

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	28 October 2015
Application Number	15/07510/FUL
Site Address	Hullavington Garage, The High Street 29A, Hullavington, Chippenham, Wiltshire, SN14 6DP
Proposal	Proposed Ancillary Accommodation to Garage, Shop & Post Office.
Applicant	Mr A Bain
Town/Parish Council	HULLAVINGTON
Electoral Division	BY BROOK – Cllr Baroness Scott OBE
Grid Ref	389545 182059
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee

The application has been called into Planning Committee at the request of Cllr Baroness Scott OBE to consider the impact of development on the locality.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

2. Report Summary

The application was advertised by site notice and neighbour consultation. This resulted in the submission of 15 consultation responses, with 12 in support and 3 in objection. Hullavington Parish Council supported the development in principle, however, raised concerns about the design, storage of waste and gas within the site and failure to adhere to historic planning conditions.

The main issues in the consideration of this application are as follows:

- The Principle of Development;
- Impact on the Visual Amenities of the Surrounding Area
- Impact to the Residential Amenity of the Adjoining Occupiers
- Living Conditions for Future Occupiers

- Parking & Highways issues
- Other Issues

3. Site Description

The application relates to the site of Hullavington Garage located on the corner of High Street and Frog Lane in Hullavington. The site is within the framework boundary of Hullavington but not within a Conservation Area. Contained within the site is a single storey garage building, used for motor car repairs (Use Class B2) which faces towards the highway of High Street. Attached to the side elevation and turning onto the highway of Frog Lane, is a single storey element with a flat roof, which contains a post office / village store.

The land to the front of the garage provides parking space for the customers of the car repair business at the site. Adjacent the side elevation of the post office is an area of hardstanding which was being used for the storage of materials. Consent for the extension of the post office granted in 1999 contained a condition which required the use of this land for the provision of two parking spaces for use by visitors to the post office.

To the north of the application site is the two storey detached dwelling of No.29 High Street. The side and rear boundary lines of the garden of this dwelling are shared with the application site. The ground levels within the application site are approximately 0.8 metres below the ground level of the adjoining neighbours garden. To the east of the application site is the two storey semi-detached dwelling of No.3 Frog Lane and the opposite side of Frog Lane is a Grade II Listed Building known as The Cottage.

4. Planning History

There has been a number of planning application at the site. The relevant applications are listed below:

N/99/01832/FUL – Extension to Shop - Approved

N/92/01225/FUL – Extensions and Alterations to Shop and Male and Female Toilets
Extension and Alterations - Approved

5. The Proposal

The application seeks planning permission for proposed ancillary accommodation to garage, shop & post office. The proposed extension would be erected over the existing post office building and would be part two storey / part first floor. The development would provide a two bedroom flat with a kitchen and hall at ground floor level and two bedrooms, living room and outside terrace at first floor level. One car parking space would be provided adjacent the side elevation of the building.

The design of the extension would be a modern flat roofed addition with a wooden clad, projecting box at first floor level in the elevation facing towards Frog Lane. The

elevations would be largely rendered, with some cladding used towards the rear of the building.

6. Planning Policy

Wiltshire Core Strategy

CP 1 – Settlement Strategy

CP 2 – Delivery Strategy

CP10 – Chippenham Community Area

CP57 - Ensuring High Quality Design and Place Shaping.

CP58 - Ensuring the Conservation of the Historic Environment.

CP60 – Sustainable Transport

CP61 – Transport and Development

North Wiltshire Local Plan 2011 Saved Policy:

NE18 – Noise and Pollution;

National Planning Policy Framework 2014:

Paragraph 7 – 3 Dimensions of Sustainable Development

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 17 – Core Planning Principles

Chapter 7 – Requiring Good Design.

Chapter 12- Conserving and Enhancing the Historic Environment.

7. Consultations

Hullavington Parish Council: In principle the Parish Council supports the application; however it would like some points to be taken into account:

- Gas is now stored at the front of the garage – concerns about the safety of this
- Storage of garage waste in customer parking area
- External colour of the proposed attached premises not in-keeping with the surrounding premises
- Some conditions of the 1999 application have not been adhered to.

Public Protection: It is my experience with flats that are “ancillary” to the shop that in order to be certain this is the case a condition in the form of a tie should be placed upon the permission ensuring that the shop and flat are as one.

This will prevent the flat being rented or sold to a third party who then could complain about noise for example and have an impact on the future of the shop.

Highways Officer: No objection. Firstly it is fairly obvious that the area which is required by Condition 3 to be used for parking has not been used for parking for some considerable period. The 2006 aerial photos show it clearly as a storage area.

As far as the proposed parking is concerned I agree that it would be advantageous to have an accurate, to scale, parking layout. However from my examination of the

highway records I do not consider that the parked vehicles shown on the submitted plan encroach on the highway. The submitted plans (and streetview) are a bit misleading as to the position of the highway boundary.

When I have visited the area I have not found it unduly congested with parked cars and I do not consider that this small development will have a significantly adverse effect on the parking in the area.

Archaeology: No comment

8. Publicity

The application was advertised by site notice and neighbour consultation. This resulted in the submission of 15 consultation responses, with 12 in support and 3 in objection.

The consultation responses in support can be summarised as follows:

- i) Proposal would allow for the village shop to be retained at the site;
- ii) Sufficient parking is provided within the site;
- iii) Acceptable impact to neighbouring occupiers;

The consultation responses in objection can be summarised as followed:

- i) Harm to residential amenity of the adjoining occupiers from loss of light and loss of privacy;
- ii) Harm to the visual amenities of the surrounding area;
- iii) Increased noise disturbance;
- iv) Lack of off-street parking;
- v) Poor living environment provided;
- vi) Development does not meet national standards for house sizes;
- vii) Parking at the site not in accordance with previous condition attached to 1999 planning permission.

9. Planning Considerations

Principle of Development

The applicant has advised that the application has been submitted as the owners wish to sell the garage and post office business, but have struggled to attract an operator due to the high cost of dwellings within the village of Hullavington. No marketing information has been provided or requested as to the attempts to sell the business operation at the site to date.

The application seeks planning permission for the creation of a two bedroom residential unit within the site via a part two storey / part first floor extension. The application site is located within the framework boundary of Hullavington, which is

identified as a large village under Core Policy 10 of the Wiltshire Core Strategy (WCS). Core Policy 2 of the WCS states that within the limits of development, there is a presumption in favour of sustainable development. The proposal would see the intensification of a brownfield site within a framework boundary to provide a residential unit. Therefore, it is in accordance with both national and local planning policy and is acceptable in principle.

It is noted that a number of residents have supported the application, as they consider that it would ensure the retention of the post office / village store which serves Hullavington. However, this application does not seek the removal of this facility and Core Policy 49 ensures that village stores such as this are protected in the event of an application for the redevelopment of the site.

Impact on the Visual Amenities of the Surrounding Area

The proposal is a two storey addition to the existing garage and post office at the site. Both offer little architectural merit and take up a prominent corner plot on the High Street in Hullavington. The current proposal is for a modern addition to the site, with a sizeable wooden box projecting at first floor level and large sections of wooden cladding. Whilst objections have been received that the development would not be in keeping with the character of the surrounding area, the site is located at the end of the street and is read as separate from the adjoining residential dwellings. Therefore, a site such as this would be suitable for a more modern addition to be added and no objection is raised in this regard. Therefore, the proposal is considered to have an acceptable impact on the visual amenities of the surrounding area.

It is noted that the dwelling on the opposite side of Frog Lane, known as The Cottage, is a Grade II Listed Building. However, the current proposal would not be considered to cause harm to the setting of this Heritage Asset and is considered acceptable in this regard also.

Impact to Residential Amenity of the Adjoining Occupiers

The application site is a corner plot, which wraps around the rear garden of No.29 High Street, a two storey detached dwellinghouse set to the north / northeast of the application site. This neighbouring occupier has raised an objection on the ground of harm to their residential amenity. The rear garden of No.29 is currently enclosed on either side by the garage building in the application site and the side elevation of No.3 Frog Lane. The current proposal would erect a two storey extension to the post office, which would run along the rear boundary line of No.29, which is currently the only boundary which is not enclosed by built structures.

The extension would have a height above ground level of 5.5 metres, which would drop to 4.5 metres where the privacy screen is located to the rear of the first floor terrace. The plans show that the ground level of the garden of No.29 is set higher than the ground level of the application site, with an increase of 0.8 metres. However, there is an inaccuracy in the plans, as the dwelling of No.29 is set approximately 1 metre below the ground level of the garden, which isn't shown on the plans.

This neighbouring occupier has a set of patio doors in their rear elevation which act as the only light source into the dining room. The light which is received into this window comes only from the rear of their site, as the existing garage already screens this window. The proposed extension would be approximately 12.7 metres from the rear elevation of this dwelling and at a height of 5.5 metres, is considered to result in significant harm to their residential amenity from loss of light. Whilst it is acknowledged that tree within the neighbours garden already results in a loss of light, it is not as significant as the loss of light which would occur from the extension being proposed. The harm is further compounded by the south west orientation of the extension from this neighbouring occupier.

Further to this, the proposal would significantly enclose the rear garden of this adjoining occupier. The proposal would enclose the majority of the only boundary line which is not currently enclosed by buildings. This would result in a significant sense of enclosure, overshadowing and loss of light into the amenity space of this adjoining occupier. Therefore, the proposed development is considered to result in unacceptable harm to the residential amenity of this adjoining occupier and is recommended for refusal on these grounds.

The proposed development would be sufficiently distanced from the principal elevation of No.3 Frog Lane to ensure no significant harm would occur from a loss of light, loss of outlook or sense of dominance.

The windows within the dwelling would be sufficiently distanced from any neighbouring occupier to ensure no loss of privacy would occur. The high level window in the rear elevation of the extension could be conditioned to be obscure glazed to ensure no outlook would be provided. Further to this, the 1.8 metre high privacy screen would ensure no significant loss of privacy would occur from the outdoor terrace being proposed.

Living Conditions for Future Occupiers

The Public Protection Officer raised a concern with regards to the relationship between the dwelling and the adjoining commercial unit. However, the proposal seeks consent for an ancillary unit for use by occupiers of the commercial units. In this circumstance, the proposal would be considered acceptable, as the noise disturbance would be created by the occupiers of the dwelling and they would have overall control of the levels of noise disturbance they receive. Therefore, if consent were to be granted, it is considered that a s106 agreement would be required to tie the residential units to the commercial ones.

The proposed bedrooms would be served by windows in the side elevations of the first floor projecting box. Whilst the level of outlook and source of light received would be reduced compared to having windows in the side elevation, the size of the windows would ensure a suitable living environment would be provided in these rooms.

An objector has also noted that the size of the unit at 66.5 square metres does not meet the Technical Standards for a 2 bedroom 3 person unit from the DLGC, however, these are not referenced in either the NPPF or Planning Practice Guidance and have no statutory status in national planning policy. The Council has no adopted floor space standards and the size of the unit is not so small as to warrant a refusal of the application.

Parking & Highways

A number of neighbouring occupiers and the Parish Council have noted that the 1999 planning permission was granted with a condition which required the land being used for the development to be used for parking.

Since this approval the petrol pumps have been removed from the frontage of the site and provided more space for parking for the commercial operations. The Highways Officer has reviewed the parking arrangements and whilst it is noted that the parking layout does not show parking spaces at 2.4m x 4.8m, they are satisfied that the site has sufficient parking to service the garage, post office and two bedroom residential unit. Therefore, they raise no objection on the grounds of highway safety.

Other Issues

The site is sufficiently sized to provide storage for refuse for the commercial units and residential units within the site and no objection is raised on these grounds.

It is noted that the Parish Council have raised the question about gas being stored to the front of the site. This does not require planning permission and does not form a material consideration.

10. Conclusion

Paragraph 14 of the NPPF states the presumption in favour of sustainable development, whilst paragraph 7 states the three dimensions of sustainable development as being, economic, environmental and social factors. Paragraph 17 sets out the 12 core planning principles, including that development always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and the proposal is contrary to this core planning principle of the framework.

Core Policy 57 requires developments to have regards to the impact on the amenity of existing neighbouring occupiers. The proposed development comes with the benefits of the expansion of the provision of a new residential unit within the site. However, this does not outweigh the harm to the residential amenity of the adjoining occupiers, through loss of light, loss of outlook and sense of dominance. Therefore, it is considered that the benefits from the proposal do not outweigh the harm caused and that the development is contrary to Core Policy 57 in this regard. Therefore, the application is recommended for refusal.

RECOMMENDATION

- 1. The proposed development would, by reason of its height, length of projection along the rear boundary line of the adjoining dwelling and orientation result in an unacceptable loss of light to the occupiers of the dwelling of No.29 High Street and an unacceptable loss of light, overshadowing and sense of enclosure to the amenity space of the same unit. Therefore, the proposal is contrary to Core Policy 57 vii of the Wiltshire Core Strategy.**