

WESTERN AREA PLANNING COMMITTEE

26 August 2009

Planning Applications for Determination

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	26.08.2009		
Application Number	W/09/01727/FUL		
Site Address	10 High Street Westbury Wiltshire BA13 3BW		
Proposal	Change of use from A1 retail unit to A3 restaurant and A5 hot foot takeaway, together with alterations to shop front and installation of kitchen extract system		
Applicant	Mr T M Akhtar		
Town/Parish Council	Westbury		
Electoral Division	Westbury East	Unitary Member:	Michael Cuthbert-Murray
Grid Ref	387244 151341		
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 Cuthbert Murray has requested that this item be determined by Committee due to the loss of an A1 use in the Primary Retail Frontage. The Councillor is of the view that this threatens the viability of the retailing function and therefore the viability of the town centre shopping system. The conversion of this unit will lead to five units in a row being dead frontage.

1. Purpose of Report

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

2. Main Issues

The key issue to consider is the acceptability of the proposed change of use from A1 within the Primary Retail Frontage area in the light of applicable policy (primarily Policy SP4 of the West Wiltshire District Plan, 1st Alteration 2004). Consideration must be given to the existing mix of uses and whether there is cumulative harm the vitality of the town centre. Further considerations are issues of amenity and highway safety.

3. Site Description

No 10 High Street is a ground floor retail unit of approximately 160m² with a glazed shopfront to the High Street frontage. Service access is via the public car park to the rear. Existing floor space comprises a main retail area together with storage areas at the rear, with staff toilets and kitchen facilities. The unit forms part of a purpose-built commercial development in High Street, together with residential units to the upper floors. The development falls within the Westbury town centre Primary Retail Frontage area.

4. Relevant Planning History

01/01297/FUL: Change of use of ground floor from A2 to chiropractic clinic (Class D1): Permission : 31.10.2001

01/01461/FUL : Change of use from A2 to community information and technology centre (D1): Permission: 23.11.2001

(It is understood that these uses were not implemented, or that subsequent A1 uses were revived).

5. Proposal

The proposal is to convert the unit to a 50 person seated restaurant together with ancillary areas comprising kitchen, disabled and ambulant toilet facilities, storage and staff facilities. The restaurant would contain a small bar area. This proposed use would require a change of use from Class A1 (Shops) to Class A3 Restaurant and A5 hot food takeaway. Although the precise nature of the restaurant/takeaway has not been indicated the plans do indicate a Tandoori oven, suggesting the preparation of curries. Six new jobs are envisaged.

The application drawings indicate an extraction and filtering system incorporating silencing on the extraction fans, with a rear-facing flue to the car-park area, approximately 14m from the rear elevations to the residential apartments. (See Environmental Health section comments below). The existing entrance door to the western side would be replaced with a fixed glazed panel to match the existing glazing. The other entrance door would be relocated to a more appropriate position on the main shop frontage and widened to allow for disabled access. The new door would aluminium framed and fully glazed to match the existing shop frontage.

Proposed opening times are 12:00 to 14:00 and 17:00 to 23:00 for 7 days a week including bank holidays.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

SP1 Town Centre Shopping

SP4 Primary Retail Frontage

PPS1 Delivering Sustainable Development

PPS6 Planning for Town Centres

7. Consultations

Town/ Parish council

The Westbury Town Council objects to the proposal on the following grounds:

"The High Street is a primary retail area for A 1 use and should be preserved to maintain its purpose as a retailing location

- too high a proportion of frontage is already non A1, particularly on one side;
- Joint council working is currently introducing a series of improvements to strengthen the viability of the town centre which should show results within 18 months;
- The advent of Morrison's Supermarket may increase demand for properties in the High Street, thus a need for retail properties to be protected."

Highways

No objection, or conditions recommended.

Environmental Health

Officers identify two potential issues, odour from the preparation and cooking of food, and possible noise breakout from either the ventilation system or from music from within the premises. However, on balance, the proposal is considered to be acceptable, subject to conditions in relation to operating hours, noise control and filtration of odours.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 22.06.2009

A total of 10 responses were received (with two households submitting two responses each). One of the objection letters was received from Cllr Russell Hawker. Summary of points raised:

- harm to the retail function of the town centre with too many units converted from A1;
- increased competition for an existing similar business;
- dead non-A1 frontage will arise;
- new Morrisons will revive this area;
- noise and cooking smells;
- alcohol consumption;
- traffic;
- increased fire risk;
- should be a post-office;
- increased competition
- harm to the tourism attraction value of the town
- highway safety

9. Planning Considerations

The application site falls within the primary retail frontage of Westbury and as such policy SP4 of the West Wiltshire District Plan 1st Alteration 2004 is relevant. This Policy states that:- "changes of use from A1 to A2 and A3 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre."

(At the time of the adoption of the local development plan in 2004 the Use Class of A5 - hot food takeaway - had not yet been introduced and would have been considered to be A3 in terms of the then-applicable Use Classes Order. It is therefore considered reasonable to treat A5 uses as A3 restaurant and cafes for the purposes of Policy SP4).

A survey of the Primary Retail Frontage reveals that:

- there are a total of 30 separate business units in this area;
- 22 are A1 shops (19 in-use, with 3 vacant, including the application site and with another of these that has signs of activity inside, but is not open);
- 4 units are A2 professional services (banks and estate agents);
- 1 is a D1 institutional use (education);
- 1 cafe site (A3) that is vacant but has a notice of pending re-opening under a new name; and
- there are 2 x A5 takeaways.

(The Visitor Centre, immediately adjacent to the Primary Frontage, is also vacant)

Previous surveys of the area (19 July 2007 and 9 March 2009) reflect that the unit comprising the application site was vacant on both those occasions.

This information indicates:

- that there is a strong mix of uses with the majority in retail use consistent with a town centre shopping area;
- the application site has not sustained a retail use over a length of time, at least since July 2007; and
- A1 uses would constitute approximately 70% of the business types, if it is accepted that the vacant sites will be occupied, and this permission is granted.

Whilst acknowledging the Town Council's observations, in particular those relating to a focussed area of non-retail on the northern side of the High Street, policy is not definitive on what would constitute individual or cumulative harm to the vitality of the town centre in terms of non-A1 uses.

Further guidance in the form of PPS6 (Planning for Town Centres) is that "... a diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Local planning authorities should encourage diversification of uses in the town centre as a whole, and ensure that tourism, leisure and cultural activities, which appeal to a wide range of age and social groups, are dispersed throughout the centre." Research on appeal case histories furthermore reveals that Inspectors have concluded that restaurants can be beneficial to reviving dead frontages since catering uses generate a high level of pedestrian attraction and evening opening helps keep shopping centres alive. The issue of continuity of shopping frontage, being threatened by the use of a restaurant has also been the subject of appeals where an Inspector concluded that a restaurant would considerably liven a frontage and would do as much as most shops to re-establish the link between separated parts of a shopping centre.

Whilst accepting that these case histories relate to different and variable cases and that each must be treated on its own merits it is considered that there are potential benefits to the town centre by bringing this unit back into use, without inflicting harm on the predominantly A1 function of the Primary Retail Frontage. Further, in this case the restaurant unit would provide for footfall in part of a 45m gap (that includes the cluster of estate agents and the College premises) in the frontage between the shops to the west and two isolated retail units at the eastern end of the north side of High Street.

The objections from the Town Council are understandable but the proposed change of use away from A1, even given the suggested possible recovery of the town centre in 18 months as a result of regeneration initiatives, would now occupy premises that have regularly been vacant over the recent medium term past with a use that would generate footfall in the area, also beyond current hours associated with the immediately surrounding retail, institutional and banking uses. Supporting documentation submitted by the agent includes confirmation by letting agents that the property has been actively marketed by them since November 2008, and that no interest has been expressed in an A1 use for the premises.

With regard to neighbour objections, issues of anti-social behaviour and competition are not considered material to this decision. Issues of noise and odours were considered by Environmental Health Officers and appropriate conditions have been recommended. Highway officers have no objection to the proposal and make no recommendation in respect of additional conditions. The site is in an accessible town centre locality and wholly adequate parking facilities are available in the vicinity.

The application is recommended for permission.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

Subject to the following condition(s):

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

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

- 2 The use hereby permitted shall only take place between the hours of 08:00 and 23:00.

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.

POLICY: West Wiltshire District Plan - 1st Alteration - C38.

- 3 No development shall commence on site until full details (including details of noise attenuation) of ventilation and filtration equipment to suppress and disperse any fumes and/or smell created from the cooking operations on the premises have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved equipment has been completed in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration - C38.

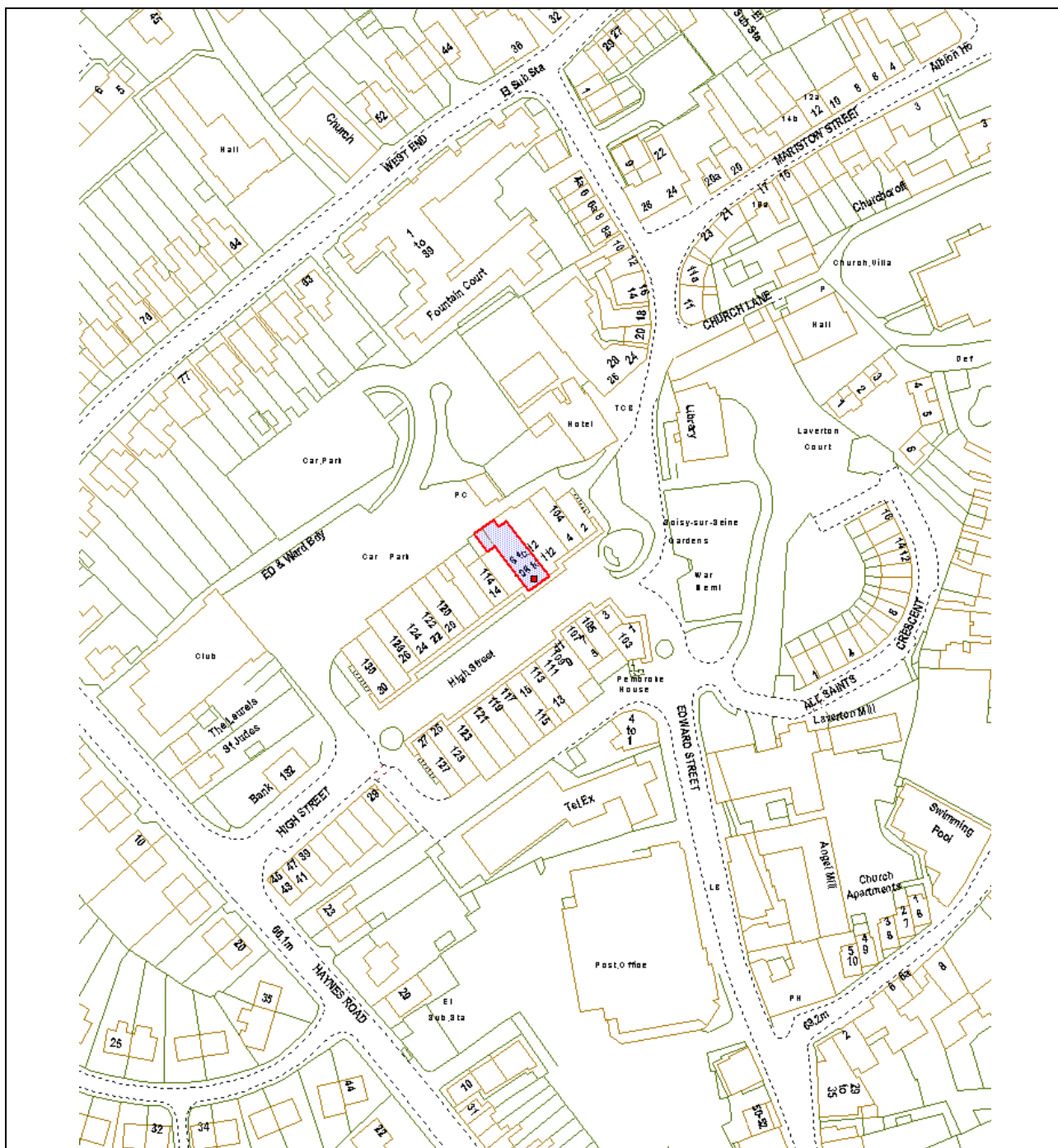
- 4 The A5 use hereby permitted for hot food for sale off the premises shall remain ancillary to the A3 use, which shall be implemented at the same time as, or prior to, the A5 use and with sit-down restaurant facilities being available at all times that sales for off-premises consumption are conducted.

REASON: In order to define the terms of the permission and in order that the Local Planning Authority shall reserve full control over subsequent uses of the site.

Informative(s):

- 1 The scheme of noise control should include proposals to control noise breakout from the ventilation system and also noise from within the premises from any music reproduction.
- 2 The scheme of odour control would be expected to include a pre-filter, filter and third stage treatment such as an activated carbon filter.
- 3 The applicant is advised that the wash hand basin should be located within the preparation area of the kitchen.

Appendices:	None.
Background Documents Used in the Preparation of this Report:	None.



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 3459/100 received on 16.06.2009

Drawing : 3459/101 received on 16.06.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	26.08.2009		
Application Number	W/09/01678/FUL		
Site Address	Wylve Works Watery Lane Bishopstrow Wiltshire BA12 9HT		
Proposal	Proposed installation of two cylindrical fluid storage tanks together with three steel storage containers		
Applicant	GEA Farm Technologies Ltd		
Town/Parish Council	Bishopstrow		
Electoral Division	Mid Wylve Valley	Unitary Member:	
Grid Ref	389768 143893		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 107 svellance@westwiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

The principle of the proposed works in the context of policy and the planning history
Flood risk and drainage considerations
Highway and access considerations
The impact on existing trees
The impact on the setting of the Conservation area and Special Landscape Area
The impact on residential amenity

3. Site Description

This is a 0.45 ha linear site located between two parallel watercourses of the River Wylve which form its northwest and southeast boundaries. Its rear boundary adjoins two residential properties situated within the neighbouring enclave based around Bishopstrow Mill; its front boundary adjoins Watery Lane which is the main vehicular access to the site. The rear half of the site is occupied by a factory building with ancillary offices with the larger front part given over to parking and an area of external storage.

The site is located within the flood plain of the River Wylye, within a Site of Special Scientific Interest, a Special Landscape Area, an Area of High Ecological Value, and a Special Area of Conservation and within the Bishopstrow Conservation Area. The premises, themselves, are used for the production and distribution of chemicals for the agricultural industry.

4. Relevant Planning History

84/0423 Single storey extension Permission 19.06.84

86/1001 Demolition of existing buildings and erection of light industrial unit as replacement to existing structures Permission 28.10.06

94/1304 Extension for offices and ancillary facilities Permission 28.11.94

94/1461 Warehouse extension and drainage works Permission 24.01.95 (effectively a renewal of 86/1001)

99/01067/Ful Warehouse extension, drainage containment and river works Permission 27.04.00

09/00110/Ful Cover over exposed storage yard, provision of 3 storage containers and 2 storage containers Refused 09.03.2009

5. Proposal

The application comprises several elements:

- the siting of 2 no steel storage containers, both of which are to be located in front of the factory buildings to house empty polythene containers. The storage containers would measure approx 9m by 2.5m and 6m by 2.5m and would hold empty plastic containers.
- the siting of 2 no fluid storage tanks approx 3m in diameter and 5m in height. These are also to be sited in front of the factory building and alongside the two proposed containers, and are to be used for the storage of glycol.

The application was supported by a Design and Access Statement

6. Planning Policy

West Wilts District Plan

C1 – Countryside Protection

C3 – Special landscape Area

C6 – Area of High Ecological Value

C9 – Rivers

C17 – Conservation Areas

C38 - Nuisance

E6 – Rural employment

U3 - Flooding

7. Consultations

Town/ Parish Council

Bishopstrow Parish Meeting: Recommends refusal, notes that there has been a history of applications for extensions to the premises and states that:

- the application is a bid to increase the storage capacity on the site
- the storage tanks appear to be higher than the building itself
- an understatement of the vehicle numbers using the site
- the safety of the access bridge in Watery Lane and its ability to accommodate articulated vehicles
- the stated number of employees is not compatible with the number of vehicles regularly on site
- existing overdevelopment of the site
- expansion of the storage capacity would lead to an increase in activity and production

- increase in risk of serious pollution
- Agroserve are attempting to achieve further development by stealth
- detrimental visual impact of the site on the river setting within a Conservation Area
- the additional storage and related activity will increase the risk of a serious pollution incident on this vulnerable site
- Agroserve have outgrown the site and should be encouraged to move.

Highways

No objection, stating that the proposal would not result in a significant increase in traffic generation.

Environment Agency:

No objection. They comment that in the event that planning permission is recommended, they would like their suggested informative and planning condition to be added to the decision notice.

Environmental Health:

No objection.

Tree and Landscape Officer:

No objection. Agrees with the comments of the Environment Agency.

8. Publicity

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

Expiry date: 31 July 2009

Summary of points raised:

Four letters of objection were received, which raised the following points:

- The proposal would amount to an increase in production.
- Agroserve generates a lot of vehicular traffic which in turn generates a lot of noise, pollution, and environmental/aesthetic harm.
- Traffic and noise disturbance from the site.
- The chemical plant is an 'eyesore'.
- Agroserve import dangerous flammable chemicals onto the site.
- Agroserve disregards the AONB, the SSSI and treats the area as a small trading estate.
- The area is a haven for wildlife.
- Flood lighting from the site impacts on the amenity of neighbours.
- Noise from the site impacts on the neighbours.
- Noise from lorries arriving late in the evening.
- Agroserve have built against a boundary wall, not within their ownership without consent.

9. Planning Considerations

This planning application is a follow on from W09/00110/Ful which was refused. The current application now makes a number of proposal alterations. The differences are that the proposed canopy within the former application has been omitted, as has the storage container on the north west aspect of the site, close to the River Wylfe.

9.1 Principle of the Proposed Development

This application proposes additional works to an existing industrial site within a very sensitive location. Policy E6 will permit the 'expansion of small scale employment enterprises' providing there are no flood risk or highway problems; the development is compatible with the rural character; it does not harm nature conservation interests or is detrimental to residential amenity.

This industrial business has been operational for many years with the benefit of several planning permissions and is well established on this site.

Notwithstanding comments and concerns from neighbouring residents, the application form and supporting statements indicate that there is to be no increase in production, staff or vehicle numbers as a direct result of the proposal. The intention is for a more efficient business rather than an expanded one. On this basis, the principles of consolidating and modernising this business would not appear to be contrary to policy, subject to the criteria outlined above and assessed below.

9.2 Flood Risk and Drainage

From previous communications within planning file 09/0110/Ful, the Environment Agency has confirmed that the site lies within Flood Zone 3, is within an area at risk of flooding and that a Flood Risk Assessment (FRA) is required to enable the proposal to be assessed.

Within the initial stages of this application, the applicant submitted a FRA which the Environment Agency initially considered to be inadequate, a subsequent revised FRA was submitted which addressed their concerns and enabled the objection to be removed.

9.3 Highway and Access Considerations

The Highway Authority does not raise an objection to the proposal on the basis of 'no significant increase in traffic visiting the site'. Whilst concerns are raised by neighbours over existing levels and usage and the inadequacy of the immediate road network, there is no evidence to support the view that the proposal would directly lead to increased production levels and a 'worsening' of the current situation. On this basis, it would not be reasonable to substantiate a refusal specifically on highway grounds.

9.4 Impact on Setting of Conservation Area and Special Landscape Area

The installation of 2 fluid container tanks to a height of 5m and two storage containers to an approximate height of 2.5 m, both located at the front of the site will be visible. However, within the context of this industrial site, with large buildings already forming the visual backdrop and established large sized conifer trees offering screening along the relevant part of the site boundary, this particular argument is difficult to substantiate.

9.5 Impact on Residential Amenity

The application site is 'surrounded' along its northern and southern sides by residential properties and their gardens. To the northern aspect of the site properties known as Mill Barn, Mill Cottage and Millstream are located, whilst to the southern aspect lies a fish farm. As a consequence, there is potential for any development within the application site to have an impact on these properties, either in terms of noise and activity levels, loss of privacy, impact on light levels and over dominance. The letters of objection centre around these amenity issues.

With regard to the additional fluid storage tanks and two steel containers, on the basis that these are not intended to increase levels of activity, it is not considered that they would inflict demonstrable harm to neighbouring properties, similarly Environmental Health have not raised any objections. In response to neighbours concerns relating to amenity and intensified business use of the site, a planning condition has been attached preventing open storage on the land adjacent to the two proposed storage containers.

Conclusion

Planning permission be granted.

Recommendation: **Permission**

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 Oil or chemical storage facilities shall be sited in bunded areas. The capacity of the bund shall be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks shall be regarded as a single tank. There shall be no working connections outside of the bunded area.

REASON: To prevent pollution of the water environment.

- 3 No development shall take place until full written details of the bunded areas have been submitted to and approved in writing by the Local Planning Authority. Development of the bunding shall be carried out in accordance with the approved details.

REASON: To prevent pollution to the water environment.

- 4 The immediate area to the front of the site where the two storage containers are to be sited shall not be used for open storage at any time.

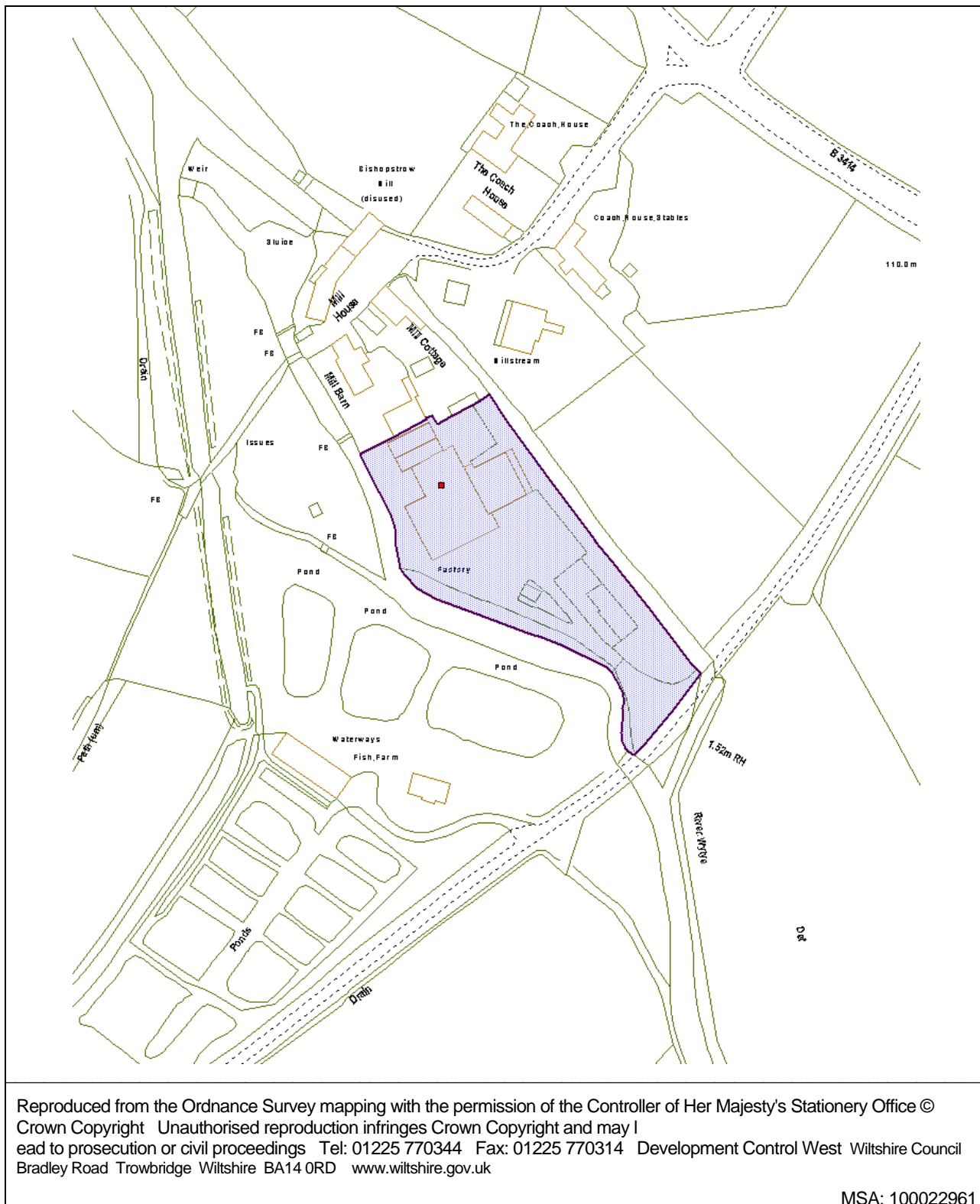
REASON: In the interests of visual amenity and to prevent nuisance.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

Informative(s):

- 1 The Environment Agency would like to inform the developer that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the River Wylye (and Mill Stream), both designated 'main' rivers. The need for this consent is over and above the need for Planning Permission. The applicant is advised to contact Daniel Griffin on 01258 483351 to discuss the scope of controls.

Appendices:	None
Background Documents Used in the Preparation of this Report:	None



RELEVANT APPLICATION PLANS

Drawing : 09018 B received on 13.07.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	26.08.2009		
Application Number	W/09/02140/FUL		
Site Address	Little Manor Corton Wiltshire BA12 0SZ		
Proposal	Proposed single storey extension and replacement garage		
Applicant	Mrs J Rucker		
Town/Parish Council	Boyton		
Electoral Division	Warminster Copheap And Wylve	Unitary Member:	Christopher Newbury
Grid Ref	393515 140540		
Type of application	Full Plan		
Case Officer	Mrs Rosie MacGregor	01225 770344 Ext 597 rosie.macgregor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Newbury has requested that this item is determined by Committee on the basis of the design – bulk, height and general appearance.

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

The effect of the proposal on the character and setting of the listed building.

The impact on the character and appearance of the conservation area

The impact on the Area of Outstanding Natural Beauty.

Neighbouring amenity.

3. Site Description

The site is situated in the settlement of Corton on the edge of the countryside within the Wylve Valley entirely within the Corton Conservation Area, Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Little Manor Cottage which is a Grade II Listed Building is situated within a residential area of the settlement to the side and rear of The Dove Inn.

The site is located not far to the right of the T- junction where the road divides on entering the village and is in a prominent roadside position.

A characteristic of this settlement is of open spaces where surrounding fields come down to the edge of the road and of dwellings set within large and well established gardens.

Little Manor is a fine detached dwelling dating from the 17th century and built from local stone under a thatched roof set within a large garden. Although the building is situated relatively close to the highway there is a spacious form to the site. A row of outbuildings comprising a garage, workshop and store are located to the side of a driveway and turning area from which views can be glimpsed into the rear garden.

4. Relevant Planning History

98/00941/FUL Conservatory and cloakroom. Permission 10.08.98.

98/00942/LBC Conservatory and cloakroom. Consent 10.08.98.

W09/00129/FUL Single storey extension and replacement garage. Withdrawn.

W09/00130/LBC Single storey extension and replacement garage. Withdrawn.

An earlier application for planning permission and listed building consent for similar proposals was withdrawn prior to the submission of these revised proposals.

W09/02141/LBC – Parallel listed building application – Pending decision.

The above application for listed building consent will be determined under delegated powers in accordance with the resolution made by committee on the parallel planning application under consideration tonight.

5. Proposal

This is a full planning application for a single storey extension to the side of Little Manor together with alterations to the existing outbuildings to form an improved workshop area and double car port.

The accommodation within the side extension to the dwelling would comprise utility rooms and a cloakroom. A new internal lobby would be formed in the existing 'orangery'. It would be built from a mix of stone and lime render under a flat roof with parapet and lantern light.

The extension to the garage store would be built from cedar boarding to match the existing on a timber frame under clay pantiles and a small area of flat roof.

A design, access and heritage statement has been submitted with the application.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016
HE7 – Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004
C26 – Maintenance of Listed Buildings
C17 - Conservation areas
C18 - New Development in Conservation areas
C28 – Alterations to Listed Buildings
C31a – Design
C38 - Nuisance

PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment

Supplementary Planning Guidance – House Alterations and Extensions

7. Consultations

Boyton Parish Council

No response.

Heritage Development Officer

The proposed extension varies only slightly from the previously submitted scheme. The design of the proposed extension is at odds with that of the listed building and introduces an additional element to this already much extended property, which would only act to further erode the historic character and inherent form of the building. This issue is further exacerbated by the size, bulk, form and position of the proposed extension.

The roof form of the extension relates poorly to the host dwelling and introduces an incongruous element when viewed in association with the listed building. Its combination of materials and features would result in a visually prominent extension which would detract from the host building and its architectural features of interest.

Currently, there exists a gap between the host building and the outbuildings on the site when viewing the property from the road. This gap provides a visual break between the Listed Building and the outbuilding and is of significant importance in order to distinguish between old and new and to retain views within this part of the Conservation Area.

As the property is located within a Conservation Area and an Area of Outstanding Natural Beauty, the plot layout, scale, form and detailed designs of any proposal should be taken into consideration. The proposed extension fails to relate in any way to the Listed Building with its scale and form having an overbearing and dominant impact which fails to respect or take into consideration the proportions of the property.

Recommendation: Refusal

8. Publicity

The application was advertised by site notice/press notice/neighbour notification.

Expiry date: 28.08.2009

Summary of points raised:

None were received.

9. Planning Considerations

9.1 Historic Environment

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when determining applications affecting listed buildings.

Further Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

Advice contained within PPG15 does not rule out an imaginative approach to extending listed buildings, as long as basic principles of scale and design are sensitively handled, having regard to the desirability of preserving the special character of the host building.

The main issues here relate to the location and design of the proposed extension and its relationship with the host building and the proposed refurbished/extended car port and stores.

Little Manor stands in a prominent position and sensitive location within the street scene and within the conservation area. Its character is that of a rural cottage which sits comfortably within this location. It forms a group of buildings including the Dove Inn which are amongst the first to be seen on entering the village. The property has had a number of previous extensions but at the present time maintains its character as a typical cottage property when viewed from the street and public vantage points within the conservation area.

The design of the extension, although an improvement on that which was previously submitted and subsequently withdrawn, is not in keeping with the dwelling and would result in an unsympathetic addition to the listed building. The scale, form and proportion of the proposed extension fail to relate in any way to the Listed Building.

Advice contained within the Council's own supplementary planning guidance is that the size, shape and position of an extension can change the character and appearance of the original house, that it is important to design an extension which compliments the style and appearance of the main house.

The design and layout of the current proposals would not respect this well proportioned and compact cottage. The design of the proposed extension with its imposing wall with coping stones and large lantern light would be more appropriate as an extension to a country house, vicarage or similar high ranking property rather than to a modest thatched cottage or village house.

Any extensions to dwellings and in particular listed buildings should be subservient to the original dwelling and this is supported by both Council policy and government advice. This property has already been substantially extended and it is considered that this additional extension would further erode the historic character and inherent form of the building. This issue is further exacerbated by the mass, incongruous form and position of the proposed extension that would detract from the host building and its architectural features of interest. Furthermore, the design of the roof does not reflect the character of the building or the character of similar cottages in the surrounding area.

The Heritage Development Officer views are supported in this context as is her opinion in relation to the loss of the existing open space between the original cottage and the outbuildings.

The relationship of the cottage and the outbuildings to the side are important in the historic context of the conservation area with the cottage appearing as a more substantial detached building with the less important buildings to the side and separated by garden and driveway. The open space between these which provides views to the rear of the cottage are also important to the spatial form of the settlement and character of the conservation area.

The proposed extension would be highly intrusive and clearly visible from the street scene, blocking views from the conservation area into the site, and would prevent this historic listed building from standing alone, thereby devaluing its historic importance as a well proportioned 17th century cottage.

The proposed extension would therefore harm the character of the conservation area due not simply as a result of its unsympathetic design but because it would close off an important visual gap at the entrance to the site. This visual separation of the existing outbuildings and the separate detached cottage currently emphasise the historic importance and architectural merit of this listed building.

The proposed car port would not detract from the setting of the listed building or the conservation area and would be acceptable in its own right. The car port is of a simple traditional rural form. Furthermore, an existing garage and store currently exists in the same location.

9.2 Impact on the countryside

Corton is located within an Area of Outstanding Natural Beauty. Council policy further seeks to protect character of the countryside particularly in Areas of Outstanding Natural Beauty.

Although the whole village of Corton is located within the Area of Outstanding Natural Beauty there would be little impact on the character of the countryside and rural amenity since the site is in a well defined residential part of the settlement.

9.3 Impact on neighbours

The building is considered to be sufficiently far from neighbouring residential properties for there to be no harm to neighbouring amenity.

RECOMMENDATION

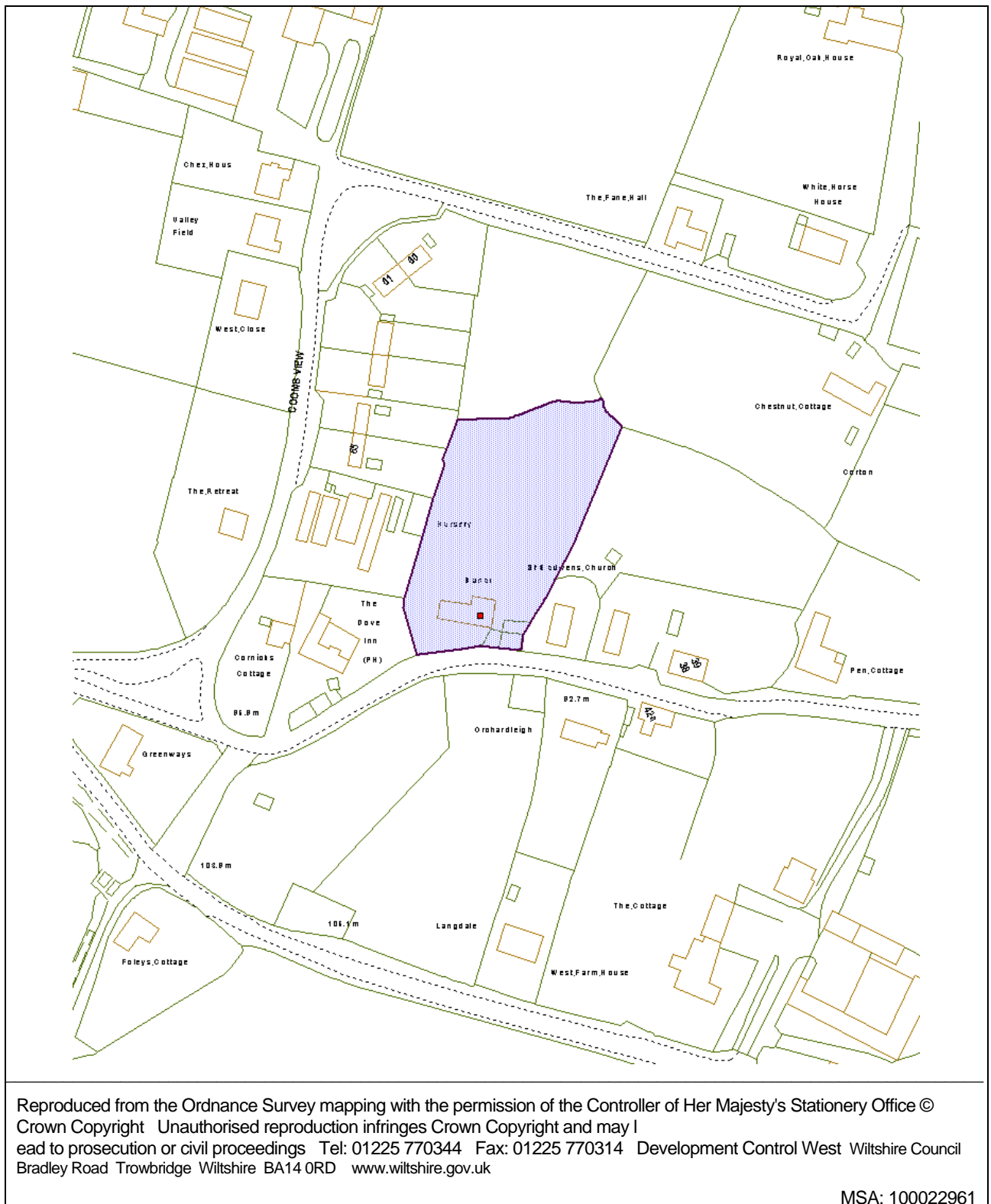
Refusal on the grounds that the proposals would create a visually discordant feature that would fail to respect or enhance the character or setting of the listed building, the character and appearance of the conservation area, or the design and appearance of the original buildings.

Recommendation: **The application be refused at a future date in the event of the Development Control Manager being satisfied that the statutory consultation period has ended and that there are no further responses to consultations that would need to be further considered by committee.**

For the following reason(s):

- 1 The proposed extension by reason of its form, mass, design and siting would result in an unsympathetic addition to this Grade II listed building which together with the cumulative impact of previous extensions would neither preserve nor enhance its special character contrary to Policies C28 and C31A of the West Wiltshire District Plan 1st Alteration (2004) and the Council's Supplementary Planning Guidance - House Alterations and Extensions (2004).
- 2 The proposed extension, by reason of its form, mass, design and siting would result in an unsympathetic addition and the loss of an important visual gap within the street scene detrimental to the character and setting of the listed building and the character and appearance of this part of the Conservation Area contrary to Policies C28 and C18 of the West Wiltshire District Plan 1st Alteration (2004).

Appendices:	None
Background Documents Used in the Preparation of this Report:	None



RELEVANT APPLICATION PLANS

Drawing : BLOCK PLAN received on 27.07.2009
Drawing : SURVEY 0820/01 received on 27.07.2009
Drawing : 0820/08 received on 27.07.2009
Drawing : 0820/09 B received on 27.07.2009
Drawing : 0820/10 received on 27.07.2009
Drawing : 0820/11 received on 27.07.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 04

Date of Meeting	26.08.2009		
Application Number	W/09/01765/FUL		
Site Address	The Old Rectory 1 Church Lane Codford Wiltshire BA12 0PJ		
Proposal	Addition of a single dormer window to rear elevation of existing roof space		
Applicant	Mr Paul Clarke		
Town/Parish Council	Codford		
Electoral Division	Warminster Copheap And Wylfe	Unitary Member:	Christopher Newbury
Grid Ref	397380 139656		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 107 svellance@westwiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Christopher Newbury has requested that this item be determined by Committee due to:
Design - bulk, height, general appearance

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 impact on the listed building

Planning history

Impact on the Area of Outstanding Natural Beauty

3. Site Description

The site address is The Old Rectory, 1 Church Lane, Codford and is located on the edge of Codford St. Mary, with the building believed to having been dated to the C17 and C18. The building is a semi detached Grade II listed building located within its own grounds.
Its use is residential.

The building is sited off Church Lane and occupies a plot of approximately 0.27 hectares, it is triangular in shape, with Church Lane lying to the west and south and farmland to the east.

4. Relevant Planning History

93/00701/Ful Construction of utility room extension Permission 05.08.1993

93/00702/LBC Construction of utility room extension Consent 05.09.1993

01/01988/Ful Stables and double garage Permission 02.05.2002

02/00222/LBC Alterations to doors Consent 25.04.2002

08/00858/LBC Alterations to doors Consent 25.04.2002

W/09/00822/LBC Addition of two dormer windows to rear elevation and internal alterations to form new bathroom. Refused 20.05.2009

W/09/01764/LBC Addition of a single dormer window – Pending

This parallel listed building application will be determined by officers in accordance with the resolution on the current application being considered at committee tonight.

5. Proposal

The proposal is for the construction of one dormer window within the roofline of the front east elevation of the building.

The measurements of the proposal would be such that the dormer would have a maximum projection of 1.1 metres from the existing roof plane, a maximum height of 2 metres and a width of 0.9 metres.

The dormer would be constructed from timber, painted white with two casement windows containing twelve panes of glass. It would have plain tiles hanging on both side cheeks of the main body and also on its hipped roof.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)
C2 Area of Outstanding Natural Beauty
C27 Listed Buildings
C28 Alterations and Extensions to listed buildings
C31a Design
C38 Nuisance

Supplementary Planning Guidance:
Design Guidance on House Alterations and Extensions

National Guidance
PPG15 Listed Buildings

7. Consultations

Codford Parish Council

No objections

Ecological Screening

Stated that records exist for Pipistrelle _ Brown long eared and serotine bats, within the house in 1987.

Conservation Officer

The officer makes the following comments:

The original proposal for two dormer windows was refused due to the windows being unsympathetic in form and design, harmful to the character of the listed building. The applicants then asked what may be acceptable. A site meeting was held and the possibility of a single dormer window was discussed. My view at that meeting was that a single dormer would have less of an impact on the character of the building than two dormers and may be acceptable. The only way to test this would be through a formal application, and this application was duly submitted.

This is in my view a finely balanced case. The national guidance must be considered along with the individual merits of this application and the individual character of this listed building.

Planning Policy Guidance Note 15: Planning and the Historic Environment states:

“Any decision as to whether new dormers or roof lights can be added to a roof must be approached carefully. Historic roof structures must not be damaged by their insertion. New dormers should not upset a symmetrical design of an individual building.

“Where new dormers would be inappropriate to the type of building or proposed position, new roof lights, preferably in flush fittings, may be acceptable, but not on prominent roof slopes.”

This indicates that the insertion of a dormer window should be resisted in this currently uninterrupted roof slope.

However, this listed building could be characterised in terms of its varying window types. There are twelve different types of window in this property, of varying ages, not including the 20th Century extension or the doors. There are two dormer windows on the rear roof slope and one dormer on the end hipped roof slope. Any new window must be considered in the context of these other window types.

Despite the variation in window types across the rest of the building, the front roof slope where the proposed dormer would be located remains in its original uninterrupted state. In the interests of retaining this original and unaltered roof slope a dormer window would appear as a harmful feature.

Taking these balanced matters into account, I must return to the original intention of the proposal. The intention of this application is to achieve some natural light to the staircase. This could be achieved with a flush fitting conservation style roof light. In fact a roof light would yield a greater amount of light, for a smaller area of glass, over a dormer window which would not give as much light.

Such a roof light would therefore seem to meet the needs of the applicants whilst retaining the shape and uninterrupted sweep of the original roof slope and would not result in harm to the character of the listed building.

Drawing all these factors together I must conclude that the optimum solution for this building is for a roof light as described above and not a dormer window.

Recommendation:Negotiate application – replace proposed dormer with flush fitted conservation style roof light.

8. Publicity

The application was advertised by site notice and press notice.

Expiry date: 31 July 2009

Summary of points raised:

No response received.

9. Planning Considerations

9.1 General Introduction

This is a revised application for the siting of a single dormer window in lieu of a previous refusal for the siting of two dormer windows on the same roof plane.

The important issue is the preservation of the listed building and this principle overrides all other considerations.

This principle is reinforced by both PPG 15 and Section 16(2) of the Planning (Listed Building and Conservation Area) Act 1990, which highlights the fact that the Local Planning authority has a duty to pay special attention to the preservation and enhancement of the character of the listed building.

9.2 Impact on the Listed Building

PPG 15 advises that the character or setting of a listed building must not be harmed and more specifically states that:

“The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important”

Policy C28 relates to listed buildings and states that: “

Alterations and extensions to a building listed as being of Special Architectural or Historic Interest will only be permitted provided the following guidelines are followed:-

- A The essential form of the building is not adversely affected;
- B Features of architectural or historic interest are retained unaltered;
- C The loss of or damage to the historic fabric of the building is minimised;
- D Any new details are designed so as to match or be in keeping with, and respect, the character of the building;
- E Materials to be used match those of the existing building, or exceptionally are of a colour and finish sympathetic to the existing materials.

The prime consideration is the preservation of the listed building. The roof is a dominant feature of the property. Importantly, there are already three dormer windows, two are located on the rear roof slope and one is sited on the end hipped roof slope. These are all later additions. There remains one original unaltered roof slope on the front principle elevation where the proposed dormer is to be sited.

Therefore, the addition of a fourth dormer window would not respect, preserve or enhance the character of the listed building.

Essentially the applicant wishes to direct light into the hallway of the roof space and currently electric lighting is the sole source of lumination.

However, there would be suitable alternatives such as the introduction of a roof light. The insertion of a single flush fitting roof light on the roof slope would offer more luminance than a dormer window. Another alternative would be a “borrowed light”. This would be whereby the top sections of the existing stud walls, located within the hallway would be replaced with glass and the daylight coming in through the existing dormer windows would be shared to offer daylight into the hallway. This technique is tried and tested and stems back to Victorian times.

The comments of the Conservation Officer are appropriate, whereby it is conceded that a single flush fitting roof light would be more appropriate than a dormer window, because it would retain the shape and uninterrupted sweep of the original roof slope.

It is considered that the introduction of yet another dormer window on the roof of this historic building would be harmful to its character and this would be exacerbated by the cumulative impact of the existing and proposed dormers.

9.3 Area of Outstanding Natural Beauty

The potential impact of any proposal upon the AoNB is of paramount importance. Policy C2 states that priority will be given to the landscape over other considerations and development proposals, which are likely to be detrimental to the special landscape character will not be permitted.

The residential use of this site is established and contained within its established boundaries; therefore the proposal would not detrimentally impact on the AoNB.

Conclusion

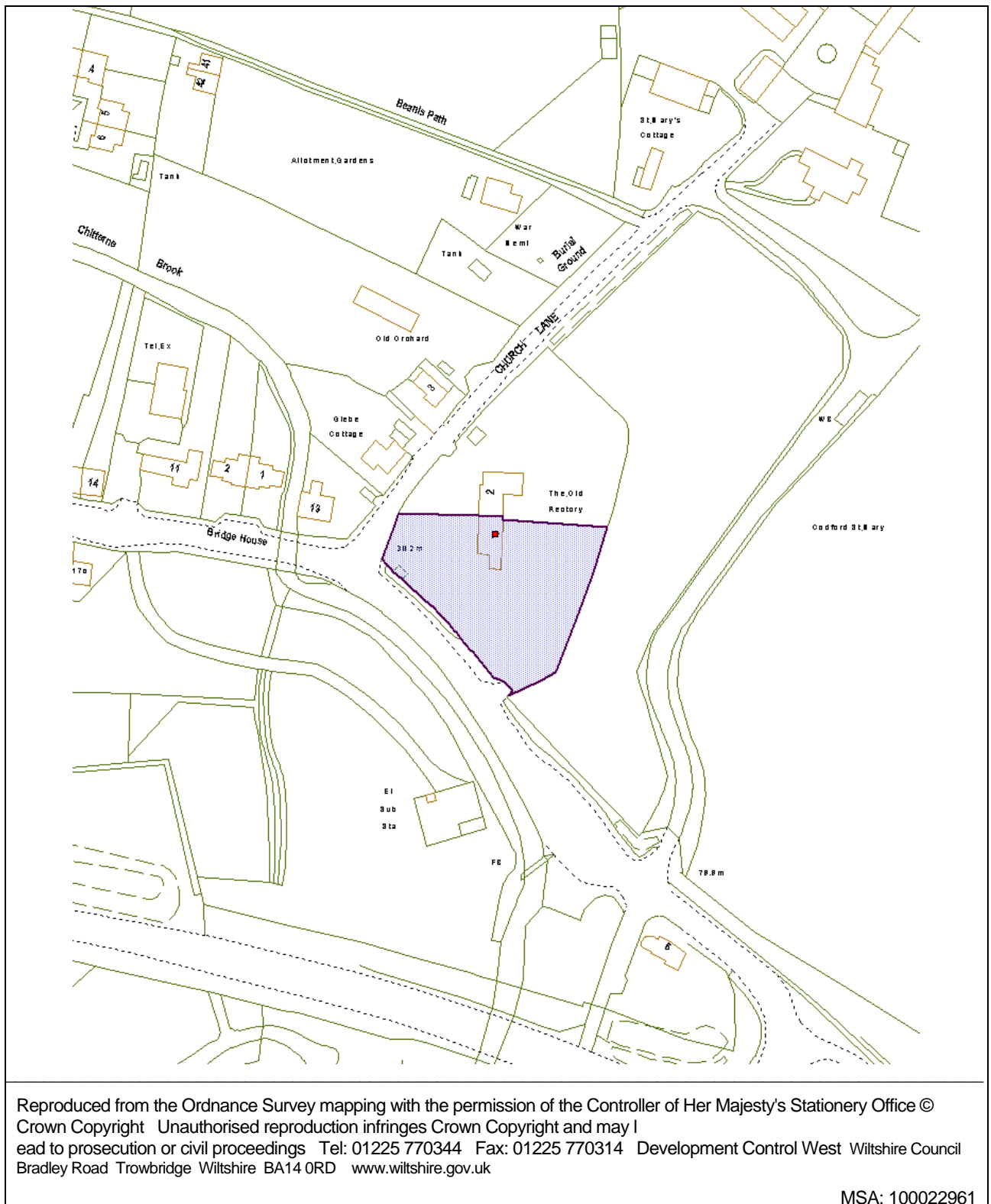
The proposed dormer window fails to respect the essential form of the original unaltered roof slope, which together with the cumulative impact of the existing dormer windows would neither preserve nor enhance the character of the listed building.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed dormer window by reason of its form and siting would be an unsympathetic addition that fails to respect the essential form of the original unaltered roof slope, which together with the cumulative impact of the existing dormer windows, would be harmful to the special character and integrity of this listed building contrary to Policy C28 of West Wiltshire District Plan 1st Alteration (2004) and advice contained within paragraphs C.27, C.33 and C.34 of Annex C of PPG 15.

Appendices:	None
Background Documents Used in the Preparation of this Report:	None



RELEVANT APPLICATION PLANS

Drawing : PLAN 01 received on 29.06.2009
Drawing : 1085/22 received on 24.06.2009