider the wider background. Both planning permission and listed building consent were granted for comparatively large scale development at this site by the Planning Committee at their meeting in August 2008. Those applications originally incorporated the demolition and rebuilding of the cow shed, but this element was considered unacceptable both in terms of the principle and detail, and was withdrawn from the scheme prior to determination. The current application now seeks permission for this proposal as a stand alone element.

Principle of demolition

Policy guidance relating to the demolition of listed buildings is now entirely encompassed within PPG15, the former District Plan Policy C29 (Demolition in Listed Buildings) no longer forming part of the Development Plan.

PPG15 states that 'Listed Building controls ensure that proposals for demolition are fully scrutinised before any decision is reached.' Such scrutiny should include the following considerations:

- the condition of the building, and the cost of repairing and maintaining it relative to its importance and use;
- the adequacy of efforts made to retain the building in use;
- the merits of alternative proposals for the site.

While a structural survey has been submitted which states that the building is in a poor state of repair, no information or justification has been submitted on the possibility and cost of its repair for stabling; the efforts made by the applicants to retain and maintain the building since their acquisition of the site; whether there is a more appropriate use for the building which might allow for a partial retention of the building. No additional information beyond that submitted in respect of the previous applications (08/00919/FUL & 08/00920/LBC), and deemed inadequate at that time, has been provided, and will not 'unless we have a positive response in the rebuilding of the cow shed.'

Since a 'positive response' depends on the fundamental principle of demolition being first agreed, but this principle cannot be agreed without the information requested being first submitted, such a guarantee cannot be given.

Members will note in respect of the following report which considers the parallel application for listed building consent that the Georgian Group has commented as follows:

'Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building or its setting'.

The Council's Heritage Development Officer also comments as follows:

'.....no justification has been provided as to the need for the extent of the rebuild which is being proposed as part of the current application. It is felt that a full justification is required, as it is likely that the complete rebuild would result in a total loss of character of this existing building which forms an important part of the historic curtilage of this farm house.'

In the light of the above, this aspect of the development would be contrary to the guidance in PPG15 and cannot be supported.

Design Considerations

In the event that the principle of demolition of the original building were to be agreed, the principle and detail of a replacement building would require careful consideration.

In terms of principle, the existing building clearly defines the perimeter of the farmyard and contributes to its sense and character of enclosure. It is a visible structure from the public realm and an appropriate replacement building would help to retain the character and setting of the principal farmhouse.

In terms of detail, while it might be argued that there is little merit in building an exact replica of the existing building, there are certain features and characteristics which would require to be 'retained' – these would include its low profile, characteristic roof pattern and overall appearance as a subservient agricultural outbuilding:

- with regard to the height and profile of the replacement building, it is not clear from the submitted plans the extent of any excavation works or existing and proposed floor levels, without which it is not possible to accurately assess the height and visual impact of the new building

- it is not clear how much of the existing roof structure is to be reused within the replacement building. The application states that the existing roof will be 'dismantled, repaired and strengthened' but there is no evidence from the structural report that the timbers are suitable for reuse as suggested

- in terms of specific details, the Heritage Development Officer comments as follows:

'The alterations to this curtilage listed building are still considered to be far too extensive, and would detract from the original form and character of this building. I would expect to see a rebuild which retains the original fenestrations and does not alter the character of the building. The East elevation of the cow stall is characterised by an uninterrupted wall, with the exception of the doorway on its far end. The insertion of windows on this elevation would erode the character of the building and are considered to be unnecessary within what has been described as a proposed stable building. The creation of a pitched roof to the boiler room on the south end of the barn, which is currently a flat roof, low profile element, would further detract from the building's original character, scale and form, by decreasing the subservience of what appears to be a later addition to the building.'

CONCLUSION

For the reasons outlined above, the proposed demolition of this curtilage building has not been justified in accordance with the principles of PPG15 while the proposed replacement building is considered to be detrimental to the character and setting of the listed farmhouse. The application is therefore recommended for refusal.

RECOMMENDATION: Refusal

Reason(s):

- 1 The applicant has failed to provide sufficient evidence or justification for the demolition of this curtilage building, contrary to the guidance within PPG15 (Planning and the Historic Environment), the loss of which would be detrimental to the character and setting of the principal listed farmhouse.
- 2 Notwithstanding the previous reason for refusal which is considered to be fundamental, the proposed building by reason of its form, scale and detail would be detrimental to the character and setting of the principal listed farmhouse contrary to the principles and guidance within PPG15 (Planning and the Historic Environment)

RELATED PLANS

Drawing : 014 001 A received on 05.01.2009
Drawing : 014 002 A received on 05.01.2009
Drawing : 014 010 C received on 05.01.2009
Drawing : 014 020 A received on 05.01.2009
Drawing : 139/01 A received on 23.01.2009

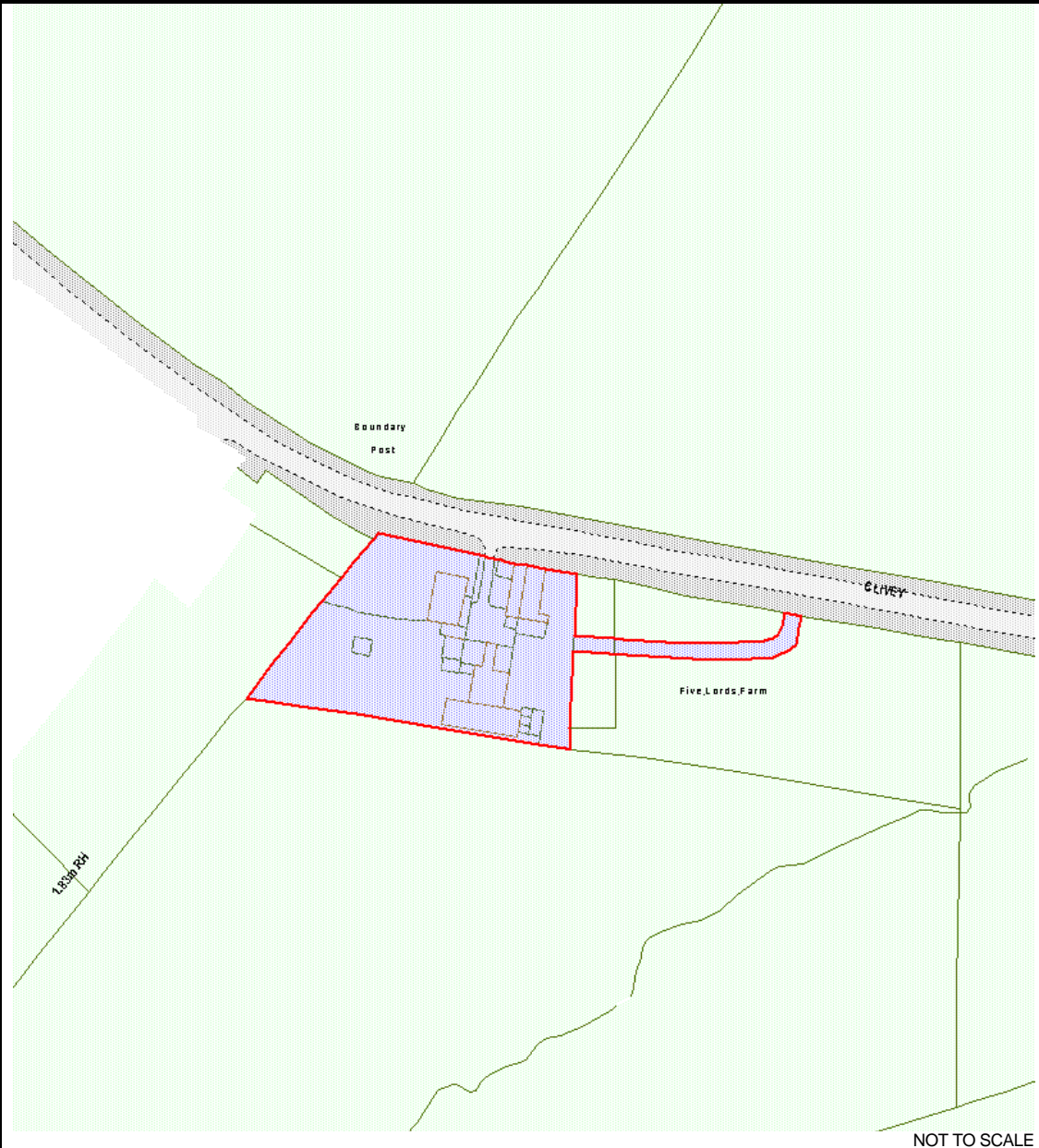
PLANNING COMMITTEE

12 March 2009

ITEM NO: 04

APPLICATION NO: W/09/00068/FUL

LOCATION: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ



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SLA: 100022961

04	Application:	W/09/00068/FUL
	Site Address:	Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ

Parish:	Dilton Marsh	Ward:	Dilton
Grid Reference	382771 150186		
Application Type:	Full Plan		
Development:	Revised scheme for two storey extension to farmhouse incorporating changes to fenestration		
Applicant Details:	Mr And Mrs N Browne 25 Westbury Road Warminster Wiltshire BA12 0AW		
Agent Details:	R K Architecture The Design Centre Crusader Park Warminster Wiltshire BA12 8BT		
Case Officer:	Mrs Judith Dale <i>Phone: 01225 776655 ext 245</i> <i>Email: jdale@westwiltshire.gov.uk</i>		
Date Received:	05.01.2009	Expiry Date:	02.03.2009

COMMITTEE REPORT

This application is brought to Committee at the request of Councillor Conley.

APPLICATION SITE & SURROUNDING AREA

The application site comprises a former farm complex located within an identified curtilage of approx on the south side of Marsh Road. The principal house is a symmetrical, brick built, 2 storey dwelling, with its side gable presenting onto the highway and its rear elevation facing into the original farm courtyard formed by the current arrangement of buildings. These buildings include a detached 2 storey stone barn at right angles to the farmhouse and a low profiled single storey cow shed opposite the main house to formally enclose the yard. Access to the site was originally at this point, but this has recently been closed up and a new vehicular access created to the east. The principal house is a Grade 2 listed building with the outbuildings as curtilage listed structures.

The site is partially screened behind a roadside hedge, but is nonetheless highly visible from the adjoining highway which links the village of Dilton Marsh with the A36. It is located within open countryside and an area defined as a Special Landscape Area.

The site is currently the subject of major building works which were approved by the Planning Committee at their meeting on 21 August 2008 (08/00919/FUL & 08/00920/LBC).

PROPOSAL

As part of the approved development referred to above, planning permission and listed building consent were granted for a two storey and single storey extension to the side gable wall of the principal building.

The two storey element measured approx 4m wide by 4.7m deep, its proposed rear elevation continuous with the main rear wall of the house but with a set back from the 'front' elevation of 750mm. The proposed gable roof had a matching roof slope but a ridge height lower than the original roof by approx 400mm.

The single storey element, approx 3m deep, was built out from the new rear wall under a monopitch roof to continue this low profiled element which extends the length of the farmhouse.

The current application is for a revised design to the two storey section only. The front elevation is now to be set back by only 250mm and the ridge height raised to only 150mm below that of the main roof. The window detail in both front and rear elevations is to be revised in line with other proposed changes to the fenestration elsewhere within the farmhouse. To cover the eventuality that the current application might be refused permission, the proposed changes to the window detail within the new extension have also been included in a separate application for listed building consent which encompasses all of the intended window changes and which has recently been approved (W/09/00066/LBC). This aspect of the current application therefore requires no further consideration.

CONSULTATIONS

Parish/Town Council

DILTON MARSH PARISH COUNCIL - No observations but advises that the Conservation officer be invited to comment

External

None

Internal

Heritage Development Officer – Raises an objection to the proposal and recommends refusal.

NOTIFICATIONS

Site Notices/Visits

Date of visit: Site Notices advertising the development as affecting a Listed Building were attached on the front fence on 20 January.

Neighbours

No letters of comment or objection have been received in response to the advertisement.

RELEVANT PLANNING HISTORY

O8/00919/FUL - Extensions and alterations to dwelling and barn, including change of use of barn to business accommodation; demolition of outbuildings; change of use of land to equestrian with erection of field shelter; revised access including new driveway - Permission - 22.08.08

O8/00920/LBC - Extensions and alterations to listed buildings together with demolition of outbuildings - Consent - 22.08.08

W/09/00061/FUL – Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room – Pending

W/09/00065/LBC – Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room – Pending

W/09/00066/LBC – Alterations to O8/00920/LBC including changes to windows and omission of shutters – Consent - 25.02.09

W/09/00067/LBC – Revised scheme for two storey extension to farmhouse incorporating changes to fenestration – Pending

KEY ISSUES

The key issue raised by this application is considered to be the design of the extension and its impact on the character and setting of this listed building

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration 2004

C3 Special Landscape Area
C28 Alterations and extensions to Listed Buildings
C31A Design

PPG15 Planning and the Historic Environment
SPG House Alterations and Extensions

OFFICER APPRAISAL

Background

In order to set the current application in context, it is necessary to consider the wider background. Both planning permission and listed building consent were granted for comparatively large scale development at this site by the Planning Committee at their meeting in August 2008. The application incorporated a number of elements including the erection of a two storey extension attached to the north elevation of the main farmhouse. The design of that extension as originally submitted was considered unacceptable in terms of its size and detail and subsequent negotiations took place in an attempt to address the identified concerns. The revised scheme presented to Committee did not have the full support of the Conservation Officer or the Planning Officer but Members were minded to approve the scheme as a whole. The current application now proposes a further revision to this part of the development.

Design and Impact on Character and Setting of Listed Building

As stated in the earlier part of this report, the extension previously approved by this Council was for a two storey element 4m wide, with its rear elevation continuous with the main rear wall of the house but with a set back from the 'front' elevation of 750mm; the ridge line was shown to be approx 400mm below that of the main ridge. This design was not fully supported by the Conservation officer whose comments were that 'the two storey extension is now more acceptable' but that 'a metre set back would be much more preferable..'. However, the compromise set back of 750mm was reluctantly recognised as providing the required degree of subservience to the original dwelling.

The current proposal reduces the set back to just 250mm and raises the ridge line of the extension only 150mm below that of the main house. The justification for this change is that the agreed set back of 750mm is 'arbitrary and not historically correct' which view is supported by a letter from a heritage consultant as follows:

"Your extensions to the house have both been designed to be subservient in mass and complementary in wall fabric, opening details, roof form and covering. They have also been designed to be set back from the principle elevation of the house, so that it remains dominant and unaffected by shade. In those respects, they conform exactly with received design guidance. The differing depths of set back is intended, I suspect, to lend the extensions the air of heterogeneity characteristic of historically evolved building groups (i.e. the 'higgledy-piggledy' appearance), which also conforms with design guidance. However, in this case, I think the 750mm set back of the northern extension is arbitrary and a historical: brick dimensions have always been a determining factor in the design and modification of brick buildings and keyed-in wall junctions were invariably set back no more than one brick (i.e. c. 225mm plus a 10mm joint) in order to maximise internal floor area. A deeper set back than 225mm-250mm would only ever be employed to avoid a detail such as a gable window or door. In this case, the 750mm set back is also likely to be aesthetically jarring, especially as it is at the road end of the house: the brickwork under the existing cementitious render is likely to be scotched and, once you have removed the render (in accordance with received design and conservation guidance), you will have exposed a broad expanse of damaged brickwork. Piecing-in a 250mm repair would be feasible, but filling a full height 750mm wide panel of brickwork, convincingly, will be nigh on impossible.

Bringing the west wall of your north extension forwards by 500mm, so that its set back matches the 250mm of the south extension, would not conflict with received design guidance and would not deleteriously affect the character of the historic building or the aesthetics of the project as a whole.

I am sure your planning and conservation officers would agree to the proposed revision, once your reasoning had been explained to them. "

The views of the Council's Heritage Development Officer are:

'The current proposal to reduce the set back from 750mm to 250mm would reduce the subservience of the extension, which as a result would increase its relative roof height, therefore its dominance over the historic building. This would act to further detract from the character of the original building and would be detrimental to its setting..'

In noting these two conflicting opinions, Members should be aware of guidance in PPG15 which states in the context of extensions to listed buildings that:

- Modern extensions should not dominate the existing building in either scale, material or situation (Annex C para C7);
- Each historic building has its own characteristics which should .. as far as possible be respected when proposals for alterations are put forward. (Annex C C2).

These are clearly reflected in the Council's own policy C28 which requires that the 'essential form of the building is not adversely affected' by new extensions.

Within the context of this advice -

- the Council has permitted the principle of a two storey extension in a very prominent position on what was formerly a modest and symmetrical building. This character can only be conserved in the event of a subservient addition which does not 'dominate' the original building.
- the prominence of the siting of the extension will ensure that it will be highly visible in the street scene from both west and easterly approaches. As previously approved, subservience of the extension was ensured from both directions by a perceptibly reduced ridge line; as now proposed, the minimal reduction of approx 150mm, obscured in part by the position of the chimney, will give the appearance of a continued ridge line rather than that of an original building with later addition.
- the reduced set back of only 250mm, albeit visible from the western direction only would scarcely read as such, and offset by a higher ridge line will hardly be perceptible as a less dominant structure.
- the concerns identified in the heritage consultant's letter about the poor quality of the exposed brickwork on the north face of the original building are unfounded. Much of the render has already been removed and shows the brickwork to be in an acceptable condition. Not only will this be evidence to support the evolution of the building, but will emphasise the fact that the extension is a later addition and not part of the original building.
- in allowing the previous extension, Members would have been aware of the Conservation Officer's comments which supported an even greater set back than that which was actually permitted; it might be argued that a compromise has already been given in this area and that there is no justification for further modification which is clearly contrary to policy.
- no information has been submitted by the applicant to explain precisely the reasoning for this revised application. In the heritage consultant's letter, he states that 'I understand that you would prefer it to be c.250mm to match that at the south end'. The 'match' being referred to is itself an additional extension approved as part of the previous permission which can scarcely justify or form an appropriate basis for this later modification.
- notwithstanding the above comments which relate principally to listed building concerns, the Council's approved Design Guidance on extensions clearly states that 'an extension should be a subservient element to the host building and not upset the symmetry of the building as a whole.' While it is acknowledged that the symmetry of the building has already been compromised, the proposal clearly fails any reasonable test of subservience as indicated above.

CONCLUSION

For the reasons outlined above, the proposed revisions to the siting, design and scale of this extension would be detrimental to the character and appearance of this listed building and should be refused.

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed extension to this farmhouse by reason of its design, size, scale, mass and location would fail to respect the form, proportions and symmetry of the original building which would be harmful to the character and setting of this listed building contrary to policies C28 and C31A of the West Wiltshire District Plan 1st Alteration 2004, and the principles of adopted Supplementary Planning Guidance (House Alterations and Extensions) and PPG15 (Planning and the Historic Environment)

RELATED PLANS

Drawing : 139/W1 received on 23.01.2009
Drawing : 139/W2 received on 23.01.2009
Drawing : 139/W1 received on 23.01.2009
Drawing : 139/W2 received on 23.01.2009
Drawing : 014 001 A received on 05.01.2009
Drawing : 014 004 D received on 05.01.2009
Drawing : 014 015 D received on 05.01.2009
Drawing : 014 016 D received on 05.01.2009
Drawing : 014 017 C received on 05.01.2009
Drawing : 014 025 C received on 05.01.2009
Drawing : 014 026 C received on 05.01.2009
Drawing : 014 031 A received on 05.01.2009
Drawing : 014 015 E received on 05.01.2009
Drawing : 014 016 E received on 05.01.2009
Drawing : 014 017 D received on 05.01.2009
Drawing : 014 025 D received on 05.01.2009
Drawing : 014 026 D received on 05.01.2009
Drawing : 014 031 B received on 05.01.2009

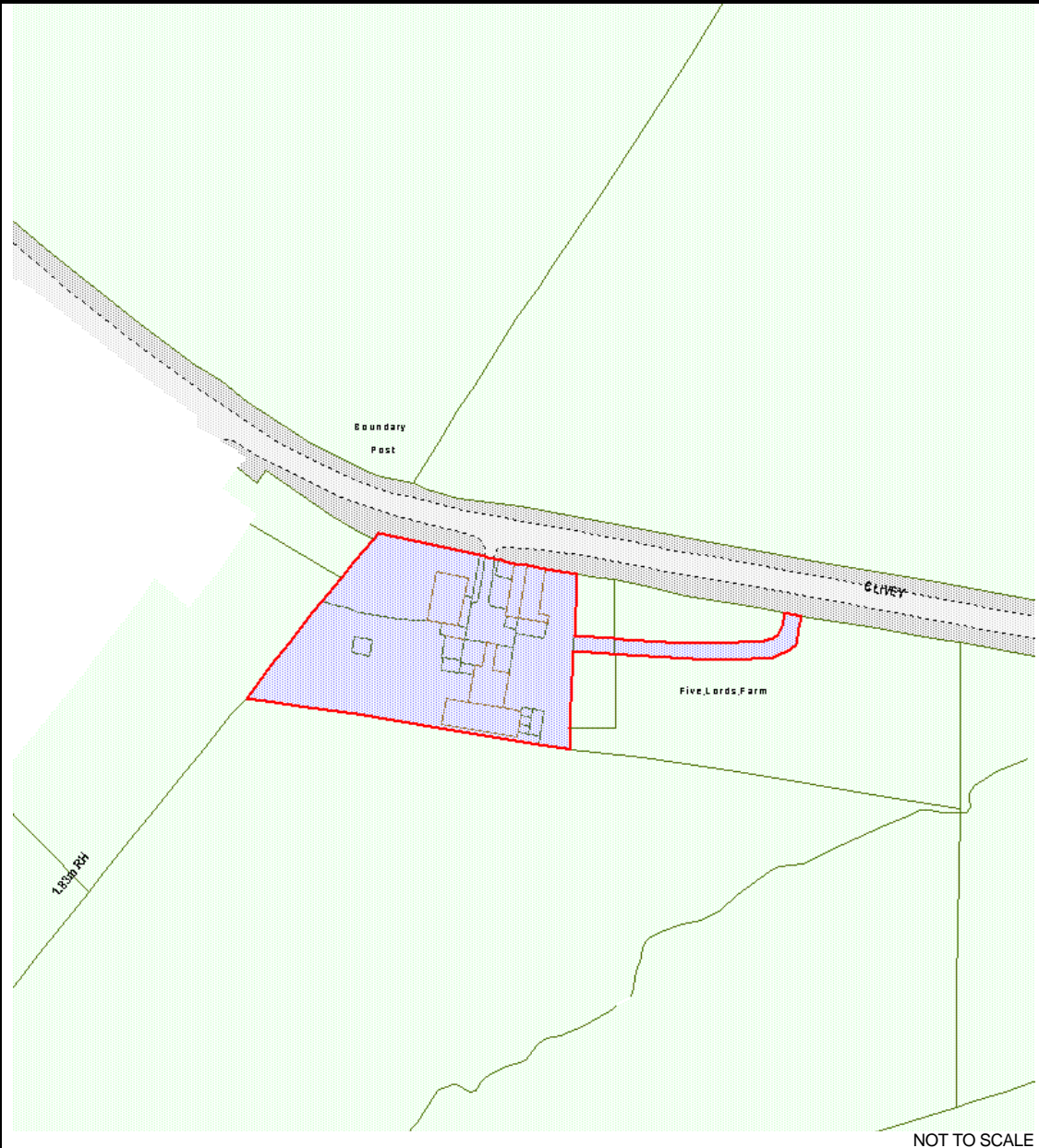
PLANNING COMMITTEE

12 March 2009

ITEM NO: 05

APPLICATION NO: W/09/00067/LBC

LOCATION: Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ



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SLA: 100022961

05	Application:	W/09/00067/LBC
	Site Address:	Five Lords Farm Clivey Dilton Marsh Wiltshire BA11 2PZ

Parish:	Dilton Marsh	Ward:	Dilton
Grid Reference	382771 150186		
Application Type:	Listed building		
Development:	Revised scheme for two storey extension to farmhouse incorporating changes to fenestration		
Applicant Details:	Mr And Mrs Browne 25 Westbury Road Warminster Wiltshire BA12 0AW		
Agent Details:	R K Architecture The Design Centre Crusader Park Warminster Wiltshire BA12 8BT		
Case Officer:	Mrs Judith Dale <i>Phone: 01225 776655 ext 245</i> <i>Email: jdale@westwiltshire.gov.uk</i>		
Date Received:	05.01.2009	Expiry Date:	02.03.2009

COMMITTEE REPORT

This application is brought to Committee at the request of Councillor Conley.

APPLICATION SITE & SURROUNDING AREA

This is the parallel application for Listed Building Consent to support planning application W/09/00068/FUL.

The application site comprises a former farm complex located within an identified curtilage of approx on the south side of Marsh Road. The principal house is a symmetrical, brick built, 2 storey dwelling, with its side gable presenting onto the highway and its rear elevation facing into the original farm courtyard formed by the current arrangement of buildings. These buildings include a detached 2 storey stone barn at right angles to the farmhouse and a low profiled single storey cow shed opposite the main house to formally enclose the yard. Access to the site was originally at this point, but this has recently been closed up and a new vehicular access created to the east. The principal house is a Grade 2 listed building with the outbuildings as curtilage structures.

The site is partially screened behind a roadside hedge, but is nonetheless highly visible from the adjoining highway which links the village of Dilton Marsh with the A36. It is located within open countryside and an area defined as a Special Landscape Area.

The site is currently the subject of major building works which were approved by the Planning Committee at their meeting on 21 August 2008 (08/00919/FUL & 08/00920/LBC).

PROPOSAL

As part of the approved development referred to above, planning permission and listed building consent were granted for a two storey and single storey extension to the side gable wall of the principal building.

The two storey element measured approx 4m wide by 4.7m deep, its proposed rear elevation continuous with the main rear wall of the house but with a set back from the 'front' elevation of 750mm. The proposed gable roof had a matching roof slope but a ridge height lower than the original roof by approx 400mm.

The single storey element, approx 3m deep, was built out from the new rear wall under a monopitch roof to continue this low profiled element which extends the length of the farmhouse.

The current application is for a revised design to the two storey section only. The front elevation is to be set back by only 250mm and the ridge height raised to only 150mm below that of the main roof. The window detail in both front and rear elevations is to be revised in line with other proposed changes to the fenestration elsewhere within the farmhouse. To cover the eventuality that the current application might be refused permission, the proposed changes to the window detail within the new extension have also been included in a separate application for listed building consent which encompasses all of the intended window changes and which has recently been approved (W/09/00066/LBC). This aspect of the current application therefore requires no further consideration.

CONSULTATIONS

Parish/Town Council

DILTON MARSH PARISH COUNCIL - No observations but advises that the Conservation Officer be invited to comment.

External

None

Internal

HERITAGE DEVELOPMENT OFFICER – Raises an objection to the proposal and recommends refusal.

NOTIFICATIONS

Site Notices/Visits

Date of visit: Site Notices advertising the development as affecting a Listed Building were attached on the front fence on 20 January.

Neighbours

No letters of comment or objection have been received in response to the advertisement.

RELEVANT PLANNING HISTORY

O8/00919/FUL - Extensions and alterations to dwelling and barn, including change of use of barn to business accommodation; demolition of outbuildings; change of use of land to equestrian with erection of field shelter; revised access including new driveway - Permission - 22.08.08

O8/00920/LBC - Extensions and alterations to listed buildings together with demolition of outbuildings - Consent - 22.08.08

W/09/00061/FUL – Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room – Pending

W/09/00065/LBC – Demolish existing cow stall building and rebuild for use as stables, stores and heat pump room – Pending

W/09/00066/LBC – Alterations to O8/00920/LBC including changes to windows and omission of shutters – Consent - 25.02.09

W/09/00068/FUL – Revised scheme for two storey extension to farmhouse incorporating changes to fenestration – Pending

KEY ISSUES

The key issue raised by this application is considered to be the design of the extension and its impact on the character and setting of this listed building.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration 2004

C3 Special Landscape Area
C28 Alterations and extensions to Listed Buildings
C31A Design

PPG15 Planning and the Historic Environment
SPG House Alterations and Extensions

OFFICER APPRAISAL

The assessment of the development in terms of its impact on this listed building has been given in the report to the accompanying application as follows:

Background

In order to set the current application in context, it is necessary to consider the wider background. Both planning permission and listed building consent were granted for comparatively large scale development at this site by the Planning Committee at their meeting in August 2008. The application incorporated a number of elements including the erection of a two storey extension attached to the north elevation of the main farmhouse. The design of that extension as originally submitted was considered unacceptable in terms of its size and detail and subsequent negotiations took place in an attempt to address the identified concerns. The revised scheme presented to Committee did not have the full support of the Conservation Officer or the Planning Officer but Members were minded to approve the scheme as a whole. The current application now proposes a further revision to this part of the development.

Design and Impact on character and setting of listed building

As stated in the earlier part of this report, the extension previously approved by this Council was for a two storey element 4m wide, with its rear elevation continuous with the main rear wall of the house but with a set back from the 'front' elevation of 750mm; the ridge line was shown to be approx 400mm below that of the main ridge. This design was not fully supported by the Conservation officer whose comments were that 'the two storey extension is now more acceptable' but that 'a metre set back would be much more preferable..'. However, the compromise set back of 750mm was reluctantly recognised as providing the required degree of subservience to the original dwelling.

The current proposal reduces the set back to just 250mm and raises the ridge line of the extension only 150mm below that of the main house. The justification for this change is that the agreed set back of 750mm is 'arbitrary and not historically correct' which view is supported by a letter from a heritage consultant as follows:

"Your extensions to the house have both been designed to be subservient in mass and complementary in wall fabric, opening details, roof form and covering. They have also been designed to be set back from the principle elevation of the house, so that it remains dominant and unaffected by shade. In those respects, they conform exactly with received design guidance. The differing depths of set back is intended, I suspect, to lend the extensions the air of heterogeneity characteristic of historically evolved building groups (i.e. the 'higgledy-piggledy' appearance), which also conforms with design guidance. However, in this case, I think the 750mm set back of the northern extension is arbitrary and a historical: brick dimensions have always been a determining factor in the design and modification of brick buildings and keyed-in wall junctions were invariably set back no more than one brick (i.e. c. 225mm plus a 10mm joint) in order to

maximise internal floor area. A deeper set back than 225mm-250mm would only ever be employed to avoid a detail such as a gable window or door. In this case, the 750mm set back is also likely to be aesthetically jarring, especially as it is at the road end of the house: the brickwork under the existing cementitious render is likely to be scotched and, once you have removed the render (in accordance with received design and conservation guidance), you will have exposed a broad expanse of damaged brickwork. Piecing-in a 250mm repair would be feasible, but filling a full height 750mm wide panel of brickwork, convincingly, will be nigh on impossible.

Bringing the west wall of your north extension forwards by 500mm, so that its set back matches the 250mm of the south extension, would not conflict with received design guidance and would not deleteriously affect the character of the historic building or the aesthetics of the project as a whole. I am sure your planning and conservation officers would agree to the proposed revision, once your reasoning had been explained to them. "

The views of the Council's Heritage Development Officer are:

'The current proposal to reduce the set back from 750mm to 250mm would reduce the subservience of the extension, which as a result would increase its relative roof height, therefore its dominance over the historic building. This would act to further detract from the character of the original building and would be detrimental to its setting..'

In noting these two various opinions, Members should be aware of guidance in PPG15 which states in the context of extensions to listed buildings that:

- Modern extensions should not dominate the existing building in either scale, material or situation (Annex C para C7);
- Each historic building has its own characteristics which should .. as far as possible be respected when proposals for alterations are put forward. (Annex C C2).

These are clearly reflected in the Council's own policy C28 which requires that the 'essential form of the building is not adversely affected' by new extensions.

Within the context of this advice -

- the Council has permitted the principle of a two storey extension in a very prominent position on what was formerly a modest and symmetrical building. This character can only be conserved in the event of a subservient addition which does not 'dominate' the original building.
- the prominence of the siting of the extension will ensure that it will be highly visible in the street scene from both west and easterly approaches. As previously approved, subservience of the extension was ensured from both directions by a perceptibly reduced ridge line; as now proposed, the minimal reduction of approx 150mm, obscured in part by the position of the chimney, will give the appearance of a continued ridge line rather than that of an original building with later addition.
- the reduced set back of only 250mm, albeit visible from the western direction only would scarcely read as such, and offset by a higher ridge line will hardly be perceptible as a less dominant structure.
- the concerns identified in the heritage consultant's letter about the poor quality of the exposed brickwork on the north face of the original building are unfounded. Much of the render has already been removed and shows the brickwork to be in an acceptable condition. Not only will this be evidence to support the evolution of the building, but will emphasise the fact that the extension is a later addition and not part of the original building.
- in allowing the previous extension, Members would have been aware of the Conservation Officer's comments which supported an even greater set back than that which was actually permitted; it might be argued that a compromise has already been given in this area and that there is no justification for further modification which is clearly contrary to policy.
- no information has been submitted by the applicant to explain precisely the reasoning for this revised application. In the heritage consultant's letter, he states that 'I understand that you would prefer it to be c.250mm to match that at the south end'. The 'match' being referred to is itself an additional extension approved as part of the previous permission which can scarcely justify or form an appropriate basis for this later modification.
- notwithstanding the above comments which relate principally to listed building concerns, the Council's approved Design Guidance on extensions clearly states that 'an extension should be a subservient element to the host building and not upset the symmetry of the building as a whole.'

While it is acknowledged that the symmetry of the building has already been compromised, the proposal clearly fails any reasonable test of subservience as indicated above.

CONCLUSION

For the reasons outlined above, the proposed revisions to the siting, design and scale of this extension would be detrimental to the character and appearance of this listed building and should be refused.

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed extension to this farmhouse by reason of its design, size, scale, mass and location would fail to respect the form, proportions and symmetry of the original building which would be harmful to the character and setting of this listed building contrary to policies C28 and C31A of the West Wiltshire District Plan 1st Alteration 2004, and the principles of adopted Supplementary Planning Guidance (House Alterations and Extensions) and PPG15 (Planning and the Historic Environment)

RELATED PLANS

Drawing : 139/W1 received on 23.01.2009
Drawing : 139/W2 received on 23.01.2009
Drawing : 014 001 A received on 05.01.2009
Drawing : 014 004 D received on 05.01.2009
Drawing : 014 015 D received on 05.01.2009
Drawing : 014 016 D received on 05.01.2009
Drawing : 014 017 C received on 05.01.2009
Drawing : 014 025 C received on 05.01.2009
Drawing : 014 026 C received on 05.01.2009
Drawing : 014 031 A received on 05.01.2009
Drawing : 014 015 E received on 05.01.2009
Drawing : 014 016 E received on 05.01.2009
Drawing : 014 017 D received on 05.01.2009
Drawing : 014 025 D received on 05.01.2009
Drawing : 014 026 D received on 05.01.2009
Drawing : 014 031 B received on 05.01.2009

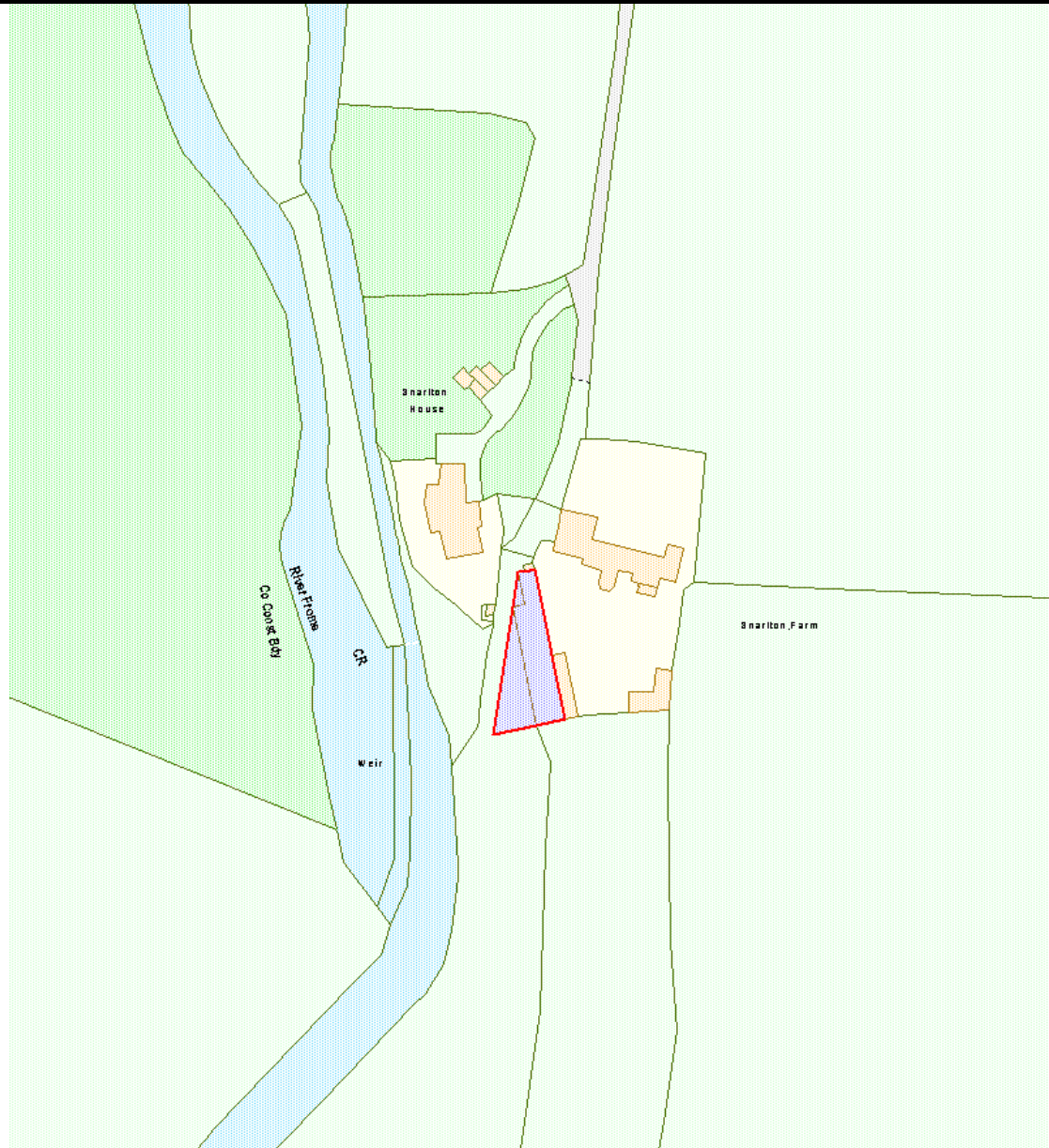
PLANNING COMMITTEE

12 March 2009

ITEM NO: 06

APPLICATION NO: 08/02716/FUL

LOCATION: Snarlton Farm Farleigh Road Wingfield Wiltshire
BA14 9LH



NOT TO SCALE

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SLA: 100022961

06	Application:	08/02716/FUL
	Site Address:	Snarlton Farm Farleigh Road Wingfield Wiltshire BA14 9LH

Parish:	Wingfield	Ward:	Bradford On Avon South
Grid Reference	381195 157372		
Application Type:	Full Plan		
Development:	Conversion of former pig sty (domestic ancillary outbuilding) to form live-work unit within the grounds of a single dwelling house		
Applicant Details:	Mr Michael Stilwell Snarlton Farm Farleigh Road Wingfield Wiltshire BA14 9LH		
Agent Details:	Mr Donald Tucker 27 Four Winds The Fairway Devizes SN10 5DX		
Case Officer:	Mr Michael Kilmister <i>Phone: 01225 776655 ext 174</i> <i>Email: kgreen2@westwiltshire.gov.uk</i>		
Date Received:	16.09.2008	Expiry Date:	11.11.2008

COMMITTEE REPORT

This application is brought to Committee at the request of Councillor Martindale.

APPLICATION SITE & SURROUNDING AREA

The building subject to this application is a single storey rectangular former pig sty located at Snarlton Farm which is constructed from a mix of mainly sandstone and brick (with some concrete block infill) under asbestos corrugated roof sheeting. The building abuts a single storey former cow byre which is used as a garage associated to the dwellinghouse.

The site currently consists of a 4-bed dwellinghouse (the former farmhouse) and associated outbuildings which is located within the Western Wiltshire Green Belt.

The site is located to the south of the A366 public road and is surrounded by open countryside.

PROPOSAL

This is a full planning application for the conversion of a former 35.8 metre long x 5.5 metre wide single storey pig sty which is currently used as a domestic ancillary outbuilding to form a live-work unit (to create a low carbon footprint live-work unit for two locally active businesses, Trading Edge and Protomax Plastics Ltd) located within the grounds of Snarlton Farm, which is an unlisted two storey property. The application site is located about 330 metre from the A366 public road.

In Class Use terms, Planning Circular 03/2005 - Changes of Use of Buildings and Land (March 2005) established that live/work units are Sui generis (i.e. a use which cannot be classified under a single class within the Use Classes Order). Any live/work proposals must be considered on its own merits, rather than as a residential or employment proposal.

The proposed development involves the conversion of an existing linear plan building to provide live/work facilities measuring approximately 148m² to provide office and studio space designed with the potential to be divided to form a separate meeting room as well as providing 1-bed residential accommodation for the applicants son and daughter in law to relocate their business from London to rural West Wiltshire.

In addition to the conversion proposals, the applicant seeks to improve visibility along the public carriageway so that sightlines extend to 2.4m x 215m. The existing hedge would be removed and replaced with a new hedge planted on the inside of the visibility splay.

Under planning application 08/00666/FUL, the applicant submitted similar proposals which were refused permission for the following reasons.

1. The proposed ratio of the live / work floor space within the conversion is not considered to favour employment use. The majority of the floor area appears to support residential use (with some mixed use areas like the corridor and entrance lobby). The Council is not satisfied that the conversion would function predominantly as business premises, and as a consequence, the conversion would not satisfy West Wiltshire District Plan policy H21.
2. That the applicant does not have sufficient control over land to improve the width of the access and provide the appropriate level of visibility along the A366 public road, and as a consequence, road safety interests would be prejudiced given that the proposed development would generate increased traffic on a localised basis contrary to policies H21 and C38 of the West Wiltshire District Plan.

This application seeks to overcome these reasons for refusal.

The proposed conversion consists of:-

1. the provision of a 44 square metre meeting room/living space with a kitchen dining facility
2. the provision of a 30 square metre bedroom, en-suite and storage facility
3. the provision of a 34 square metre office space and wc
4. the provision of a 22 square metre corridor
5. the provision of a 13 square metre entrance lobby; and,
6. the provision of a 3 square metre utility room

The proposed alterations consist of:-

1. removing the corrugated asbestos fibre cement roof sheets and replacing it with a grassed roof
2. replacing the concrete platform with oak decking
3. replacing the concrete block work on the south west rear elevation with five glazed panels (full height)
4. replacing the concrete block work on the south east gable elevation with two glazed panels (full height)
5. replacing the stone rubble/timber boarded section on the north west gable elevation with one glazed panel (full height)
6. deepening the five windows on the south west rear elevation
7. introducing a glazed roof section over the entrance lobby on the south west rear elevation
8. installing a flue within the grassed roof (visible from the south west rear elevation); and,
9. forming four new wall openings in the north east front elevation (courtyard side).

No extensions to the building are proposed, and all the sandstone and the rubble/stone work would be retained.

At the request of the case officer, the applicant's previous agent calculated the amount of traditional construction (i.e. sandstone and brick work) against the amount on non-traditional construction (i.e. concrete block work).

The calculations are as follows:-

Elevation	Sandstone/Brick work	Concrete Block
North-East	112.4 square metres	N/A
North West	8.5 square metres	8.5 square metres
South West	66.4 square metres	30.5 square metres
South East	N/A	12.8 square metres
Less Openings	13.7 square metres	7.1 square metres

The calculations of the former pig sty indicate that it is constructed from approximately 70% worth of sandstone and brick work with 21% concrete block and 9% openings. As referred to above, the proposed conversion intends to remove all the concrete block work from the south east and south west elevations and be replaced with structural sandstone and glazing (for aesthetic reasons and in order to satisfy Building Regulations in terms of meeting the required levels of ventilation, light penetration and fire escape).

The applicants submit that the proposed live/work unit would remain part of the same ownership and be used as ancillary accommodation linked to Snarlton Farm.

CONSULTATIONS

Parish/Town Council

WINGFIELD PARISH COUNCIL - The Parish Council objects to this application and notes that this is the third application for the site following on from the Council's refusal of application references 07/02259/FUL and 08/00666/FUL.

The main reasons for refusal were that the proposals were against local plan policy. There is nothing in this third application that changes that and some form of confirmation that this "live work" unit will remain part of Snarlton Farm is meaningless within the current regulations for extensions and buildings within a Green Belt area.

The Parish Council remains unconvinced by the reasons given for having the attributes of a residence (bedroom, kitchen/shower room etc) within work unit.

The Parish Council considers that there is no need for a bedroom where such a facility exists a few yards away.

The proposals clearly do not conform to Green Belt Policy.

Amended plans on the glazing element on the southwest and southeast elevation (17/2/09) : No comments received

External

HIGHWAY AUTHORITY - The proposed live-work unit would be occupied by a family member residing at Snarlton Farm. The previous roads related objection has been withdrawn following the submission of details by the applicant's agent which demonstrates that the applicant is able to provide the required visibility splays.

The Highway Authority recommends that the accommodation shall remain as permanent ancillary accommodation to the principal dwellinghouse at Snarlton Farm and shall be only occupied by persons of the same household. There should also be no sub-division of the single planning unit.

Environment Agency - The proposal falls out with the scope of the Environment Agency to pass comment. However, the applicant should be advised of the guidance contained within Circular 3/99, which covers the provision of non-mains foul drainage systems.

WESSEX WATER - No objections.

COUNTY ECOLOGIST - No objections. The recommendations of the ecological survey which submitted with the application should be followed and enshrined within planning conditions.

Internal

WWDC POLICY - Previously advised that the proposed employment use of the building conforms to policy H21 and it demonstrates that there is demand for such uses and that it can be accommodated on site.

Using the agreed RICS definition, genuine live/work units should be principally weighted in favour of the employment use. This is acknowledged as having at least a 60:40 split in favour of the employment floor space. The proposal appears to follow these general proportions. The residential element appears as being subsidiary to the office use.

The end use of the building is noted which would provide employment locally. The premises could broadly be described as an incubator unit.

The district's economic base is imbalanced towards service sector employers. One of the key outputs from the recent employment land assessment was the recommendation that the district broadens its economic base and seeks to expand and encourage professional sector employers within the district. In order to achieve this objective, there needs to be some pragmatism, and in that respect, the Council should encompass small specialist uses such as the one proposed.

The key development control issue will be the long term ability to condition the use so that it does not over time degenerate into a purely residential use. If the proposal is to be approved, there should be clear guidance provided to the applicant that if the business outgrows its premises, the use should pass to another incubator/fledgling business rather than expand. Alternatively, if there is a need to provide additional office accommodation, the residential use should diminish or cease to allow the premises to become purely an office use.

If the Council accepts that the proposed development constitutes as predominantly office space, the Council should impose a condition/directive in regards to affordable housing, if in future, an application was submitted proposing to convert the property to purely residential use, the applicant should provide a 50% contribution (or whatever future policy threshold/percentage applies).

The Planning Policy and Conservation Manager added further recent support for the application outlining the following:-

The key issue here is whether the conversion of the redundant agricultural building, which is currently used as an ancillary domestic outbuilding, would conform to the requirements of Local Plan Policy H21 (Conversions of Rural Buildings) or whether there would be an overall unacceptable impact in terms of the Green Policy.

Policy H21 is intended to limit the use of such conversions if this would be a means of introducing normally unacceptable uses into a rural location. This application would, in principle, represent a sensible and imaginative re-use of existing buildings which have ceased to fulfil their original function. Their use for semi domestic purposes would be acceptable in what is essentially a domestic context. The building work is clearly to be carried out to a high standard which should be supported.

It is noted that the highway authority recommend that the building be occupied only by persons linked to the main dwellinghouse. This is supported and overcomes the normal requirement to secure business, tourism, sport or recreation re-use under criterion A of Policy H21.

The proposed alterations fit satisfactory in the Green Belt location.

NOTIFICATIONS

Site Notices/Visits

Date of visits: 11.03.2008 and 30.09.2008 when site notices were displayed at the access connection with the A366.

Neighbours

No third party representations were received in respect of the application proposals.

RELEVANT PLANNING HISTORY

The most relevant planning history associated with the site is as follows:-

86/00350/FUL - Conversion of barn to dwelling - Refused 07.05.1986.

86/00850/FUL - Conversion of barn into dwelling and farm building into joinery workshops and stores - Refused 22.10.1986.

87/00981/FUL - Conversion of barn to dwelling - Approved 19.08.1987.

07/02259/FUL - Conversion of former pig sty (domestic ancillary outbuilding) to form a live/work unit within the grounds of a single dwelling house - Refused 17.08.2007.

08/00666/FUL - Conversion of former pig sty (domestic ancillary outbuilding) to form a live-work unit within the grounds of a single dwellinghouse - Refused 29.04.2008.

KEY ISSUES

- * Previous reasons for refusal overcome.
- * Would the proposed live/work unit (and ratio) satisfy Council policy?
- * Would the proposed conversion be adequately serviced?
- * Would the proposed conversion involve extensive alterations and rebuilding which significantly alters its original character?
- * Would the proposed development detrimentally affect the openness of the Western Wiltshire Green Belt?
- * Would the proposed conversion safeguard and enhance the essential form, structure and traditional features of the building?

RELEVANT PLANNING POLICIES

Government Guidance

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPG4 Industrial and Commercial Development and Small Firms

PPS9 Biodiversity and Geological Conservation

West Wiltshire District Plan 1st Alteration (2004)

C1 - Countryside Protection

C31a - Design

C34a - Resource Consumption and Reduction

C38 - Nuisance

H21 - Conversion of rural buildings;

E8 - Rural Conversions;

OFFICER APPRAISAL

In order to fully assess this application, three main issues require to be considered. These are as follows:-

- 1. The Green Belt policy;**
- 2. The conversion of rural buildings in the countryside; and,**
- 3. The servicing of the site.**

1. The Green Belt Policy:

Local Plan Policy GB2 has been replaced with PPG2 - Green Belts, it is nevertheless useful in terms of stating that the reuse of buildings in the Green Belt will be permitted provided that the new use does not have a materially greater impact on the openness of the Green Belt, the buildings are capable of conversion without major reconstruction, and the bulk, form, and general design of the buildings are in keeping with their surroundings and are of permanent and substantial construction, and the change of use of land maintains the openness of the land and does not conflict with the purposes of including such land in the Green Belt. Any associated use of the land surrounding such buildings should not conflict with the openness of Green Belt or the purposes of including land within it.

PPG2 states that the purpose of the Green Belt is to check the unrestricted sprawl of urban development and to safeguard the countryside against further encroachment. In this particular case, the applicant seeks to convert an existing under utilised building. The former pig sty, which is the subject of this application, is a relatively modest outbuilding associated to a dwellinghouse (which itself was a conversion). The former pig sty building itself is in a fair condition, but it requires a new roof to replace the asbestos roof sheeting and wooden trusses as well as make various alterations to the walls to replace the non-traditional elements as well as create new wall openings.

Paragraph 3.1 of PPG2 states that "the general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them.

Paragraph 3.7 of PPG2 recognises that "with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there". The paragraph leads on to state that "the re-use of buildings inside a Green Belt is not inappropriate development providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it; strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and the form, bulk and general design of a building are in keeping with their surroundings".

Through negotiations and discussions with planning officers, the applicant previously addressed the concerns raised in terms of the affect the proposal may have on the Green Belt. It is considered that the proposed development would not conflict with the Green Belt policy. The replacement of a sloping asbestos roof (which is in poor condition) with a grassed roof would satisfy the need and the Council aspiration to protect the openness of the Green Belt and introduce a complementary and sustainable material. The removal of the concrete block work to be replaced with sandstone and glazing would not compromise the Green Belt policy objectives.

Furthermore, the proposed live/work use would not detrimentally affect the openness of the Green Belt.

2. The conversion of rural buildings in the countryside:

PPS4, which provides guidance on economic development, states that planning authorities should take account of the changes in spatial work patterns allowed by advances made in information and communication technology. PPS4 specifically cites live/work units (and the use of residential properties for home working) as good examples of improving the rural economic base.

Policy H21 and E8 of the adopted District Plan 1st Alteration (2004) states that the conversion of rural buildings in the countryside will only be permitted subject to certain detailed criteria.

- Criterion a) states that the applicant should make every reasonable attempt to secure business, tourism or sport and recreation reuse and the application should be supported by a statement of the efforts which have been made.

It is Council policy to preserve the character of the countryside in rural amenity by resisting new residential development in the open countryside. The guiding principle in the countryside is that the development should both benefit economic activity and maintain or enhance the environment. This objective has been strengthened following the employment land assessment which identified the need for the district to broaden its economic base.

The applicant maintains that the conversion would provide an administrative office base locally which would negate the need for travelling to London, where the existing office is based. As highlighted by the WWDC Policy officer, the employment unit would benefit the economic base locally. At the request of the case officer, the applicants agent confirmed how the internal space would be used and notwithstanding the concerns raised by the Parish Council, your officers submit that like many offices, businesses rely on using technology for the prime means of communication and only require a minimum amount of space with ancillary accommodation being provided for family members. The manufacturing side of the business shall remain in Wales.

On the basis of the above and having due regard to the comments of the WWDC policy officer, the conversion of the former pig sty as a live/work unit could now be supported and thus, discharge the first reason for refusing the proposed development.

- Criterion b) requires that the building should be substantial, of sound and permanent construction and capable of conversion without extensive alterations.

The applicant has not demonstrated that the conversion could be done without major re-construction work as there will be a significant change in the design and appearance resulting from the formation of large openings of domestic scale. The proposed glazing on the western elevation is ill proportioned and would result in the appearance of a domestic building rather than that of a sympathetically converted agricultural building that would contain its original character.

Whilst there is no policy objection to the proposed re-use of the former pig-sty, the proposed alterations, and more specifically the window treatment is cause for concern. The proposed window treatment with large panes of glass is urban in form and is not considered appropriate to an old rural building located within the Green Belt.

These alterations do not maintain the agricultural character of the building and are not considered to be sympathetic to a barn conversion. In particular these large window openings of domestic proportions would be alien in form. Furthermore, this elevation facing onto open countryside is an almost continuous wall and its character and integrity would be lost by the introduction of such a large number of additional openings of predominantly domestic appearance and proportions which would not be characteristic of this type of building.

It is considered that the proposals would result in the buildings resembling a modern dwelling rather than a sympathetic conversion of a traditional agricultural building. Rather than utilising the existing openings as part of the conversion too many additional windows have been introduced so that the relationship of openings to walls has substantially changed. The building once converted would no longer resembles a discrete traditional building within the countryside.

The window treatment along the western elevation is considered to run contrary to Local Plan Policies C31a and H21.

- Criterion c) requires any conversion to safeguard and/or enhance the essential form, structure, character, and important traditional features of the building and the countryside.

Apart from the introduction of the unsympathetic window openings as stated above, given that it the proposal would not increase the footprint and would indeed have a reduced volume (achieved by removing the sloping roof), it would generally maintain the existing form and retain the majority of the key features. The proposed development satisfies the policy criterion in these respects. No extensions are proposed and the structural engineers report concludes that only "remedial structural" repairs would be required. It's re-use would also safeguard this former pig sty for the future.

- Criterion d) states that development should be satisfactorily serviced and not cause highway problems.

This is covered in the following section.

3. The servicing of the site:

The Highway Authority reports no objection to the proposed development following discussions with the applicant's agent. Through negotiation and confirmation of the available visibility in both directions, the County Council Highway Authority has withdrawn their original objection and in doing so, the second reason for refusing the previous application is overcome.

The proposal accords with the over-arching policy guidance contained within PPS1 which seeks to "facilitate and promote sustainable and inclusive patterns of urban and rural development". One of the key tenets of both PPS1 and PPG4 is reducing the need to travel, promoting small business development and promoting the efficient re-use of existing buildings and previously developed land.

CONCLUSION

This application would provide an under-used former agricultural building with a viable future use that would make a positive contribution in terms of local employment creation. However, the urban design and extensive alterations necessary with regard to the formation of windows and window openings on the western elevation fail to enhance the agricultural character of the building and are not considered to be appropriate to a rural building located within the Green Belt.

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the introduction of inappropriate fenestration, comprising a number of large glazed window openings of ill-proportioned domestic appearance, would fail to respect or maintain the agricultural character of this rural building located in open countryside within the Western Wiltshire Green Belt. The proposal as such would be contrary to Policies C31a and H21 of the West Wiltshire District Plan 1st Alteration 2004 and Green Belt policy contained within PPG2.

RELATED PLANS

Drawing : 180_101 rev d received on 12.08.2008
Drawing : SOUTH EAST ELEVATION MS3 received on 17.02.2009
Drawing : 180_001 rev a received on 12.08.2008
Drawing : SW ELEVATION AND FLOOR PLAN MS2 received on 17.02.2009
Drawing : SITEMAP received on 12.08.2008
Drawing : VISIBILITY PLAN MS1 received on 16.09.2008
Drawing : ACCESS PLAN MS2 received on 16.09.2008

PLANNING COMMITTEE

12 March 2009

ITEM NO: 07

APPLICATION NO: 08/03498/FUL

LOCATION: Land Rear Of 25 Westmead Crescent Trowbridge
Wiltshire



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

07	Application:	08/03498/FUL
	Site Address:	Land Rear Of 25 Westmead Crescent Trowbridge Wiltshire

Parish:	Trowbridge	Ward:	Trowbridge South West
Grid Reference	384948 155987		
Application Type:	Full Plan		
Development:	Erection of detached dwelling and car parking		
Applicant Details:	Mrs Helen Ayrton 25 Westmead Crescent Trowbridge Wiltshire BA14 0LY		
Agent Details:	Mr E C Stockley 40 Clarendon Avenue Trowbridge Wilts BA14 7BN		
Case Officer:	Mr Rajan Patel <i>Phone: 01225 776655 ext</i> <i>Email: rpatel@westwiltshire.gov.uk</i>		
Date Received:	19.12.2008	Expiry Date:	13.02.2009

COMMITTEE REPORT

OFFICER APPRAISAL REPORT

This application is brought to Committee at the request of Cllr Osborn who has raised objections on the grounds the proposal will result in overdevelopment and result in the loss of neighbour amenities.

APPLICATION SITE & SURROUNDING AREA

The site presently forms part of the rear garden of No.25 Westmead Crescent which is itself a two-storey semi-detached dwelling located within a built up residential cul-de-sac of similar scale properties.

The proposed new plot is located in a corner location enclosed by wooden panel fencing running along the adjacent footpath. At the rear of No.25 there is an access into the site and an existing car port structure.

PROPOSAL

The proposal is to erect a detached two-storey dwelling with associated parking on land presently forming the far rear garden of No.25 Westmead Crescent. The new dwelling would replace an existing single storey outbuilding. It comprises a 3 bedroom dwelling built from reconstructed stone faced block with tile hanging under a concrete tiled roof with 2 on site parking spaces.

In addition the existing garden of No.25 Westmead Crescent would be reduced in size and two parking spaces will be laid out to its rear boundary with a new access drop kerb on to the main highway.

A Design and Access Statement has been submitted with the application.

CONSULTATIONS

Parish/Town Council

TROWBRIDGE TOWN COUNCIL - No objection, subject to no significant loss of neighbour amenities.

External

WESSEX WATER – various comments to be reviewed by the applicant if permission is granted.

HIGHWAYS AUTHORITY - No objection subject to conditions

BRADLEY GARDENS RESIDENTS ASSOCIATION - object to the application, summary of concerns - out of keeping with the area, overshadowing onto 1 Boundary Walk, highway concerns, drainage.

Internal

None

NOTIFICATIONS

Site Notices/Visits

Date of visit: 29/12/2008

Neighbours

1 letter of objection received - key issues raised:

- * loss of privacy
- * loss of daylight
- * increase density of development in the area
- * loss of outlook
- * existing drainage infrastructure would not be able to cope with new housing
- * encourage more road side parking

RELEVANT PLANNING HISTORY

94/00809/OUT - Erection of a dwelling. Refused 16.08.1994 (Note this was an outline scheme only absent of any layout, form and elevation drawings)

08/03167/FUL - Erection of two semi-detached dwellings and car parking. Withdrawn 27.11.2008

KEY ISSUES

Impact on the amenities of adjoining properties
Parking Provision
Siting, Design and Layout
Character

RELEVANT PLANNING POLICIES

H1- Further Housing Development Within Towns
H24 - New Housing Design
T10 - Car Parking
C31A - Design
C32 - Landscaping
C38 - Nuisance
PPS1 and PPS3.
Residential Design Guide - Principles (2005)

OFFICER APPRAISAL

The proposal seeks the erection of a single 3 bedroom detached dwelling house on land that presently forms the rear garden of No.25 Westmead Crescent. In addition the new dwelling will be provided with two on-site parking spaces with a new access drop kerb on the to main highway.

The donor property No.25 will also be provided with two new parking spaces to of its reduced garden with a new access drop kerb on to the highway.

A previous application 08/03167/FUL that sought the erection of a pair of semi-detached dwellings on the site plot was withdrawn.

The new dwelling will be located close to local shops and services and is considered to be located within a sustainable location. The development would result in a level of development that would be reflective of the prevailing densities in the area and would accord with PPS3 Housing in making more efficient use of existing built up land in the urban area. Residential development is therefore considered acceptable in principle.

The proposed dwelling will be two-storey in nature, measuring approx. 7m wide, 7m deep and 7m in height with a gable end roof design. The new dwelling will be sited on a corner location set away from the boundary making provision for amenity space to the side and rear. The dwelling will be similar in design to those found in the immediate locality with a comparable plot size.

The new dwelling will be sited 19m from the first floor rear elevation of No.25 Westmead Crescent and more than 15m from the adjoining property to the south. From a streetscene perspective the new dwelling will be sited sympathetically to its corner location allowing for soft landscaping around the sides to soften its presence. The dwelling would not appear out of character with the general form, scale and pattern of residential development in the area.

No.25 would have its existing garden depth reduced considerably, however it is considered for the size of dwelling retained, the remaining rear garden together with the enclosed side garden would be sufficient to meet the amenity needs of this property.

Neighbouring Amenity

The new dwelling will maintain sufficient separation distances to the side and rear so as not to permit any undue loss of privacy, daylight or overbearance on any of the adjoining properties. The location of the parking provisions would not harm the amenities of any neighbouring property either.

Several concerns have been raised by third parties, particularly from the adjoining neighbour at No.1 Boundary Walk. The issues have been addressed point by point below.

Loss of privacy - the proposal includes no first floor side windows facing into the amenity area of No.1 Boundary Walk. A new ground floor window would have limited or no outlook to the adjoining property due to the presence of boundary treatments. It should also be noted that No.1 Boundary Walk benefits from two areas of enclosed garden space to the front of its site and also a wider area to its rear.

Loss of daylight/outlook - The siting of the new dwelling would natural reduce the outlook that has previously been enjoyed by the occupants of No.1 Boundary Walk, however loss of outlook is not a material planning consideration unless the proposal is found to be overbearing or cause a detrimental loss of daylight. In this instance it is considered that sufficient separation exists between No.1 Boundary Walk and the side of the new house not to result a form of overbearing impact or loss of light that would be materially harmful to the occupants of No.1 Boundary Walk or result in a siting relationship that is out of step with the pattern of development in the area.

Increase density of development in the area - the proposed development would result in a density of development that would be within the range considered in accordance with PPS3 and also the site is located within walking distance to local shops and services. It is considered the development makes efficient use of existing built up land and would not result in a form of corner plot development out of keeping with the general pattern of development in the estate.

Existing drainage infrastructure would not be able to cope with new housing - Wessex Water have raised no objection to the development

Encourage more road side parking - no highways objection has been raised and in addition to the site is in close proximity to local shops and services and therefore alternative modes of travel can be supported on the site in addition to the on site parking provisions that will be made available prior to the occupation of the new dwelling.

Parking

The new dwelling as well as No.25 will both be provided with 2 on-site parking spaces each and shared access onto the highway via a new drop kerb. The level of parking is considered acceptable for the size of dwelling to be retained and new dwelling proposed. The Highways Authority have raised no objection subject to conditions.

CONCLUSION

Recommendation - Approve subject to conditions

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Approval

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 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscape setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 4 The proposals for the landscaping of the site, as shown on the approved plans (including 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) shall be carried out as follows:
 - * 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 - 1st Alteration 2004 - Policy C32.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1 Class(es) A to E and G of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: To safeguard the amenities and character of the site and surrounding area.

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no further windows or other openings, other than those hereby approved, shall be added to the first floor south-west elevation of the development hereby permitted.

REASON: In the interests of amenity and privacy.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 7 The development hereby approved shall not be occupied until 4 spaces have been provided within the curtilage of the site.

REASON: In the interests of Highway Safety.

- 8 Prior to being brought into use the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety.

- 9 Provision shall be made within the site 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 Local Planning Authority.

REASON: In the interest of highway safety.

Note(s) to Applicant:

- 1 Prior to any development commencing the applicant is advised to contact Wessex Water to review and address the issues they have raised on the application in relation to sewers, drainage and water supply connections. A copy of Wessex Water's comments can be found on file.

RELATED PLANS

Drawing : 08.69.1.REV.A received on 19.12.2008

Drawing : 08.69.2.REV.A received on 19.12.2008

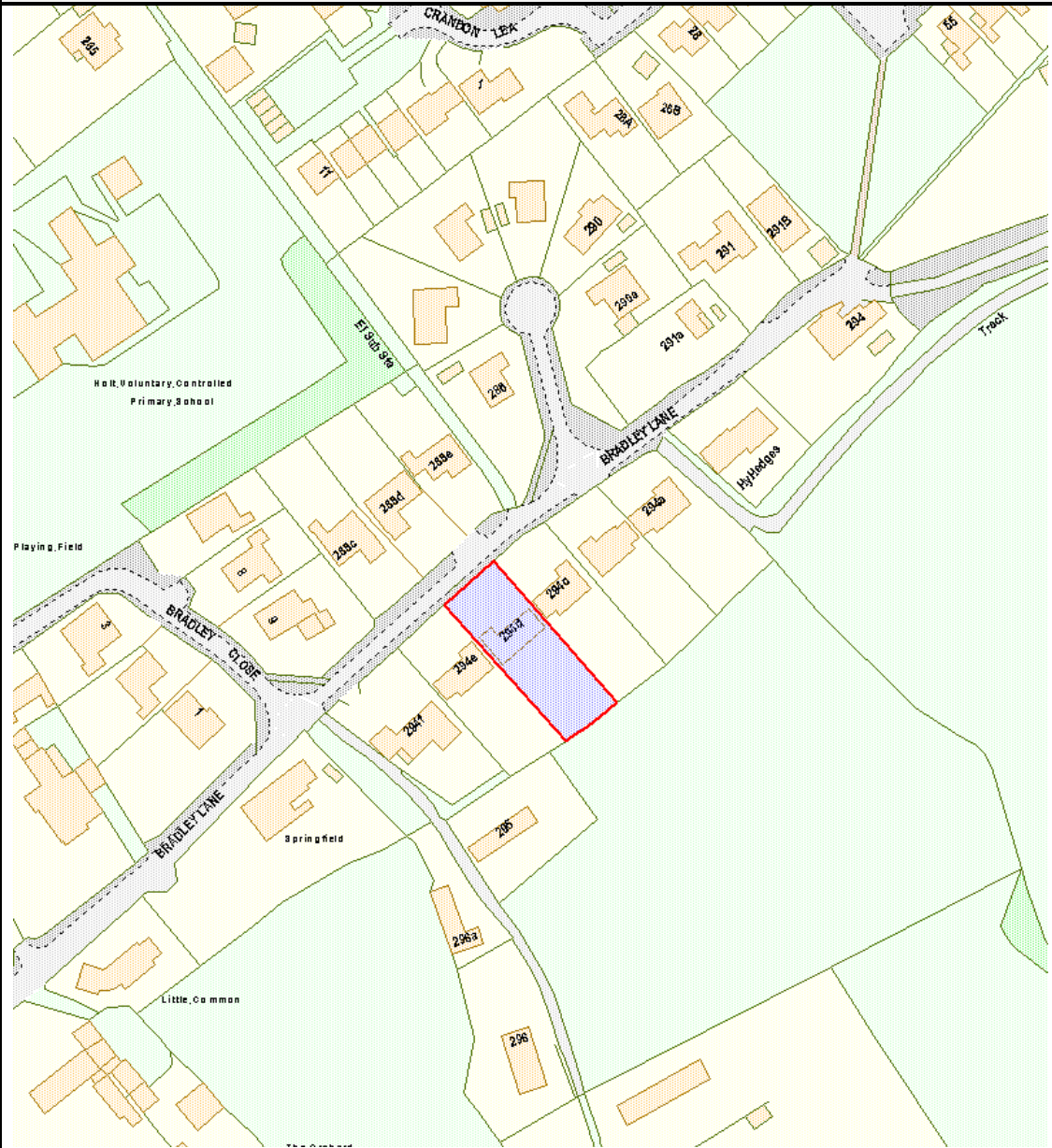
PLANNING COMMITTEE

12 March 2009

ITEM NO: 08

APPLICATION NO: W/09/00036/FUL

LOCATION: 294D Bradley Lane Holt Wiltshire BA14 6QE



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SLA: 100022961

08	Application:	W/09/00036/FUL
	Site Address:	294D Bradley Lane Holt Wiltshire BA14 6QE

Parish:	Holt	Ward:	Avonside
Grid Reference	386717 161974		
Application Type:	Full Plan		
Development:	Proposed rear extension and conservatory - revision on planning application 08/03168/FUL - Velux window added		
Applicant Details:	Mr Peter Wood 294D Bradley Lane Holt Wiltshire BA14 6QE		
Agent Details:	A Harlow & Son 46 Longford Road Melksham Wiltshire SN12 6AT		
Case Officer:	Mr Philip Baker <i>Phone: 01225 776655 ext 286</i> <i>Email: pbaker@westwiltshire.gov.uk</i>		
Date Received:	12.01.2009	Expiry Date:	09.03.2009

COMMITTEE REPORT

This application is brought to committee due to Councillor Carbin objecting contrary to your officer's recommendation.

APPLICATION SITE & SURROUNDING AREA

The application site is located at 294d Bradley Lane, Holt, in an area on Bradley Lane of similar style properties, in the semi-rural location of Holt. This is a single storey reconstituted stone bungalow with stone quoins, built under a concrete tiled roof. A single-storey gable fronted extension on the rear of the property was granted in 2007 measuring 5.5 metres in width, 4.8 metres in depth and 4.9 metres in height to its ridge. A previous application was refused in December 2008 as the length of this rear extension is 6.7 metres and this extends from the original rear wall of the dwelling house, whilst the width is 3.135 metres.

PROPOSAL

The application is for a single storey rear extension with a mono pitch roof on the south west elevation of the host building. The length of this rear extension is 6.7 metres and this extends from the original rear wall of the dwelling house, whilst the width is 3.135 metres. This is to be completed in matching Bradstone block walls and Bradstone roofing slate. The revised application on the south west elevation has the glazed windows replaced, with a velux for a flat rooflight. The garden room is now replaced with a structure with translucent roof sheeting.

CONSULTATIONS

Parish/Town Council

No objection – Comments received from Holt Parish Council – 13/2/2009

NOTIFICATIONS

Site Notices/Visits

Date of visit: 27/1/2009

Neighbours

1 letter received from neighbour concerned that further extensions in excess of the existing extension would be detrimental to their amenity.

RELEVANT PLANNING HISTORY

08/03168/FUL – Refusal – 30/12/2008 Rear extension and conservatory

07/00855/FUL – Permission- 10/5/2007 Single storey extension

KEY ISSUES

Visual Impact
Impact on residential amenity

RELEVANT PLANNING POLICIES

West Wilts District Plan 1st Alteration 2004

C31a - Design
C38- Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

OFFICER APPRAISAL

Visual Impact/Street Scene

The proposed extension would not have an adverse impact on the street scene, as the extension is located to the rear of the property.

Neighbour Amenity

The property at present has a large single storey extension to the rear of the host building, which has a depth of 4.8 metres and this is greater than the 3 metres SPG. Supplementary Planning Guidance advises that 'An extension should be a subservient element to the host building'.

The new proposal fails to address the previous reason for refusal, as the scale has not been amended and consequently this addition would increase the mass of an already large extension and the mass of the whole extension would not be subservient or sympathetic in design due to its large size. The proposed single storey extension by reason of its scale and mass in this location would appear incongruous, overly dominant, out of proportion to the host building and harmful to the amenities of the adjoining occupier contrary to Supplementary Planning Guidance on House Alterations and Extensions (Adopted July 2004) Policy 31 a and Policy C38 of the West Wiltshire District Plan 1st Alteration 2004).

It is considered that the proposal does not comply with the development plan policy

CONCLUSION

Refuse

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed single storey extension by reason of its scale and mass in this location would appear incongruous, overly dominant, out of proportion to the host building and harmful to the amenities of the adjoining occupier contrary to Policy C31a and C38 of the West Wiltshire District Plan 1st alteration 2004 and Supplementary Planning Guidance on house Alterations and Extensions (adopted July 2004).

RELATED PLANS

Drawing : LOCATION PLAN Rev.Co1 received on 12.01.2009

Drawing : AH2008/78 Rev.co1 received on 12.01.2009

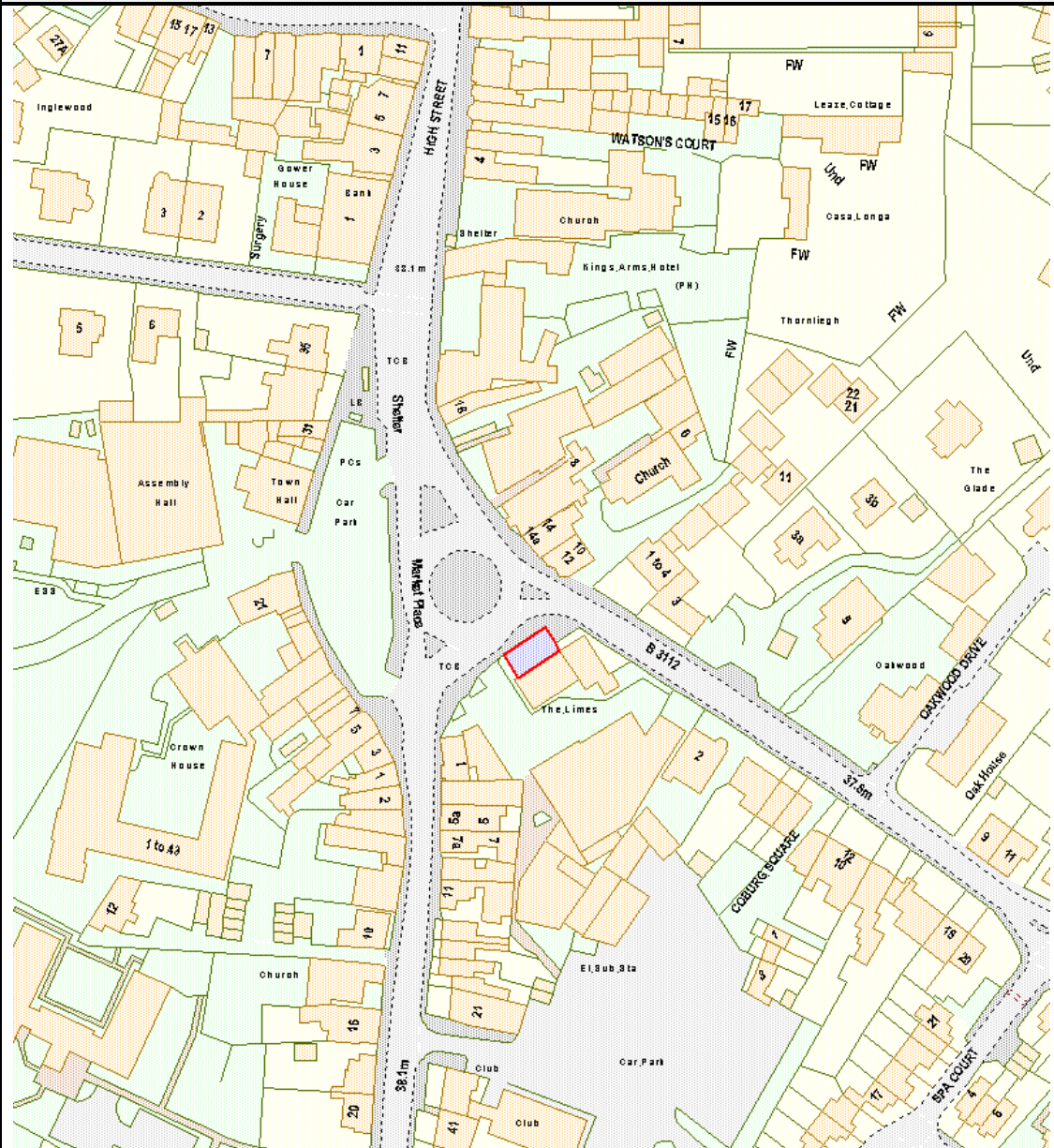
PLANNING COMMITTEE

12 March 2009

ITEM NO: 09

APPLICATION NO: W/09/00137/FUL

LOCATION: Aqua Leisure 2 Market Place Melksham Wiltshire
SN12 6ES



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SLA: 100022961

09 Application: W/09/00137/FUL

Site Address: Aqua Leisure 2 Market Place Melksham Wiltshire SN12 6ES

Parish: Melksham (Town) Ward: Melksham Spa

Grid Reference 390495 163587

Application Type: Full Plan

Development: Change of use from B1 to A2 and external alterations

Applicant Details: Backhouse Bet
F.O.A Mr Andrew Croft 12A St Margaret Street Bradford On Avon
BA15 1DA

Agent Details: McKeowns
F.A.O Mr John McKeown Alvechurch Road West Heath
Birmingham West Midlands

Case Officer: Mr Philip Baker
Phone: 01225 776655 ext 286
Email: pbaker@westwiltshire.gov.uk

Date Received: 15.01.2009

Expiry Date: 12.03.2009

COMMITTEE REPORT

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

APPLICATION SITE & SURROUNDING AREA

The application site is part of a Grade II listed building which was the former Aqualeisure shop, which is on a secondary retail frontage, within Melksham town centre. This is a designated Conservation Area.

PROPOSAL

The application is for the change of use from B1 to A2 and involves some external and internal alterations in a three sided glazed structure within the curtilage of a listed building.

The external alterations would involve existing background fascias to be retained, rubbed down, prepared and decorated dark green with new fascia signs on the front and side elevation reading "Backhouse bet" and a new single entrance door.

CONSULTATIONS

Parish/Town Council

Melksham Town Council – 16/2/2009

Comment that whilst sympathising with some local comments the Town Council felt there were no planning grounds on which they could object to this application. However they asked that if this application were to go ahead, conditions be placed on it to limit the opening times in the evenings and at weekends. Any smoking facilities need to be placed to the rear, to keep the frontage clear. If this application goes ahead enforcement needs to be undertaken regarding underage usage.

External

Highways – Comments received 26/1/2009

The proposal will not have an adverse effect on the highway, therefore, no Highway objection is raised.

Internal

Planning Policy

As the law stands, it is not possible to oppose this planning application on moral grounds. Moreover, a betting office represents an A2 use, which, under Policy SP5 in the existing Local Plan, is acceptable on a secondary retail frontage. In planning terms, therefore, the application is acceptable in principle.

Conservation Officer Consultation – 27/1/2009

This is a much more suitable scheme over the previously submitted proposals. The internal arrangements now show gaps through the advertising displays which will allow views into and out of the building.

There would be no continuous internal wall behind the glazing and therefore the previous objections have been overcome.

Heritage Development Officer Consultation – 9/2/2009

Following pre-application negotiations it is felt that the proposed alterations to the building are minimal, would have little impact upon the character of the Listed Building. The partitions and notice boards are temporary fixtures therefore can be removed with no damage to the fabric of the building. The proposed shop door shows an improvement over the existing and is considered to enhance the character of the host building and surrounding Conservation area.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 24/9/2008

Neighbours

2 letters have been received objecting to the proposal on moral grounds, also that the development does not enhance the appearance of the area.

RELEVANT PLANNING HISTORY

08/02719/FUL – Refusal – 12/11/2008 – Change of use from B1 to A2 and external alterations

08/02718/LBC – Refusal – 12/11/2008 – Replacement door and external decorations and internal alterations

84/01486/FUL – Permission – 9/1/1985 – Change of use to showroom and sales area

78/01084/HIS – Permission – 10/11/1978 – Change of use to computer and electronic

78/01269/HIS – Permission – 30/1/1979 – Change of Use to retail sale of antiques

KEY ISSUES

Visual Impact

Impact on residential amenity/amenity issues

Conservation area

Grade II Listed building

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Areas

C20 Change of use in Conservation areas

C25 Shopfronts

C31a Design

C38 Nuisance

SP5 Secondary Retail Frontages

PPG15 Planning and the Historic Environment

OFFICER APPRAISAL

This is an application for the change of use from B1 to a betting shop attached to a Listed Building in a secondary retail frontage in a town centre location and within a Conservation Area. There has been press coverage and 2 objection letters to the proposal on moral grounds, but as policy stands, it is not possible to oppose this planning application on these grounds. The betting office represents an A2 use, which, under Policy SP5 in the existing Local Plan, is acceptable on a secondary retail frontage.

Visual impact

Policy C31a advises that particular attention should be paid towards proportion, composition, form, massing and scale. The building has been listed with the glazed structure on the front in 1950 and the proposed changes would not damage the historic fabric of the building. The proposed changes would result in the extension remaining a lightweight structure which would not damage the character of the listed building

Impact on residential amenity / amenity issues

The shop is located on secondary retail frontage. The shop has been empty for many months and an improved design and use of shop would not be detrimental to the amenity of other shops or result in any residential amenity loss.

On balance officers are of the opinion that the development complies with policy

This complies with policy.

CONCLUSION

Permission

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.

RELATED PLANS

Drawing : MELK 01 Rev.Co1 received on 15.01.2009

Drawing : MELK 02 Rev.Co1 received on 15.01.2009

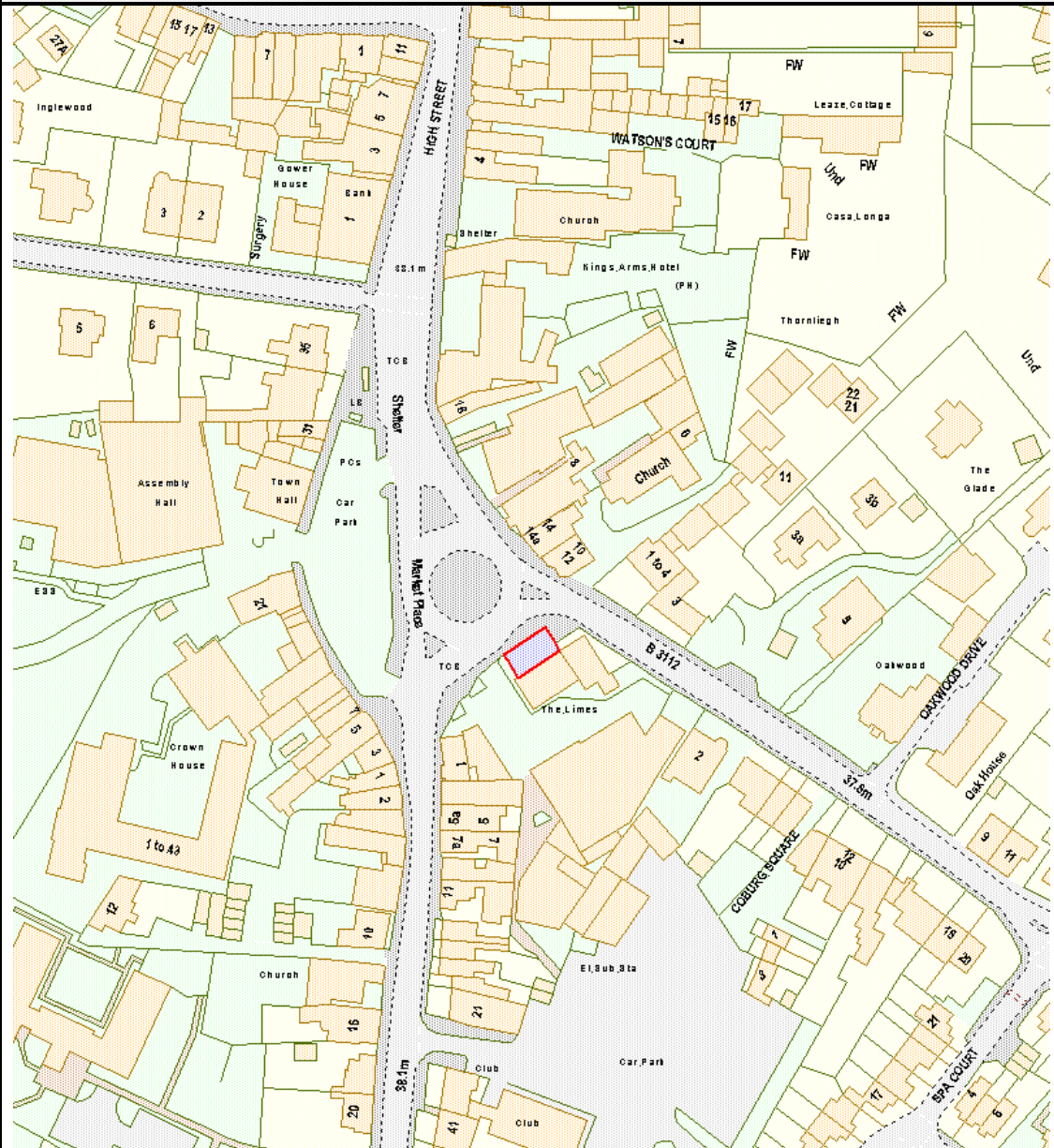
PLANNING COMMITTEE

12 March 2009

ITEM NO: 10

APPLICATION NO: W/09/00131/LBC

LOCATION: Aqua Leisure 2 Market Place Melksham Wiltshire
SN12 6ES



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SLA: 100022961

10 Application: W/09/00131/LBC

Site Address: Aqua Leisure 2 Market Place Melksham Wiltshire SN12 6ES

Parish:	Melksham (Town)	Ward:	Melksham Spa
Grid Reference	390495 163587		
Application Type:	Listed building		
Development:	Replacement door and external decorations and internal alterations		
Applicant Details:	Backhorse Bet F.A.O Mr Andrew Croft 12A St Margaret Street Bradford On Avon BA15 1DA		
Agent Details:	McKeowns F.A.O Mr John McKeown 301 Alvechurch Road West Heath Birmingham West Midlands		
Case Officer:	Mr Philip Baker <i>Phone: 01225 776655 ext 286</i> <i>Email: pbaker@westwiltshire.gov.uk</i>		
Date Received:	15.01.2009	Expiry Date:	12.03.2009

COMMITTEE REPORT

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

APPLICATION SITE & SURROUNDING AREA

The application site is part of a Grade II listed building which was the former Aqualeisure shop, which is on a secondary retail frontage, within Melksham town centre. This is a designated Conservation Area.

PROPOSAL

The application is for the change of use from B1 to A2 and involves some external and internal alterations in a three sided glazed structure within the curtilage of a listed building.

The external alterations would involve existing background fascias to be retained, rubbed down, prepared and decorated dark green with new fascia signs on the front and side elevation reading "Backhouse bet" and a new single entrance door.

CONSULTATIONS

Parish/Town Council

Melksham Town Council – 16/2/2009

Comment that whilst sympathising with some local comments the Town Council felt there were no planning grounds on which they could object to this application. However they asked that if this application were to go ahead, conditions be placed on it to limit the opening times in the evenings and at weekends. Any smoking facilities need to be placed to the rear, to keep the frontage clear. If this application goes ahead enforcement needs to be undertaken regarding underage usage.

External

Highways – Comments received 26/1/2009

The proposal will not have an adverse effect on the highway, therefore, no Highway objection is raised.

Internal

Planning Policy

As the law stands, it is not possible to oppose this planning application on moral grounds. Moreover, a betting office represents an A2 use, which, under Policy SP5 in the existing Local Plan, is acceptable in a secondary retail frontage. In planning terms, therefore, the application is acceptable in principle.

Conservation Officer Consultation – 27/1/2009

This is a much more suitable scheme over the previously submitted proposals. The internal arrangements now show gaps through the advertising displays which will allow views into and out of the building.

There would be no continuous internal wall behind the glazing and therefore the previous objections have been overcome.

Heritage Development Officer Consultation – 9/2/2009

Following pre-application negotiations it is felt that the proposed alterations to the building are minimal, would have little impact upon the character of the Listed Building. The partitions and notice boards are temporary fixtures therefore can be removed with no damage to the fabric of the building. The proposed shop door shows an improvement over the existing and is considered to enhance the character of the host building and surrounding Conservation area.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 24/9/2008

Neighbours

2 letters have been received objecting to the proposal on moral grounds, also that the development does not enhance the appearance of the area.

RELEVANT PLANNING HISTORY

08/02719/FUL – Refusal – 12/11/2008 – Change of use from B1 to A2 and external alterations

08/02718/LBC – Refusal – 12/11/2008 – Replacement door and external decorations and internal alterations

84/01486/FUL – Permission – 9/1/1985 – Change of use to showroom and sales area

78/01084/HIS – Permission – 10/11/1978 – Change of use to computer and electronic

78/01269/HIS – Permission – 30/1/1979 – Change of Use to retail sale of antiques

78/00019/HIS – Permission – 26/5/1978 – Residential development

KEY ISSUES

Visual Impact
Impact on residential amenity
Conservation area
Grade II Listed building

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C17 Conservation Areas
C20 Change of use in Conservation areas
C25 Shopfronts
C28 Alterations and Extensions to Listed Buildings
C31a Design
C38 Nuisance

SP5 Secondary Retail Frontages

PPG15 Planning and the Historic Environment

OFFICER APPRAISAL

Section 16(2) of the Planning (Listed building and Conservation area) Act 1990 states that the Local Planning Authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when determining an application for listed building consent.

Advice contained within PPG 15 state that many listed buildings are in well-established uses and any changes need to be considered only in this context. But where new uses are proposed, it is important to balance the effects of any changes on the special interest of the listed building against the viability of any proposed use and of alternative and possibly, less damaging uses.

Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that alterations and extensions to listed buildings will only be permitted provided ; the essential form of the building is not adversely affected ; features of architectural or historic interest are retained unaltered ; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

Listed Building / Architectural merit

This proposal affects an extension within the curtilage of a Grade II listed building within the Melksham Conservation Area with a mixture of styles and materials. The proposals were negotiated by your planning officer and the Heritage Development Officer. Consequently, this proposal addresses the previous refusal reason in which the “changes to the existing lightweight structure on the front elevation of this listed building lead to a more substantial mass”. The north east side elevation has a stud partition built upto transome height to allow natural light above. However, the north west side elevation and front elevation have temporary detachable structure with a break of space between them to allow light to pass through to retain the lightweight structure of the glazed building that is currently there.

Conservation Area

From the consultation with our Conservation Officer, the internal alterations to the building would be a sympathetic addition to a fine listed building. The removal of the stud effect and now being able to look through the building would result, in the extension remaining a lightweight structure. This would not dominant the listed building and the wider Conservation Area setting would be not be preserved and enhanced.

Officers consider that in their opinion the proposal complies with policy.

CONCLUSION

Permission

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 works hereby authorised shall begin not later than three years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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.

RELATED PLANS

Drawing : MELK 01 Rev.co1 received on 15.01.2009

Drawing : MELK 02 Rev.Co1 received on 15.01.2009

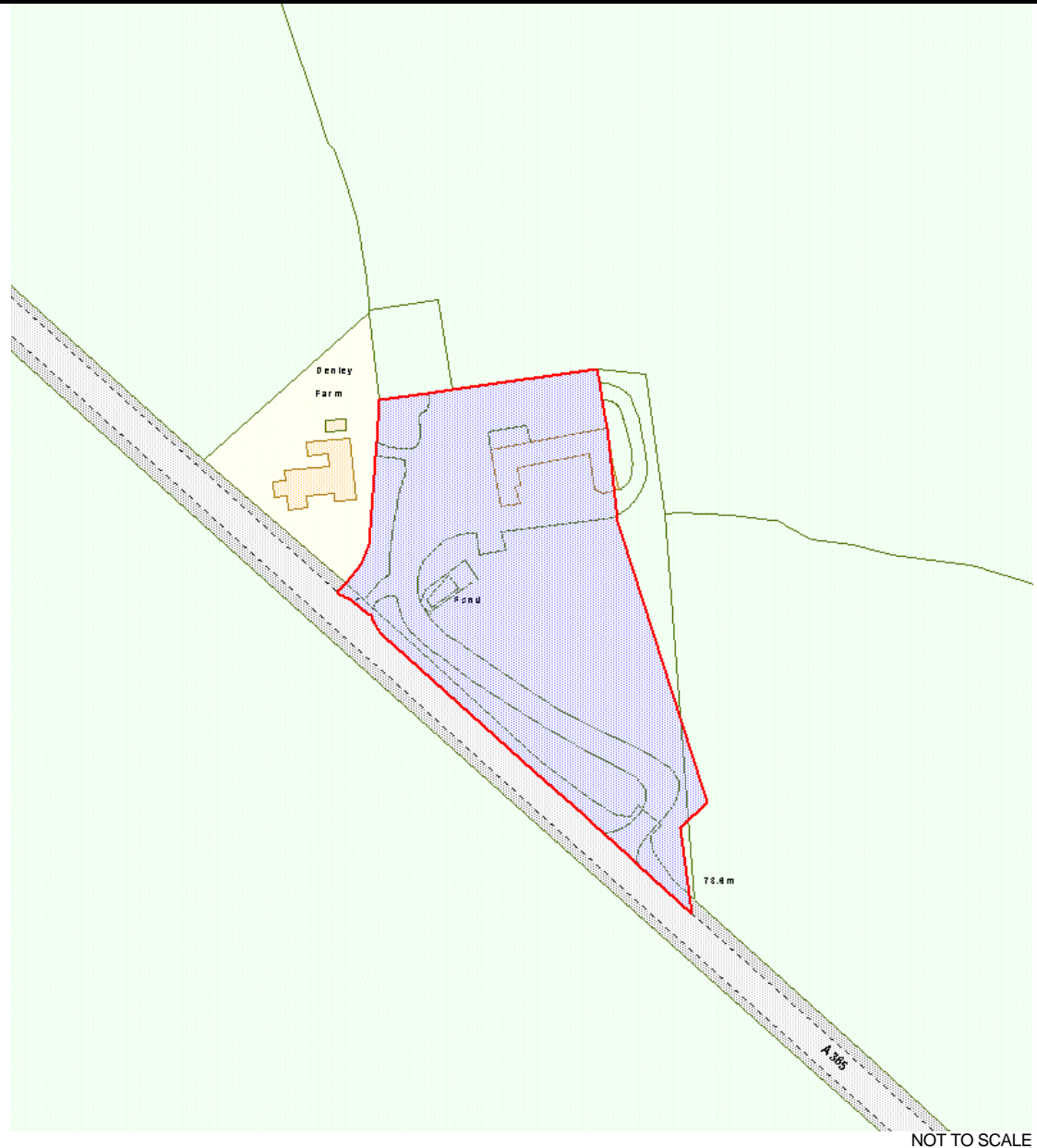
PLANNING COMMITTEE

12 March 2009

ITEM NO: 11

APPLICATION NO: W/09/00152/FUL

LOCATION: Neston Park Farm Shop Bath Road Atworth Wiltshire
SN12 8HP



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www.westwiltshire.gov.uk

SLA: 100022961

11 Application: W/09/00152/FUL

Site Address: Neston Park Farm Shop Bath Road Atworth Wiltshire SN12 8HP

Parish: Atworth Ward: Atworth Whitley And South Wraxall

Grid Reference 385916 166376

Application Type: Full Plan

Development: Front and rear shop extension, external cafeteria area and re-align of vehicular access

Applicant Details: Neston Park Farm Shop
Neston Park Farm Shop Bath Road Atworth Wiltshire SN12 8HP

Agent Details: Mr A Howard
32 Shurnhold Melksham Wilts SN12 8DG

Case Officer: Miss Julia Evans
Phone: 01225 776655 ext 140
Email: jevans@westwiltshire.gov.uk

Date Received: 21.01.2009 Expiry Date: 18.03.2009

COMMITTEE REPORT

This application is brought to Committee because Councillor Mounde would like it to be debated so that the proposal's benefit to the local community can be considered in relation to planning policy and guidance.

APPLICATION SITE & SURROUNDING AREA

Neston Farm Shop is a recently converted barn lying to the north of the A365. It lies approximately 500m from the outskirts of Atworth, which lies to the south-east. To the west of the shop and its car park lies Denley Farmhouse, whilst to all other elevations lies agricultural grazing. Adjacent to the eastern elevations of the site lies an area laid to gravel which is not part of the application, although at the time of the site inspection it was being used in association with the shop.

The barn is a U-shaped building, constructed of coursed stone walls with slates to the roof. An area of gravelled parking lies to the north and west of the shop, with a new access track and access lying to the south of the site. Paddocks with a variety of animals and birds in them lie to the south of the shop.

At the time of the site inspection a white fabric marquee was in place, filling in the gap in the centre of the barn's U-shape. It was in place to provide for extra retail space over the Christmas and New Year period.

PROPOSAL

This is a full application for a front and rear extension, an external cafeteria area, and a realignment of the existing vehicular access at Neston Park Farm Shop, Bath Road, Atworth.

The proposal involves two extensions to the building and a realignment of the existing access onto the A365. The rear extension is already in place and is a partially sub-terranean wooden structure providing a cold store enclosure for the shop. It measures approximately 3m x 8.9m x 3.5m, and is located on the north-western rear corner of the building. The lean-to slope on the roof runs into the barn. It is surrounded by a picket fence.

The proposed extension to the front of the barn would fill in the U-shape of the building. It would provide additional retail and café floorspace, measuring approximately 20m x 9.3m x 4.5m. There would be sliding/folding glazed doors to the front elevation, and the existing glazing would be removed to allow for a more flexible and larger internal space. It would be constructed of coursed rubble stone to the walls, with natural slate to the roof, and skylights and rooflights in both the existing and proposed roofs. The extension would provide an additional 186m² of retail and café floorspace, over and above the existing 230m² retail and café floorspace.

The existing access to the shop was permitted along with the conversion in 2004. The current application proposes to increase the visibility splays, particularly that to the north-west by removing the existing hedgerow, and replanting it with new hedges of Hawthorn, Blackthorn and native trees. The southern splay will be more acutely aligned, and then laid to concrete. The new splay would run underneath the existing tree canopy.

The site area does not include the areas of parking and servicing to the north and east of the site.

The application has been supported by a "Design and Access Statement" which justifies the proposal in terms of its retail implications and its design.

CONSULTATIONS

Parish/Town Council

ATWORTH PARISH COUNCIL – Have not commented on the application.

External

HIGHWAY AUTHORITY – states "The extension proposed under this application is a large increase in floor area compared to that proposed under a previous application (W/08/0992). As you will be aware concerns over the standard of the access were raised previously and the site is located outside of the Village Policy Limits.

"Because of the size of the extension proposed under the current application I feel the issue of unsustainability of the site is applicable due to the likely increased traffic generation resulting from the extension in a location which will encourage use of the private car.

"In line with current standards an acceptable access to serve the site, being in a rural location on a de-restricted road, should be constructed with 10m radius kerbs and be a minimum width of 5.5m for the first 10m. The access also would need to have visibility splays of 4.5m x 215m in both directions to meet current visibility criteria. Whilst the proposals include some improvements to the access it would not be considered acceptable to support the development proposed.

"In view of the above I recommend that this application be refused on highway grounds for the following reason(s):-

"Any increased use made of the existing sub-standard access generated by the proposed development would be prejudicial to road safety.

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

LIBRARIES AND HERITAGE – states ""Although the Wiltshire Sites and Monuments Record (SMR) shows that the development site lies near to an Area of Archaeological Interest (ST86NE612- copmarks of oval enclosure sited immediately to the south-east of the farm), the proposed changes are fairly small scale, within the existing farmyard or to an already existing access and are unlikely to have a significant archaeological impact. On this basis, there are no archaeological recommendations being made on this planning application.

COUNTY PLANNING – Have not responded to date.

ENVIRONMENT AGENCY – state “This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.”

WESSEX WATER – “Thank you for referring the above application to Wessex Water. I comment as follows:

“The developer has indicated that the disposal of foul drainage will be to mains sewer. The above proposal is not located within a Wessex Water sewered area the nearest public sewer is approx 441 metres away. As there are no public sewers in the vicinity of the site, it is advised that the Developer investigate alternative methods for the satisfactory disposal of sewerage from the site (e.g. septic tanks, cess pit or packaged treatment plant).

“The developer has proposed to dispose of surface water to 'soakaways'.

“It is advised that your Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development.

“Turning to water supply, there is a water main approx 373 metres away from the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

“It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.

“The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.”

Internal

PLANNING POLICY – “Have not responded.

ENVIRONMENTAL HEALTH – have “no adverse comments”, and recommend to “approve without conditions.”

DRAINAGE ENGINEER – Has not responded.

TREE AND LANDSCAPE OFFICER – Has not responded.

ECONOMIC DEVELOPMENT – Have not responded.

DISTRICT ECOLOGIST – states “I've reviewed the submitted proposals and plans and recommend that a Bat Survey is conducted prior to a decision being made on this application. The proposals involve the installation of roof lights on the existing roof structure, and I note from the plans (drawing number 1275 Existing Elevations) that the roof structure contains Bat access points. It should therefore be surveyed to assess whether Bats are present and what impact the proposals might have. The survey report, detailing any required mitigation, should be submitted to the District Ecologist prior to a decision being made.”

NOTIFICATIONS

Site Notices/Visits

Date of visit: 29 January 2009.

Neighbours

The application has been advertised as a Departure from the Development Plan and as a remote application. No responses have been received.

RELEVANT PLANNING HISTORY

02/00174/FUL – Conversion of redundant farm buildings into office accommodation – Permission 17.09.2002

04/00690/FUL – Conversion of existing barn to farm shop – Permission 11.02.2005

05/02531/FUL – Section 73 application to remove Condition 10 (lighting) and Condition 15 (type of goods sold) from planning permission 04/00690/FUL, conversion of existing barn to farm shop and café – Permission 09.02.2006

07/01577/ADV – Two freestanding signs with boards – Consent 23.07.2007

08/00992/FUL – Shop extension, external cafeteria area, realign entrance to improve safety – Withdrawn 21.01.2009

08/02202/FUL – Retrospective application for erection of marquee for temporary period to the end of January 2009 – Refused 04.02.2009.

KEY ISSUES

This application raises the following planning matters: -

- * Planning history;
- * Retail uses in the open countryside;
- * Design and extension of a converted rural building;
- * Highways matters;
- * Tree and landscape matters;
- * Archaeological matters;
- * Protected species;
- * Water environment;
- * Nuisance matters; and
- * Unauthorised uses.

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP6	Shopping
DP9	Reuse of land and buildings
DP14	Housing, employment and related development in the open countryside
T6	Demand management
C1	Nature conservation
C5	The water environment

West Wiltshire District Plan – 1st Alteration 2004

C1	Countryside protection
C31a	Design
C32	Landscaping
C35	Light pollution
C38	Nuisance
C40	Tree planting
E7	Farm diversification
E8	rural conversions
T10	Car parking
SP3	Out of centre shopping

- U1a Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Area
- I3 Access for everyone

National Guidance

- PPS1 Delivering Sustainable Development
- PPS6 Planning for Town Centres
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG24 Planning and Noise

OFFICER APPRAISAL

The principle of converting the barn to retail use was granted by the Planning Committee in 2004, contrary to officer recommendation: members overturned the officer recommendation for refusal. Members considered that the creation of a shop in the open countryside was acceptable despite it being contrary to National and Development Plan Policy. In 2005, a Section 73 application was submitted to amend conditions attached to the 2004 permission, concerning lighting and types of goods to be sold. In 2008 an application for a marquee to provide additional retail and café floorspace was refused for being contrary to retail policy and detrimental to the countryside. The current application seeks to extend the retail floorspace of the property by a further 186m², which would be in addition to the existing 230 square metres of retail and café floorspace. In addition to the extension of the building itself, the application also proposes an external seating area for café uses, measuring approximately 133 square metres. The applicant has justified the extension being needed "based upon the need revealed by the temporary marquee", which demonstrated that "This "extension" has been extraordinarily successful and the realisation that an extension the size of a marquee was needed arose". In view of the presence of imported goods for sale the proposal cannot be seen as purely a farm shop, but has to be viewed as a retail outlet in the open countryside.

Policy SP3 requires out of centre shopping to demonstrate that:

"New and extensions to existing edge of centre and out of centre shopping developments, including superstores, supermarkets and retail warehouses but excluding small neighbourhood shops, will only be permitted if all of the following criteria are met:

- A There is a need for the development;
- B There are no suitable and viable sites available within firstly, the defined Primary Retail Frontages and secondly, (for out of centre proposals) edge of centre locations;
- C The development does not, either by itself or together with other retail developments, harm the vitality or viability of nearby centres;
- D The development is of acceptable scale, materials and design and does not harm the local environment or residential amenity;
- E The development is sited to reduce the number and length of car journeys and is accessible by a choice of means of transport, including by foot, bicycle and public transport;
- F The traffic generated by the proposal can be accommodated safely on the local highway network and sufficient car parking and servicing is provided;

"Applications to vary the range of goods sold from out of centre stores, or to allow subdivision of units, will only be permitted where it can be demonstrated that the proposal would not harm the vitality and viability of the town centre's shopping role."

The proposal has not been supported by any robust retail justification for the marquee, apart from a brief Design & Access Statement. Consequently, the retail impact of the extension concerning the caveats in Policy SP3 cannot be assessed. This forms the first reason for refusal.

In addition to the retail matters that the application raises, the design of the shop extension also raises concerns. Caveat D of Policy SP3 requires "The development [to be] of acceptable scale, materials and design and does not harm the local environment." Policy C31A of West Wiltshire District Plan - 1st Alteration 2004 requires development to "pay particular attention to proportion, composition, form, massing and scale" on prominent sites. The proposed retail and café floorspace extension fills in the centre of the converted barns, fundamentally altering the character and appearance of the building. Even though the proposal has a glazed frontage to replicate the existing barn, the loss of the typical horseshoe building enclosing a courtyard has been lost.

In addition, the existing rear extension is constructed of timber, and forms a disruptive visual element to the rear elevation of the barn, due to its size, shape, and use of materials. This forms a further reason for refusal.

Policy SP3 also requires retail proposals to be safely accommodated on the local highway network, and reduce the number and length of car journeys. The Highway Authority have objected to the proposal in terms of the increased use of a sub-standard access, and that it will further seek to encourage the length and number of motorised journeys to a remote location. The applicant has proposed an amendment to the existing access, but the Highway Authority is not happy with the safety of the proposal. As a result these objections form two further reasons for refusal.

The visibility splay on the eastern side of the existing access is restricted by the presence of a mature tree. The Landscape & Arboricultural Officer's comments will be reported on the late list.

The site lies near to an area of archaeological interest, and the County Archaeologists were consulted for their views. They are satisfied that the proposed and previous use of the farmyard are fairly small-scale, and on this basis are unlikely to have a significant archaeological impact. As a result, there are no archaeological recommendations to be made on this application.

With the implemented permission to convert the barn, a condition was attached requiring an ecological survey of the site to assess it for protected species. The County Ecologist has recommended that a bat survey is conducted prior to a decision being made on the application. No ecological report has been provided with the application, so this forms a further reason for refusal.

The water and drainage implications have been assessed by both the Environment Agency and Wessex Water. The former have no comments to make on the application, whilst the requirements of Wessex Water could be addressed by conditions and informatives.

Turning now to amenity and nuisance concerning the impact of the proposal on neighbouring properties and the landscape, the Environmental Health Section have raised no objections as regards the extension of the shop.

Excluded from the application site area are the car parks and servicing areas to the north and east. The gravelled area to the east of the site is used in association with the shop to provide access around the building, whilst the area to the north is used for car parking. Consequently, as these areas and their uses do not have the benefit of planning permission, an informative is proposed advising that the matter needs to be considered by the Local Planning Authority's Enforcement Team.

CONCLUSION

The proposal raises fundamental objections that are contrary to Development Plan policy. It is not felt that conditions could overcome these fundamental objections.

RECOMMENDATION: Refusal**Reason(s):**

- 1 Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004 states that extensions to out-of-centre shopping developments will only be permitted if the following criteria are met: there is a need for the development; there are no suitable or viable sites within nearby towns and villages, and it would not harm the vitality and viability of nearby centres. The proposal, by reason of its countryside location and the lack of evidence demonstrating the need for and the impact of the proposal on the vitality and viability of nearby centres is considered contrary to this policy.
- 2 Policies SP3, C31A and C1 require new development to be of an acceptable scale, proportion, composition and form, and not to harm the local environment. The proposed extensions by reason of their location, size, design and materials, form incongruous and alien features in a prominent countryside location. The proposal is therefore considered contrary to these policies.
- 3 Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004 requires extensions to existing out-of-centre shopping developments to be safely accommodated on the local highway network. Any increased use made of the existing and proposed sub-standard access generated by the proposed development would be prejudicial to road safety, and contrary to development plan policy.
- 4 Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004 requires extensions to existing out-of-centre shopping developments to be accessible by a choice of means of transport and to reduce the length and number of car journeys. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 and Policy SP3 of the West Wiltshire District Plan - 1st Alteration 2004, which seeks to reduce growth in the length and number of motorised journeys.
- 5 Policy C40 of the West Wiltshire District Plan - 1st Alteration 2004 seeks to conserve the character and appearance of an area by retaining trees which have visual amenity value. The proposed access amendments will be in close proximity to a tree of visual amenity in the area, which may result in its loss. The proposal has not been submitted with an arboricultural report to demonstrate the impact of the proposal on the tree, nor suggest any mitigation measures. The proposal is, therefore, considered contrary to this policy.
- 6 Planning Policy Statement 9 - Biodiversity & Geological Conservation requires Local Planning Authority to ensure that protected from the adverse effects of development. The proposal has not been supported by a protected species report to assess whether any protected species are present and what impact the proposals might have. The impact of the proposal on any protected species, cannot, therefore be assessed.

Note(s) to Applicant:

- 1 You are advised that the unauthorised works on the site will be investigated by the Council's Enforcement Section.

RELATED PLANS

Drawing : 1274/E2/1 received on 14.01.2009
Drawing : 1274/E2/2 received on 14.01.2009
Drawing : 1274/E2/3 received on 14.01.2009
Drawing : 1274/E2/4 received on 14.01.2009
Drawing : 1274/E2/5 received on 14.01.2009
Drawing : 1274/E2/6 received on 14.01.2009
Drawing : 1274/E2/7 received on 14.01.2009

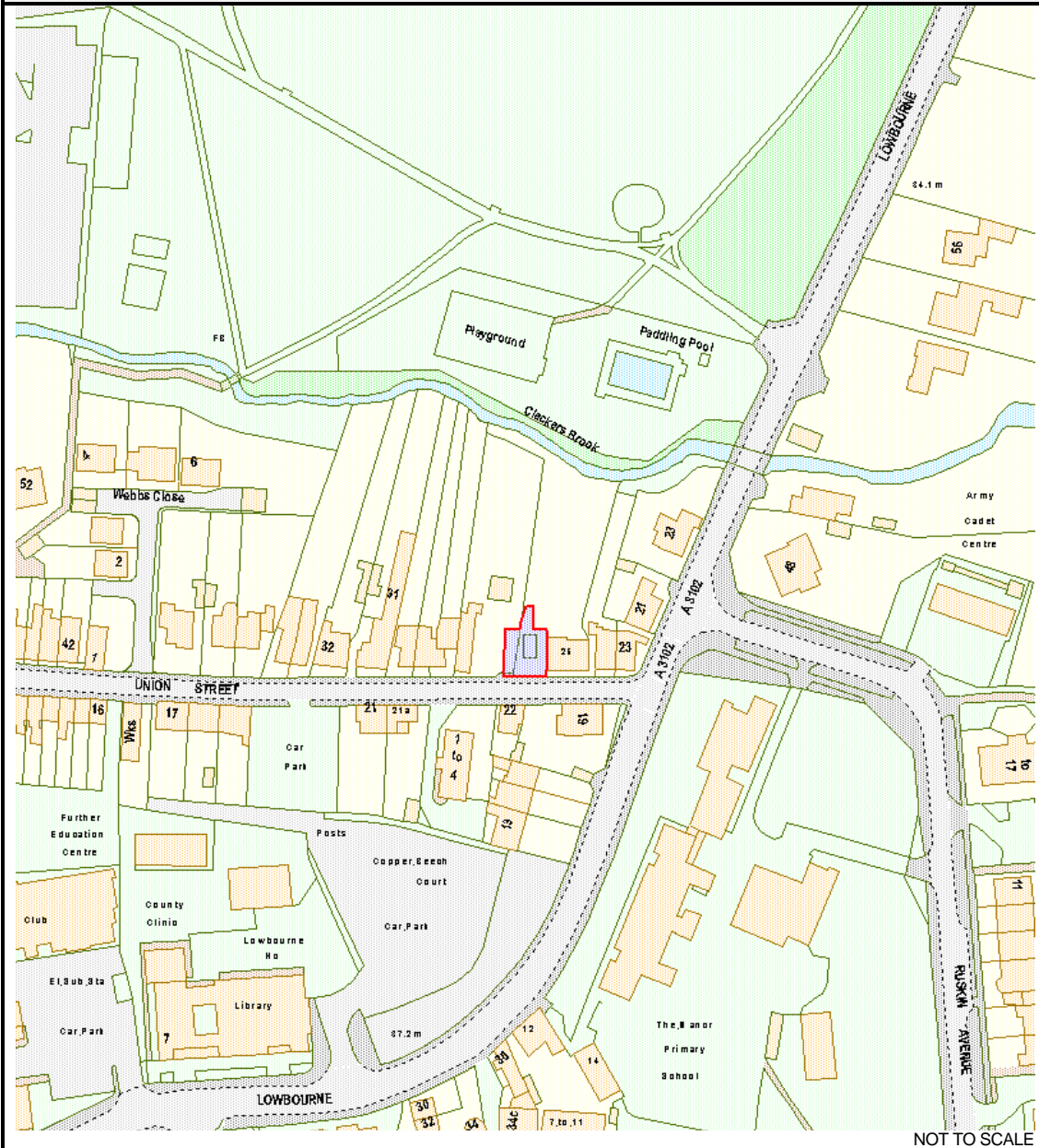
PLANNING COMMITTEE

12 March 2009

ITEM NO: 12

APPLICATION NO: 08/03105/FUL

LOCATION: Land Adjoining 25 Union Street Melksham Wiltshire



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SLA: 100022961

12 Application: 08/03105/FUL

Site Address: Land Adjoining 25 Union Street Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham East

Grid Reference 390670 163997

Application Type: Full Plan

Development: Demolition of existing garage and construction of new garage, through access to rear, with two bedroom flat above

Applicant Details: Mr And Mrs Andrew Plummer
25 Union Street Melksham Wiltshire SN12 7PR

Agent Details: Richard G Wiltshire Ltd
Mr Richard Wiltshire Roundponds Farm Shurnhold Melksham
SN12 8DF

Case Officer: Mick Roberts
Phone: 01225 776655 ext 557
Email: mroberts@westwiltshire.gov.uk

Date Received: 27.10.2008

Expiry Date: 22.12.2008

COMMITTEE REPORT

This application is brought to Committee because the agent acting on behalf of the applicants is a serving Councillor of this Council.

APPLICATION SITE & SURROUNDING AREA

The site the subject of this application lies on the north side of Union Street. It comprises a portion of the curtilage of 25 Union Street currently occupied by a flat roofed garage which serves that property and a part of the garden of 26 Union Street, currently used as car parking. The area is characterised by two-storey property is with limited gaps between them. The gap between 26 and 25 is the widest on this side of the road. The site lies within the urban residential area of the town, and within the Conservation Area.

PROPOSAL

This application proposes the election of a two-storey building, providing on the ground floor a double garage and a covered access to land at the rear. The existing vehicle and pedestrian access to these properties is to be amended slightly to provide a 3.5 m wide access. Above this area, a two-bedroom flat is proposed. The new building will be linked to the flank of the existing property and is shown to have a gable end over the through access with a dormer window above the garage doors on the front elevation. On the rear elevation a gable end is also proposed with velux windows in the roof.

It is indicated that the development will connect to the existing house in union Street and surface water will be taken to soakaways.

The materials proposed comprise reclaimed red bricks with a render and paint to match. Number 25 of the doors and cards with traditional feather edged Shaun weatherboard dark stain finish timber to the cables on the front and rear. The roof is proposed to be reclaimed, dun coloured clay double roman tiles and bath stone coping.

CONSULTATIONS

Parish/Town Council

MELKSHAM TOWN COUNCIL - After considering the comments made in the agents letter above the Town Council has welcomed this application as it would make the streets seem more uniform.

External

COUNTY HIGHWAY AUTHORITY – Raise no objection.

ENVIRONMENT AGENCY - No comments to make.

WESSEX WATER - According to our records, there is a public foul sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

Details of the proposal with respect to the method of drainage and water supply have not been disclosed. I cannot therefore comment fully on the proposal, however, the development is located within a sewered area, with both foul and surface water sewers available.

Assuming that connection will be made to our services, it will be necessary, if required, for the developer to agree an arrangement for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage.

If alternative methods of drainage are proposed, it is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of drainage from the proposal.

Turning to water supply, connection points can also be agreed at the design stage to accommodate an arrangement for the satisfactory supply of water.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditional protection works at the applicants expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

It is further recommended that condition be placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of the infrastructure crossing the site.

Internal

DRAINAGE OFFICER - The developer will need to inform Wessex Water with their proposal to connect to an existing foul sewer Also soakaway tests may be required to establish the suitability of storm water soakaways in this location. The Environment Agency may need to give consent to discharge surplus storm water into Clackers Brook.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 20 October 2008

Neighbours

One letter of objection has been received. The principal points raised in that objection may be summarised as follows:

- * It is incompatible with a conservation area;
- * The proposed flat is of character with the rest of surrounding dwellings;
- * It is a different style and nature of dwelling, there is no other flat with an underneath garage and which forms a bridge over an access road to the rear;
- * It detracts from the aesthetic appeal and changes the character of that part of Union Street;
- * It blocks off over a large part of the view from and beyond Union Street through to King George V Park enjoyed by residents on the south side of the street, this is a view greatly prized by the residents of retirement block Copper Beech Court, especially those who have difficulty walking to and around the park;
- * The gap which breaks and forms a relief from the line of building on the north side of Union Street, between 26 and 25 is almost filled in;
- * The conservation status has already been undermined Webb Close development and the three units built on the site once occupied by Knees Signwriters.

RELEVANT PLANNING HISTORY

None

KEY ISSUES

1. Will the development preserve or enhance the character of the Conservation Area?
2. Will the development have any adverse effect on amenities of neighbouring properties?

RELEVANT PLANNING POLICIES

National Planning Policy Statements (PPS)
PPS 1: Delivering Sustainable Development
PPS 3: Housing
PPS 25: Planning and Flood Risk

National Planning Policy Guidance Notes (PPG)
PPG 13: Transport
PPG 15: Planning and the Historic Environment
PPG 16: Archaeology and Planning

The Wiltshire and Swindon Structure Plan 2016
DP1 Priorities for Sustainable Development
DP4 Housing and Employment Proposals
DP7 Housing in Towns and Main Settlements
DP9 Reuse of Land and Buildings
T5 Cycling and Walking
HE7 Conservation Areas and Listed Buildings

The West Wiltshire District Plan 1st Alteration (2004)
C17 Conservation Areas
C18 New Development in Conservation Areas
C19 Alterations in Conservation Areas
C20 Change of Use in Conservation Areas
C21 Planning Permission in Conservation Areas,
C22 Demolition in Conservation Areas,
C23 Street Scene
C31 Design

C32	Landscaping,
C37	Contaminated Land,
H24	New Housing Design
T10	Car Parking
U2	Surface Water Disposal
I3	Access for Everyone

Supplementary Planning Guidance (SPG)
includes the following:
Design Guidance

OFFICER APPRAISAL

1. Will the development preserve or enhance the character of the Conservation Area.

* The proposed development fills a gap in the existing road frontage, which apart from this section presents generally presents a more built-up appearance. The only other significant gap is that provided by the car park on the east side of the road to the south site;

* It is therefore considered that the principle of providing development in this gap is acceptable. Furthermore, the design proposed, which, in scale, is subservient to both its adjacent properties and utilises material sympathetic to other materials in the area, is considered to be an acceptable form of development for this site. It is therefore considered that on balance, the proposed development will preserve the character of the Conservation Area, in accordance with the requirements of PPG15.

2. Will the development have any adverse effect on amenities of neighbouring properties.

* It is not considered that the design proposed and its relationship to neighbouring dwellings will have any adverse impact on the amenities of any neighbouring properties. With this in mind it is considered that the proposed development is acceptable

CONCLUSION

Permission be granted subject to appropriate conditions.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Approval

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 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- REASON: In the interests of highway safety.
- 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 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.
- 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 2004 - Policy T10.
- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, the garage(s) shall at all times remain available for the garaging of cars, and shall not be converted for use as living accommodation.
- REASON: To ensure that adequate provision is made for parking.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1, H7, H20 & H21.

Note(s) to Applicant:

- 1 The applicant's attention is drawn to the contents of Wessex Water letter of 9 November 2008 regarding on site infrastructure.

RELATED PLANS

Drawing : USAP 1-1 OF 6 REV B received on 23.10.2008
Drawing : USAP 2 REV A received on 13.10.2008
Drawing : USAP 3 received on 30.09.2008
Drawing : USAP 4 received on 30.09.2008
Drawing : USAP 5 REV A received on 13.10.2008