

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 16 November 2016   |
| <b>Application Number</b>  | 16/06342/FUL   |
| <b>Site Address</b>        | Besants Garage, Main Road, Christian Malford, SN15 4AZ                   |
| <b>Proposal</b>            | Erection of Workshop Building and Stables (Resubmission of 16/04116/FUL) |
| <b>Applicant</b>           | Mr N. Besant   |
| <b>Town/Parish Council</b> | CHRISTIAN MALFORD  |
| <b>Electoral Division</b>  | KINGTON – Cllr Howard Greenman   |
| <b>Grid Ref</b>            | 395814 179083  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Chris Marsh  |

**Reason for the application being considered by Committee**

The application has been called in by the local Member, in order to consider the scale of development and its relationship to adjacent properties.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

**2. Report Summary**

The main issues in considering the application are as follows:

- Principle of development;
- Impact on the character and appearance of the site;
- Impact on the local area and setting of adjacent properties;
- Impact on residential amenity;
- Parking/highways

Christian Malford Parish Council has objected to the application, to which an objection has also been received from the neighbouring occupier as detailed later in this report.

### 3. Site Description

The application site, known as Besant's Garage, is situated to the immediate South of the B4069 Main Road at Christian Malford and accessed directly from the highway, via a modest bridge over a drainage channel. It is located outside the saved development framework boundary for the village, which is defined as a 'Large Village' for the purposes of the Core Strategy, and abutted closely to the East by the traditional cottage at no.40 Main Road but otherwise part of a very sporadic form of development. The earlier buildings on site comprise a low-quality workshop building following the western boundary adjacent to no.40 and a separate, smaller mono-pitch single storey store a short distance southeast. Both of these remain in situ, whilst the remainder of the original site remains as a typical yard occupied by building materials, informal car parking and the external storage of parts. The site is owned and operated together with the adjacent parcel of agricultural land extending to the South and East, which shares its access with the workshop element.

The applicant obtained a Certificate of Lawfulness (09/00751/CLE) for the use of the northwest portion of the site as a vehicle repair and restoration garage, permission was subsequently granted for the consolidation of the operation into a single one-and-a-half-storey workshop building, prior to the erection of which the earlier buildings were to be demolished (10/01423/FUL refers). However the building subsequently constructed varies from the approved details in a number of ways, described below, and is now near-complete. An application to regularise the works and create permanent living accommodation at first floor level was refused, principally due to the unacceptability in principle of residential development in this location (16/04116/FUL refers).

### 4. Planning History

|                |   |
|----------------|---|
| N/04/02964/FUL | Erection of Detached Garage/Store (The Turnpike, adjacent) – Approved   |
| N/07/01804/FUL | Erection of 28 Houses (7 Affordable) Together with Creation of a Nature Conservation Area for Informal Recreation and Associated Works (Land to South) - Withdrawn  |
| N/09/00751/CLE | Certificate of Lawfulness for Site to be Used for Motor Vehicle Workshop for the Maintenance and Servicing of Motor Vehicles to Include Ancillary Welding Panel Beating Shotblasting Spraying Engine Rebuilding Together with Ancillary External Parking Area to the North of the Workshop and Open Storage Area to the South of the Workshop. The Hours of Operation Being 0900 - 19:00 Monday - Saturday and 10:00 - 1800 on Sunday – Certificate Granted |
| N/10/01423/FUL | Erection of New Workshop Following Demolition of Existing Buildings - Approved  |
| N/10/01936/FUL | Conservatory (The Turnpike, adjacent) – Approved  |
| 16/04116/FUL   | Proposed Erection of Live-Work Unit & Stables – Refused   |

## 5. The Proposal

The now mostly-complete new building for which retrospective planning permission is now sought varies in a number of ways from the approved scheme, being differently sited, proportioned, fenestrated, configured internally and with eyebrow dormers added to its East elevation upon inspection. The majority of the extended site subject of the current application, situated to the South and East, comprises open paddock/meadow including a strip projecting to the rear of no.40 to the southwest, all of which is currently put to little use. It is bounded by a woodland block along much of its southern boundary and mature hedgerow adjacent the property 'The Turnpike', which also marks the framework boundary of the village around 80m from the buildings on site.

The proposal seeks retrospective planning permission for the building works undertaken on site to date and to enable their completion prior to the removal of the earlier workshop and storage buildings. Unlike the previous proposal, the first floor is to be retained as ancillary office/storage space. Separately, it is proposed to change the use of the extended meadow area to equestrian and erect a block of stables a short distance East of the workshop. The stables are to be constructed in traditional timber and comprise two loose boxes together with attached tack room, configured in an L-shape. The stables are to be finished in larch boarding over a brick plinth, with a pitched tiled roof over. No associated/attached hard standing is indicated, and it is understood that they will be accessed directly from the existing yard.

## 6. Local Planning Policy

Adopted Wiltshire Core Strategy:

Core Policies 1 (Settlement strategy), 48 (Supporting rural life), 51 (Landscape), 57 (Ensuring high quality design and place shaping), 60 (Sustainable transport), 61 (Transport and development), 64 (Demand management).

National Planning Policy Framework:

Paragraphs 14 & 17 and Sections 4 (Promoting sustainable transport), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework)

## 7. Summary of consultation responses

Christian Malford Parish Council – objects to the application for the following reasons:

- *It contravenes Core Policy 57(iii) and Core Policy 58 of the (WCS) in terms of its height, mass, scale, and roofline and therefore fails to conserve the setting of the neighbouring property which is a non-designated heritage asset.*
- *It contravenes Core Policy 51(vii) as the proposed development, by reason of its scale, would adversely affect the tranquility and residential amenity of neighbouring occupiers by way of intrusion from light pollution, noise and motion.*

- *It is contrary to Core Policy 61(ii) of the (WCS) as the proposal would give rise to potential harm to highway safety due to the lack of visibility and poor access to vehicular traffic to the Main Road.”*

Highways – no objection, subject to conditions

Conservation – raises concerns in respect of bulk and massing, adversely affecting the setting of the neighbouring undesignated heritage asset

## **8. Publicity**

The application was advertised by site notice and neighbour notification letter.

One letter of objection was received from the neighbouring occupier, raising concerns in respect of the scale of development and impact on

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### Principle of development:

The principle of a replacement workshop building on this site has been accepted previously, the lawfulness of the commercial garage enterprise having been well established and having continued since obtaining a Certificate of Lawful Development (CLD). It is noted that the site area in this instance marginally exceeds that in respect of which the CLD was originally granted. The proposal represents a consolidation of existing operations, enabling a shift from unsecured outside storage to the interior of the building. Notwithstanding the marginal incursion of the building's footprint beyond the existing lawful limits of the industrial land use – as recognised by the CLD – the enterprise as a whole will remain functionally unchanged, and in these terms the commercial element of the proposal is considered acceptable.

As a typically rural pursuit, the change of use of the adjoining land to equestrian is considered acceptable in principle and this will make use of an area otherwise relatively impractical for agricultural use. Notwithstanding the potential for conflict between the noise and activity associated with a busy vehicle repair workshop and the residence of horses, it is accepted that whilst both elements remain under the same control, this would be a self-regulating exercise; one or other would simply be stopped if an issue arose. The proposed stables are of a traditional and modest design and scale that is appropriate to both the size of the landholding and the level of use anticipated. By taking access from the existing yard, the stables will not create any undue urbanisation of the currently open land by way of the introduction of new hard standing or access works.

#### Impact on the character and appearance of the site;

Mindful of the nature of the previously-consented proposals for a consolidated workshop, store, office and reception building on the site, no objection is raised in respect of the design changes now introduced. Broadly speaking, these maintain much the same development envelope, scale and visual impact, with the span of the building increased so as to move its ridge line marginally further from the adjacent residential property. The increased proportions of the western wing of the building will add marginally to the building's bulk however overall, with the removal of the original workshop, the building still represents an improvement in respect of the appearance of the site and residential amenity of the adjacent neighbour.

Concerns have been expressed previously in the altogether more 'domestic' elements introduced into the design, particularly the series of easterly dormers. Whilst it is appreciated that some element of natural light would be a reasonable expectation even of an area used principally for storage, these seem excessive, unduly increasing the bulk of the building. Nonetheless, it is not considered that these either independently or cumulatively incur any significant harm to the appearance of the site or its wider setting. Overall, the building remains of an appropriately functional design, including its final materials, and therefore accords with the design criteria set out in Core Policy 57.

#### Impact on the local area and setting of adjacent properties;

The adjacent highway supports a sporadic distribution of development comprising a mixture of land uses and types of buildings of a wide range of ages. It is in this environment that the original garage complex has become established over a number of years, adding to the diversity of uses found in the locality. The proposal represents a continuation of this use and owing to its comparable scale and intensity, it is not considered that the use itself will have any significant impact on the overall character of the area. As discussed above, the revised design of the building is not considered atypical of this use and certainly relative to the previously-approved scheme will not alter the outward appearance of the site as experienced from public viewpoints to any great extent.

Among the mixed fabric identified, The Old Bakehouse, adjacent, is an example of an undesignated heritage asset, dating from the C19<sup>th</sup> and in reasonably complete form, with later extensions kept to a limited scale to reflect the modest and simple proportions of the original. This lends a sensitivity to change that should be appropriately weighted with regard to relevant policy, which seeks the protection, conservation and – where possible – enhancement of the historic environment. Were the proposals being considered afresh, with no previously established use of the site, it is likely that a detracting effect would be identified in this respect, as per the indication of the Conservation Officer. However the former disparate collection of C20<sup>th</sup> workshops – many in poor condition – and outside storage would already have had a harmful effect. Whilst the increase in the scale of building on site does little to enhance the setting of the neighbouring undesignated asset, this must be balanced against the general value of tidying the site and replacing low-quality fabric with consolidated premises.

Notwithstanding that it is agreed that the building would actually achieve a lesser final quality than the one previously approved, therefore, it is found that this balance conserves overall the historic environment.

#### Impact on residential amenity:

Consideration has been given to the impact of the development on neighbouring dwellings, most immediately The Old Bakehouse, which is situated directly adjacent. In terms of the nature of the use, which is now established as lawful, moving of this away from the boundary with no.40 with the demolition of the earlier workshop, combined with the more substantial construction proposed should marginally reduce noise spill, having a similar beneficial effect as the 2010 proposals in this respect. As with the 2010 application, the current scheme provides an opportunity to impose reasonably necessary conditions, including limiting the hours of use to ensure that activity on site is not unduly intrusive. As both the site and the neighbouring property are located immediately adjacent to a busy B-classified highway, the position of the site is not considered to be so remote as to warrant particularly strict limitations on noise levels, these being restricted by the physical constraints of the site and small scale of the business.

It is noted that representations made in respect of the proposals indicate that overbearing is a concern. However, it is noted that the overall height of the building is actually unchanged from that approved in 2010 and although the span is increased, the ridge line is marginally further from the boundary. It is not considered that the windows of The Old Bakehouse would be significantly disadvantaged by their proximity or height relative to the new building, as the already close eastern site boundary has a limiting effect on daylight in any case, such that current conditions would not be exacerbated. Relative to the existing workshop – whose removal can be secured by condition – the marginally increased proportions of the perpendicular wing will not have any significant overbearing impact. Accordingly, it is considered that the overall impact on residential amenity across the historic situation, previously-approved scheme and most recent submission is a neutral one that does not weigh significantly in the planning balance.

#### Parking/highways

As an established commercial enterprise, the fundamental arrangements for access and parking for the workshop will remain unchanged relative to the previously-approved and indeed historic situation, such that no objection would be raised on highways grounds. The requirement to demolish the older workshop at the western edge of the site will increase the space available for parking and turning. Given that the highway is generally busy and vehicles are brought onto the site for repair, etc, staff would be able to regulate this situation to ensure vehicles exit the site in a forward gear. The Council's Highways Officer has considered the description of anticipated transport movements associated with the proposed stables and, subject to restrictions on their use, raises no objections in relation to their associated movements. As with the workshop, these will remain within the control of the applicant and can therefore be regulated in a manner that avoids inconvenience or risk to users, visitors or other highway users.

## Conclusions

The proposals in part seek to regularise an existing situation with relatively little alteration to the previously-approved details, with those changes being made remaining acceptable in principle and in terms of design. The addition of the proposed stables introduces a new use but not one that is considered likely to result in harm to the countryside or the amenity of neighbours, nor gives rise to any conflict with the established commercial use of the adjacent land. Accordingly, the proposals are considered acceptable in planning terms.

## **RECOMMENDATION**

**That planning permission is GRANTED, subject to the following conditions:**

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

Proposed Ground Floor Plans  
Proposed First Floor Plan  
North Elevation  
South Elevation  
East Elevation  
West Elevation  
Suggested Stable Layout  
Received 29 June 2016

DWG 2 / A - Proposed Site Plan  
Received 25 August 2016

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

- 2 Prior to the date three months from this decision, the earlier workshop building situated immediately West of the building hereby permitted shall be permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

- 3 The site shall be used for motor vehicle repairs, restoration and maintenance and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 4 No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored above a height of 2 metres above the existing ground level outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 5 The use hereby permitted shall only take place between the hours of 0900 and 1900 from Mondays to Saturdays and between 100 and 1800 on Sundays. The use shall not take place at any time on Bank or Public Holidays.

REASON: To ensure the retention of an environment free from additional intrusive levels of noise and activity in the interests of the amenity of the area.

- 6 The equestrian development hereby permitted shall not be first brought into use until the first ten metres of the access, measured from the field entrance, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 7 The equestrian development hereby permitted shall not be first brought into use until sufficient space for the parking of one vehicle together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access to the stables.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 8 The equestrian element of the development hereby permitted shall not be brought into use until details of the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority, and; the works for such storage and disposal have been completed in accordance with the approved details. The approved storage area shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

- 9 The equestrian development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

- 10 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and the rural character of the area.

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILP, 2011)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 12 **INFORMATIVE TO APPLICANT:**  
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 13 **INFORMATIVE TO APPLICANT:**  
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.