

## AGENDA

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**Meeting:** Eastern Area Planning Committee

**Place:** Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

**Date:** Thursday 5 December 2013

**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Samuel Bath, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718211 or email [samuel.bath@wiltshire.gov.uk](mailto:samuel.bath@wiltshire.gov.uk)

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### Membership:

Cllr Mark Connolly (Vice-Chair)  
Cllr Stewart Dobson  
Cllr Peter Evans  
Cllr Nick Fogg

Cllr Richard Gamble  
Cllr Charles Howard (Chairman)  
Cllr Jerry Kunkler  
Cllr Paul Oatway

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### Substitutes:

Cllr Liz Bryant  
Cllr Terry Chivers  
Cllr Ernie Clark  
Cllr Dennis Drewett

Cllr Jeff Osborn  
Cllr James Sheppard  
Cllr Philip Whitehead  
Cllr Christopher Williams

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# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies for absence

2 **Minutes of the Previous Meeting** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 24 October 2013.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements from the chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 28 November 2013**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

## 6 **Planning Applications**

To consider and determine the following planning applications.

6a **13/04007/FUL - Unit 4 The Old Dairy, Lower Fyfield** (*Pages 13 - 20*)

6b **13/03941/FUL - Brow Cottage, Broad Hinton,** (*Pages 21 - 28*)

## 7 **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

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## **EASTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 24 OCTOBER 2013 IN THE MAIN HALL, DEVIZES SCHOOL, THE GREEN, DEVIZES, WILTSHIRE SN10 3AG.**

#### **Present:**

Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Charles Howard (Chairman), Cllr Jerry Kunkler and Cllr Paul Oatway

#### **Also Present:**

Cllr Sue Evans and Cllr Philip Whitehead

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#### **84. Apologies for Absence**

There were no apologies received for the meeting.

#### **85. Minutes of the Previous Meeting**

The minutes of the previous meeting held 22 August 2013 were signed and approved as a true and accurate record of the meeting.

#### **86. Declarations of Interest**

Cllr Peter Evans declared a non pecuniary interest in item 6b. Cllr Evans stated that he was a member of the Planning Committee at Devizes Town Council which had previously screened application 6b. Cllr Evans declared that he had not voted on the application whilst it was being considered by the Town Council.

#### **87. Chairman's Announcements**

No announcements were made through the Chairman.

#### **88. Public Participation and Councillors' Questions**

No questions had been received from members of the public.

#### **89. 13/00714/FUL - M & Co (now Morrisons) 134 High Street, Marlborough, SN8 1HN**

##### **Public Participation**

Ms Sandy Tickner spoke in objection to the application.

The Area Development Manager outlined the report which recommended the application be granted planning permission. It was noted that no late items had been received. The Area Development Manager outlined the site plan and relevant planning history of the site before detailing the relevant planning policy. This included the Kennet Local Plan: PD1, and the National Planning Policy Framework: Chapters 1, 2, 7 and 11. The key issues were summarised as being: the impact on neighbouring property, the impact on the vitality of the town centre and the impact on the character and appearance of the area. Further guidance on key considerations was offered by way of the NPPF paragraph 123.

The committee were then invited to ask technical questions of the application. Cllr Stuart Dobson questioned if noise reflection was a relevant consideration in the application. It was clarified by the Environmental Protection Officer that noise reflection was not a relevant consideration in the application given the nature of the surrounding walls.

Cllr Nick Fogg proposed an amendment to condition 3 from the officer's report. This was supported by the committee.

Cllr Dobson spoke on the item and outlined that the expected noise level and impact on the high street as reasons to support the application.

Cllr Gamble then commented on the impact that the anticipated noise levels would have with regard to nuisance and tranquillity and stated that the expected levels would not be sufficient to constitute a statutory nuisance.

At the end of the debate it was;

**Resolved;**

**To APPROVE planning permission for the application subject to the following conditions;**

- 1) All soft landscaping comprised in the approved details of landscaping in respect of the discharge of condition number 2 relating to planning permission K/55894/F shall be maintained in situ, free from weeds. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise first agreed in writing by the local planning authority.**

**REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

- 2) The store shall not be open to members of the public outside the hours of 07:00 and 23:00 from Mondays to Sundays inclusive.

**REASON:** To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenities of the area.

- 3) The condensers to the rear of 134-135 High Street, Marlborough which serve the refrigeration equipment shall be set to work at no more than 44% of maximum duty. The condensers shall be operated and maintained to ensure that the cumulative "rating noise" level does not add to the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 10m from the condensers. The meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 4) The air conditioning units in the acoustic enclosure at roof level of 134-135 High Street, Marlborough shall be operated and maintained to ensure that the cumulative "rating noise" level does not exceed the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 12m from the condensers. The meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 5) Any delivery lorries serving the store shall not be loaded or unloaded outside of the hours of 08:00 to 20:00 Monday to Saturday and 10:00 to 20:00 Sundays.

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

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

p595/102 received on the 20th May 2013

595/103 received on the 31st May 2013

595/106 received on the 20th May 2013

**595/104A received on the 20th May 2013**  
**595/105B received on the 9th August 2013**  
**595/101A received on the 3rd July 2013**  
**595/105A received on the 3rd July 2013**  
**RF-NB105.dwg received on the 31st May 2013**  
**595/107 received on the 31st May 2013.**  
**Noise Survey and Impact Assessment dated 14th June 2013 (insofar as not superseded by additional noise data following maximum capacity of plant change to 44% to deal with 'stepping up')**  
**Raw Noise Data received on the 24th July 2013**  
**AC Plant Noise Technical Note dated 6th August 2013**  
**Refrigeration Plant Noise Readings received on the 28th August 2013**  
**Technical data (3 sheets) for Mitsubishi Air Conditioning Units received on the 30th May 2013.**

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

**90. 13/00719/FUL - St Mary the Virgin Church, New Park Street, Devizes SN10 1DS**

Public Participation

Mr John Mead spoke in objection to the application.  
Canon Paul Richardson spoke in support of the application.  
George Batterham spoke in support of the application.  
Robert Hunt-Grubbe spoke in support of the application.

Sarah Bridewell spoke in support of the application on behalf of Devizes Town Council.

The Area Development Manager outlined the application and detailed the report which recommended the application be refused planning permission. The Area Development Manager outlined the Grade 1 listed status afforded to the site, and detailed the relevant planning considerations for the committee.

This included: Kennet Local Plan 2011: PD1, National Planning Policy Framework: Section 7 and 12. English Heritage guidance: "New work in historic places of worship, 2012" and the Devizes Conservation Area Statement, September 2005. The Area Development Manager also provided guidance on planning considerations as detailed in the Wiltshire Core Strategy Pre-Submission Document 2012: CP57 and CP58, although the guidance in the core strategy was suggested to not carry full weight as it was yet to have been formally adopted by the Council.



Therefore the relevant planning considerations were summarised as being the impact on the building as a grade 1 listed structure, the impact on the conservation area and the public benefit of the proposed development.

The Committee were then invited to ask technical questions of the application. Cllr Dobson questioned the impact of the proposed development on the boundary wall and its impact on the neighbouring property. The Area Development manger confirmed that part of the wall may need to be reconstructed, but that the impact on the neighbouring property would not be substantial.

Cllr Peter Evans then questioned the footprint of the development in relation to the overall size of the church and churchyard. The Area Development manager stated that he was not able to answer the question exactly but had an understanding that it was around 13%.

Following public participation, Cllr Sue Evans, the local member spoke in favour of the application.

Members then entered a debate on the application and discussed the previous planning application, and the discussions between the applicant and planning officer at the pre application stage. The design and materials of the application was discussed, and the public benefit of the application was considered. Cllr Gamble provided a summary of the reasoning of his views and relevant planning policy. The local development framework was debated and the consultation with statutory bodies including English Heritage was also discussed.

At the end of the debate it was:

**Resolved:**

**To REFUSE planning permission for the planning application for the following reason:**

**Reason:**

**The extension, by reason of its scale and size, siting, form, design and materials/detailing, would cause substantial harm to the grade I listed building and its setting, to the character and appearance of this part of the Devizes Conservation Area. No evidence has been provided to adequately demonstrate that the proposal represents the optimum viable use for the building or that there is an overwhelming local need for the facilities such that the public benefit of providing them would outweigh the substantial harm that would be caused to the heritage assets. The proposal would therefore be contrary to Policy PD1 of the Kennet Local Plan, Policies CP57 and CP58 of the Wiltshire Core Strategy Pre-Submission Document 2012, the Introduction and Sections 7 & 12 of the**

**National Planning Policy Framework (NPPF) 2012 and guidance contained in the Devizes Conservation Area Statement.**

**91. 13/01926/FUL - 15 Greengate Road, Wedhampton, Devizes, Wilts, SN10 3QB**

Public Participation

Malcolm Fraser spoke in objection to the application.

Charlotte Hill-Baldwin spoke in objection to the application.

Albert Ehrnrooth spoke in objection to the application.

Richard Cosker (Agent) spoke in support of the application

Simon Holt from Urchfont Parish Council spoke in objection to the application.

The Area Development Manager introduced the application and outlined the officer recommendation for approval. The Area Development Manager highlighted that one late item had been received and illustrated its content to the committee. The Area Development Manager outlined the proposal and the relevant Planning Policy which was HC24 and PD1 of the Kennet Local Plan. The main issues were summarised as being the design of the proposal; the impact on the amenities of neighbouring properties and the principle of whether it was acceptable development within a 'village with limited facilities'.

Following discussion of the relevant planning considerations, the committee were invited to ask technical questions of the application to the Area Development Manager. There were no technical questions, and so members of the public were invited to speak on the application.

Following submissions from the public, the Area Development Manager was invited to comment on the representations made by members of the public. The Area Development Manager confirmed that a right to a view over another's land was not protected in Law, and was therefore not a planning consideration.

The Committee then entered into a debate on the application, and discussed the limits of permitted development rights. The Committee also discussed classification of the village under the Core Strategy and questioned how this affected the development rights. The Area Development Manager confirmed that the relevant planning policy was to be the Kennet Local Plan, and that any weight afforded to the Core Strategy guidance would be less than that of the Kennet Local Plan, given that the Core Strategy was yet to be formally ratified by the Council.

The Committee then discussed the local Conservation Policy and the Conservation Area Statement and how this was applied along with the Kennet Local Plan.

Following the debate it was;

**Resolved:**

To APPROVE the application 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) No development shall commence on site until 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 area.

- 3) The eaves and verge detailing, porch canopy, window headers, cills, window reveals, chimney and rainwater goods to be used on the new dwelling hereby approved shall be finished to match the detailing on the existing dwelling, known as 15 Greengate Road, unless otherwise first agreed in writing by the local planning authority.

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

- 4) No works shall commence on site until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details and all external window joinery shall be painted to match the existing dwelling.

**REASON:** To secure harmonious architectural treatment in the interests of preserving the character and appearance of the conservation area.

- 5) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) means of enclosure;
- e) all hard and soft surfacing materials;
- f) refuse storage areas and any housing;

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions or extensions to the new dwelling hereby approved.

**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 and extensions.

- 8) The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, 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.

- 9) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

**REASON:** In the interests of highway safety.

- 10) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

- 11) No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

**REASON:** In the interests of highway safety

- 12) 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:** To ensure that the development can be adequately drained.

- 13) The development hereby permitted shall be carried out in accordance with the following approved plans:  
1412-planning, Design and Access Statement and Planning Supporting Statement, Block Plan, Elevations and Floor Plan

**drawings, House and Site Surveys all received on the 17th July 2013.**

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

**92. 13/01852/CAC - Ham Cross, Ham, Marlborough, SN8 3QR**

Public Participation:

Mrs Mo Robinson spoke in support of the application.

Mr Michael Fowler spoke in support of the application.

Mr Robin Buchanan-Dunlop spoke in support of the application.

The Area Development manager introduced the application and the report which recommended that the application be refused planning permission.

The Area Development Manager outlined the relevant considerations for the committee, stating that the barn was a significant unlisted building in a conservation area. The Area Development Manager stated that Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Area Development Manager outlined the relevant consultations that had been undertaken and discussed the relevant planning considerations, which were summarised as being; the significance of the barn, and the impact of its demolition on the conservation area.

Following the officers report the committee were invited to ask technical questions of the application. This included a question on the surveys of the building which gave conflicting status reports to its usage and its condition.

The public were invited to speak on the application and the Area Development Manager was given the opportunity to respond to comments made by the public.

Members then entered a debate on the application and discussed the conservation area and the impact of demolition.

Following debate it was;

**Resolved:**

**To APPROVE the application for demolition of the barn subject to the following conditions:**

- 14)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). No works for the demolition of the building shall commence until an appropriate programme of building recording (including photographic and architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority. Two copies of the resultant report shall be submitted to the Local Planning Authority for deposit with the county HER.**

**REASON: To secure the proper recording of the building.**

**93. Urgent items**

There were no urgent items to be considered.

(Duration of meeting: 6.00 - 8.30 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail [samuel.bath@wiltshire.gov.uk](mailto:samuel.bath@wiltshire.gov.uk)

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**REPORT TO THE EASTERN AREA PLANNING COMMITTEE**

<b>Date of Meeting</b>	5 <sup>th</sup> December 2013
<b>Application Number</b>	13/04007/FUL
<b>Site Address</b>	Unit 4 The Old Dairy, Lower Fyfield, Near Marlborough, Wiltshire SN8 1PY
<b>Proposal</b>	Change of Use to include a Car Sales Business
<b>Applicant</b>	Mr Robert Mountis
<b>Town/Parish Council</b>	FYFIELD & WEST OVERTON
<b>Grid Ref</b>	414885 168501
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

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

This application is brought to committee at the request of the division member, Councillor Milton, on the following grounds:

- Environmental or Highways Impact
- Car Parking

**1. Purpose of Report**

To consider the recommendation that the application be approved planning permission.

**2. Report Summary**

The key issues for consideration are as follows:

- Whether the change of use is acceptable in principle
- Whether the change of use has an adverse impact on highway safety
- Whether the change of use has an adverse impact on neighbour amenity

**3. Site Description**

This application relates to Unit No. 4 at The Old Dairy in Lower Fyfield, near Marlborough. The unit comprises part of a former farm complex in respect of which planning permission was granted under reference K/51093/F for B1 and B8 uses. The site is accessed off the A4 and via the settlement's only road, which terminates shortly after reaching the units. To the north of The Old Dairy lies existing housing, to the east lies a small farm building and to the south and west lies open agricultural fields.

The application site lies within the main built-up part of Lower Fyfield and the North Wessex Downs Area of Outstanding Natural Beauty (AONB).



#### 4. Planning History

K/40567 – planning permission was refused in 2001 for the demolition of redundant farm buildings and the change of use of the remaining dairy buildings to B1/B8 uses with associated parking and landscaping.

K/51093/F – planning permission was granted in 2005 for the demolition of redundant farm buildings and the conversion and change of use of the remaining dairy buildings to classes B1 (business) or B8 (storage & distribution), with associated parking and landscaping.

#### 5. The Proposal

This is a retrospective application for the change of use of Unit 4 to include a car sales business. The building is used partially for the storage of motor vehicles, with the remainder used as an office. The land outlined in red on the submitted block plan is used for the display of vehicles and visitor parking.

During the course of the application, the description of development has been amended to remove the word 'internet'. This avoids any subjectivity over what constitutes an internet sale, thus allowing easier control over the use should planning enforcement issues arise.

#### 6. Planning Policy

*Kennet Local Plan 2011* – Policies PD1 (general development principles) and ED12 (protecting employment and tourism uses within villages).

*Wiltshire Core Strategy Pre-Submission Document, February 2012 – Core Policies 35 (existing employment sites), 57 (ensuring high quality design and place shaping), 61 (transport and development) and 64 (demand management).*

In due course the Wiltshire Core Strategy (WCS) will replace the Kennet Local Plan as the statutory local plan for the East Wiltshire area. The Wiltshire Core Strategy Pre-Submission Document went out to public consultation in February 2012 and the WCS was presented for examination in July 2012. The inspector's report is currently awaited and the WCS is not expected to be adopted until summer 2014. The policies in the WCS do not, therefore, yet carry full weight when making planning decisions.

Central government policy contained in the National Planning Policy Framework (NPPF) 2012 is also of relevance.

## **7. Consultations**

**Fyfield and West Overton Parish Council** - the proposed use is wholly inappropriate for the location. Despite the (unclear) claim by the applicant that this is an 'internet' business it is inherent in it that there will be a significant increase in traffic along a narrow lane which is ill-suited to it. This has been borne out by the way in which the site has in fact been used since this use started earlier this year. Both the volume of traffic, and the unfamiliarity of the drivers with the nature of the lane, have a significant adverse effect both on traffic safety issues and on the local amenity. We should also say that we struggle to match the anticipated number of vehicle movements in the design & access statement with residents' experience of the real-life position over the last few months. At present the figures in the statement appear adequate only to cover the applicant's own journeys to and from the site, without any visits from people viewing or test-driving cars, or deliveries of those cars. Wiltshire Council may also wish to explore with the applicant the number of people likely to be employed or working at the site. The design and access statement implies that it is only the business owner, whereas we understand from residents that there may have been up to three different people working there at different times.

**Wiltshire Council Highways** - a B1/B8 use has the potential to generate significant traffic flows, including large HGVs. From the information supplied the proposed use generates quite low numbers of visitors, and even if they all arrived on the same day, it is not considered that this would cause undue highway problems. Overall, it is considered that this use generates fewer traffic movements than could a B1/B8 use which would not even require planning permission. In view of this, there is no highway objection to the application.

## **8. Publicity**

The application has been advertised by way of a site notice and consultations with the neighbours and the parish council.

Fourteen letters of objection have been received in respect of the application. The concerns can be summarised as follows:

- The danger of setting a precedent for further changes of use
- The highway network in the village is not adequate to support this type of use

- This use would bring with it an increased volume of traffic
- The use would create a danger impact to the safety of the highway where kids play, horses are ridden and pedestrians walk etc.
- The change of use will not protect the village amenities
- Noise generated from the use is harmful e.g. engines left running to charge car batteries.
- Not solely an internet business and even so, people will visit the site to view the cars etc.
- Weekend working goes against the terms of the original permission
- There are industrial units within the area more suited to this type of business
- Access from the A4 into the village is poor and dangerous

One letter of support has been received in respect of the application from the landlord of the Old Dairy.

In summary, the letter outlines that this is an appropriate use to operate from said unit.

## **9. Planning Considerations**

### Principle of the Change of Use

The units at the Old Dairy are currently permitted for B1/B8 use. The 4 units as a whole exceed 0.1 hectares in area and as such Policy ED12 of the Local Plan is applicable. In summary, this policy seeks to retain, wherever possible, employment within the B Classes. Strictly speaking the change of use element is a sui generis use which is an obvious deviation away from a B Class use. However, the following should be taken into consideration. Unit 4 represents only a small part of the overall employment space at the site. In addition, the development is for a mixed use to include a sui generis use. Consequently, an element of B Class use is retained. Furthermore, the draft Wiltshire Core Strategy (dWCS) affords no protection to this site under Core Policy 35. The status of the dWCS is such that the policies in it should be afforded some, albeit not full, weight. Having regard to this, it is considered that the change of use to include a sui generis car sales use is acceptable in principle.

### Impact on Highway Safety

The existing authorised use on the site is for B1 and B8 purposes, with the latter covering storage and distribution. This type of use has the potential to generate a significant amount of traffic, with no control over numbers and size of vehicles. Currently, there are no restrictive conditions in respect of the units at The Old Dairy are controlling traffic flows into and out of those units. Consequently, the unit could be occupied by a business that generates a significant amount of traffic flow through the village ranging from cars to HGV's. The level of vehicle movements could well exceed those associated with the car sales business currently operating from the site. As such, the highway safety impact of this use is likely to be less than the potential authorised B1/B8 uses that could operate from the premises without the need for planning permission. For these reasons, the highway authority has raised no objections to the application.

It is noted that a considerable number of objections have been received from neighbours and the Parish Council with regards to the unsuitability of the highway for this type of use. Whilst these objections are acknowledged, for the reasons set out above, it is considered that they would not justify a refusal of planning permission as there is an existing authorised use that has the potential to generate more traffic and potentially, of a larger scale i.e. HGV's.

### Impact on Neighbour Amenity

It is considered that a car sales unit operating within the terms of the original permission for the site (K/51093/F) would not give rise to any neighbour amenity issues as there are conditions restricting, inter alia, the hours of operation and external lighting. It is also considered that the noise and disturbance arising from the current use is no greater than what could potentially result from the authorised B1/B8 uses. Although it has been highlighted that the unit operator regularly flouts the terms of the original permission (e.g. working hours), thus causing disturbance to neighbours, this is not a reason in itself to refuse planning permission. The conditions attached to K/51093/F to protect neighbour amenity remain valid today and can therefore be carried across to any planning permission that is granted. Any breach of these conditions can be regulated by the Council's Enforcement Team.

### **10. Conclusion**

The change of use to include car sales at Unit 4 of The Old Dairy is considered to be acceptable in terms of its impact on highway safety and neighbour amenity. Furthermore, although The Old Dairy will see the loss of an element of B Class use, this would not be to a significant degree. In any event, with the dWCS affording no protection to this site it would be unreasonable to refuse the application on the ground that the principle of the change of use is unacceptable. It is therefore recommended that the application is approved subject to conditions, notably those pertaining to the original permission on the site (K/51093/F) which are intended to protect neighbour amenity.

### **RECOMMENDATION**

That planning permission be **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 No loudspeakers, public address system, or other amplified sound equipment shall be used on the site which would be audible outside the building.

REASON: In order to protect the amenities of nearby residential properties.

- 3 The use hereby permitted shall only take place between the hours of 0700 and 2000 from Mondays to Fridays (inclusive) and between 0800 and 2000 on Saturdays. The use shall not take place at any other time or on Bank Holidays. Deliveries shall not be taken or despatched from the site outside the above hours.

REASON: To protect the amenities of this primarily residential area.

- 4 No external lighting shall be installed anywhere on the site unless otherwise agreed in writing by the local planning authority. Any approved lighting shall not be used outside normal working hours except as security lights. All lighting within the building shall be

turned off within 30 minutes of the end of the working day.

REASON: To prevent undue light spillage in this remote rural area.

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

Application Form

Design and Access Statement

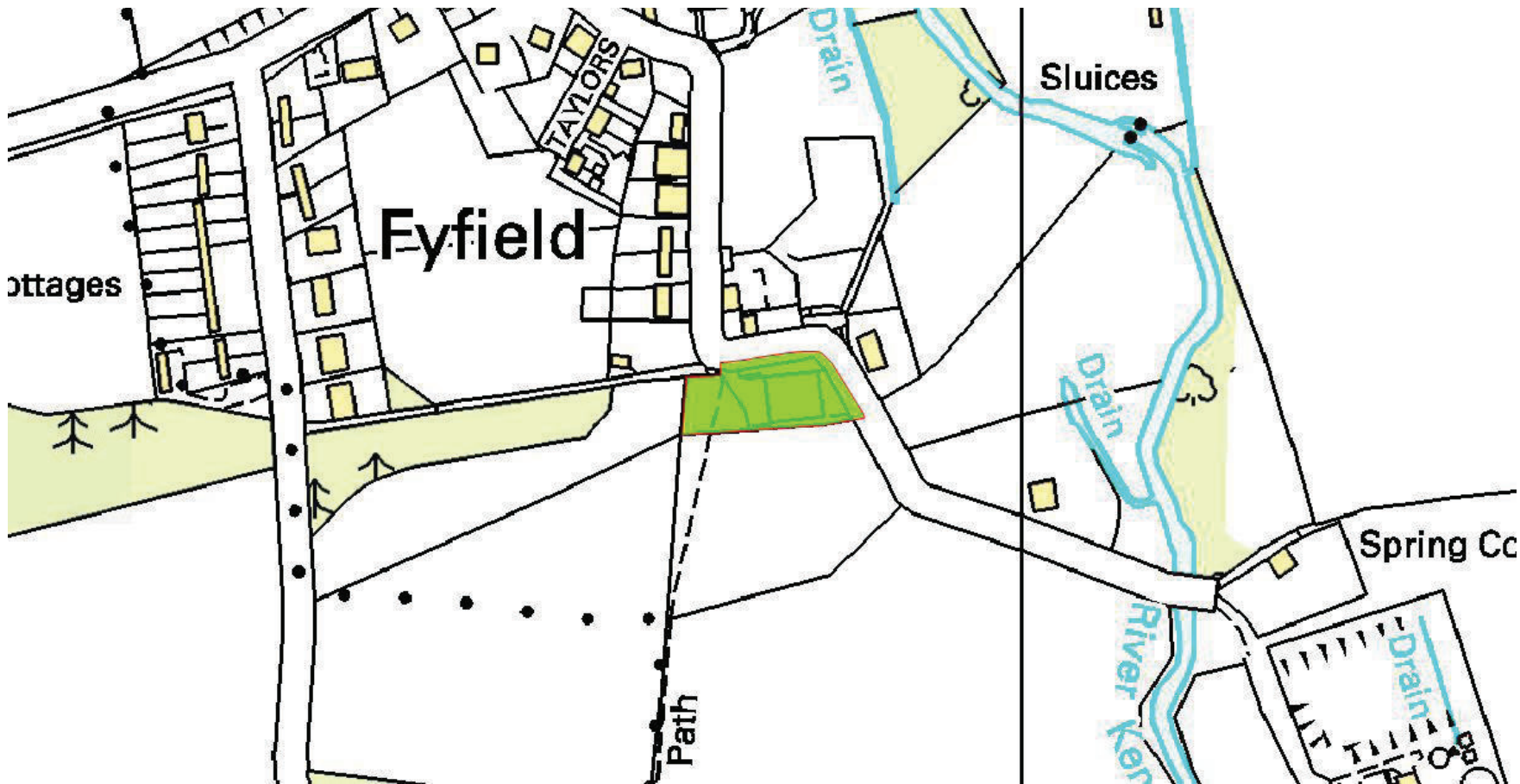
stamped received on 10 September 2013

1:1250 Location Plan

1:500 Site Plan (Drawing No. 611)

stamped received: on 1 October 2013

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



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## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	5 <sup>th</sup> December 2013
<b>Application Number</b>	13/03941/FUL
<b>Site Address</b>	Brow Cottage, Broad Hinton, Swindon SN4 9PF
<b>Proposal</b>	Erection of two storey extension to replace existing single storey extensions
<b>Applicant</b>	Ms Sarah Wills
<b>Town/Parish Council</b>	BROAD HINTON
<b>Grid Ref</b>	411205 176568
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee:

This application is brought to committee at the request of the division member, Councillor Milton.

### 1. Purpose of Report

To consider the recommendation that the application be refused planning permission.

### 2. Report Summary

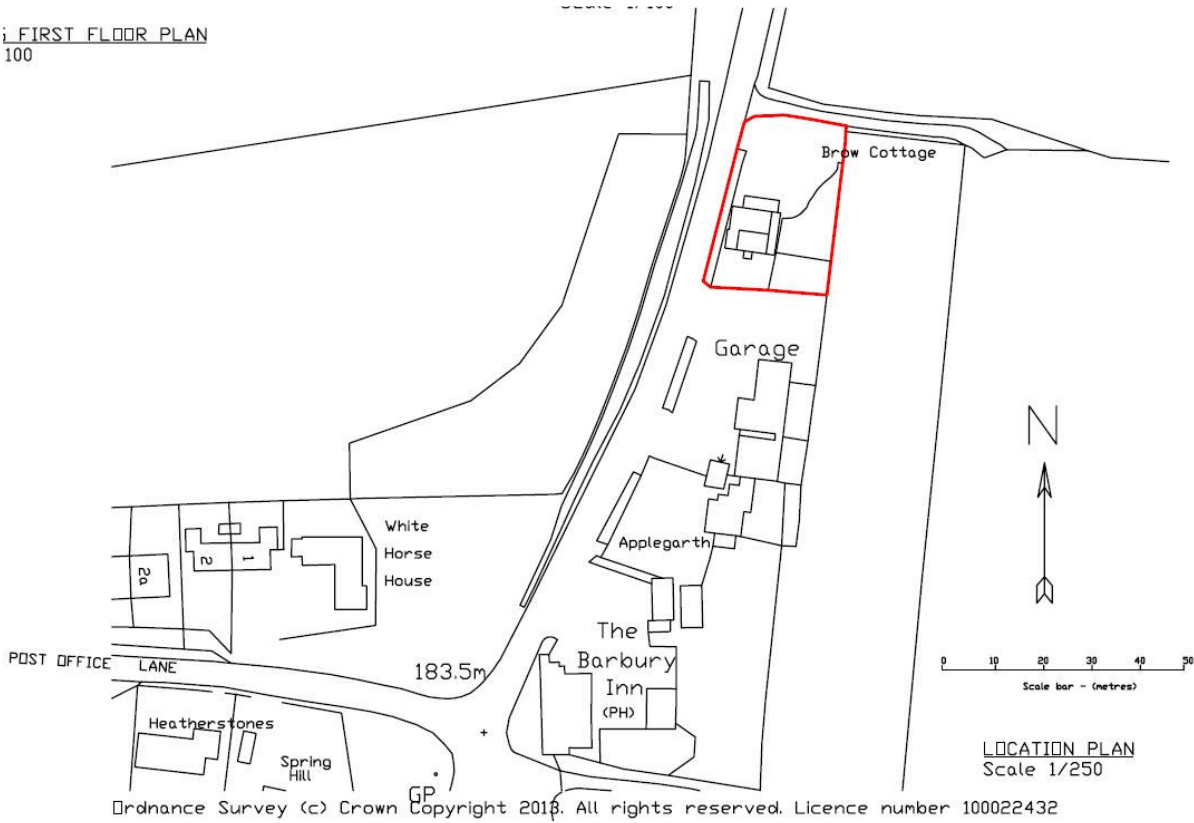
The key issues for consideration are as follows:

- Whether the height, scale and design of the extension is acceptable in the context of the host dwelling.
- Whether the extension would adversely impact upon the landscape character of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- Whether the scheme would have an adverse impact on neighbour amenity.

### 3. Site Description

The application relates to Brow Cottage, which is a detached thatched dwelling occupying a countryside location beyond the defined Limits of Development for Broad Hinton. When heading along the A4361 in a northerly direction towards Swindon, it is necessary to continue just beyond the second of the two left-hand turnings into Broad Hinton (Post Office Lane). The application site can be seen on the right-hand side of the road, just beyond Broad Hinton Garage.

Brows Cottage is the last property on the right-hand side of the road for some distance. To the north and east of the site lie open agricultural fields, to the south lies the garage and to the west lies the A4361. Brow Cottage is a modest property with numerous single-storey flat roofed extensions on 3 sides. Its curtilage is bounded by a mixture of natural vegetation and brick walling. The site and its surroundings lie within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).



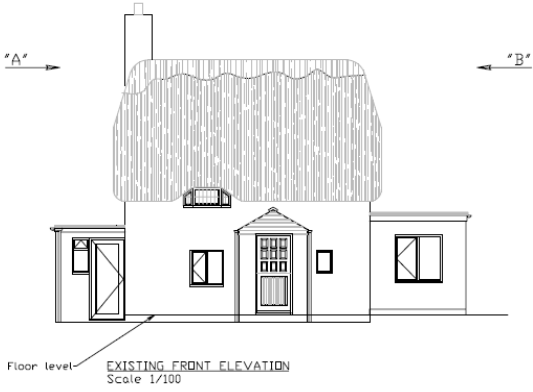
View from the South of the site (Google street view ©)

#### 4. Planning History

There is no relevant planning history relating to the site.

#### 5. The Proposal

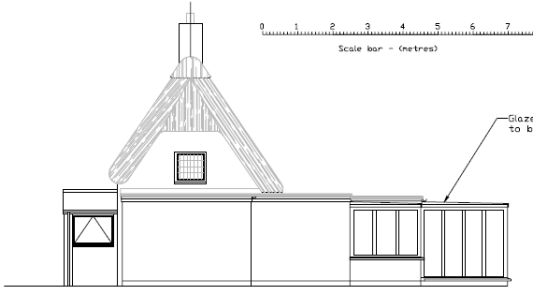
The application proposes the erection of a two-storey extension to replace the existing single-storey additions, which would have a ridge height of 8.1 metres. The ridge height of the host dwelling is 6.5 metres. The extension would feature a steeply pitched roof, a low eaves height and a link at first-floor level. A stainless steel flue is proposed on the roadside elevation. The proposed materials would include painted render and a slate roof.



**Existing Southern Elevation**



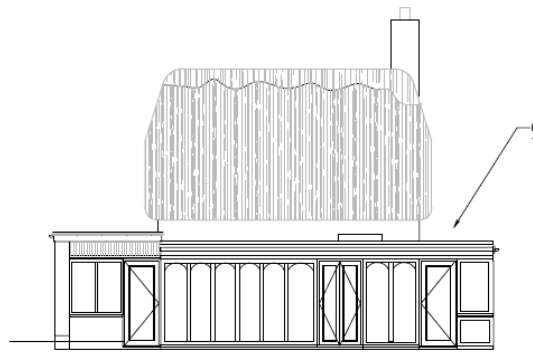
**Proposed Southern Elevation**



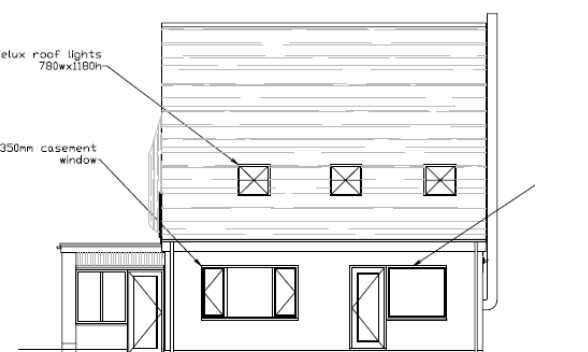
**Existing Eastern Elevation**



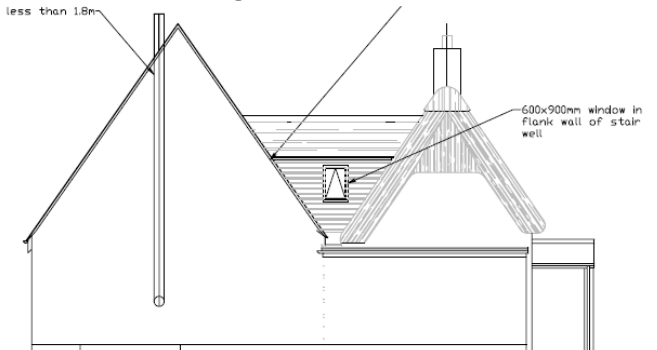
**Proposed Eastern Elevation**



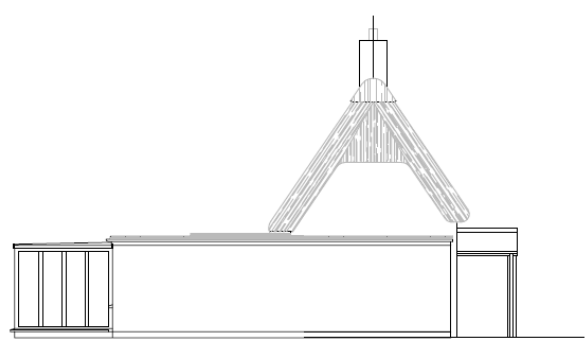
**Existing Northern Elevation**



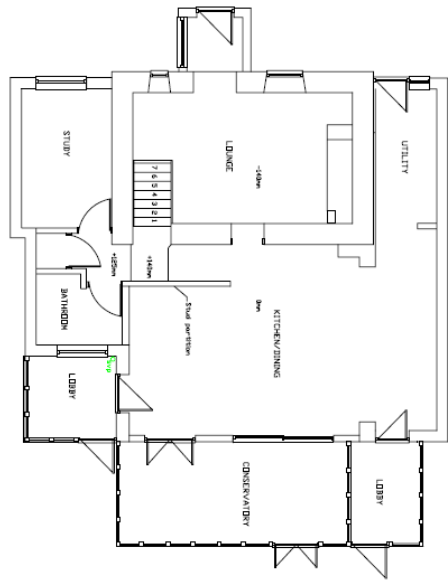
**Proposed Northern Elevation**



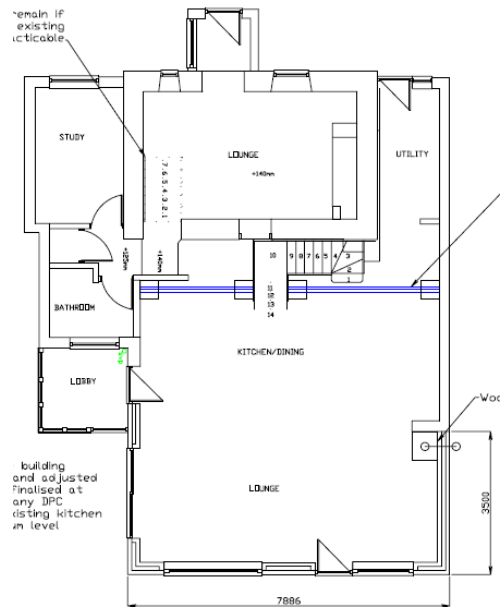
**Proposed Western (Roadside) Elevation**



**Existing Western (Roadside) Elevation**



**Existing Ground Floor Plan**



**Proposed Ground Floor Plan**

## 6. Planning Policy

*Kennet Local Plan 2011* – Householder extensions are assessed against policy PD1 (general development principles). Additionally, Policy NR7 (protection of the landscape) is applicable as the site lies within the AONB.

*Wiltshire Core Strategy Pre-Submission Document 2012* – Applicable policies are Core Policy 57 - Ensuring high quality design and place shaping and Core Policy 51 – Landscape.

In due course the Wiltshire Core Strategy (WCS) will replace the Kennet Local Plan as the statutory local plan for the East Wiltshire area. The Wiltshire Core Strategy Pre-Submission Document went out to public consultation in February 2012 and the WCS was presented for examination in July 2012. The inspector's report is currently awaited and the WCS is not expected to be adopted until summer 2014. The policies in the WCS do not, therefore, yet carry full weight when making planning decisions.

Relevant central government planning policy is set out in The National Planning Policy Framework 2012, in particular Section 7, Requiring Good Design and Section 11, Conserving and Enhancing the Natural Environment.

## 7. Consultations

### Broad Hinton Parish Council:

There is a concern about the height of the proposed extension in relation to the existing property. However, the extension will not overlook neighbour's property.

## 8. Publicity

The application has been advertised by way of a site notice and consultations with the neighbours and the parish council.

The CPRE has objected to the application for the following reasons:

- Brow Cottage lies within the North Wessex Downs AONB where it is to be expected that any new extension should respect the character of the historic unlisted cottage which is a part of the cultural heritage of the AONB.
- Improvements to Brow Cottage would be welcomed, however, it is considered that the proposed works, substantially embracing the footprint of current single storey additions by construction of a two-storey extension to the original thatched cottage, would not respect the historic character and appearance of the cottage. The two-story new-build would dominate the small cottage and appear out of scale with it, conflicting particularly with Kennet Local Plan Policy PD1 and in particular B2 and B8.
- It is hoped that the Council will ask the applicant to reconsider the design of the extension, so that it appears to be more in sympathy and scale with the original cottage, along the lines of the Broad Town example shown in the Planning, Design and Access Statement accompanying the application.

## **9. Planning Considerations**

### Design

The original thatched cottage is very modest in size and has been extended significantly by single storey flat roof additions that have engulfed the property already. It also occupies a highly prominent roadside location. The proposed extension would further increase the footprint of the dwelling (existing around 106m<sup>2</sup> vs proposed around 115m<sup>2</sup>) and its ridge height would be significantly taller than that of the host dwelling. At 8.1 metres, it would be approximately 1.6 metres taller. The subsequent bulk and mass of the two storey extension would give the appearance of an overly dominant form of development that does not compliment or enhance the existing dwelling.

Consideration B(2) of Policy PD1 requires the Council to have regard to the scale, height and massing of a development in order to achieve a high standard of design. Proposals should aim to demonstrate how they respect, complement or enhance the existing built form which, in this case, would be the host dwelling. The proposal fails to adequately address this issue as it cannot be described as subservient to the modestly proportioned host dwelling.

Furthermore, the design is not considered to be of sufficiently high quality for the following key reasons:

- The steep roof and low eaves would be visually incongruous in the context of the modest traditionally proportioned thatched property.
- An awkward roof junction would be created between the existing thatched roof and the linked extension with sections of undesirable flat roofing incorporated.
- The proposed elevational treatment would be at odds with that of the host dwelling.
- The large stainless steel flue would be extremely prominent due to the materials proposed and its proposed positioning on the roadside elevation.

### Impact upon the landscape character and visual qualities of the AONB

The application site lies within the AONB and therefore consideration needs to be given to its landscape character and visual qualities, thus ensuring that any development does not cause material harm to it. Policy NR7 seeks to protect or enhance the character and quality of the environment and where proposals are outside the Defined Limits of Development (as is the case

here) they will not be permitted if they are likely to have an adverse impact upon the landscape. This is followed through to Core Policy 51 in the Wiltshire Core Strategy Pre-Submission Document.

The property's prominent roadside location and the fact that it borders open agricultural fields means that the proposal would have a detrimental impact upon the landscape and visual character of the AONB. This impact particularly relates to the first storey element as its height and scale would not be commensurate with the host dwelling and would fail to respect its historic character. The resultant poor design would be harmful to the visual amenities of the surrounding area and would make the overall property far more visible within its landscape setting. While this impact may be limited to a couple of hundred metres around Brow Cottage and this may only represent a small part of the AONB, the protection of its landscape character and visual qualities is dependent on a myriad of decisions on minor as well as major developments which have the potential to cumulatively conserve or destroy its natural beauty. It is only by attention to the 'small' matters that the qualities of the AONB which justified its designation in the first place can be protected in the long term.

#### Impact upon neighbour amenity

No neighbours stand to be affected by the development given the relatively isolated position of the property. In addition to the above, no letters of objection have been received from the occupiers of neighbouring properties.

### **10. Conclusion**

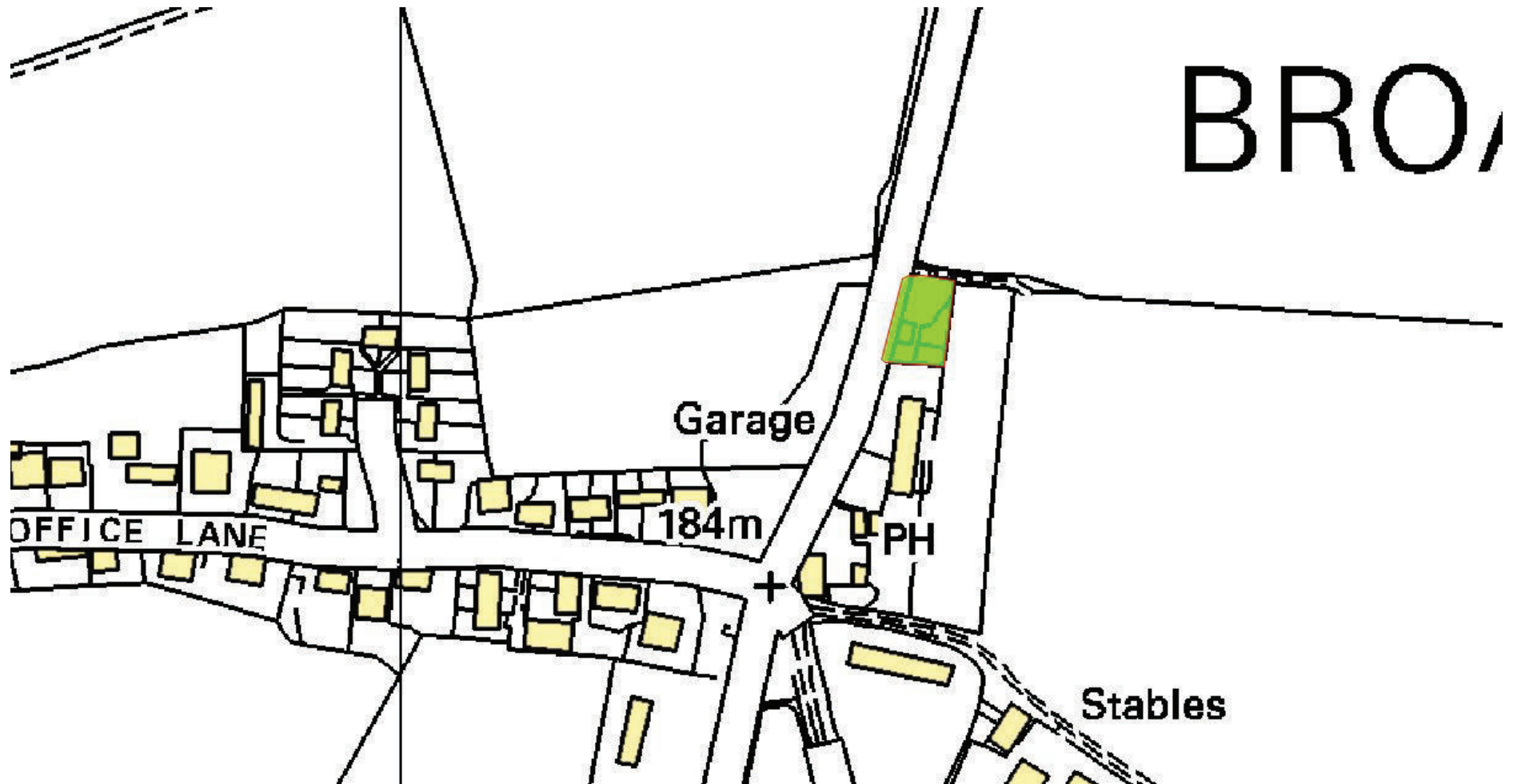
Officers consider that the proposed development would be materially harmful because it has failed to address the considerations of Policy PD1 of the Kennet Local Plan and Core Policy 57 of the Wiltshire Core Strategy Pre-Submission Document, which seek to ensure a high standard in all new development, notably, the scale, height and design of the proposed development in relation to the host dwelling. Furthermore, by reason of the size of the extension and its substandard design, the proposed extension would appear far more visible within its landscape setting than at present, thus causing material harm to the AONB. As such, the proposal is also contrary to Kennet Local Plan policy NR7 and Core Policy 51 in the Wiltshire Core Strategy Pre-Submission Document.

### **RECOMMENDATION**

That planning permission be **REFUSED** for the following reason:

- 1 The extension, by reason of its height, scale and design, would appear as an overly dominant and incongruous addition to the host dwelling, to the detriment of its character and appearance. Furthermore, by virtue of this fact, the proposed development would also have a materially harmful impact upon the landscape character and visual qualities of the North Wessex Downs Area of Outstanding Natural Beauty. It would therefore be contrary to saved policies PD1 and NR7 of the Kennet Local Plan 2011 and Core Policies 51 and 57 of the Wiltshire Core Strategy Pre-Submission Document, February 2012.

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