

Date of Meeting	30 th November 2017
Application Number	17/06803/FUL
Site Address	Land to the Rear Of 5 London House, Market Place, Pewsey, Wiltshire SN9 5AA
Proposal	Single storey dwelling to replace existing storage building.
Applicant	Mr M Tucker
Town/Parish Council	PEWSEY
Electoral Division	PEWSEY – Cllr Jerry Kunkler
Grid Ref	416423 160051
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Kunkler, for consideration to be given to the amenity and highway safety/parking impacts of the proposal.

1. Purpose of Report

To consider the detail of the application against the policies of the development plan and other material considerations and to considered the recommendation that the application be approved.

2. Report Summary

The main issues to be considered are:

- Whether the dwelling is acceptable in principle;
- Whether the proposal would preserve or enhance the character and appearance of the Pewsey Conservation Area or impact on the setting of nearby listed buildings;
- Whether the proposal would have a detrimental impact upon the reasonable living conditions of the adjoining residents.
- Whether the proposal would have a severe impact upon highway safety including if there is sufficient parking for the dwelling; and,
- Whether the site can be adequately drained.

3. Site Description

The application site comprises land to the rear of London House, River Street in Pewsey. It is surrounded by development on all four sides – residential to the south and west, gardens and outbuildings to the north and primarily commercial premises to the east, with one flat at ground floor level. The site is accessed off River Street via a pedestrian passageway.

At the time of the officer site visit, the area was overgrown with ruderal vegetation. There was a building in situ on the land that did not appear to be in active use. The whole of the site was paved with concrete slabs.

In planning policy terms, the site lies within the built up area of the settlement and within the village's designated conservation area and would be considered as brownfield land. To the east of the site lies 1-5 River Street which are Grade II listed buildings. The settlement of Pewsey is washed over by the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

There are no other planning constraints listed for the site that need to be considered as part of this application.

4. Planning History

K/42679/F – This application was refused on the 12/09/03 for the following reason:

The proposed dwelling would, by virtue of its siting on a physically constrained site (with limited amenity space and windows to habitable rooms opening directly onto land outside of the site) and by virtue of the building's relationship to surrounding properties (including food businesses which are likely to cause odour nuisance), be detrimental to the reasonable living conditions of future occupiers of the dwelling. The proposal would therefore be contrary to Policy DP1 of the adopted Kennet Local Plan and Policy PD1 of the emerging Replacement Kennet Local Plan.

5. The Proposal

The application proposes the demolition of the existing storage building and replacement with a single storey dwelling.

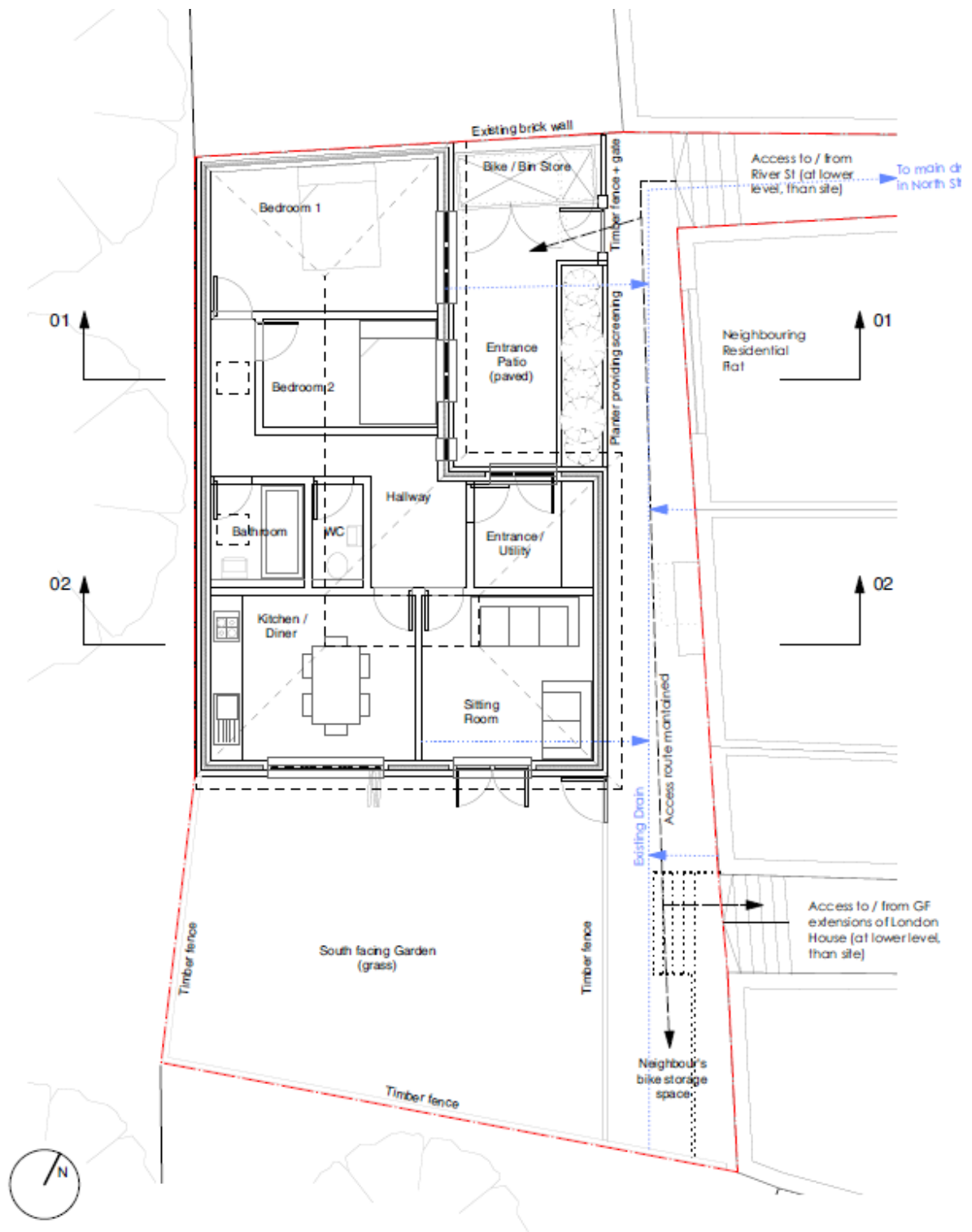
It is to be constructed out of facing brickwork to the walls, natural slate tiles to the roof with aluminium framed glazing and timber doors.

The dwelling would have a foot print of approximately 77m² with a ridge height of 4m. It would have a private amenity space in excess of the generally accepted standards of 50m². It is not to be served by any parking spaces. Access to the dwelling would be pedestrian only utilising an existing passageway which runs down the side of No. 7 London Road.

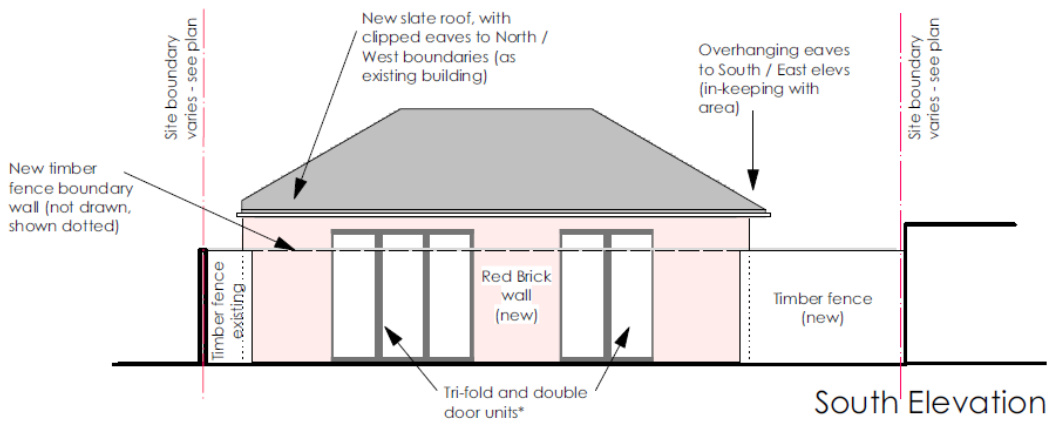
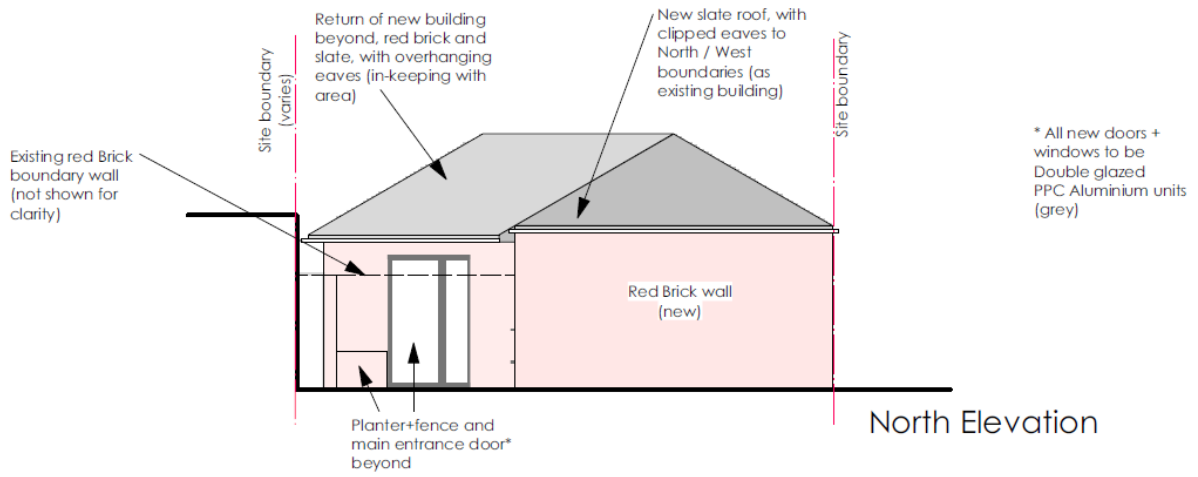
Below is a plan showing the location of the site, followed by the proposed ground floor plan and elevations of the development.



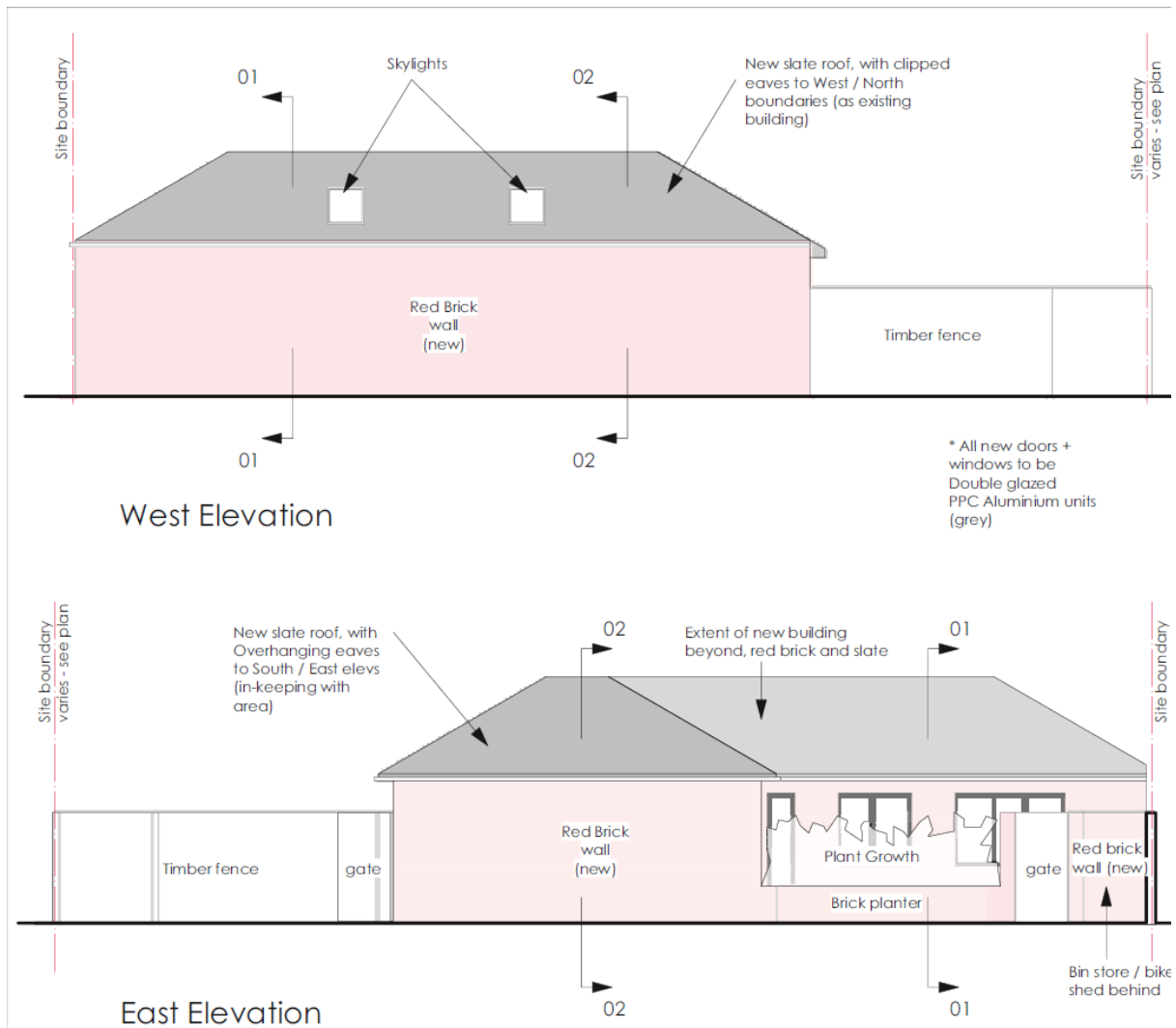
Site Location



Proposed Ground Floor Plan



Proposed North and South Elevations



Proposed West and East Elevations

6. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 18 – Pewsey Community Area
- CP 41 – Sustainable Construction and low-carbon energy
- CP 51 – Landscape
- CP 57 – Ensuring high quality design and place shaping
- CP 58 – Ensuring the conservation of the historic environment
- CP 61 – Transport and new development
- CP 64 – Demand Management

Pewsey Neighbourhood Plan

National Planning Policy Framework 2012 (NPPF)

Supplementary Planning Guidance:

- *Local Transport Plan 2011-2026 Car Parking Strategy* (March 2011) – Minimum residential parking standards.
- *Local Transport Plan 2011-2026 Cycling Strategy* (March 2015) – Appendix 4

7. Summary of consultation responses

Pewsey Parish Council

Objects to the application on the following grounds:

- The architectural drawing as to the site's potential for the existing site are inaccurate and in some instances wrong, making it misleading as to potential use.
- There is no mention of the existing full gas bottle cage which would obstruct the fire exit from the back of the shop which is along the access route. There is no other way.
- The stairs, which act as a fire escape from the Prospect Shop, are NOT as drawn on the plans.
- The alignment of the existing London House buildings shown on the drawings is inaccurate.
- The access for building materials and construction machinery is extremely limited. This access is also used for storage of London House waste bins. Any prolonged obstruction by contractors vehicles, skips etc. of the highway's parking bays is quite unacceptable.
- The allegation that there is unrestricted car parking in a local authority car park and on the road is NOT correct. The on-street parking in the Market Place is limited to 30 minutes and the local authority car parks, which are managed by the Parish Council, are limited to 24 hours in any 48 hour period.
- There is no proposed disabled access.
- There is an oil tank belonging to the dental practice to the west abutting the proposed building.
- UPVC windows and doors are proposed within the conservation area, this is contrary to the NDP which promotes the use of wooden windows and doors in the conservation area.
- The amenity offered to the existing low level windows of London House is constrained and the available light is severely obstructed.
- The current building was used as a workshop and has not been marketed as such. This proposal means a loss of a potential employment site.
- This proposal is viewed as overdevelopment of a very limited space which is not suitable for residential use.

Wiltshire Council Highways Officer

Advises that from a highway perspective, the proposal does not offer any off street parking which is in contravention of the minimum parking now adopted by the LHA. However, any prospective purchaser of the property will be aware of the restrictions on parking and given that the on-street parking in the immediate vicinity is managed by restricted parking bays, they are mindful that any potential displaced parking will be minimised. The proposal is for a two bed dwelling, which they are willing to consider as a car-free proposition. Based on the

information provided, they are minded to accept a car free residential unit and are happy to offer no highway objection.

Wiltshire Council Drainage Officer

Is prepared to support the application subject to conditions requiring the submission of a foul and surface water drainage scheme. Also wishes to point out that the indicated location of the existing sewer (likely to be a public sewer S105a due to blanket adoption in 2011) is within the normal clearance zone in relation to public sewers so this will need a build near application and approval of Wessex Water – if permission is not given, then layout will not be achievable.

8. Publicity

The application was advertised by site notice and neighbour notification letters. As a result of this publicity the following comments have been received:

- The Pewsey Dental Practice have a large oil tank in their garden providing heating to the practice and this directly abuts the south-west blank wall of the proposed site. They are concerned as to how the applicant proposes to deal with the large tank whilst the wall is rebuilt. The surgery requires heating to be available 7 days a week. They cannot find any comments in the application regarding the oil tank so they are objecting to the application.

9. Planning Considerations

Principle of Development

The starting point for the determination of any application is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise. The primacy of the development plan is enshrined in the NPPF and is reaffirmed at paragraphs 11, 12, 17, 150 and 196 where emphasis is placed upon the importance of a plan-led system. The development plan for Wiltshire is the adopted Wiltshire Core Strategy 2015 (WCS). This is a recently adopted document, approved by full Council on the 20th January 2015 and has been thoroughly scrutinised through the examination process and found to be legally compliant, sound and in conformity with the NPPF. It contains relevant up to date policies, a spatial strategy and a spatial vision, all of which are designed to achieve sustainable development objectives within Wiltshire.

Within the development limits of Principal Settlements, Market Towns, Local Service Centres and Large Villages there is presumption in favour of sustainable development – Local Service Centres, which Pewsey is identified as, are defined as settlements capable of taking modest levels of development. Accordingly, the principle of development for new housing in this location is considered acceptable subject, of course, to the proposal's conformity with other relevant policies of the development plan and notably Core Policies 57, 58 and 64.

The proposal would also accord with the Pewsey Neighbourhood Plan (NP), where new residential development is permitted in principle within the LoD. Furthermore, the plan states a preference for the development of brownfield land over greenfield land.

The Parish Council have stated that the building was used as a workshop and that development of this site would result in the loss of an employment site. Pewsey NP Policy 3

– The Economy states that “conversion of properties currently used as offices, retail or employment uses to residential use will not normally be permitted. Core Policy 35 of the WCS states that the redevelopment of buildings currently or last used for use classes B1, B2 and B8 should only be permitted where they meet the criteria of the policy.

The applicants have informed the case officer that the building was used as a workshop but that this was many years ago. Since then, it has been used as a storeroom in association with the charity shop on the Market Place (i.e. ancillary to the A1 use). It is no longer in active use by them and thus is a redundant building. Based upon the information provided to by the applicants, and what was witnessed at the officer site visit, it is not considered that the building was last used, or is currently used, for employment purposes. Accordingly, it is not considered to be caught by these policies.

In any event, given the constraints of the site (i.e. a narrow pedestrian access only) and the proximity to residential dwellings, the site is unlikely to be considered appropriate for continued employment use within the B-Class uses.

Design and Impact on Heritage Assets

Core Policy 57 of the WCS is the primary reference point for assessing the design of the scheme. This policy requires a high standard of design to be met across all new development proposals. It requires development to conform to the existing settlement pattern, and be respectful in terms of building form, layout, plot size, elevation treatment and neighbour amenity. Additionally, section 7 of the NPPF is relevant.

The local planning authority also has a statutory duty placed upon it by s.66 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and setting of listed buildings. There is also a statutory duty placed upon it by s.72 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and appearance of conservation areas.

The NPPF outlines government policy in respect of the historic environment. Section 12 “*Conserving and Enhancing the Historic Environment*” sets out an overall aspiration for conserving heritage assets, in particular paragraph 132, which states: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Core Policy 58 in the WCS seeks to ensure the conservation of the historic environment and states that designated heritage assets and their settings will be conserved.

The proposal would conform to the established pattern of development for the area. There are examples of development in depth along this part of the Market Place, notably the flat behind No. 7 and the dwellings and dentist behind the application site. As such, the siting of a dwelling here would not appear out of character with its surroundings. Furthermore, the fact that the dwelling would be replacing an existing building is a significant material consideration when assessing the principle of locating a dwelling here.

The existing building on the site has a footprint of 57m² and its height is, at the highest point, 4.45m. The proposed dwelling would sit lower in height than the existing building and would not be significantly larger in footprint. The design is thus considered to be reflective of the height and scale of the existing building on the site that it is intended to replace. As a result, the proposal is also not considered to represent an overdevelopment of the site.

Elevational design and materials are reflective of the local vernacular, with traditional facing brickwork being used on the surrounding buildings. Aluminium windows painted in a dark grey colour are an acceptable material to use within the conservation area and would ensure a high quality finish. Slate is in use on a number of prominent buildings within Pewsey centre and the surrounding area in general and thus is considered appropriate. In all, the materials are acceptable in principle subject to a condition to ensure the specific details are appropriate.

The proposal would sit to the rear of the development that fronts onto the Market Place and as such, is unlikely to be readily visible from public vantage points. Development of this site would therefore not have a significant detrimental impact upon the character and appearance of the conservation area. Furthermore, given the current state of the site, it is fair to say that it does not, at present, have a positive impact on the conservation area or the setting of listed buildings. Removing the building and tidying up the site would have a more positive impact. The proposal to replace the building with a dwelling would not necessarily have the same positive impact. However, given that the scale and height are very similar to the building already present on the site, it is considered that the impact upon the character and appearance of the conservation area and the setting of the listed buildings would be neutral.

Given the constraints of the site (article 2(3) land and limited size), the occupiers would be able to undertake little further development by way of exercising permitted development rights. It is therefore not considered necessary to remove permitted development rights for extensions or outbuildings etc. by way of a planning condition.

Visual Impact

Based on the considerations above ie. that the scheme is of an acceptable design with a neutral impact on heritage assets, the proposed development would not have any further visual / landscape impacts. The aims of Core Policy 51 to protect landscape character are thus satisfied.

Amenity

It is considered that no harm would be caused to the reasonable living conditions of the occupiers of adjoining properties as a result of the proposed development.

The ridge and eaves height of the proposed dwelling would be lower than the existing building. However, it does have a slightly larger footprint. There was some concern at pre-application stage that the building might impact affect the amount of light received to the flat behind No. 7 Market Place (which has a window that faces out onto the site). However, the building line at this point is no further forward than the existing storage building and with the lower roof, the relationship should in theory be better. Accordingly, it is not considered that significant loss of light would occur to this window such that a refusal of planning permission could be justified. Nor is it considered that the development would have an overbearing impact upon this

property. In addition to this, no letter of objection has been received from the occupiers of this property.

There are other buildings in close proximity to the proposed dwelling. However, with a reduced height and no extension to the length of the building, the proposed dwelling would not cause loss of light to these properties or have an overbearing impact on their occupiers.

In terms of privacy, the proposed dwelling is single storey and as such, the outlook from any of the windows would not have a detrimental impact upon the privacy of the occupiers of surrounding properties.

The proposed dwelling would have a sufficient internal floorspace and private amenity space such that the concerns raised in the 2003 application would be overcome i.e. the living conditions of future occupiers of the dwelling would be adequate. Whilst there may be some overlooking from the properties behind into the proposed amenity space there would be an element of 'buyer beware' – it is not considered that this would warrant the refusal of planning permission.

The proposed dwelling would also lie in close proximity to the takeaway/s along the Market Place / London Road. However, since the 2003 application was determined, residential development has been permitted in closer proximity. As such, it would be unreasonable to suggest that the occupiers of this dwelling would be any more affected by smell or odour from the takeaways than the recently permitted flat. As such, it is considered that the refusal of planning permission on this ground would not be justified.

Parking / Highways / Rights of Way

Minimum parking standards exist for residential dwellings and it is a requirement of Core Policy 64 of the WCS that these are adhered to in all new residential development proposals. The development would generate the need for 2 parking spaces.

However, the policy does allow lesser standards to be applied where parking demand is likely to be low or where parking overspill can be controlled.

In this case, the site is located within the centre of Pewsey where there is access to shops and services on foot. There is also access to public transport (bus and train station) on foot and public car parks are available nearby (albeit with restrictions). Furthermore, any proposed purchaser of the property would be aware that there is no dedicated parking. Car demand is therefore likely to be low for this development.

River Street and the Market Place have waiting restrictions on them which would effectively prevent on street parking. As such, parking overspill can be controlled and on-street parking would be prevented.

The residual cumulative impacts of having a carless development in this location would not amount to a severe impact upon the surrounding highways network. Consequently, the Highways Officer has raised no objection to the proposed development.

Drainage

Through the use of appropriate planning conditions, it is possible to secure details of foul and surface water drainage which would satisfy the concerns of the drainage officer. The indicated location of the existing sewer is within the normal clearance zone in relation to public sewers so the applicants would need a 'build near' application and Wessex Water's consent. However, this is a separate matter which does not affect the grant of planning permission. That said, if consent is not given by Wessex Water then the layout will not be achievable in which case the applicant would be unable to implement the planning permission if granted.

Other Comments

Pewsey Parish Council has made reference to inaccuracies in the architectural drawings. Some of the errors appear to have been rectified through the receipt of amended plans. However, the Parish Council still has concerns over this. The applicants do not agree that there are inaccuracies in the existing / survey drawings – notwithstanding this, the case officer has carried out a thorough site visit and has been able to make a full assessment of the proposal. As such, this would not prevent the application from being determined.

The Parish Council also states that there has been no mention of the existing full gas bottle cage in the application. It has stated that this would obstruct the fire exit from the back of the shop if the development went ahead. However, this is a private matter which cannot be resolved through the planning process. It would appear that the gas bottle cage is on a shared access way which presumably needs to be kept clear.

Concerns have also been raised that the access for building materials and construction machinery is extremely limited. In response to this, it is proposed to impose a condition requiring the submission of a construction method statement to cover delivery of materials, parking of contractor vehicles etc. This should prevent the access route being blocked. In any event, this is a temporary issue that will only be present during the construction phase.

The parish council is also concerned that there is no proposed disabled access. This is a matter to be considered when seeking building regulations approval. Access to the dwelling would need justifying, in particular the existing stepped approach, which may well need to be accommodated if it is not feasible to alter it.

Concern has also been raised about the oil tank belonging to the dental practice to the west abutting the proposed building. This again is a private matter to be resolved by the respective both parties. The applicants would need to ensure the oil tank remains available for use by the dental practice.

Concern has also been raised over the use of UPVC windows and doors in a conservation area and the fact that this would be contrary to the NP which promotes the use of wooden windows and doors in the conservation area. All new doors and windows are proposed to be aluminium not uPVC. This is clearly stated on the plans. High quality aluminium windows would be considered acceptable in this instance and they are of an appropriate colour (grey). The building is a contemporary new build set back behind frontage buildings. It will not be overtly visible from the public realm of the Conservation Area. It would therefore be difficult to argue that the proposed use of this material is unacceptable.

10. Conclusion (The Planning Balance)

The site comprises brownfield land and sits within the LoD of Pewsey where under Core 1 and 2 of the WCS, new residential development is permissible in principle. The same stance is taken with the Pewsey NP.

The proposal involves the erection of a 2 bed dwelling which is considered to meet the high standards of design that are required by Core Policy 57 of the WCS, with the more detailed aspects to be controlled through appropriate planning conditions. The proposal would have a neutral impacts on heritage assets, namely the Pewsey Conservation Area and the setting of adjacent grade II listed buildings.

As the site is located within the built up area of the village, surrounded by other residential dwellings and commercial buildings, there would be no detrimental visual / landscape impacts. Compliance with the aims of Core Policy 51 is thus secured.

The Council's Highways Officer is satisfied that a car free dwelling can be accommodated on the site without causing severe harm to highway safety due to the site's sustainable location.

There are no other technical issues that would warrant a refusal of planning permission or that cannot be mitigated through the use of appropriate planning conditions.

The LPA must also take account of local finance considerations so far as they are materially relevant to the proposal. In this case, the Council and the Parish Council would receive CIL money. The Council would also receive money in the form of the New Homes Bonus. These merit some positive weight in the planning balance, albeit limited as the proposal is for just 1 dwelling.

The scheme would also generate some employment in the construction industry and would increase economic expenditure in the locality. Whilst it is appreciated this is a very small proposal for just one dwelling, this factor would also accrue some positive weight in the overall balance.

In the absence of any material harm, the balance lies in favour of approving the application. It is considered to accord with the development plan as a whole and there are no material considerations that would indicate a decision should be made other than in accordance with the development plan (e.g. policies contained within the NPPF).

RECOMMENDATION

That the application be approved subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application Form
- Design and Access Statement
- DWG No 728-1A-01 - Site Location and Plan
- DWG No 728-1A-02 Rev A - Existing Ground Floor Plan
- DWG No 728-1A-03 - Existing Elevations and Sections
- DWG No 728-1A-04 - Existing Elevations and Sections 2
- DWG No 728-1A-05 Rev A - Proposed Ground Floor Plan
- DWG No 728-1A-06 - Proposed Roof Plan
- DWG No 728-1A-07 - Proposed Elevations and Sections
- DWG No 728-1A-08 - Proposed Elevations and Sections 2

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

3 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

4 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

5 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Management Plan (CMP) has been

submitted to and approved in writing by the local planning authority. The CMP shall include, but not necessarily be limited to, the following:

- a) Car parking strategies for construction vehicles
- b) The storage location of any materials or plant
- c) The location of temporary structures
- d) The plan for the delivery of materials to the site

The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure the access remains available and convenient for use and in the interests of neighbour amenity.

- 6 No development shall commence on site above ground floor slab level until the exact details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the Pewsey Conservation Area.