

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	23rd April 2008
Application Number	08/00601/S73A
Site Address	White Lodge Farm Buildings, Filands, Malmesbury, Wiltshire, SN16 0BX
Proposal	To amend condition 11 on planning approval 06/03236/FUL to include retention of new front boundary wall at its built height 600mm above internal ground level.
Applicant	Mr D. And Mrs J. Hendry
Town/Parish Council	Malmesbury and St Paul/Malmesbury Without
Grid Ref	393141 188710
Type of application	S73A

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because Councillors John Thomsom and Ian Henderson have requested that the application be considered by committee to assess the impact on amenity of the lowered wall.

Summary of Report

This application proposes the retention of the 600mm high front brick wall, which has been rebuilt following the demolition of the original 1.2m high brick wall. This is contrary to condition 11 of permission 06/03236/FUL which required the rebuilding of a 1.8m high brick wall to the front Implications on DC Core Policy C3 and The Landscape Character of the Countryside Policy NE15 of NWLP 2011. Condition 11 was imposed by Committee and was designed to minimise the "commercial" impact of the development on the countryside.

The main issues are:

- Affect of the lower wall on the visual amenity of the area.
- Affect of lower wall on impact of commercial use in the countryside.
- Highways impact.

Officer Recommendation

Planning Permission be REFUSED

Contact Officer	Char Burkey	01249 706667	cburkey@northwilts.gov.uk
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Proposal and Site Description

Planning History		
Application number	Proposal	Decision
06/03236/FUL	Change of use of buildings to garage, showrooms, offices, warehouse and spare parts stores including alterations.	Permitted
07/01443/S73A	Vary condition 11 of 06/03236/FUL to allow retention of front boundary wall. (Non compliance with condition 11 of 06/03236/FUL would lead to the resulting development and associated deliveries, notably the parking and display of vehicles, being overly visible in the countryside contrary to policies C3, BD6, BD7 and NE15 of North Wiltshire Local Plan 2011)	Refused

Consultations

Malmesbury Town Council object as they do not believe that these changes are in keeping with C3i of the North Wiltshire Local Plan

St Paul/Malmesbury Without Parish Council - comments are awaited.

Wiltshire County Highways comments are awaited

Representations

No letters of support/objection that have been received.

Planning Considerations

Principle of development

The development is complete and occupied and is evidently a commercial use in the open countryside. There are cars for sale on show along the frontage of the site, just behind the wall which is currently built at 600mm. There are also other cars be they repair vehicles or staff cars on site. The approved wall is 1.8m high and would only permit the upper half of the sale cars, other cars and general paraphernalia to be visible providing screening of this overtly commercial use in a countryside location as required by the Committee.

Impact on amenity

The low wall allows view of almost all of the bodies of the cars on display and other visiting vehicles to be seen. It also allows for any other commercial activity to be visible from the busy C79. This is obviously desirable from a commercial viewpoint, but from an impact on the countryside viewpoint, is not. The site has adequate commercial signage to clearly demonstrate that it is a garage with cars for sale and the visibility of individual cars is of less merit on a road where cars are generally driving relatively fast.

Policies C3 and NE15 require that development takes account of the setting of, and relationship between, settlement and buildings and the landscape and respect the local character. It is considered that the relationship between the landscape and buildings (and on display cars) can be satisfactorily retained with the insistence of the building of the previously agreed 1.8m high wall and that the proposed amendment to the wall does not achieve this. It is not considered that the

agreed wall would affect commercial viability because of the appearance of the buildings and existing signage etc.

It is therefore considered that the original wall insisted on by Committee Members at 1.8m in height should be insisted upon to protect the amenity of the open countryside, and the currently rebuilt wall of 600mm should be removed. This application to vary condition 11 of 06/03236/FUL should be refused.

There has been no change in circumstances since permission was granted with the condition attached or since the previous refusal of permission to vary the condition.

Highways and Access

Wiltshire County Highways comments are awaited but it is estimated that they will not object to this wall nor the higher previously agreed wall

Recommendation and Proposed Conditions/Informatives

Recommend Refusal for the following reason:

Non compliance with condition 11 of 06/03236/FUL and retention of the existing 600mm high wall would lead to the resulting development and associated deliveries, notably the parking and display of vehicles, being overly visible in the countryside contrary to policy C3 and NE15 of North Wiltshire Local Plan 2011

Informative

This decision relates to documents/plans submitted with the application, listed below.

Site location plan and proposed new wall to front dated 11th March 2008

Appendices: NONE

Background Documents Used in the Preparation of this Report:

- Docs 2.02, 4.02, 4.03, 4.07, 5.01.
- Plans: location plan, A1/06/27/18 dated 11th March 2008.