

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber, Wiltshire Council Offices, Bradley Road,
Trowbridge
Date: Wednesday 17 February 2010
Time: **6.00 pm**

Please direct any enquiries on this Agenda to Marie Gondlach, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Rod Eaton	Cllr Graham Payne
Cllr Peter Fuller (Chairman)	Cllr Stephen Petty
Cllr Mark Griffiths	Cllr Jonathon Seed
Cllr Malcolm Hewson	Cllr Roy While (Vice-Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Francis Morland
Cllr Trevor Carbin	Cllr Jeff Osborn
Cllr Andrew Davis	Cllr Fleur de Rhe-Philippe
Cllr Russell Hawker	Cllr Pip Ridout
Cllr Tom James MBE	

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting**

To approve the minutes of the last meeting held on 10 February 2010 (to follow)

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application 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. 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.

6. **Planning Applications** *(Pages 1 - 20)*

To consider and determine planning applications in the attached schedule.

7. **Planning Appeals Update Report** *(Pages 21 - 26)*

To receive details of appeal decisions and appeals pending (see attached schedule.)

8. **Urgent Items**

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

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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WESTERN AREA PLANNING COMMITTEE

17 February 2010

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	W/09/03629/FUL	Additional parking area (retrospective application) - R And R Coaches Ltd Bishopstrow Road Warminster Wiltshire BA12 9HQ	Warminster	1
02	W/09/02998/FUL	Retrospective application for the continued use of agricultural building as an office and the retrospective erection of stable block - Land South Of Keepers Cottage Spiers Piece Steeple Ashton Wiltshire	Steeple Ashton	7
03	W/09/03480/FUL	Proposed first floor extension - 44 Newtown Westbury Wiltshire BA13 3EF	Westbury	14

Date of Meeting	17.02.2010		
Application Number	W/09/03629/FUL		
Site Address	R And R Coaches Ltd Bishopstrow Road Warminster Wiltshire BA12 9HQ		
Proposal	Additional parking area (retrospective application)		
Applicant	Beeline (R & R Coaches Ltd)		
Town/Parish Council	Warminster		
Electoral Division	Warminster East	Unitary Member:	Andrew Davis
Grid Ref	389141 144160		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Andrew Davis has requested that this item be determined by Committee due to considerations in relation to:

- * Visual impact upon the surrounding area
- * Design - general appearance; and
- * Car parking

The Councillor requests that Committee consider the matter where, although the Warminster Town Council supports the application, he has been made aware of concerns raised by the Bishopstrow Parish Council.

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

2. Main Issues

The main issues to consider are:

The key issues in this case are:

- Highway safety;
- The protection of the natural environment; and
- Potential impacts on neighbouring amenity and the appearance of the area.

3. Site Description

The site of approximately 335m² in extent is located to the south western roadside edge of the land currently occupied by R and R Coaches Ltd, as a coach depot. The parking area lies ±100m south east of the intersection of Boreham Road and Bishopstrow Road. Existing buildings within the R and R development include a workshop, office and staff facilities. The workshop is of a light industrial scale and is constructed of profiled steel cladding on a steel frame.

There are residential properties to the south and west of the site, on the opposite side of the road and beyond the river respectively.. The physical boundaries to the site are defined by the River Wylye/Mill

Pond to the north, east and south and by the Bishopstrow Road to the west. The Bishopstrow Conservation Area lies to the south, on the opposite side of the river.

4. Relevant Planning History

Records indicate that the use of the site for coach parking and administration has been established since at least the early 1980's, with various minor applications having been submitted between that period and 1997; and

08/03468/FUL: Demolition of the existing buildings and the construction of 9 business units Use Class A2 and B1 in individual and terraced buildings together with access and parking: Permission : 17.04.2009

5. Proposal

This is a retrospective application for the demolition of a redundant workshop building and the construction of surface car parking with access from, and alterations to, the Bishopstrow Road site frontage. The development involved the creation of 14 new parking spaces within a parking area measuring some 335m² in total. 8 right-angle bays, including one bay for disabled persons, are sited to the west of the depot, directly onto Bishopstrow Road, whilst 6 bays are provided within an area 18m deep and 9m wide to the south of the depot and adjacent to the "Mill Pond" branch of the Wylye River. The parking areas are macadam surfaced with concrete blockwork retaining walls to the riverside element.

6. Planning Policy

West Wiltshire District Plan 1st Alteration, 2004

E6 - Rural Employment

C3 - Special Landscape Areas

C6 - Areas of High Ecological Value, Regionally Important Geological or Geomorphological Sites and Sites of Nature Conservation Interest.

C9 - Rivers

C38 - Effects of development on neighbouring properties

T10 - Parking

7. Consultations

Town/ Parish Council(s)

The Warminster Town Council supports the application.

The Bishopstrow Parish objects for the following reasons:

- the removal of the vegetation to the river bank and surrounds has exposed the existing buildings on site to view, harming the approach to the Bishopstrow Conservation Area;
- the car parking area with access directly onto the road presents a road safety hazard and encourages parking near the bridge and the roundabout. It also appears that part of the parking areas is built on the public roadside verge; and
- the development departs significantly from the plans granted permission under application Reference W/08/03468/FUL. Parking on the roadside did not form part of that proposal, and the screen hedging was shown as being retained.

Highways

The highways officer recommends refusal because the additional parking areas require vehicles to use Bishopstrow Road for manoeuvring space to enter and leave the parking spaces at a point where visibility is restricted, this being detrimental to all users of the highway.

Heritage Development Officer

The Officer advises that, given that this site has been in use as a coach park for many years and has a valid consent for a business redevelopment, this work is minor and has no impact either on the Bishopstrow Conservation area or the two listed bridges over the River Wylie.

Environment Agency

The Agency restates its view previously expressed to the Planning Compliance Officer that the area of bank that has been destroyed by this development was probably of limited ecological value. However, the Agency is very concerned that these changes were made without regard to their commitment to the creation of a 5m buffer zone for wildlife along all the watercourse boundaries of the site. (This formed part of the redevelopment proposals under application W/08/03468/FUL). The work has been done without further consultation with the LPA or the Agency, reducing the proposed mitigation and potentially impacting on water voles which are a protected species. The Agency does not recommend refusal, but suggests a condition to any permission requiring the applicant to carry out further mitigation for the loss of habitat perhaps by increasing the wildlife buffer in another part of the site. An informative is also recommended to be attached to any permission granted to the effect that Flood Defence Consent from the Agency and separate from any planning permission for any works within 8m of the top of the bank of the River Wyllye. There is also concern that no remediation strategy has been provided in respect of the condition imposed on permission issued under W/08/03468/FUL.

District Ecologist

Verbal discussions were held with the District Ecologist who expressed similar concerns to those of the Environment Agency, and also in relation to drainage into the river.

Environmental Health

No comment received.

8. Publicity

The application was advertised by site notice, press notice and by neighbour notification.

Expiry date: 14.01.2010.

Three neighbour responses were received (with more than one item received from two of these). The points raised are as follows:

- highway safety being compromised by the parking as well as the manoeuvring of vehicles;
- the visual impact of the parking on the adjacent conservation area and bridges;
- possible oil/fuel spillage threat to the river;
- loss of vegetation exposing the buildings to view;
- increased runoff from the site; and
- displacing cars from site allows for intensification of the use on site.

9. Planning Considerations

The parking serves the coach depot, which has a long history as a rural employment site (it is located immediately outside of the Town Policy Limit for Warminster) and the development therefore must be considered in relation to the West Wiltshire District Plan 2004 Policy E6, which applies to Rural Employment sites. This Policy relates to small scale employment enterprises and permits extensions subject to criteria in relation to highway safety, flood risk, design and nature conservation considerations, residential amenity and neighbouring land use.

Highway safety

Highway officer advice is that the development is unacceptable where it has given rise to a situation where manoeuvring of vehicles to access and leave the site is hazardous in particular because of restricted visibility. The parking layout is such that the right-angle parking requires manoeuvring within

Bishopstrow Road in order to enter or leave the bays. The bays provided adjacent to the southern boundary of the site have limited turning space of 4.5m behind them which encourages reversing either into or out of this area. This is considered to be detrimental to all users of the highway. Parish and neighbour comments also highlight this issue. The application should be refused on highway safety grounds.

Flood Risk

The Environment Agency has not raised any planning concerns in respect of flood risk, but has advised that separate legislation applies in terms of which the applicant should have obtained Flood Defence Consent from the Agency prior to any works being carried out. Thus, whilst flood risk per se would not form a reason for refusal on planning grounds in relation to the parking area, an informative advising the applicant of the obligations in terms of the Water Resources Act 1991 and Drainage Byelaws would be appropriate.

Visual impact on surrounding area and neighbouring amenity

The Heritage Development Officer is of the view, in the light of the long-established presence of the coach park on this site that the works are minor and would not impact on the Conservation area or the setting of the bridge. It is acknowledged that the clearance of the vegetation has created a greater exposure of the buildings on site to Bishopstrow Road, as has been noted in the neighbour and Parish comment. However, the site is not within the Conservation Area and it is considered that the clearance of the roadside overgrowth could have taken place irrespective of any planning permission. Trees to the river bank providing a screen to the Conservation Area to the south remain. The part of the building that has been demolished extended to the river bank and previously presented a blank corrugated iron side elevation to the Bishopstrow road frontage. Seen in this context and whilst the removal of the vegetation screen is regrettable, the visual impact of the removal of the building and creation of parking spaces is not considered to constitute a reason for refusal.

The nearest neighbouring dwelling is some 30m distant on the opposite side of Bishopstrow Road. The primary impact on these neighbours would relate to the highway safety issues as discussed above.

Other Considerations

Consultees including the Parish Council and the Environment Agency have raised questions in respect of why the works do not conform with the development proposal granted permission under application 08/03468/FUL (Demolition of the existing buildings and the construction of 9 business units Use Class A2 and B1 in individual and terraced buildings together with access and parking).

According to the supporting documentation the site clearing and parking has been carried out in order to provide for staff car parking space for R and R staff due to the demands for coach parking to satisfy the continuing growth of that business. The justification is stated to be the separation of cars and staff from the depot yard in order to maintain a safe working and operational environment on a site constrained on all sides by Bishopstrow Road and the River Wylfe. The development does not therefore represent the commencement or implementation of the scheme approved under 08/03468/FUL, but is instead related to the R and R employment site. Application 08/03468/FUL is a separate scheme. However, the parking area does have an effect on the approved scheme where it encroaches onto a zone allocated in that proposal for a conservation buffer. It is considered that, in order to implement the scheme under 08/03468/FUL, the parking area would have to be removed, the area re-instated and the buffer zone required under conditions to that application provided.

With regard to ownership of the land, the application form has been completed to the effect that the land within the red-line application site is under the ownership of the applicants. Highway officers have not indicated that there has been an encroachment onto highway land (which is the area that would be the subject of any encroachment). However, it does appear that the right angle bays, particularly to the northern end of the application site, could project into public highway land. This matter has been brought to the attention of highway officers for investigation.

Recommendation: Refusal

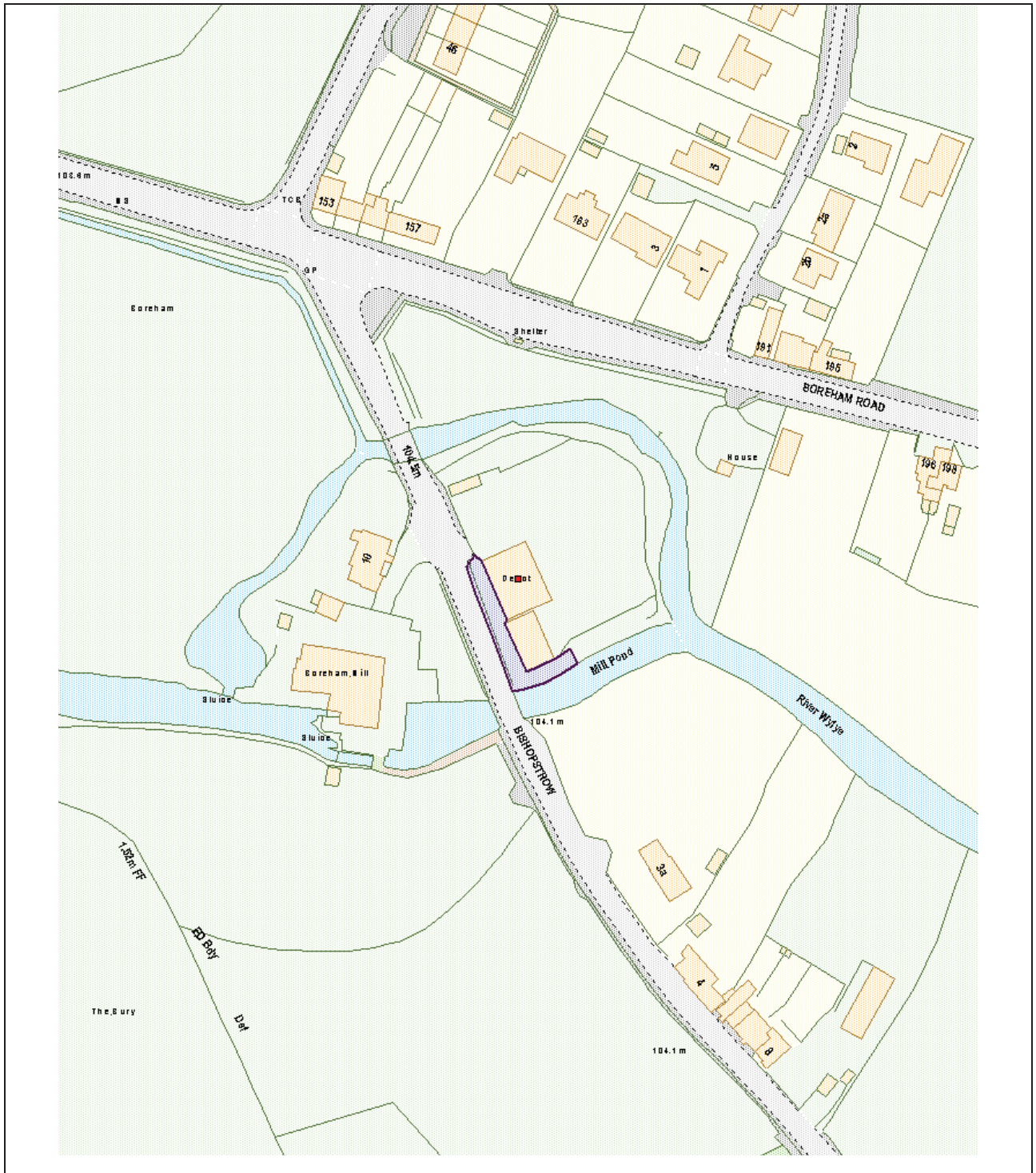
For the following reason(s):

- 1 The parking areas, because they require vehicles to use Bishopstrow Road for manoeuvring space to enter and leave the parking spaces at a point where visibility is restricted, are detrimental to the safety of all users of the highway.

Informative(s):

- 1 Irrespective of this refusal the applicant is advised that, under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency would have been required prior to the carrying out of any works in, under, over or within 8 metres of the top of the bank of the River Wylde, designated a 'main' river. The applicant is advised to contact Daniel Griffin on 01258483351 to address this issue where it is understood that consent was not obtained.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 29073-01 received on 09.12.2010

Drawing : 29073-02 received on 09.12.2010

Drawing : 29073-03 received on 09.12.2010

Date of Meeting	17.02.2010		
Application Number	W/09/02998/FUL		
Site Address	Land South Of Keepers Cottage Spiers Piece Steeple Ashton Wiltshire		
Proposal	Retrospective application for the continued use of agricultural building as an office and the retrospective erection of stable block		
Applicant	Mr David Campbell		
Town/Parish Council	Steeple Ashton		
Electoral Division	Summerham And Seend	Unitary Member:	Jonathon Seed
Grid Ref	391614 155716		
Type of application	Full Plan		
Case Officer	Miss Julia Evans	01225 770344 Ext 140 juliaj.evans@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Seed has requested that this item be determined by Committee due to:

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties.

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

2. Main Issues

The main issues to consider are:

- * planning history and unauthorised works;
- * rural conversions policy;
- * equestrian uses;
- * highways matters;
- * the water environment and drainage matters;
- * the natural environment;
- * amenity matters.

3. Site Description

This is a full application for the retrospective use of an agricultural building as an office and the retrospective erection of a stable block at land south of Keepers Cottage, Spiers Piece, Steeple Ashton, Wiltshire. Spiers Piece lies in the open countryside to the south-east of Steeple Ashton. At the end of the track, to the south of the site, lie some employment uses, equestrian paddocks, and an

equestrian menage, whilst to the north lies the applicant's residential property. Immediately adjacent to the site on the south-western boundary lies an equestrian ménage. To all other boundaries lies open countryside.

The unauthorised office block and attached stables are constructed of red brick with concrete roof tiles. The office block is a two-storey building lying immediately adjacent to the southern boundary of the site. It has upvc windows and doors, including a first floor balconied opening. The attached two stables have a lean-to to their rear which is used for fodder storage. To the end of the stables is a muck heap. To the north-west of this building lies a single storey block of three wooden stables. Both buildings access out onto an area of hardstanding, beyond which is a paddock. Vehicular access is through a gated entrance in the easternmost corner of the site.

4. Relevant Planning History

05/00262/FUL – Erection of stables, hay barn, tack room, and riding school – Permission 15/iv/2005

5. Proposal

This is a full application for the retrospective use of an agricultural buildings as an office and the retrospective erection of a stable block at land south of Keepers Cottage, Spiers Piece, Steeple Ashton, Wiltshire. This retrospective application seeks to regularise the unauthorised uses, alterations and buildings that have occurred at the site.

In April 2005 planning permission was granted for the erection of two stables, and an attached tack room and feed store. They were to be constructed of brick and tile, and measure approximately 14m x 7m x 7m at its largest extent. The permission was subject to three conditions: the standard lifespan condition, the need for samples submission, and details of the lighting to the site. The permission was implemented, and then the building was changed to be used as an office for the applicant, with only a small part of the ground floor used for tack. In addition to the change of use of the building, a number of unauthorised changes and additions have been made to the building, including:-

- large windows and French doors to the rear ground floor elevation;
- a first floor French door and associated balcony;
- a new door to the eastern elevation;
- three new windows to the rear elevation; and
- a lean-to fodder store to the rear elevation.

In addition to these unauthorised uses and changes to the permitted building, a new three-stable block has been constructed to the north of the original block. This measures approximately 11m x 5m x 3.6m.

The application has been supported with a Design & Access statement. At various times during the life of the application the applicant has been asked to clarify and justify the use of the building for offices, and the nature of the riding school business. The last correspondence from the applicant stated as follows "the building in question has planning permission for a stable block, under reference 05/0262/FUL. Therefore, the only point for consideration is the partial use of the building as an office. The office was used by Mr Campbell for his business and for the running of the Riding School. I am not clear as to what is required in the form of a justification. The building itself has permission and thus the only issue is the change of use..... I would suggest that, as the building is so well located to Keepers Cottage, and that, up until recently it was utilised by the owner / occupier of Keepers Cottage, it would not be unreasonable to tie the use to Keepers Cottage and the existing riding school. The use as an office, particularly one conditionally tied, in this location would accord with PPS4 (as you will know PPS4 replaced the relevant parts of Planning Policy Statement 7 - Sustainable Development in Rural Areas). We have effectively created a home style office."

No further information about the riding school or the need for an office has been received.

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 – Priorities for sustainable development

DP2 – Infrastructure

DP9 – Reuse of land and buildings

T6 – Demand management

C5 – The water environment

West Wiltshire District Plan - First Alteration 2004

C1 – Countryside protection

C31a – Design

C32 – Landscaping

C35 – Light pollution

C38 – Nuisance

E6 – Rural employment

E8 – Rural conversions

E10 – Horse related development

T10 – Car parking

U1a – Foul water disposal

U2 – Surface water disposal

U4 – Groundwater Source Protection Areas.

National Guidance

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 7 - Sustainable Development in Rural Areas

Planning Policy Guidance 13 - Transport

7. Consultations

Steeple Ashton Parish Council state “Steeple Ashton Parish Council has concerns regarding this retrospective Planning Application and would recommend that it be refused for the following reasons.

“The Councillors are concerned that Planning Application 05/00262/FUL which gained permission in 2005 for a building housing tack room, food store and hay barn and two stables and adjacent riding school, has since been developed, without planning permission, into a building which the Councillors consider verges on a residential property. They question whether the specifications for the original building would pass building regulations for the building in its present form.

“The Councillors also note that this Planning Application includes three additional stables. A letter which accompanied the Planning Application 05/00262 dated 11th February 2005 from Willis and Co stated that “The stables and riding school will be used by our clients horses and are only for private use not commercial, therefore the proposal will not generate extra traffic on surrounding roads.” The Councillors question whether, as there are now five stables, some of which it is considered could possibly be used for livery, this has been adhered to. If this is indeed the case, this brings its own concerns of extra traffic on the narrow road approaching the property, a road over which the owner of the property has a right of way, but it raises the question of whether this would extend to visitors using a commercial enterprise.”

Highways Authority states “I note the Highway Officers comments on the previous application (W05.0262) which recommended that the use be restricted for the benefit of the applicant only, and not for any commercial use. Given that permission was granted for the riding school, and notwithstanding our previous observations, I do not wish to object to the stable block. I would suggest that the office is tied to the riding school to prevent unfettered use.”

Environment Agency state “The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following informatives and recommendations should be included in the Decision Notice.

“The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

“Manure / dung heaps must be sited in an area where it / they will not cause pollution of any watercourse or water source by the release of contaminated run-off.

“The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

“There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways / ditches.”

Wessex Water state “The proposal is not located within a Wessex Water sewered area. The developer has proposed to dispose of foul sewerage to mains sewer. Please note this lies within a non sewered area.

“The developer has proposed to dispose of surface water to “mains sewer”. As there are no existing public /separate surface water sewers in the vicinity of the site, it is advised that the Developer investigate alternative methods for the satisfactory disposal of surface water from the site (eg soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

They go on to require details of connection onto their apparatus, and the necessity of checking with them to ascertain whether there are any uncharted sewers or water mains within or near to the site.

8. Publicity

The application was advertised by site notice, press notice, and neighbour notification.

Expiry date: 11/xii/2009 and 30/xi/2009.

Summary of points raised: no responses received.

9. Planning Considerations

9.1 The main issues to consider are:

- * planning history and unauthorised works;
- * rural conversions policy;
- * equestrian uses;
- * highways matters;
- * the water environment and drainage matters;
- * the natural environment;
- * amenity matters.

9.2 This is a full application for the retrospective use of an agricultural building as an office and the retrospective erection of a stable block at land south of Keepers Cottage, Spiers Piece, Steeple Ashton, Wiltshire. The Council’s Enforcement Section invited an application in respect of the unauthorised works that had occurred at the property, and this application seeks to regularise the unauthorised change of use, the new stable block building, and alterations to the existing building. The stable and tack block building has been substantially altered to that approved under the 2005 application. The principle of the conversion of rural properties in the open countryside to employment uses is acceptable subject to a number of caveats being satisfied under Policy E8 of the West

Wiltshire District Plan - First Alteration 2004. This states that “The conversion of rural buildings in villages or the open countryside to business, tourism or sport and recreational uses will be permitted where:

A The building is of substantial, sound and permanent construction and capable of conversion without extensive alteration, rebuilding, and/or extension or otherwise significantly altering its original character;

B The proposed conversion safeguards and/or enhances the essential form, structure, character, and important traditional features of the building and the countryside;

C It can be satisfactorily serviced and does not create highway problems;

D It does not harm the natural environment including the water environment.

In considering such proposals the District Council will require structural surveys of buildings proposed for conversion.”

9.3 It is not clear from the application whether the building was ever used as permitted or whether it was converted at a later date. Nor is it clear as to the need for offices on the site for the riding stable, particularly as the unauthorized office use was for the applicant’s property business. Notwithstanding this, Policy E8 makes it very clear that the conversion of rural buildings to employment uses is acceptable subject to the caveat that it should not significantly alter the building’s original character. The introduction of French doors, several large windows plus a first floor balcony has given the building the appearance of a residential property. Indeed the internal subdivision of the property reinforces this impression, and at the time of the site inspection the tack room was not functioning at such. The residential appearance of the building has also raised an objection from the Parish Council who consider that it “verges on a residential property”. It is considered that the unauthorised changes are visually incongruous in a rural location, as the building seems overtly residential in character, which is far removed from its original permitted character. Indeed within the Design and Access Statement the applicant describes the building as a “home style office”. The residential appearance of the building therefore forms the first reason for refusal.

9.4 In addition to the unauthorized use and alterations to the two-storey part of the building, a lean-to fodder store has been erected to the rear of the stables, which has been necessitated by using the main part of the building as offices. The visual appearance of the lean-to does not raise significant concerns, although the access to it is off a private road that is used by the employment uses at the end of Spiers Piece. Despite this potential for conflict with vehicles and users of the fodder store, no objection has been received from the Highways Authority, so it would be difficult to substantiate a refusal on highway safety grounds.

9.5 The application also seeks to regularise the erection of a further three stables in a detached block to the north-west of the existing building. Despite requests, no evidence of the need for the stables has been provided or their requirement for the riding school, nor was there evidence at the time of the site visit that any of them were occupied. The 2005 permission for the stables was not restricted by condition, despite the applicant applying for personal use only. This means that the two stables permitted at that time could be used for commercial use, despite conditions suggested by the Highways Authority to control commercial use on the site due to the nature of the access to the property. With the current application, they have suggested a similar restriction on the use of the unauthorised stables. The applicant has provided no details on the need for the additional stables or the operation of the riding stable that is being alleged as operating on the site, apart from that the use could be tied to the neighbouring residential property. If this is the case, then the need for an office for the stables on the site can be questioned. In view of the highway safety concerns, the proposed increased use of the access to the site and the inability to assess its current role form a further reason for refusal.

9.6 Conversion schemes dealt with under Policy E8 should supported with structural reports and protected species report, demonstrating that the building can be converted without necessitating substantial alteration and that no protected species and their habitats would be lost by the proposal. The applicant has provided no details of either. Notwithstanding this, the lack of information supporting the proposal forms another reason for refusal, although an informative has been attached stating that these could be easily addressed with any application resubmission.

9.7 The use of the 2005 building for offices and additional stables on the site would have drainage and pollution prevention that in the most part could be dealt with by condition, such as for manure disposal and management. However, Wessex Water have highlighted that despite the applicant stating foul sewage and surface water will be disposed of by mains sewer, there are no existing public or separate sewers in the area. This is another aspect of the application that has not been addressed through the provision of accurate information, and in view of the pollution potential, forms a further reason for refusal.

9.8 The site lies adjacent to Keepers Cottage, which is owned by the applicant. The house lies just over 30 metres from the buildings on the site. The amenity of the residential neighbours could be controlled by condition, such as limiting the use to B1 office use, controlling external lighting, etc, so the proposal is not considered to be significantly detrimental to neighbouring amenity.

Recommendation: Refusal

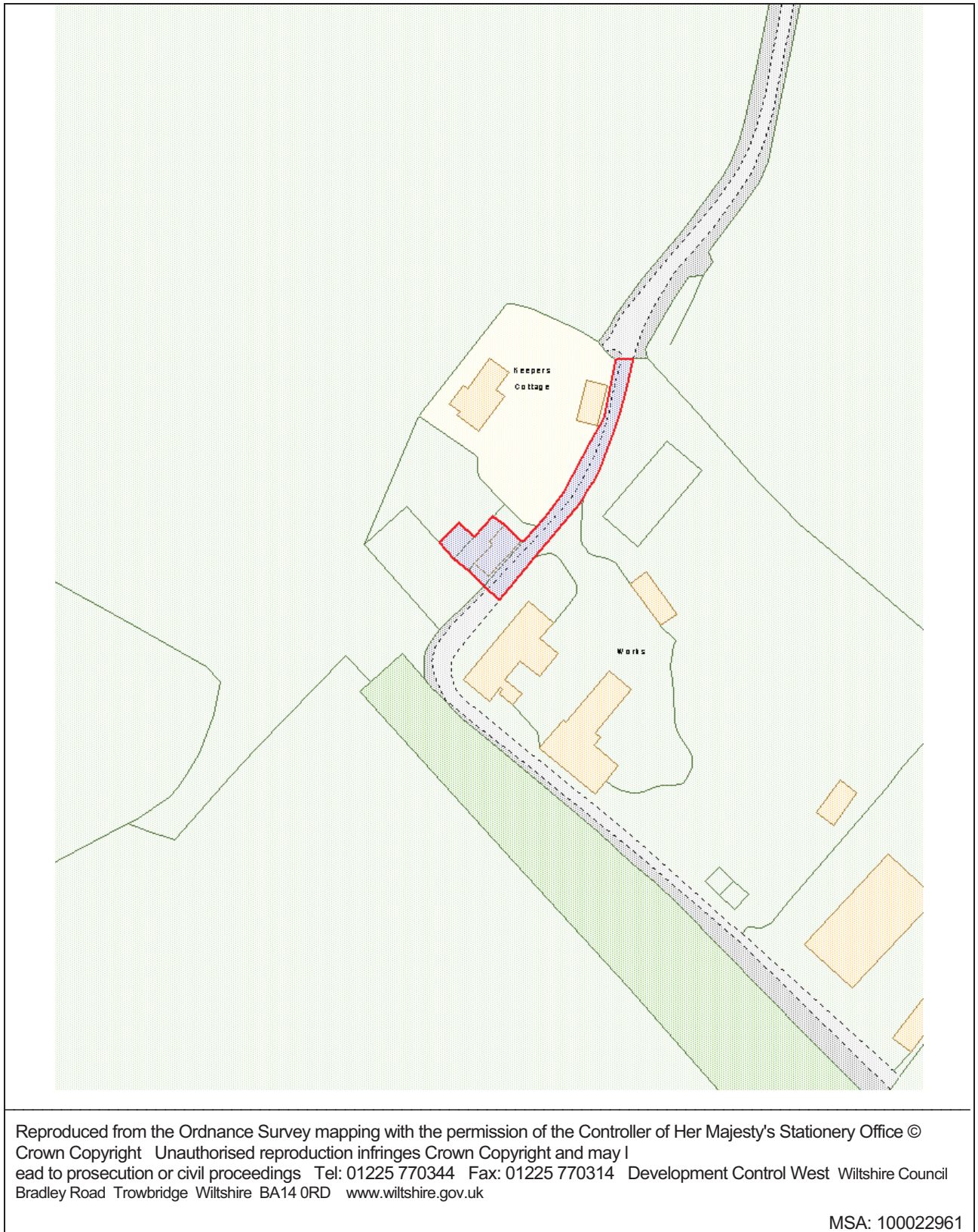
For the following reason(s):

- 1 Policy E8 of the West Wiltshire District Plan - First Alteration 2004 states that the conversion of rural buildings will not be permitted where it involves extensive alteration to the original character of the building, and where the proposed conversion does not safeguard the essential form and character of the building. The alterations to the building, particularly the amount and type of fenestration and the first floor balcony, significantly change the character of the building, giving a residential appearance that is at odds with its countryside location. This is considered contrary to adopted development plan policy.
- 2 Policy E8 of the West Wiltshire District Plan - First Alteration 2004 requires the conversion of buildings in rural areas not to harm the natural environment, including the water environment, and be supported by a structural survey to ascertain the suitability of the building for conversion. Policies U1a and U2 of the West Wiltshire District Plan - First Alteration 2004 require the satisfactory provision of foul and surface water to protect the environment from pollution. The proposal for the conversion has been submitted with insufficient information with regard to the structural condition of the building, the impact of the conversion on protected species and their habitats, and the means of foul and surface water drainage, to allow a comprehensive and informed decision to be made about the need for the unauthorised change of use, works and buildings. This is considered contrary to these policies.

Informative(s):

- 1 You are advised that any application resubmission should be supported with sufficient information and supporting justification to allow a comprehensive assessment of the proposal to be made.

Appendices:	
Background Documents Used in the Preparation of this Report:	



RELEVANT APPLICATION PLANS

Drawing : SITE PLAN

Drawing : BLOCK PLAN

Drawing : 09/660/01 received on 12.10.2009

Date of Meeting	17.02.2010		
Application Number	W/09/03480/FUL		
Site Address	44 Newtown Westbury Wiltshire BA13 3EF		
Proposal	Proposed first floor extension		
Applicant	Mr Stuart Lindsay		
Town/Parish Council	Westbury		
Electoral Division	Westbury East	Unitary Member:	Michael Cuthbert-Murray
Grid Ref	387849 151230		
Type of application	Full Plan		
Case Officer	Miss Carla Rose	01225 770344 Ext 283 carla.rose@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Cuthbert-Murray has requested that this item be determined by Committee because of the scale of development and the relationship to adjoining properties.

1. Purpose of Report

To consider the above application and to recommend refusal.

2. Main Issues

The main issues to consider are:

- Street scene
- Design
- Neighbour amenity
- Planning history

3. Site Description

The site is located within a residential area and is characterised by detached and semi-detached residential properties.

44 Newtown, Westbury forms one half of a pair of semi-detached properties, which are symmetrical in appearance. There is a second pair of semi-detached dwellings next door which form a distinctive group of dwellings of which the front elevations are largely unchanged since they were built circa 1930s.

A long linear garden exists to the rear and a small garden is located to the front.

4. Relevant Planning History

App No 09/02375/FULL - Proposed two storey front extension. Refused. 30.09.2009

5. Proposal

An extension of the first floor is proposed to the side of the property.

This would enable staircase access to be gained to a loft area, once converted, above the main part of the house. The extension would raise the height of an existing first floor area and increase the roof height. The increase in height is required in order to provide sufficient headroom to gain access to the roof space above the existing dwelling.

This would necessitate raising the height of the front and side walls supporting this part of the roof and changes to the cill and head height of a landing window on the frontage.

The increased area of wall and roof would be constructed with materials to match the existing dwelling.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004
C31a – Design
C38 – Nuisance

Supplementary Planning Guidance on house alterations and extensions – Adopted July 2004

7. Consultations

Town/ Parish council

Westbury Town Council has no objections

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 25.12.2009

Summary of points raised:

No responses received.

9. Planning Considerations

9.1 Street scene and design

This property forms part of a group of four related dwellings which form a distinctive and cohesive group and are readily visible from the highway. They have changed little in appearance since they were first built in the middle part of the last century. Although these are relatively modest dwellings they retain a distinctiveness which is reinforced by their symmetry and as such they appear prominent within the street scene.

The roof is often the most prominent feature of a building. The proposal, which would raise the roof over part of one of these dwellings, would disrupt the symmetry of the roof of this pair of dwellings and

the relationship of this pair with the remainder of the group. This would result in a significantly different appearance to one dwelling that would compromise the overall composition of this group of dwellings.

Supplementary Planning Guidance advises that ‘an extension should be a subservient element to the host building and not upset the symmetry of the building as a whole.’

The proposed extension resulting from the increase in height and changes to the cill and head height of the window would have a detrimental impact on the appearance of this semi-detached pair of dwellings because of the loss of symmetry in this otherwise identical pair of semi-detached properties.

Furthermore, because the property forms part of a row of four separate dwellings in two nearly unaltered semi-detached pairs, the proposal would have a harmful impact on the group as a whole. It is recognised that there are some small differences between the two pairs of semi-detached properties, for example a single storey extension to 48 Newtown, but the height at two storey level appears not to have been changed and the roof is an important characteristic that needs to be maintained.

The character of this group of semi-detached dwellings derives in part from their symmetrical design which gives these properties a distinctive appearance. The changes as currently proposed to this symmetrical appearance would unbalance the pair of dwellings adversely affecting their symmetry creating a visually discordant element that fails to respect the symmetry of the group and would harm their character.

Furthermore the design of the proposed landing window with a lowered cill and raised head height is not in keeping with existing windows and would exacerbate the discordant appearance.

9.2 Planning history

A previous application for a two storey front extension was refused for the following reason: -

The proposed front extension would introduce a visually discordant element, which would fail to respect the overall symmetry of the building as a whole and would have an adverse impact on the character and appearance of the dwelling and street scene contrary to C31A of the West Wiltshire District Plan and to the guidance contained within the SPG – House alterations and Extensions.

The proposed extension has been set back in an attempt to overcome the reason for refusal and make the proposal a more subservient element.

It is acknowledged that the current proposal represents an improvement to the previously refused application because it has been set back further from the frontage, but it does not overcome the reason for refusal. Indeed the increase in height of the wall and raised roof would appear contrived and accentuate the difference in heights that harm to the symmetry of these buildings.

The first floor extension as currently proposed still results in the addition of a visually discordant element that does not respect the symmetry of the semi-detached property.

9.3 Neighbouring amenity

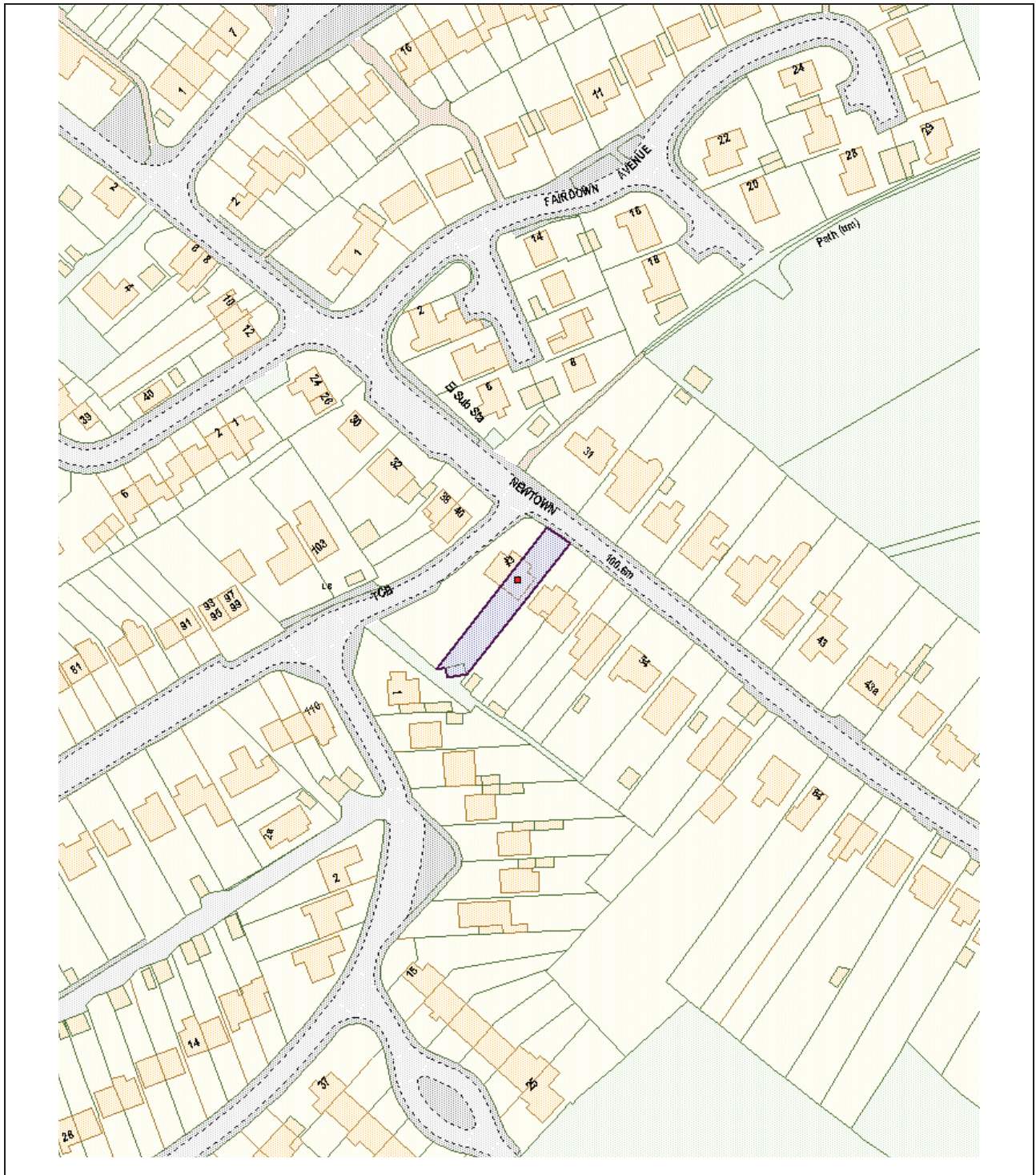
The proposed extension is set in from the boundaries and no additional windows and doors are proposed in the side elevation therefore there would be no harm to neighbouring amenity. Three Velux windows are proposed as part of the loft conversion of which one is in the proposed extension. The height and position of these, set into the roof and overlooking the rear gardens, would result in no greater degree of overlooking than from the existing first floor bedroom windows and there would be no harm to neighbouring amenity.

Recommendation: Refusal

For the following reason(s):

- 1 The extension in the manner proposed would introduce visually discordant elements, which by reason of their form, location and increased roof height, would have an adverse visual impact on the appearance of this semi-detached pair and fail to respect the overall symmetry of this group of dwellings, harmful to the character and appearance of the street scene and contrary to Policy C31A of the West Wiltshire District Plan and to the guidance contained in the Supplementary Planning Guidance on House Alterations and Extensions.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : AH2009/40 REV B received on 24.11.2009

Drawing : SITE PLAN received on 24.11.2009

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**Wiltshire Council – Area West
Planning Committee**

**PLANNING APPEALS UPDATE REPORT
(January 2010)**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/09/02464/FUL	4 Beech Avenue Melksham	Melksham Town	Change of use for part of residential dwelling to hair salon	DEL	REF	WR
W/09/01142/FUL	Kingsdown Farm Lords Hill Longbridge Deverill	Sutton Veny	Erect 2 livestock buildings, straw storage building, dung store, hardened tracks and passageways and re-profiling of land adjacent to facilitate new buildings	DEL	REF	INQ
W/09/02781/FUL	The Stable Sturgess Farm The Marsh Longbridge Deverill	Longbridge Deverill	Conversion and extension of existing barn into holiday accommodation	DEL	REF	WR
W/09/02784/LBC	The Stable Sturgess Farm The Marsh Longbridge Deverill	Longbridge Deverill	Conversion and extension of existing barn into holiday accommodation	DEL	REF	WR
W/09/02281/LBC	Old Baptist Chapel St Margarets Street Bradford On Avon	Bradford on Avon	Removal of 27 pews	DEL	REF	WR
W/09/01750/FUL	Mowlems Wynsome Street Southwick	Southwick	Residential development for 54 new build dwellings and conversion of existing building to 2 dwellings	COM	REF	HRG

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
07/00297/BLD_L	6 Stoggy Lane Great Hinton	Great Hinton	Appeal against change of use of the land from agricultural use to garden use	ENFORCEMENT		INQ	DISMISSED
07/00297/BLD_L	6 Stoggy Lane Great Hinton	Great Hinton	Change of use of land from agricultural to garden	ENFORCEMENT		INQ	ALLOWED
08/00231/USE_L	Littleton Stables Littleton Semington	Semington	Appeal against the unauthorised use of tractor shed as dwelling and creation of domestic garden together with installation of one stable, three dog kennels, one storage container unit and one caravan	ENFORCEMENT		HRG	DISMISSED
W/09/01314/FUL	51 And 52 Rutland Crescent Trowbridge	Trowbridge	Erection of three blocks to provide 12 flats with parking and amenity space	DEL	REF	WR	DISMISSED
W/09/00407/FUL	Littleton Stables Littleton Semington	Semington	Retrospective erection of dwelling, detached day room and touring caravan for residential use	DEL	REF	HRG	ALLOWED
W/09/01349/FUL	21B Leigh Road Holt	Holt	Removal of condition 2 (W93/1310) to allow the use of residential accommodation as self contained dwelling rather than annexe to 21B Leigh Road	DEL	REF	WR	ALLOWED
W/09/01818/FUL	Land South East Of Keepers Cottage Spiers Piece Steeple Ashton	Steeple Ashton	Conversion of existing buildings to form 4 self catering holiday lets	DEL	REF	WR	DISMISSED

* additional notes on decision below

- I = Inquiry H = Hearing
- Del = Delegated decision

WR = Written Representations
Comm = Committee decision

❖ Points of interest arising from decisions

07/00297/BLD_L - 6 Stoggy Lane Great Hinton - Change of use of land from agricultural to garden

There were two grounds to this appeal.

The first was against an Enforcement Notice that required the cessation of use of land as a garden with a period of compliance of 3 months. The Inspector allowed this part of the appeal on the balance of probability. This was as a result of the appellants providing additional information and submissions at the appeal which the Council had not previously seen. Despite conflicting evidence, but given that the weight of evidence fell in favour of the land being used as a garden for more than 10 years, he quashed the enforcement notice.

The second part of the appeal related to the erection of a large steel framed domestic storage building on agricultural land. The Inspector had allowed the first appeal and found that the land is in residential use as a garden. However, that it did not necessarily mean that the land was part of the residential curtilage of 6 Stoggy Lane, that was a matter of fact and degree, but after careful deliberation he accepted that it was part of the curtilage. He then considered whether the building was permitted development and if there had been a breach of planning control. He concluded that it was not permitted development at the time it was erected on the site and as such there had been a breach of planning control.

08/00231/USE_L - Littleton Stables Littleton Semington - Retrospective erection of dwelling, detached day room and touring caravan for residential use

The Inspector directed that the enforcement notice be quashed. He dismissed the part of the appeal that related to the erection of a utility / dayroom and allowed the appeal relating to the change of use to residential purposes and use of the touring caravan for residential purposes.

He took the view, in dismissing the appeal in part, that the proposed utility / day room would have the appearance of a residential bungalow that would not have justification and it would harm the landscape and character of the area. Furthermore, any excavations involved would further harm the medieval ridge and furrow features on the site. Furthermore, there was a likelihood of harm to Great Crested Newts which are a protected species.

However, since the appellant was a Romani gypsy and fulfilled the criteria for having a nomadic way of life, the Inspector concluded that the change of use to residential and use of the touring caravan for residential purposes were acceptable. He acknowledged that there was an unmet need for gypsy and traveller sites in the area at the present time. He did not consider the site to be in an unsustainable

location since the applicants would need to make regular car journeys to the site to tend to their animals if they lived in another location. He granted a temporary permission which would enable the Council to proceed further with allocating specific sites in the area and attached very stringent conditions that will need to be observed.

W/09/01349/FUL - 21B Leigh Road Holt - Removal of condition to allow the use of residential accommodation as self contained dwelling rather than annexe to 21B Leigh Road, Holt

The Inspector allowed this appeal on the grounds that the annexe is modest and this would limit the number of people who could occupy it. Furthermore, there were sufficient parking spaces allocated for both dwellings and the existing garden area would be divided. Even though he concurred with the Council that intervisibility between the road and access from the site was not ideal and did not conform to the standards, he did not think that the removal of the condition would have any effect on highway safety because of the limited increase in traffic movements.

W/09/01818/FUL - Land South East Of Keepers Cottage Spiers Piece Steeple Ashton - Conversion of existing buildings to form 4 self catering holiday lets

The Inspector in dismissing this appeal took the view that the proposals which would have resulted in extensive rebuilding and significant alterations to the character of the original buildings would be contrary to council policy. He commented that although it was stated in the application that minor repair works had already been carried out to these buildings, from a site inspection it was clear that a considerable amount of work had been done and conversion works were well advanced.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/09/02386/FUL	Land South West Of Bonnie Farm Court Lane Bratton	Bratton	Mobile home, day room and caravan	HRG	CR1	02.03.2010
W/09/01022/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Application to discharge clauses within section 106 agreement dated 6 February 2004	INQ	CC	23.03.2010

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