

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 18 MARCH 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Philip Brown (Chairman), Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Jerry Kunkler (Reserve), Cllr Laura Mayes and Cllr Jemima Milton (Reserve).

29. Apologies for Absence

Apologies were received from Councillor Mark Connolly, Councillor Charles Howard, Councillor Chris Humphries and Councillor Christopher Williams.

30. Minutes of the Previous Meeting

The minutes of the meeting held on 25th February 2010 were approved as a correct record and signed by the Chairman.

31. Declarations of Interest

E/09/1422/FUL – Councillor Philip Brown declared a personal interest in this item as he is acquainted with the owner of the property adjacent to the application site, “Fortune Field”. However, this is not a prejudicial interest and he would participate in the debate and vote.

32. Chairman's Announcements

The Chairman announced that planning item 1, E/09/1620/FUL – Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops, Marlborough Business Park, Marlborough, was to be deferred from this agenda for a future meeting of the Committee for the following reason:

A second application for a foodstore on an alternative site was received from Sainsburys, dated 6 days before the Committee meeting. Having regard to planning caselaw there are now two competing sites and each is a material consideration in the determination of the other requiring comparative analysis, and this can only properly be completed with the benefit of consultation responses to the Sainsburys application.

33. **Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would proceed.

34. **E/09/1620/FUL - Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops - Marlborough Business Park, Marlborough, Wiltshire, SN8 4AW**

Application deferred from this agenda for a future meeting of the Committee for the following reason:

A second application for a foodstore on an alternative site was received from Sainsburys, dated 6 days before the Committee meeting. Having regard to planning caselaw there are now two competing sites and each is a material consideration in the determination of the other requiring comparative analysis, and this can only properly be completed with the benefit of consultation responses to the Sainsburys application.

35. **E/09/1422/FUL - Change of house type to plots 1-8 and re-positioning of garages for plots 4-7 (amendment to K/53477/F)**

Public Participation:

1. A statement by the unitary member, Chris Humphries, requesting that those who have objected to the application are given opportunity to address the Committee was read out (please see late list attached).
2. Mr Tony Prior, Chairman of Baydon Parish Council, spoke in objection to the application.

Resolved:

Planning permission is GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011, namely policies PD1, HC6, HC7, HC22, HC32, HC34, HC36 and NR6 and central government guidance contained in PPS1, PPS3, PPS7, PPG13 and PPS25.

Subject to the following conditions:

1 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 attached to application ref: K/53477/F and dated the 3rd July 2007.

- 2 Within six weeks of the date of this decision, a materials schedule for the external walls and roofs for the dwellings and garages shall be submitted to the local planning authority for approval. With the exception of the following; Bricks - Ibstock Lambourn Orange Multi Stock, Ibstock Leicester Weathered Red Stock, Ibstock Audley Red Mixture Stock, Ibstock Artbury Red Multi Stock, Tiles - Marley Eternit Old English Dark Red Plain/Double Roman Tile, Slate - Marley Eternit Rivendale Slate and Finnforest Natural Shiplap Timber Cladding, details (including samples) of any materials proposed for the external walls and roofs of the dwellings and garages shall be submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

- 3 Within six weeks of the date of this decision, details of all eaves, verges, windows (including details of heads, sills and window reveal depths), doors, rainwater goods and chimneys to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

- 4 Within six weeks of the date of this decision, the ground floor slab levels of the buildings shall be agreed in writing with the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 5 Before the construction of any boundary walls, railings, gates or other means of enclosure is commenced details of the materials of which they are to be constructed (including samples) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 6 No development shall take place until details of any stain to be used on the boundary fences in the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To ensure harmonious architectural treatment.

- 7 Within six weeks of the date of this decision a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development shall be submitted to and approved in writing by the local planning authority. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

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

REASON:

To ensure a satisfactory landscaped setting for the development.

- 9 Within six weeks of the date of this decision a 1/200 scale plan shall be submitted to this office showing the position of all pipes, drains, sewers and public services, including gas, electricity, telephone and water which should be located so as not to impinge on retained trees or landscaped areas. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending

that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

To ensure the retention of trees on the site in the interests of visual amenity.

- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

REASON:

To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 11 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by protective fencing. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of

trees on the site in the interests of visual amenity.

- 12 No dwelling shall be occupied until the parking spaces shown for it on the approved plans, together with the access thereto, have been provided.

REASON:

To ensure that adequate parking space and access has been provided before the occupation of any dwelling in the interests of highway safety and the amenity of future occupants.

- 13 Details of any updated street lighting to be provided shall be submitted to and approved by the local planning authority prior to the first occupation of any part of the development. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of highway safety.

- 14 Within six weeks of the date of this decision details of the provision of lowered kerb pedestrian crossing points at two locations near to the school shall be submitted to and approved in writing by the local planning authority. The details submitted shall include lowered kerbs and a programme of when the works will be carried out. The works shall be carried out in accordance with the approved details and programme.

REASON:

In the interests of highway safety.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no two storey additions or extensions of the buildings hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity of the area.

- 16 The windows at first floor level shown on the approved plans on the north-west elevation to plots 4 and 6 shall be glazed with obscured glass and shall be so maintained.

REASON:

In the interests of the privacy of neighbouring properties

17 In respect of legally protected species, the applicant should be aware that planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part VI B of Circular 06/2005 to PPS9 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.

18 **INFORMATIVE TO APPLICANT**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

19 **INFORMATIVE TO APPLICANT:**

The applicants attention is drawn to the conditions imposed on planning permissions ref: K/53477/F dated 19th July 2007 and K/58950/F dated 7th August 2008

20 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: 09121/PL01/B received on the 03/12/09, 09121/BayNot03/A and 09121/BayNot02/A received on the 19/02/10, 09121/BayNot01 and 46-1648-101 received on the 28/10/09, 46-1278-GAR-01 Rev A and 46-1278-GAR-03 Rev A dated April 05, 09121/Bay02, 09121/Bay01, 09121/Yor02, 09121/Yor03, 09121/Not04, 09121/Not03 received on the 28/10/09 and 09121/Yor01/A received on the 05/03/10.

36. **E/10/0067/FUL - Retention of extension/alterations to existing light industrial building to form two light industrial units - Skylarks, land adjacent Kilnwood House, Bytham Road, Ogbourne St George, Marlborough, Wiltshire, SN8 1TD**

Public Participation:

1. Mr Paul Dobson, the Applicant, spoke in support of the application.
2. Councillor Jemima Milton, Unitary Member for West Selkley, spoke to ask the Committee to impose further planning conditions, if planning permission was granted.

Resolved:

Planning Permission is GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the two Class B1 industrial units by virtue of their use and siting would conform to national planning policy contained within Planning Policy Statement 4 which supports employment development in appropriate rural locations such as this. Furthermore, by reason of the building's use, size, design, siting and layout it would be visually acceptable within the North Wessex Downs Area of Outstanding Natural Beauty and it would not give rise to an adverse impact upon highway safety or the reasonable living conditions of the occupiers of the neighbouring dwellings, thus the scheme is in accordance with Planning Policy Statement 7 and PD1 of the Kennet Local Plan (saved policies).

Subject to the following conditions:

- 1 Within three months of the date of this permission, the applicant shall either replace the green roof of the building with a dark grey roofing material or repaint the green roof a dark grey colour. Also within three months of the date of this permission, the applicant shall either replace the red and blue coloured pedestrian and vehicle access doors to the building with dark grey coloured doors, or repaint the doors in a dark grey colour. The roof and doors shall be maintained as such thereafter.

REASON:

In the interests of visual amenity within the North Wessex Downs Area of Outstanding Beauty.

- 2 Use of the site for business purposes shall only take place between the hours of 7.00am and 9.00pm on Mondays to Saturdays and between 9.00am and 4.00pm on Sundays. The site shall not be used for business purposes outside of these times.

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.

- 3 During the next planting season following this grant of planning permission (that is, Autumn 2010) the site frontage to Bytham Road shall be planted with a mixed native broadleaf hedge grown to approximately 2.5 metres in height using the following mix: 70% hawthorn (*Crataegus monogyna*), 15% hazel (*Corylus avellana*), 5% wayfaring tree (*Viburnum lantana*), 5% spindle (*Euonymus europaeus*), 5% holly (*Ilex aquifolium*). The hedge shall be planted using 60cm transplants (except holly which will be pot grown) at 5 plants per metre in a double staggered row at 45 cm centres, set back approximately 2.0 metres from the road edge. The plants shall be individually staked with bamboo and guarded with spiral guards. The hedge will extend across the site frontage either side of the access points.

All hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 4 The vehicular access, turning area and parking spaces shown on the approved plans shall be maintained for those purposes at all times thereafter.

REASON:

In the interests of highway safety.

- 5 Any gates erected at the entrance points shall open inwards only.

REASON:

In the interests of highway safety.

- 6 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: Location Plan, Date Received: 20th January 2010;

Plan Ref: Site Plan, Date Received: 20th January 2010;

Plan Ref: Site Plan as Completed, Date Received: 20th January 2010; and

Plan Ref: 09:PD:1, Date Received: 20th January 2010.

37. **E/10/0075/LBC - Demolition of single storey rear extension. Construction of new single storey rear extension. Modification of south side of two storey extension - 103 High Street, Burbage, Marlborough, Wiltshire, SN8 3AA**

Public Participation:

1. Mr Allen Leitch, the Applicant, spoke in support of the application.
2. Councillor Stuart Wheeler, Unitary Member for Burbage and the Bedwyns, spoke in support of the application.

Resolved:

That Listed Building Consent is GRANTED, for the following reason:

The proposed works will not be detrimental to the historic importance and architectural integrity of the listed building, in accordance with PPG15.

Subject to the following conditions:

- 1 The works for which listed building consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 3 Notwithstanding the details shown on the submitted plans, no development shall take place until full joinery details for all windows and doors have been submitted to and approved in writing by the local planning authority. Elevations shall be at a scale of not less than 1:10 and frame sections and glazing bars etc at not less than 1:2. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON: To secure harmonious architectural treatment.

- 4 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing nos. 335/01335/02A,335/03H,335/04H, 335/05A & 335/06A received by the lpa 20/03/10.

38. **E/10/0072/FUL - Demolition of single storey rear extension. Construction of new single storey rear extension. Modification of south side of two storey extension - 103 High Street, Burbage, Marlborough, Wiltshire, SN8 3AA**

Resolved:

That Planning Permission is GRANTED, for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1; and Central Government planning policy set out in PPG15.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years of 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 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing nos. 335/01, 335/02A, 335/03H, 335/04H, 335/05A & 335/06A received by the lpa 20/01/10.

39. **Urgent items**

There were none.

LATE ITEMS

Please see late items list attached.

(Duration of meeting: 6.00 - 6.45 pm)

The Officer who has produced these minutes is Janice Green, of Democratic & Members' Services, direct line (01225) 718380, e-mail janice.green@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

WILTSHIRE COUNCIL

PLANNING SERVICES GROUP

POST REPORT REPRESENTATIONS

EASTERN AREA COMMITTEE

DATE: 18th March 2010

Agenda No. Application No.	Location		No Objection	Objection	To be reported	No comment
----------------------------------	----------	--	-----------------	-----------	-------------------	---------------

1. E/09/1620/FUL	Marlborough Business Park Marlborough Wiltshire SN8 4AW	Withdrawn from agenda				
2. E/09/1422/FUL	Land off Aldbourne Road Baydon Wiltshire	Letter of representation			X	
3. E/10/0067/FUL	Skylarks, land adj. Kilnwood House Bytham Road Ogbourne St George Marlborough SN8 1TD					
4. E/10/0075/LBC	103 High Street Burbage Marlborough SN8 3AA					

5. E/10/0072/FUL	103 High Street Burbage Marlborough SN8 3AA					
---------------------	---------------------------------------------------	--	--	--	--	--