

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

Date of Meeting	29 November 2017
Application Number	17/09431/FUL
Site Address	Land Adjacent Benson House, Market Place, Box, Corsham, Wiltshire, SN13 8PA
Proposal	New dwelling
Applicant	Mr Paul Keller
Town/Parish Council	BOX
Electoral Division	BOX AND COLERNE – Cllr Brian Matthew
Grid Ref	382673 168590
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by Cllr Matthew in order to consider the scale of development, its visual impact, impact on adjoining properties, environmental/highway impact, car parking and potential flooding impacts.

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 key issues in the consideration of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the site and its setting;
- Impact on the Box Conservation Area and listed buildings;
- Impact on the Cotswolds AONB;
- Impact on residential amenity;
- Highways impacts;
- Impact on protected trees;
- Impact on local flooding; and
- Planning contributions

3. Site Description

The application relates to a modest parcel of land situated in the lower part of the Market Place, in central Box. At present, the site accommodates a single-storey, three-bay detached garage block and associated informal parking space associated until fairly recently with the Manor Garage located nearby on the High Street. Since the closure of that business, the site has ceased to be used as overflow parking and is typically observed free of vehicles. The site is covered by hard standing and enclosed on its northeast boundary with the Grade II-listed Old Dairy by a traditional stone wall. Close to this boundary, two very large trees provide a significant amount of canopy and there is also a large single-storey outbuilding within the grounds of The Old Dairy whose lawful use is now as a café. A similar stone wall extends partially across the site frontage.

The garage block is of typical mid-to-late-C20th design and is constructed in reconstituted Bath stone beneath a shallow mono-pitch mineral felt roof. It is located toward the rear of the site, which backs on to the linear rear garden of no.9 Market Place, whose boundary a short distance from the rear of the garage block is demarcated by a close board timber fence. It is understood that there is a right of access across the northeast side of the site to the rear of no.9 as indicated by a domestic timber gate at the boundary and, beyond it, to Coleridge House. The adjacent property to the south, Benson House, is operated as a pair of holiday let flats, and notably has two ground floor windows facing directly onto the application site.

The site is located within the saved development framework boundary for Box, identified as a 'Large Village' in the Core Strategy settlement hierarchy. It is also located within the Box Conservation Area and in close proximity of a number of Grade II-listed buildings including The Old Dairy, Coleridge House, the former Chequers Inn and nos. 3-7 Market Place, which together surround the site. Box itself falls within the Western Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

4. Planning History

N/10/01437/FUL	Proposed Conversion of Existing Garage To Form New Coffee Shop; Including Conversion of Outbuilding To Form W.C. - approved
N/11/03912/S73A	Variation of Condition 04 to Planning Permission 10/01437/FUL to Allow for Other Complimentary Uses. Variation of Condition 05 to Planning Permission 10/01437/FUL to Allow those Complimentary Uses to Take Place Outside Permitted Hours of Operation. - approved
14/09347/TCA	Take Back Lawson Cypress to Boundary Wall
17/01507/FUL	New Dwelling – withdrawn

5. The Proposal

Following the withdrawal of an earlier proposal for a more traditionally-proportioned new dwelling on the site, planning permission is sought in respect of the conversion and extension of the existing garage block to create a single, two-bedroom dwelling together with associate parking and amenity space. The existing roof is to be reconstructed as a hipped structure and the northernmost of the three garage bays extended upwards to provide a full two-storey 'turret' element accommodating a second bedroom. The ground floor accommodation is otherwise to comprise of a single open-plan kitchen/living/dining area with separate bedroom and bathroom.

Externally, the building is to be clad in vertical timber strips, with both the lower hipped roof and shallow-pitched turret roof finished in natural Spanish slate. The southern pair of garage bay openings, one of which is to provide front access, is to be predominantly glazed, while additional fenestration to the rear of the kitchen and to the West elevation of the 'turret' element is to be added. A single small window is to serve the stairwell to the rear of the first floor bedroom and an additional door to provide rear access alongside the boundary fence of no.9.

An area of private amenity space is to be laid out to the front of the dwelling and is to be enclosed from the Market Place by reconfiguring the existing eastern stone boundary wall in matching materials whilst incorporating a suitable splay for vehicle access/visibility. This element is to be set along the southern side of the site and comprises of an initial paved section with drainage channel leading from the Market Place onto two tandem allocated parking spaces positioned directly alongside Benson House. Incidentally, a foul sewer runs beneath this area. The details currently indicate the installation of inward-opening timber gates securing this area.

6. Local Planning Policy

Wiltshire Core Strategy

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 11 (Area strategy; Corsham Community Area)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 58 (Ensuring the conservation of the historic environment)

Core Policy 61 (Transport and development)

Core Policy 64 (Demand management)

Core Policy 67 (Flood risk)

North Wiltshire Local Plan 2011

Saved Policy NE14 (Trees, site features and the control of new development)

National Planning Policy Framework

Paragraphs 14 & 17

Section 4 (Promoting sustainable transport)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

Section 9 (Protecting Green Belt land)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

7. Summary of consultation responses

Box Parish Council – “*Objections. This is in an historic part of Box in the Conservation area and the design is out of keeping and is not aesthetically suitable. There would be loss of light and amenity of neighbouring properties and there are concerns about its close proximity to the neighbouring fence. The Parish Council is very concerned about*

the protection of the Sequoia tree and this must not be damaged as it is a prominent local feature. The right of access must remain and there are still concerns about the issues with parking. There are also concerns as this area was flooded recently.”

Highways – no objection

Conservation – objections, citing the two-storey element’s obstruction of important views through the Conservation Area

Trees – support, subject to conditions

Drainage – no objection, subject to conditions

8. Publicity

The application was advertised by site notice and neighbour notification.

Nine letters of objection were received, one signed by several neighbours, whose key points can be summarised as follows:

- Scheme will impact adversely on the residential amenity of neighbours by way of overlooking, overshadowing and overbearing;
- Design is unsympathetic to the site, the Conservation Area and/or nearby listed buildings;
- Development will exacerbate flooding issues in the Market Place;
- Development will impact on root protection areas around adjacent trees.

Concerns over obstruction of a private right of access are a civil matter and not a material planning consideration. Nonetheless, the scheme does appear to make physical alternative provision for the existing arrangement.

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 site is located within the saved settlement framework boundary for Box, within which new residential development is both considered acceptable in principle in accordance with Core Policies 2 and 11 and also made clear to be an exception from the presumption against new buildings in the Green Belt. The site is located centrally within the village, providing good access to local services and public transport compliant with the purpose of Core Policy 60 and Paragraph 34 of the Framework. The quantum of development will contribute to the provision of smaller, affordable accommodation

within the village, promoting balanced communities and a proportionate approach to development relative to the size of the settlement.

Impact on the character and appearance of the site and its setting

At present, the site contributes very little in aesthetic terms, although marginally improved by the recent absence of parked vehicles whose continual presence previously rather dominated this sensitive location. The garage block in its present form has minimal design merit, the concessionary use of Bath stone-coloured blockwork being the only real practical measure to reduce harm. Notwithstanding its recessed position, the currently fairly open site frontage means that, together with the café building adjacent, there is something of a drop in quality at this point of the experiential 'loop' through the Market Place. In short, there is no objection in principle to the building's modification or removal.

The proposal will undoubtedly change the character and appearance of the host building, introducing a less utilitarian form of an increased scale. Whilst it is appreciated that style and detail may inform subjective conclusions as to whether a high standard of design is achieved it is considered in this case that an improvement would be realised in this regard; unattractive doors would be replaced with either glazing or cladding, the latter being extensively used, and the existing low-quality roof upgraded with the use of natural slates. Notwithstanding that Welsh slate is likely to be prohibitively expensive, the colour and cut of Spanish slate is considered more compatible with the timber cladding specified. The varied form of the proposed extended building is considered to offer considerably greater visual interest and the 'turret' component makes oblique reference to the derelict Chequers outbuilding directly opposite the site.

Impact on the Box Conservation Area and listed buildings

The Box Conservation Area is characterised by a diverse mixture of building styles but a nonetheless legible pattern of development and predominant use of Bath stone that acts as a uniting influence. As indicated above, the site currently contributes very little to this character and the use of reconstituted Bath stone, as in almost all cases, is fooling nobody. Independently, despite their increased scale, it is considered that the proposals will enhance the appearance of this part of the Conservation Area through the use of contrasting, but complimentary materials and more traditional (although not historically typical) roof forms. The concerns of the Conservation Officer are noted in respect of the introduction of two-storey fabric through a currently open break affording views through the Conservation Area however this effect will be minimal. The 'turret' element is grouped with a large tree that blocks a substantial amount of this view outside of the winter months and the overall effect will remain appreciable from the corner of the Market Place following development. In context, the converted and extended dwelling will appear as an honest, modern infill intervention rather than aping the authentic historic fabric surrounding. To this end, mindful of the pre-existence of the rather lacklustre café building adjacent, the development will also preserve the settings of nearby listed buildings and, subject to an appropriate finish, will complement the general high standard of design. S66(1) and 72(1) of the Act are considered to be met.

The reconfiguration of outside areas will also offer an enhancement to the Conservation Area. Open frontages are not typical of this part of the Conservation Area, or indeed surrounding areas within Box, whose historic buildings are typified either by a pavement-fronting elevation or, in the case of higher-status buildings, natural stone walls. The proposals would reconfigure such a feature to provide a more consistent experience with The Old Dairy and the former Chequers upon heading southwest into the Market Place from the High Street. The removal of hard standing would also better

reflect the mixed surfacing of this part of the Conservation Area, which does contain a notable component of grass along with several private 'courtyard' gardens.

Impact on the Cotswolds AONB

Owing to the enclosed nature of the site, it is not anticipated that the development would have any significant impact whatsoever on the character, appearance or openness of the Cotswolds AONB, whose designation sweeps over the village of Box. The site is tightly contained within the urban built fabric of the village, and in its immediate context the dwelling will sit lower and less bulky than the adjacent dwellings.

Impact on residential amenity

Turning to the matter of residential amenity, it is noted that several representations – not least the neighbour concerned – make reference to the impact of the development and particularly that of the 'turret' extension on the residential amenity of no.9 Market Place. Dealing first with the suggestion of overlooking, whilst the single first floor window would be set some considerable way above the adjacent stepped standing surface, this can be conditioned to require the installation of obscure glazing, thus resolving any real or perceived potential privacy issue. In terms of overbearing and/or overshadowing, it is noted that the element concerned is set as far from the rear elevation and initial amenity space of no.9 as practicable, limiting its immediate impact considerably. Owing to its easterly position, the 'turret' may have some limited overshadowing effect although this is likely to be very limited. In terms of the perception of overbearing, it is noted that both no.9 and the neighbouring Coleridge House are likely to experience this to some extent already due to their sitting some way below the High Street and the adjacent Works and whilst this is a subjective matter, it is not considered that the development will have such demonstrable impacts in this respect as to warrant refusal. It is not considered that the residual hipped roof section will have any discernible effect on residential amenity.

It is also worthwhile to consider the impact of the development on the neighbouring Benson House, which has two ground floor windows directly overlooking the southern side of the side, and vice-versa. Whilst it is considered that the use of the building as a holiday let would usually dictate that a lower standard of amenity for incidental facilities such as kitchens (unlikely to be a priority for holidaymakers) would prove acceptable, it is noted that the use of Benson House is not restricted and that it could revert to use as a dwelling at any time and without the need for permission, and therefore should be considered as such. This considered, however, it has long been an established situation that vehicles are parked directly alongside Benson House; whilst undoubtedly having an adverse impact in terms of shading, and to some extent, privacy, this represents the status quo and to that end the development would not result in any additional harm. This arrangement also protects to a large extent against a more harmful inter-visibility between private amenity spaces.

Highways impacts

The Council's Highways Officer has reviewed the proposals and is satisfied that the proposed arrangement is satisfactory for the purposes of the amount of development proposed. The provision of two allocated off-street parking spaces meets the adopted countywide standard for a two-bed dwelling and exceeds typical provision in this area where many properties rely entirely on on-street provision. Any existing shortfall is not material, however and furthermore, the historic use of the site clearly resulted in a considerably greater volume of parked vehicles and associated traffic within the Market Place, in the context of which the proposals represent a reduction in demand.

Due to the limited amount of development, one-way traffic flow, reasonable visibility and typically low volume of vehicle movements in this area it is not considered necessary that the site arrangement provides dedicated on-site turning provision. Subject to the new boundary wall's being kept to a suitable height, vehicles would be afforded adequate opportunity to manoeuvre safely into and out of the site. Planning conditions can be used to ensure that the site is laid out and maintained appropriately in this regard.

Impact on protected trees

Concern over the previous new-build proposal's impact on root structures of the important trees adjacent to the site was, amongst other factors, a reason for the officer's not supporting the scheme. By contrast, the current scheme relies fundamentally on the existing building to provide the new dwelling, obviating any need for intervention to foundations or services below ground that may cause harm to trees. On this basis, the Council's Trees Officer has provided guidance on an appropriate condition to give reassurance and oversight in this respect, such that no objection is raised in relation to trees. The trees' Conservation Area setting provides adequate future protection of these important specimens, requiring that further notice is given prior to undertaking any lopping/reduction works that may be sought by future occupiers.

Impact on local flooding

The site lies within Flood Risk Zone 1, within which no Flood Risk Assessment is required as part of the planning application. Although anecdotally there are a number of reports of localised flooding in the Market Place during extreme weather events, it is altogether unclear how this would be exacerbated by the proposed development. Instead, the provision of a part-permeable surface in place of the existing hard standing would create greater attenuation and permeation capacity on site, reducing pressure on the existing drainage systems to which the development would connect.

Planning contributions

In accordance with Core Policies 3 and 43, the quantum of development falls short of the threshold at which contributions to affordable housing or other infrastructure would be required. Nonetheless, the development may be liable for contributions under the Council's Community Infrastructure Levy (CIL) Charging Schedule.

Conclusions

The proposed development is acceptable in principle and considered to offer, on balance, a marginal improvement to the character and appearance of the site and its setting in the context of the Box Conservation Area and the setting of listed buildings. The development will have no wider implications for the Green Belt or AONB and subjective interpretation of design approach is not independently grounds for refusal. Subject to suitable conditions to manage the visual and practical impacts of the scheme, the proposal is considered acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED, 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:

VL.2017/28/01 - Site Plan + Block Plans

VL.2017/28/03 - Site Layout Proposed

VL.2017/28/04 - Proposed House (first floor plan and elevations)

Received 27 September 2017

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls, including facia boards, etc, 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: 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, in the interests of visual amenity and the character and appearance of the area.

- 4 No external stonework shall be constructed on site, until details of the reconfigured stone boundary wall, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the wall has been constructed in full accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing or ground protection in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing and ground protection shall be erected in accordance with the approved details. The protective fencing and ground protection shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained

tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: 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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 6 No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

- 7 Notwithstanding the approved plans, no gates shall be installed as part of the development hereby approved.

REASON: In the interests of highway safety, in order to provide safe and convenient vehicular access at all times.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

- 9 The first floor window in the West elevation of the development hereby approved shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 10 No development shall commence on site until a scheme for the discharge of surface

water from the site (including surface water from the access/driveway), 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.

- 11 Notwithstanding the approved details, no foundation works, underpinning or other groundworks shall be undertaken in associated with the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON: In the interests of protected trees.

- 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 should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 14 **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.

- 15 **INFORMATIVE TO APPLICANT:**
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 16 **INFORMATIVE TO APPLICANT:**
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement

Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure
levy.