

## AGENDA

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**Meeting:** Eastern Area Planning Committee  
**Place:** Council Chamber, Wiltshire Council Offices, Browfort, Devizes  
**Date:** Thursday 18 March 2010  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Janice Green, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718380 or email [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

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

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### Membership:

Cllr Philip Brown	Cllr Charles Howard
Cllr Mark Connolly	Cllr Chris Humphries
Cllr Peggy Dow	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Christopher Williams
Cllr Richard Gamble	

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### Substitutes:

Cllr Lionel Grundy OBE	Cllr Jemima Milton
Cllr George Jeans	Cllr Christopher Newbury
Cllr Jerry Kunkler	Cllr Jeffrey Ody

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# 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** *(Pages 1 - 18)*

To approve and sign as a correct record the minutes of the meeting held on 25 February 2010 (copy herewith).

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 19 - 84)*

To consider and determine planning applications in the attached schedule.

7. **Urgent items**

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

**Part II**

**Items 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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## **EASTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 FEBRUARY 2010, AT THE COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BROWFORT, DEVIZES.**

#### **Present:**

Cllr Philip Brown (Chairman), Cllr Mark Connolly, Cllr Nick Fogg,  
Cllr Richard Gamble, Cllr Chris Humphries, Cllr Laura Mayes and  
Cllr Christopher Williams.

#### **15. Apologies for Absence**

Apologies were received from Councillor Charles Howard.

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

The minutes of the meeting held on 4<sup>th</sup> February 2010 were approved as a correct record and signed by the Chairman, with the following amendment at Minute number 8, page 1:

E/09/1558/FUL – Councillor Brown declared a personal interest in this item as he is acquainted with the owner of the neighbouring property which has a gateway onto the application site. The owner of this particular property is a member of Bromham Parish Council of which Councillor Brown is also a member, however this is not a prejudicial interest and he would participate in the debate and vote.

#### **17. Declarations of Interest**

There were none.

#### **18. Chairman's Announcements**

The Chairman announced that planning items 2 and 3, regarding Yew Tree Farm, Wilsford, were withdrawn from the agenda due to amendments to the plans requiring further consultation.

19. **Public Participation**

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

20. **E/09/01353/FUL - Full planning application for: Construction of a 248 berth canal boat marina basin with mooring jetties; walkways and service bollards; new access; administration/shower block; service quay with fuel, pump out, elsan disposal; tow-path lift bridge; 124 car parking spaces; 2 non-specific residential moorings; and landscaping - Lower Foxhangers Farm, Rowde, Devizes, Wiltshire, SN10 1SS**

Public Participation:

1. Mr Warren, the Agent, spoke in support of the application.
2. Councillor Jonathon Seed, Unitary Member for Summerham and Seend, spoke in support of the application.

Councillor Nick Fogg was requested by the Chairman to refrain from voting as he arrived at 6:15pm and therefore did not have the benefit of all the information presented to the Committee.

**Resolved:**

**Planning permission is GRANTED for the following reasons:**

The proposal is considered to be acceptable in terms of its location and impact on visual amenity, highway safety, ecology, flood risk, archaeology and neighbour amenity.

**Subject to the following conditions:**

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

REASON:

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

- 2 The two moorings included as 'residential moorings' shall only be occupied by persons wholly or mainly employed at the marina complex, including the spouse and dependants of such persons. No other moorings shall be occupied as permanent residential moorings.

REASON:

These residential moorings are only permitted in order to meet the particular operational and security needs of the marina operator. Any

additional residential moorings within this countryside location would be contrary to planning policy HC26 and the overarching theme of "sustainable development" of the housing strategy of local plan. This strategy seeks to guide development to the most sustainable locations. Such additional permanent residential moorings would set an undesirable precedent within the area and county as a whole.

- 3 No development relating to the erection of the shower block and office building shall commence on site until details and samples of the materials to be used for the external walls and roofs (including the veranda) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and the character and appearance of the area.

- 4 No development relating to the shower block/office building shall commence on site until details of all eaves, verges, windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and the character and appearance of the area.

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

REASON:

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

- 6 All landscaping contained on the approved plans shall be managed and maintained in accordance with the details set out in the

Landscape Maintenance and Management Plan received on the 24th January 2010 unless otherwise agreed in writing.

REASON:

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

- 7 No part of the development hereby permitted, other the construction of the access itself and the associated highway works, shall commence until the new access arrangement from the A361 (including the new right hand turning bay and visibility splays) and alterations to the internal access road have been completed in accordance with the details shown on the approved plans. The visibility splays shall be kept free of obstruction to visibility at or above a height of 900 millimetres above the nearside carriageway level. The access shall be maintained as such thereafter and the visibility splays shall be maintained free of obstruction at all times thereafter.

REASON:

In the interests of highway safety.

- 8 The development hereby permitted shall not be first brought into use until the first forty metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 9 No development shall commence on site until details of the stopping up of the existing vehicular access for vehicles have been submitted to and approved in writing by the Local Planning Authority (the access shall remain open for users of the public right of way only). That stopping up shall take place in accordance with the approved details within one month of the completion of the new access arrangement which is shown on the approved plans and then shall be maintained in that form thereafter. No later than one month after the completion of the new access arrangement, the sole means of vehicular access to the development shall be as shown on the plans hereby approved.

REASON:

In the interests of highway safety.

- 10 No part of the development hereby approved, other than the new access arrangement, shall first be brought into use until the parking spaces shown on the approved plans have been properly consolidated, suitably surfaced and laid out in accordance with details shown on those plans, and this area shall thereafter be maintained



and remain available for this use at all times.

REASON:

To ensure that adequate provision is made for parking within the site in the interests of highway safety and amenity.

- 11 No development shall commence on site until an ecological method statement has been submitted to and approved in writing by the local planning authority. This statement shall include pre-construction phase mitigation measures, construction stage mitigation measures as well as mitigation and enhancement measures to be carried out once the development has been completed and the marina is in operation. Development shall carried out in accordance with the approved details.

REASON:

To ensure the proper protection and enhancement of protected species and their habitats.

- 12 No development shall commence until a Construction Environmental Management Plan, detailing pollution prevention measures, has been submitted to and approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details and agreed timescale.

REASON:

To prevent pollution of the water environment.

- 13 No development shall commence on site until full details of the means of foul sewage disposal 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 that the means of foul water disposal proposed is appropriate and adequately sized for the development.

- 14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the new access parts), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON:

To ensure that the development can be adequately drained.

- 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 gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere within the site.

REASON:

In the interests of visual amenity.

- 16 No external lighting shall be installed on site (including the access road), or in association with the proposed highway improvement works, until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON:

In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 17 No works shall commence on site until an archaeological photographic survey, including analysis, and photographic record of the remains of the railway viaduct has been submitted to and approved in writing by the Local Planning Authority. The results of the approved survey shall be supplied by the applicant to Wiltshire County Archaeology and British Waterways.

REASON:

To secure the proper recording of the railway viaduct.

- 18 No development shall commence within the application site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON:

To enable the recording of any matters of archaeological interest.

- 19 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked,

deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON:

In the interests of the appearance of the site and the amenities of the area.

- 20 No development shall commence on site until details of the storage of refuse, including (details of location, size, means of enclosure and materials,) 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 refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON:

In the interests of public health and safety and visual amenity.

- 21 No development shall commence on site until details of recycling facilities (including location and range of facilities) 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 recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.

REASON:

In the interests of public health and safety and visual amenity.

- 22 **INFORMATIVE TO APPLICANT:**  
Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the public right of way officer.

- 23 **INFORMATIVE TO APPLICANT**  
The attention of the applicant is drawn to the contents of the attached letters from Wiltshire Fire and Rescue Service dated the 6th November 2009 and Wessex Water dated the 29th October 2009.

- 24 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: 1831/001 B, Date Received: 12th October 2009  
Plan Ref: 1831/002 E, Date Received: 25th January 2010  
Plan Ref: 1831/003 G, Date Received: 25th January 2010  
Plan Ref: 1831/004 B, Date Received: 12th October 2009  
Plan Ref: 1831/005 F, Date Received: 12th October 2009  
Plan Ref: 1831/007 C, Date Received: 2nd February 2010  
Plan Ref: 1831/010 B, Date Received: 25th January 2010  
Plan Ref: 1831/011 A, Date Received: 2nd February 2010  
Plan Ref: 1831/012, Date Received: 25th January 2010  
Plan Ref: 1831/013, Date Received: 25th January 2010  
Plan Ref: Fig 1A (1 of 3), Date Received: 2nd February 2010  
Plan Ref: CAD/LCD-LFH-001, Date Received: 12th October  
Plan Ref: Landscape Maintenance and Management Plan, Date Received: 24th January 2010  
Plan Ref: E-G6903.00/01 Rev: RO, Date Received: 25th November 2009

21. **E/09/0630/FUL - Retrospective planning application for: A change of use from Agricultural to Equestrian and Training together with; re-cladding of existing barn, new storage shed and new access and driveway - Yew Tree Farm, Wilsford, Pewsey, Wiltshire, SN9 6HB**

Application withdrawn from this agenda due to an amendment to the plan, requiring further consultation.

22. **E/09/1613/FUL - Full planning application for: Erection of stable block - Yew Tree Farm, Wilsford, Pewsey, Wiltshire, SN9 6HB**

Application withdrawn from this agenda due to an amendment to the plan, requiring further consultation.

23. **E/09/1593/FUL - Full planning application for: The erection of a detached dwelling, including the provision of a new vehicular and pedestrian access and associated works - The Poores, Wilsford, Pewsey, SN9 6HB**

Public Participation:

1. Mrs Aird Gauntlett, the applicant, spoke in support of the application.
2. Mr Paul Oakley, the Agent, spoke in support of the application.
3. Mary Gillmore, Wilsford Parish Council, spoke in objection to the application.
4. Councillor Brigadier Robert Hall, Unitary Member for the Pewsey Vale, spoke on the application with no firm recommendation to the Committee, having been asked to speak by both the Parish Council and the applicant.

**Resolved:**

**Planning permission is REFUSED for the following reasons:**

1. The proposal would be contrary to Policy HC24 of the Kennet Local Plan 2011 by virtue of the fact that: (i) the proposal does not fall within any of the categories of development set out in the policy, or the definition of 'infill' contained within the local plan glossary; (ii) the proposal would consolidate an existing sporadic, loose knit area of development; and (iii) the proposal would not be in harmony with the village in terms of its scale or character. Furthermore, the proposal would be contrary to the Wilsford Conservation Area Statement which states that new infilling developments within the conservation area would not be appropriate.
2. The proposed development would, by virtue of its siting and design, be wholly out of character with surrounding historic development and would neither preserve nor enhance the character or appearance of the conservation area, the setting of neighbouring listed buildings or the setting of The Poores which is identified in the Conservation Area Statement as a significant unlisted building in the conservation area. The proposals would therefore be contrary to Policies PD1 & HC24 of the Kennet Local Plan 2011, government guidance set out in PPG15: 'Planning and the Historic Environment' and Supplementary Planning Guidance contained in the Wilsford Conservation Area Statement.
3. The proposed dwelling would take vehicular access over the route of public footpath WILS3 creating additional vehicle movements along a pedestrian route to the detriment of the safety, convenience and amenity of pedestrian users. The proposals are therefore contrary to Policy PD1 of the Kennet Local Plan 2011.

24. **E/09/1242/FUL - Full planning application for: Conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling - The Old Chapel, Seend Cleeve, Melksham, Wiltshire**

Public Participation:

1. A further letter of representation from the applicant, dated 24<sup>th</sup> February, was reported as a late item (please see late list attached). This letter clarified points within the report:
  - i. Site description – the adjacent site is outside the listing of the property.
  - ii. The graveyard is now closed for burials but the public are still able to visit graves.
  - iii. The property has been in the applicants family since 1979.
  - iv. Sketches and photomontages were also submitted by the applicant.
2. Mr Graham Hickman spoke in objection to the application.

3. Janine Hawkins spoke in objection to the application.
4. Julie Brokas spoke in objection to the application.
5. Mr Tom Jakes, the Architect, spoke in support of the application.
6. Marie Schruff, the Applicant, spoke in support of the application.
7. Councillor Jonathon Seed, Unitary Member for Summerham and Seend, spoke in support of the application.

**Resolved:**

**Planning permission is REFUSED for the following reason:**

- 1 The proposed linked extension would, by virtue of its scale, massing and situation, dominate the former chapel (a Grade II listed building) to the detriment of its character and setting. The proposals are therefore contrary to Policy PD1 of the Kennet Local Plan 2011 and government guidance contained in PPS1 and PPG15.

25. **E/09/1241/LBC - Listed building application for: Conversion of existing chapel to residential use, demolition of existing outbuildings and construction of new adjoining block to form part of the same dwelling - The Old Chapel, Seend Cleeve, Melksham, Wiltshire**

**Resolved:**

**Listed building consent is REFUSED for the following reason:**

- 1 The proposed linked extension would, by virtue of its scale, massing and situation, dominate the former chapel (a Grade II listed building) to the detriment of its character and setting. The proposals are therefore contrary to government guidance contained in PPG15.

26. **E/09/0988/FUL - Full planning application for: Erection of building to contain two residential units to form part of the accommodation of Downs Equestrian Centre - Downs Equestrian Centre, Baydon, Wiltshire**

Public Participation:

1. Mr Paul Oakley, the Agent, spoke in support of the application.
2. Councillor Chris Humphries, Unitary Member for Aldbourne and Ramsbury, spoke in support of the application.

**Resolved:**

**Planning permission is GRANTED for the following reason:**

The decision to grant planning permission has been taken on the grounds of the specific needs of the equestrian business and that the proposed development

would not cause any significant harm to the character and appearance of the immediate area or the wider Area of Outstanding Natural Beauty and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, NR6, NR7 and HC26 together with the guidance within PPS4 and PPS7.

**Subject to the following conditions:**

The completion of a S106 legal agreement preventing the severance of the proposed dwellings from the equestrian business and also subject to the following conditions;

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

**REASON:**

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

- 2 **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 and dated the .....

- 3 No development shall commence within the site until:
  - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:**

To enable the recording of any matters of archaeological interest.

- 4 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:**

In the interests of visual amenity and the character and appearance of the area.

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;

REASON:

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

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

REASON:

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

- 7 The occupation of the dwellings hereby permitted shall be limited to persons solely or mainly working, or last working, in the training/keeping/breeding of horses, in agriculture or in forestry in the locality, or a widow or widower of such a person, and to any resident dependants. In addition the dwellings can be used as holiday accommodation for persons unconnected with equestrian, agriculture or forestry use but if they are used as holiday accommodation no person shall occupy either of the dwellings for a period of more than 8 weeks in any one year, nor for a period exceeding 4 weeks at a time, with no return within 4 weeks.

REASON:



The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry, or holiday accommodation is not normally permitted and this permission is only granted on the basis of an essential need for the new dwelling in this location having been demonstrated.

- 8 If either or both dwellings are used for holiday accommodation the owners/ operators of the site shall maintain an up to date register of the names of all occupiers of the dwellings, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**REASON:**

In order to monitor the occupation of the dwellings if they are used for holiday accommodation as permission for unjustified or unrestricted residential development would not normally be permitted in this location.

- 9 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.

Drawings; 1001-03 received on 7th August 2009 together with 1:1250 Location plan, Land Registry excerpt plan and 1:500 site plan received on 26th September 2009.

27. **E/10/0038/FUL - Full planning application for: Erection of a general purpose barn to house ewes and agricultural material - Baydon Hill Grange, Oxford Street, Aldbourne, Marlborough, Wiltshire, SN8 2DJ**

Public Participation:

1. Mr Christopher Boreham, the Agent, spoke in support of the application.
2. Mr Howard Waters, the Agent, spoke in support of the application.
3. Councillor Chris Humphries, Unitary Member for Aldbourne and Ramsbury, spoke on the application to express local views in objection to the application.

**Resolved:**

**Planning permission is GRANTED for the following reason:**

The proposed barn has an agricultural justification and would not harm the scenic quality of the AONB. There are therefore no planning grounds to withhold the granting of planning permission.

**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 The barn hereby permitted shall be used for the housing of livestock and for the storage of agricultural machinery only, and not for any equestrian purpose.

**REASON:**

To define the extent of the permission granted, in the interests of clarity.

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:**

In the interests of visual amenity and the character and appearance of the North Wessex Downs AONB.

- 4 **INFORMATIVE TO THE APPLICANT:**  
Notwithstanding the submitted details, the roof of the building hereby approved shall be constructed of matt, merlin grey sheeting and the timber cladding shall be stained a dark colour.

- 5 Details of any hardstanding required in association with the building hereby permitted shall be submitted to and agreed in writing by the local planning authority in advance of being laid down. The development shall be carried out in accordance with the approved details.

**REASON:**

In the interests of visual amenity and given that such details did not form part of the submitted planning application.

- 6 The adjoining existing planting shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction by a chestnut paling fence (or other type of fencing to be agreed in writing by the local planning authority). After it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

**REASON:**

To safeguard existing planting adjoining the site in the interests of the visual amenity of the North Wessex Downs AONB.

- 7 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.

Plans Ref. 9011.01, 9011.02 and 9011.03, all received 08/01/10.

28. **Urgent items**

There were none.

**LATE ITEMS**

Please see late items list attached.

(Duration of meeting: 6:00 pm – 7:40 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](mailto:janice.green@wiltshire.gov.uk)

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

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WILTSHIRE COUNCIL

POST REPORT REPRESENTATIONS

PLANNING SERVICES GROUP

DATE: 25<sup>th</sup> February 2010

EASTERN AREA COMMITTEE

Agenda No. Application No.	Location	No Objection	Objection	To be reported	No comment
1. E/09/1353/FUL	Lower Foxhangers Farm Rowde Devizes SN10 1SS				
2. E/09/0630/FUL	Yew Tree Farm Wilsford Pewsey Wiltshire SN9 6HB		Withdrawn from agenda		
3. E/09/1613/FUL	Yew Tree Farm Wilsford Pewsey Wiltshire SN9 6HB		Withdrawn from agenda		

4. E/09/1593/FUL	The Poores Wilsford Pewsey Wiltshire SN9 6HB						
5. E/09/1242/FUL	The Old Chapel Seend Cleeve Melksham	Letter of representation 24.2.2010				X	
6. E/09/1241/LBC	The Old Chapel Seend Cleeve Melksham	Letter of representation 24.2.2010				X	
7. E/09/0988/FUL	Downs House Equestrian Centre Baydon Wilts						
8. E/09/0038/FUL	Baydon Hill Garage Oxford Street Aldbourne Marlborough Wiltshire SN8 2DJ						

## Wiltshire Council

### East Area Planning Committee

18<sup>th</sup> March 2010

#### List of Applications for Consideration

1. **E/09/1620/FUL**

Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops.

At: Marlborough Business Park, MARLBOROUGH, Wiltshire, SN8 4AW

RECOMMENDATION: Grant planning permission

2. **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).

At: Land off Aldbourne Road, BAYDON, Wiltshire

RECOMMENDATION: Grant planning permission

3. **E/10/0067/FUL**

Retention of extension/alterations to existing light industrial building to form two light industrial units.

At: Skylarks, land adj. Kilnwood House, Bytham Road, OBBOURNE ST. GEORGE, Marlborough, Wiltshire, SN8 1TD

RECOMMENDATION: Grant planning permission

4. **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.

At: 103 High Street, BURBAGE, Marlborough, Wiltshire, SN8 3AA

RECOMMENDATION: Refuse listed building consent

5. **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.

At: 103 High Street, BURBAGE, Marlborough, Wiltshire, SN8 3AA

RECOMMENDATION: Refuse planning permission





**REPORT TO THE EAST AREA PLANNING COMMITTEE**

<b>Date of Meeting</b>	18 March 2010
<b>Application Number</b>	E/09/1620/FUL
<b>Site Address</b>	Marlborough Business Park, Marlborough, Wiltshire, SN8 4AW
<b>Proposal</b>	Development of class A1 Supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossings and bus stops.
<b>Applicant</b>	Tesco Stores Ltd
<b>Town/Parish Council</b>	MARLBOROUGH
<b>Grid Ref</b>	419490 168404
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

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

The application is before the Committee at the request of the local member, Peggy Dow.

**Purpose of report**

To consider the recommendation that the application be approved subject to a legal agreement.

**Report summary**

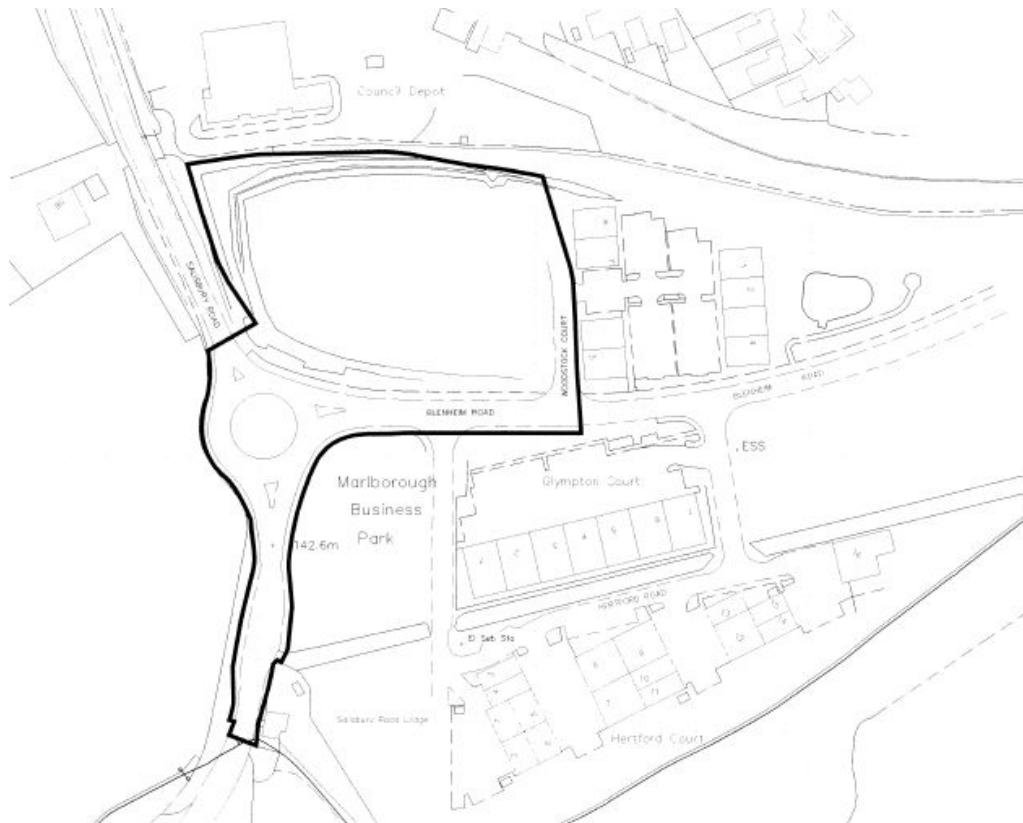
The main issues to be considered in this case are as follows:

- The need for a store in the Marlborough catchment area;
- The 'sequential assessment' for a town centre use that is not proposed to be located in Marlborough town centre;
- The 'impact assessment' of an out of centre store on the vitality and viability of Marlborough town centre and other centres within the wider catchment area, taking into account the scale of the proposal and local consumer choice;
- The loss of protected strategic employment land at Marlborough Business Park;
- The adequacy of transport infrastructure to accommodate the proposed store and the adequacy of pedestrian links to the town centre;
- The impact on visual amenity, including the area of outstanding natural beauty.
- The impact on residential amenity, including from noise.

**Site description**

The application site covers approximately 0.93 ha of presently vacant and open land located in the north-west corner of the Marlborough Business Park. The site has frontages to both Salisbury Road (to the west) and the main entrance road into the business park (Blenheim Road) (to the south). The other boundaries are common with the Wiltshire Council depot (to the north) and office buildings beyond a service road (Woodstock Court) (to the east). The ground level of the site is slightly below that of Salisbury Road and Blenheim Road, and significantly below that of the depot (which is on the site of the elevated former Marlborough railway station). Lying between the

actual part of the site proposed for development and both Salisbury Road and most of Blenheim Road are strategic planting margins put in as part of the original business park development. These support mounds, banks and some landscaping.



In its wider context, to the immediate east and south of the site are other developments within the business park. Beyond these is open countryside. To the north (as already stated) is the Wiltshire Council depot, and beyond this the suburbs of Marlborough town. To the west (on the opposite side of Salisbury Road) is open countryside. Ground levels rise to the south away from the site, the site itself being at a low point on the business park.

The application site is approximately 800 from Marlborough Town Hall (taken to be the centre of the town centre), and approximately 500m from the edge of the defined Marlborough Town Centre in the Kennet Local Plan 2011. There is pedestrian access to the site via pavements alongside Salisbury Road, albeit narrow in places. There are bus stops on Salisbury Road to the south of the site.

In policy terms the site is within the 'Limits of Development' of Marlborough. It is within Marlborough Business Park which is a 'Protected Strategic Employment Site'. It is also within an area of outstanding natural beauty (which covers all of Marlborough and surrounding land).

### **Planning History**

Marlborough Business Park was given outline planning permission for business, industrial and storage/distribution uses (Use Classes B1, B2 and B8) in 2001. Some of the park has been developed out for these purposes, although several plots remain without approvals and/or are undeveloped, including the application site. It is now too late for reserved matters applications to be made for the remaining plots.

In more recent times full planning permissions have been given for other non-Class B uses including a dentist's practice, a household recycling centre and a private gym.

## Proposal

The application proposes the erection of a mainly food store together with associated car parking and service yard.

The new food store building would have a gross floor area of some 2,298 sq m (excluding the front canopy), of which 1,080 sq m would be used for the sale of convenience goods and 122 sq m would be used for the sale of comparison goods (the remaining floor space to be used for circulation/check-outs, servicing, storage and staff facilities). The building would have dimensions of 45.5m by 42.5m (excluding the front canopy and service area). Height would be 7m for the larger part of the building, rising to 8m for the two storey section at the rear. Four roof ventilators would add an additional 2m to the 7m high part. The building would be sited towards the rear of the site (that is, closer to Woodstock Court than Salisbury Road), and approximately 7m from Blenheim Road. A service yard would be provided at the rear (accessed through Woodstock Court).



*Site Layout and Roof Plan*

The store building itself would be contemporary in terms of its design. The two principal elevations facing Salisbury Road and Blenheim Road would contain large areas of glazing. The walls of the building would be constructed from larch timber panels above an 'oyster' smooth finished plinth. The very shallow pitched roof would be constructed using built-up single ply coloured dark grey. Window frames and other external rain goods, etc. would be coloured white. Four 'wind catcher' roof ventilators would be installed on the roof as part of the sustainable design.

At the front of the site (that is, adjacent to Salisbury Road and Blenheim Road) a 98 space car park would be laid-out, with a further 14 "locally managed spaces" behind the service yard. Vehicular access to the car park and service yard would be to the rear of the food store building,

via an extension of Woodstock Court. Spaces for 21 bicycles (12 for customers and 9 for staff) would be provided, and pedestrian links from Blenheim Road.

The edges of the site and the car park would be landscaped. The site is already generally level and so little in the way of ground works would be required, except to the back of part of the locally managed car parking spaces where a retaining structure would be constructed. The store building would 'sit' at the present low ground level, as illustrated in the elevation drawings.



Outside of the site a number of improvements are proposed to the roads and footpaths in the locality including slight re-designs of the roundabouts on the A4 in the town centre and at the access to the business park, improved pedestrian crossing facilities at some road junctions between the site and the town centre, some pavement re-surfacing, and improvements to the bus stops serving the business park (including new shelters).

The planning application is accompanied by a Design and Access Statement, a Statement of Community Involvement, a Supporting Planning Statement, an Employment Land Review, a Retail Assessment, a Transport Assessment (and addendum), a Landscape Context Analysis and Landscape Supporting Statement, and a Noise Assessment.

## **Planning Policy**

Of particular relevance to this application is central government planning guidance set out in Planning Policy Statement no. 4 (PPS4): Planning for Sustainable Economic Growth. This guidance was published in December 2009 – that is, after the application had been received. In view of the timing, reference must also be made to the preceding guidance in PPS6: Town Centres and Retail Developments. Other relevant government guidance is set out in PPS7: Sustainable Development in Rural Areas and PPG13: Transport.

Relevant strategic policies in the Wiltshire and Swindon Structure Plan 2016 are Policy DP1 (Priorities for Sustainable Development), Policy DP2 (Infrastructure), Policy DP3 (Development Strategy), Policy DP6 (Shopping), Policy T1 (Integrated Transport Plans), and Policy C8 (Areas of Outstanding Natural Beauty).

Relevant local policies in the Kennet Local Plan 2011 are Policy PD1 (Development and Design), Policy ED7 (Protected Strategic Employment Sites), Policy ED17 (Town Centre Development), Policy AT1 (Transport Appraisal Process), Policy AT9 (Motor Vehicle Parking Standards), Policy AT10 (Developer Contributions), and Policy NR7 (Protection of the Landscape).

Although the development plan is up to date, it is not as up to date as PPS4 insofar as this document relates to retail development. It follows that PPS4 is largely relied on in this report as the most relevant retail policy document.

## **Consultations**

Marlborough Town Council: no objection.

Savernake Parish Council (adjoining PC): no objection, but request that a footpath is made from the east end of the business park to join with the footpath from Savernake Forest to St. Margaret's Mead. This would enable people to walk from Maurice Way, St Margaret's Mead estate and the new Chopping Knife Lane site to the store.

The pavement from Marlborough along the eastern side of the Salisbury Road, where it goes through the old railway bridge is non-existent for pedestrians. The footway on the west side is narrow and if used means having to cross over the busy A346 and back again.

WC Highways Officer: Recommends conditions. In future years the A4 junctions will run over capacity with or without the development. An independent analysis of the applicant's Transport Assessment has been commissioned but its results were not available at time of writing.

WC Environmental Health Officer: Regarding noise, the suggested criterion of 35dBA for the plant/mechanical services would appear to be acceptable. However, with regard to noise propagation from the service yard, it is noted that the agreed new properties to be located on the edge of the adjacent embankment in the WC depot will have a direct line of sight to the store, and therefore the proposed acoustic fence will not provide an effective attenuation method. This means the predicted 8dB screening loss must be discounted. With the screening loss removed the resulting L<sub>max</sub> rises to 70 at the façade, 10dB above the guideline peak noise criterion.

There is also concern that the delivery noise – arrival, unloading, departure – has been averaged over 1 hour which does not demonstrate the true nature of the delivery noise events which will have an impact on future residents.

The relative layout of the residential area elevated above the service area means that a traditional barrier (as proposed) will be less effective. A covered yard could be considered.

Conditions are recommended to address these concerns.

Environment Agency: no objection subject to condition.

Wiltshire Fire & Rescue: recommends informatives.

CPRE Kennet District Group: concludes, reluctantly, that the proposal should be accepted. CPRE is aware of the report *Impact of large food stores on market towns and district centres*, and also Policy ED17. It recognises that edge-of-town retailing developments are likely to have some impact on trading in the town centre, but believes that the amount of trade drawn from the few remaining convenience stores would be slight, and would be counterbalanced by the benefit of having a store to provide 'affordable shopping' in contrast with the dominant store, Waitrose. Ideally, any competing supermarket should be sited on or near the High Street, but there is no room for one.

However, CPRE believes that permission should be subject to important provisos, to give reasonable protection to smaller town-centre retailers, and to make access to the new store as convenient as possible by means other than cars –

- The store should be confined to retailing 'convenience' goods, principally food;
- Permission should be subject to a condition requiring Tesco to provide or finance bus transport for shoppers from Marlborough residential areas and surrounding villages;
- A green travel plan for employees should be required;
- There should be firm prohibition of overflow parking outside the store boundaries, especially on Salisbury Road;
- Improvements to the roads and footways between the High Street and the business park should be considered, to minimise the prospect of traffic congestion and to ensure that walking, especially with prams and pushchairs, is as comfortable as possible.

### **Publicity**

The application has been publicised by advertisement in the local paper and by site notice. Letters have been sent to known nearby landowners/occupiers.

The publicity has generated 48 responses – 35 respondents support the proposal, and 13 respondents raise objections.

The reasons for support are summarised as follows:

- Another food store will bring choice to the town and competition;
- Marlborough needs a 'budget' food store – there has been no such facility since Somerfield closed. Waitrose is too expensive for many residents. A lot of people living in Marlborough cannot actually afford to shop in the town, travelling to other centres (inc. Swindon, Devizes, Hungerford and Tidworth) for food, clothing, etc. Reduced travel means an improved environment;
- Shoppers will still use other shops in the town centre (indeed, the store may attract new shoppers to Marlborough on linked trips);
- Over the years Marlborough has become more and more inundated with overpriced boutiques and designer brand shops, and this trend will continue regardless of this planning application. Convenience shops are closing in the town in any event;
- Those less able to travel (such as pensioners) will benefit from the store. Presently they rely on others to take them to value stores elsewhere;
- The proposal will bring many new jobs to Marlborough;
- Although the application site is out of the town centre it remains on the outskirts of the town, and this will benefit residents from outlying villages (including from any delivery services the store might offer).

The reasons for objecting are summarised as follows:

- Marlborough High Street already has a number of empty shop units. An out of centre store will mean less people will visit the town centre, this causing further decline;
- The proposed is superfluous to the needs of the community – elderly people, disabled people and people who cannot drive will not be able to easily access the out of town location. Marlborough needs a budget store, but within the accessible town centre where other shops can also benefit from linked trips;
- The retail assessment does not satisfy the sequential test set out in PPS4. There are numerous opportunities in the town centre for a reduced or more imaginative proposal as required by the PPS. Tesco has Metro stores elsewhere which are comparable in size to some shop units in the town centre;
- There are plenty of stores in the wider locality, including at Swindon and Devizes;
- The application fails to have regard to Policy ED17 of the local plan which requires all new retail development to be located within the confines of Marlborough. A proper long term plan for Marlborough is required;
- The store will be a disincentive to others to invest in new shops in the town centre;
- Marlborough Business Park is allocated for Class B development for the benefit of local, small scale enterprise. The proposal is a fundamental departure from this. The business park would never have been granted originally as a retail park;
- Users of the store will travel by car – proposals to upgrade footpaths to encourage pedestrians are farcical. A new store should be in the town centre and so accessible to all and not just those in cars. Salisbury Road is too steep and too narrow in places for elderly shoppers to walk to the store with bags of shopping, etc.;
- Selective shopping avoids the need for a budget store – Tesco has its own ‘luxury’ ranges as well;
- Additional traffic on surrounding roads will lead to congestion and disturbance, particularly from lorries. Contributing to this are other developments in the pipeline – the HRC on the business park and the live/work and residential scheme or another supermarket on the depot. The congestion will be a nuisance to other occupiers of the business park. The additional traffic will endanger pedestrians, particularly children who have to cross the road;
- Noise from the store and its associated traffic will cause disturbance to residents;
- The store will have a competitive advantage over other shops in the town through free parking – can Tesco be required to charge for parking at similar rates?;
- A large, ugly building in this location will detract from the beautiful surrounding countryside, AONB and Savernake Forest.

### **Planning Considerations**

The main issues have already been stated in the ‘report summary’ section of this report. For ease of reference they are repeated as follows:

- The need for a store in the Marlborough catchment area;
- The ‘sequential assessment’ for a town centre use that is not proposed to be located in Marlborough town centre;
- The ‘impact assessment’ of an out of centre store on the vitality and viability of Marlborough town centre and other centres within the wider catchment area, taking into account the scale of the proposal and local consumer choice;
- The loss of protected strategic employment land at Marlborough Business Park;
- The adequacy of transport infrastructure to accommodate the proposed store and the adequacy of pedestrian links to the town centre;
- The impact on visual amenity, including the area of outstanding natural beauty;
- The impact on residential amenity, including from noise.

Each issue will be considered in turn.

### THE NEED ASSESSMENT

At the time the application was submitted government guidance on this issue was set out in PPS6. Since December 2009 this has been superseded by revised PPS4. The applicant's agent submitted with the original application a Retail Assessment based on PPS6, and since the publication of PPS4 he has also submitted an update taking account of PPS4. Both assessments remain relevant to the consideration of the application.

Referring to PPS4, this sets out the Government's national policies for economic development. The statement begins by defining economic development as development within the 'B' Use Classes, public and community uses, and main town centre uses. Main town centre uses include retail uses.

PPS4 Policy EC14 (supporting evidence for planning applications for main town centre uses) states that an assessment addressing the impacts of main town centre uses that are not in a centre and not in accordance with an up to date development plan is required for planning applications for retail developments over 2,500 sq m gross floor space. The policy further states that in advance of development plans being revised to reflect this PPS, an assessment of impacts is necessary for planning applications for retail developments below 2,500 sq m which are not in an existing centre and not in accordance with an up to date development plan if these would be likely to have a significant impact on other centres.

In this case the gross floor area of the proposed store at 2,298 sq m is below the initial threshold. However, it is considered that in view of the relatively modest size of Marlborough and other centres within its catchment, it is reasonable to expect a retail assessment to be carried out to fully understand the potential impacts referred to in the PPS. To this end Policy EC16 (the impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan) states that planning applications for main town centre uses that are not in a centre should be assessed against the following impacts on centres:

- (a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;*
- (b) The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;*
- (c) The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;*
- (d) The impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;*
- (e) If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floor space) in relation to the size of the centre and its role in the hierarchy of centres; and*
- (f) Any locally important impacts.*



Retail Need -

Although a needs test does not feature within Policy EC14 the Retail Assessment accompanying the application in any event concludes that there is a need for the development. This conclusion is based on new robust research carried out by the applicant in the form of a household survey and an analysis of the expenditure of residents within the Marlborough shopping catchment area.

Quantitative considerations -

The household survey was an independent survey of 500 households within the catchment area undertaken in August 2009. It provides information on shopping patterns in and beyond the Marlborough catchment area. It provides an understanding of the performance of existing facilities in the catchment area and it informs the analysis of the impact of the proposed store. The catchment area is defined by four post code areas within a 15 minute drive of Marlborough – SN8 1 (moving north west from Marlborough (including the larger part of Marlborough itself)), SN8 2 (moving north east (towards Aldbourne)), SN8 3 (moving south east) and SN8 4 (moving south west (towards Pewsey)). The catchment area is based on a 15 minute drive time from the site, and this is considered reasonable (a greater drive time than this being less convenient and less sustainable, and so a deterrent to shoppers in any event).



*Marlborough catchment area (10 and 15 minute drive times)*

The survey reveals that Waitrose in Marlborough is the most popular shopping destination from all four post code zones accounting for nearly 43% of all main shopping trips and 32% of all top-up

shopping trips. However, the survey also reveals that significant numbers of residents (overall, in excess of 50%) undertake food shopping outside of the catchment area (for example, at Tesco in Hungerford, Swindon or Tidworth, or at Morrisons in Devizes). From this it can reasonably be concluded that there is a need for an improvement in retail provision within the Marlborough catchment area to promote more convenient and sustainable shopping patterns.

With this initial conclusion drawn the retail assessment then considers the actual quantitative need for a store based on available expenditure by residents within the catchment area and the impact of the proposed store on this expenditure. A base year of 2009 and a design year of 2014 is used in this second part of the analysis (the design year being when the proposed store has been developed and has established normal trading patterns after one year full trading).

The total catchment population at 2009 is 24,500, and this is estimated to grow by 376 to 24,876 by 2014. Tourist spend is anticipated to impact on expenditure by 15%. Per capita expenditure within the catchment area for convenience goods is estimated to grow from £1,973 in 2009 to £2,031 in 2014 and for comparison goods is expected to grow from £3,760 in 2009 to £4,259 by 2014 (these figures derived from independent data sources). The total forecasts for convenience expenditure in the catchment area are, therefore, £48.330m in 2009 for convenience goods increasing to £50.523 in 2014 (an increase of £2.2m); and £92.114m in 2009 for comparison goods increasing to £105.939 in 2014 (an increase of £14m).

With this information the retail assessment then considers the market share of Marlborough town centre and the centres within its catchment area. The implications of the proposed development are assessed by comparing two separate market shares scenarios for Marlborough town centre, Pewsey and Aldbourne as follows –

- Scenario 1: assumes the 2009 baseline market shares from the household survey (that is, without the proposed store);
- Scenario 2: assumes an improvement to Marlborough's market share taking into account the proposed development.

Considering scenario 1, in terms of convenience shopping the assessment concludes that Marlborough has a reasonable market share in zone 1 (which includes Marlborough itself) of 71%, although this falls considerably in the other zones to between 29% and 47%. Over half of people (54%) living within the entire catchment area undertake their main convenience shopping elsewhere (derived from the household survey). The vast majority of convenience shopping trips made in Marlborough are at Waitrose. In terms of comparison shopping, Marlborough has a very small market share in all catchment zones. This demonstrates that the existing comparison offer within the town is limited in scope, and also the relative attractiveness of other larger centres outside of the catchment.

In relation to the other centres within the catchment (that is, Aldbourne and Pewsey), Aldbourne has limited provision and consequently has a small market share. Pewsey has more facilities but these remain limited with a resultant small draw predominantly from zones three and four. These conclusions are accepted.

In terms of total market share the retail assessment confirms that for convenience goods over 50% of available expenditure within the core zones is lost outside of the catchment area (much going to out of town retail facilities elsewhere). Even higher levels of comparison goods expenditure 'leaks' from the catchment area.

Scenario 2 factors in the proposed store once normal trading patterns have been established. The estimated turnover of the store based on recognised data is £13.410m for convenience goods and £1.080m for comparison goods. The retail assessment states the following:

“The store will increase the level of retail floor space in Marlborough. As a result, the attractiveness of the town for main shopping will improve and the market share will increase within the catchment. The development will enable Marlborough to claw back market share that is currently being lost outside of the catchment area.

As a result of the market share increases, facilities outside of the catchment will lose market share. However it is important to recognise that these facilities only draw a small proportion of their turnover from this catchment and that they have large out of centre superstores that attract the majority of expenditure from the catchment study area.”

For convenience expenditure, the market share in zone one (which includes Marlborough itself) will increase to 80%. The market share will also increase in the other three zones. These are considered to be realistic assumptions given the attractiveness of the new store. In terms of comparison expenditure, the market share in Marlborough will increase only slightly as a result of the relatively limited comparison range to be offered. For Aldbourne and Pewsey it is anticipated that the development will have a negligible impact given the current market shares and shopping patterns.

In terms of total market share, with the proposed store operational the retained market share within the catchment area for convenience goods (taken from the household survey) will increase to almost 70% which is a significant improvement compared with the less than 50% share currently enjoyed. The conclusion of the assessment that the store will significantly increase the amount of convenience expenditure retained within the catchment and clawed back from the surrounding towns to a more sustainable level is, therefore, accepted.

Qualitative considerations –

The retail assessment makes a number of judgements based on qualitative considerations. Firstly, it states that Marlborough is underrepresented in terms of convenience goods, partly as a consequence of the closure of other food retail stores (most notably Somerfield and Marks and Spencer). This qualitative consideration is acknowledged as being particularly important - it is the source of many of the letters in support of the application. Although there are other smaller convenience retailers in the town it is agreed that the choice a second supermarket would bring back to the town must be given considerable weight.

It is also significant that as a consequence of the ‘claw back’ of expenditure referred to already, those residents within the catchment currently travelling further for their shopping trips (that is, outside of the 15 minute travel zones) would be travelling lesser distances. This complies with the principles of sustainability which underpin all planning policies.

A further qualitative consideration is the employment the store would provide. Although not overriding, the applicant has stated that around 140 jobs would be created.

The sequential test -

The broad capacity of Marlborough and its catchment to support a further supermarket has been accepted by the retail need considerations set out above. Additionally, however, it is also necessary to assess the suitability of the chosen site relative to other sites within or easily accessible to the town centre. This is referred to as the sequential test. In this regard Policy EC15 of PPS4 states the following:

*In considering sequential assessments local planning authorities should:*

- (a) *Ensure that sites are assessed for their availability, suitability and viability;*

- (b) *Ensure that all in-centre options have been thoroughly assessed before less central sites are considered;*
- (c) *Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of pedestrian access;*
- (d) *Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
- (i) *Scale: reducing the floorspace of their development;*
  - (ii) *Format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
  - (iii) *Car parking provision: reduced or reconfigured car parking areas;*
  - (iv) *The scope for disaggregating specific parts of a retail development, including those which are part of a group of retail units, on to separate, sequentially preferable sites (but not arbitrary sub-division of proposals).*

Even allowing for the requirements for flexibility set out in (d), Marlborough is very limited in terms of its choice of possible town centre or edge of centre sites. Regardless of this, a key test is considered to be that set out at point (c) – that is, the requirement for preference to be given to those locations which are well connected to the centre by means of pedestrian access.

Those sites which might be appropriate have been considered by the applicant as part of the retail assessment. The sites and their assessments are as follows:

- Vauxhall Garage/industrial estate, George Lane – This site is within the town centre as defined in the local plan, with excellent pedestrian links to the rest of the centre. Notwithstanding this the applicant considers this site to be unsuitable due to its limited size and unavailability for the foreseeable future due to multiple ownerships. The ownership issue is acknowledged as being a major hurdle to this site’s potential, and consequently it is agreed that it cannot be considered sequentially preferable at this time.
- T H White Country Stores, London Road – This site is just about at the edge of the town centre (approx. 300m from the boundary). It has level pedestrian access to the town centre, requiring the crossing of one major road. Its pedestrian access is, therefore, considered to be fair. However, the applicant considers this site to be unavailable for the foreseeable future. It is also defined in the local plan as a protected strategic employment site. It is agreed for the reason given by the applicant and by virtue of its designation that this site cannot be sequentially preferable.
- Microlights Premises, Elcot Road – This site some 500m+ from the boundary of the town centre. It is, therefore, neither a town centre site nor an edge of centre site. It does, however, have level pedestrian access to the town centre crossing one major road. It is designated as a protected strategic employment site in the local plan. The applicant considers this site to be unavailable and unsuitable (due to poor vehicular access and a poor relationship with neighbouring residential properties). The unsuitability of the site is accepted for the reasons given. The present use and designation for employment

purposes is also a hindrance to its suitability. The site cannot, therefore, be considered sequentially preferable.

There are no other singly appropriate sites either within the town centre or at the edge of the town centre.

An objection from a third party to the proposed site has been made on the grounds that other smaller sites may be available and/or suitable for a flexible, or disaggregated, store or stores (for example, the former auction house beside the access road to Waitrose or the Citroen garage). The proposed store in this case is relatively modest in size and so unsuited to 'splitting' into smaller units. The applicant also points out that a smaller store with a resultant reduced offer is less likely to achieve the levels of claw back from other centres, and this would be to the general disadvantage of the Marlborough catchment area as a whole. These alternative sites, together with other vacant units in the shopping streets (of which there are few), are therefore also considered to be sequentially less preferable than an out of centre site.

In terms of parts (a) and (c) of Policy EC16, there is no existing or committed public or private investment at present in Marlborough, and there are no allocated sites outside of the town centre for retail developments.

It is considered that the applicant has properly applied the sequential test, and it is agreed that its conclusion that there are at this time no sequentially preferable sites either in the town centre or at the edge of the centre is sound.

#### Potential implications for Marlborough Town Centre –

So far it has been demonstrated that, firstly, there is a need for a further store within the catchment area; and that, secondly, there is no suitable or available site within Marlborough town centre or at its edge for such a store. The site proposed by the applicant to meet the need is, therefore, out of centre.

In terms of the impact of an out of centre store on trade and turnover within the town centre the retail assessment calculates that this will be 6.3% against current trading levels, with the majority of this impact directed at Waitrose (it being the only supermarket in the town). Having regard to the findings of a town centre 'health check' carried out by the applicant (which reveals 156 shop units in the town, 140 of which support comparison (or 'other') goods shops, and only 10 of which support convenience goods), the assessment concludes that this percentage will not significantly impact on the vitality and viability of the town, particularly as it will continue to overtrade against average turnover levels in any event. The impact of the comparison offer in the proposed store on the town centre would be negligible due to the limited range.

The health check states the following:

"The centre [Marlborough town centre] is vital and viable and performs an important role in providing a range of comparison shopping and services to meet the needs of its significant catchment. The limited number of vacant units demonstrates that the centre is performing well and the environmental quality of the centre is good. However, the conservation area and the layout of the town constrain its ability to provide additional floor space within the centre. Indeed, the existing level of floor space within the centre is low when considering the catchment that the store serves. The convenience retail offer does need some significant strengthening in order to serve the extensive rural catchment as well as clawing back some of the significant amount of trade lost to nearby competing centres.

Following our health check assessment of Marlborough town centre and the surrounding centres it is considered that an impact of 6.3% on convenience goods retailing and a negligible impact on comparison goods retailing for the centre would not be detrimental to its vitality and viability.

It is considered that the proposed development is likely to significantly increase the retention of expenditure within the catchment, as the retail offer available within the town will be broadened. In turn, it is highly likely that people will undertake linked trips with the centre, whereas previously they would have undertaken such linked shopping trips with the centre closest to the competing out of centre food store. We estimate that the increase in linked trips to the town from the proposed development will more than compensate for the potential impact that has been demonstrated”.

To quantify this, total expenditure in Marlborough on convenience goods in 2009 based on significant leakage to other centres is £27.716m. This figure is estimated to increase to £28.942m in 2014 assuming circumstances remain unchanged and significant leakage continues. However, the proposed store would claw back a lot of this leakage, increasing Marlborough’s total market share in zone 1 in particular to 82% in 2014 (from household survey). This equates to £40.561m. On the basis that the food store will turnover £13.410m pa in 2014 on convenience goods (based on recognised data), £27.151m would, therefore, remain to be ‘spent’. The difference between this figure and the estimated Marlborough expenditure without the store is £1.811m, and this is the 6.3% ‘impact’. The impact on comparison goods is less (in fact, the applicant estimates this to be -2.1%). Factoring in the applicant’s qualitative arguments about the healthy status of the town centre, overtrading in the town at present, and that more linked trips will be generated by the development, it is accepted that this is a relatively modest impact which would not be detrimental to the vitality or viability of the town centre.

Conclusions in relation to the need assessment -

Overall it is concluded that the retail assessment properly demonstrates that another food store is justified in Marlborough in both quantitative and qualitative terms. The independent household survey which informed the assessment reveals that significant ‘leakage’ takes place from Marlborough’s catchment area to other retail centres (this notwithstanding the travel distances involved), and this would be clawed back to a large extent by a new development in Marlborough, to the towns overall benefit. The lack of a town centre or edge of centre sites has resulted in the applicant pursuing an out of centre site, but this has been justified through the sequential test. With resulting claw back of expenditure from other centres there is sufficient spending capacity in the catchment area to sustain both the proposed store and established retail facilities to achieve continued viability for all. The vitality of Marlborough town centre would, therefore, be safeguarded, particularly as a consequence of customers making linked trips. The vitality of other centres within the catchment area would also be safeguarded.

Salient points are as follows:

- Marlborough town centre and the existing centres in its catchment area are performing relatively well, indicated by the limited number of vacant shop units in particular;
- There is, however, presently significant leakage of expenditure from Marlborough’s catchment area to other centres. This cannot have been helped by the closure of Somerfield (and latterly Marks and Spencer) in the town. Waitrose is now singly the main convenience goods retailer. There is, therefore, limited convenience goods choice;

- Notwithstanding the leakage, Marlborough presently overtrades (that is, expenditure in the town exceeds returns based on floor space and sales density);
- The sequential test has revealed no suitable or available sites (either singly or disaggregated) for a further store either within the town centre or at its edge. As a consequence the application is for an out of centre site which in this instance is appropriate;
- It has been calculated that in 2014 the impact of an out of centre store at the scale envisaged on the town centre is 6.3% for convenience goods sales and -2.1% for comparison goods sales. This impact is considered negligible having regard to the reasonable health of the town centre. The store will claw back significant lost expenditure to other centres and this will benefit the town centre as a whole through linked trips in particular. The impact on other centres within the catchment area is negligible having regard to the offer of these centres and associated shopping patterns.

#### LOSS OF PROTECTED STRATEGIC EMPLOYMENT LAND

From the foregoing paragraphs it is evident at the present time that there are no sequentially preferable sites in Marlborough to an out of centre site. The applicant is, therefore, proposing an out of centre site. Available out of centre sites are also few and far between in view of the numerous constraints to development within and beyond the town – most notably, the area of outstanding natural beauty and the policies of the local plan which restrict the use of previously developed land to particular purposes.

The application site comprises a frontage plot at the Marlborough Business Park. The Marlborough Business Park is defined in the Kennet local Plan as protected strategic employment land covered by Policy ED7. The relevant part of Policy ED7 states the following:

*Sites that contribute to the strategic supply of employment land within the District are identified on the Inset Maps. These sites will be protected for employment uses. Development for uses within the B Classes of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) will be permitted. Applications for other employment generating uses will be permitted subject to strict compliance with PD1, ED17 and ED25 and the application of a sequential approach to site selection to demonstrate that no suitable town centre, edge of centre or transport node locations are available. ....*

The explanatory notes with this policy state that the strategic sites are vitally important to the Local Plan's objectives of creating balanced communities. The local policy presumption is, therefore, in favour of 'B' class uses (that is, business, industrial and warehouse/distribution uses) on the protected strategic employment sites. The application is for an 'A1' class use (that is retail). Exceptionally non-'B' class uses can be acceptable, although subject to strict criteria.

Since the publication of policy ED7 there has been, however, a shift in the way economic development is defined. PPS4 now defines economic development as development within the 'B' classes, public and community uses, and main town centre uses where these would provide employment opportunities or generate wealth in particular. By further definition main town centre uses include retail. This is an important material consideration which must be given weight, particularly as the applicant has stated that the proposed store would create around 140 jobs in any event.

By way of further support for a non-B class use on the site the applicant has reviewed the demand for B class uses on the business park since its initial development. The summary of this assessment states the following:

“The marketing of Marlborough Business Park (and in particular Plot 1000 [application site]) has been undertaken since 2003 ..... Marketing schedules were produced at regular intervals ....

Plot 1000 was intended to be developed either on a speculative basis for offices or industrial accommodation in accordance with the original planning permission. Unfortunately, with vacant space still available after 3 years of marketing it was concluded that there is insufficient demand for this type of development. The lack of direct site interest confirmed this to be the case. Pre-lets for bespoke buildings have been offered, as has the land on a long leasehold basis, again without success. Quoting terms on a lease and purchase basis have been consistent with other land sales on the park. Despite this, no interest has been secured.

The uses for which those plots have been sold fall outside the original planning consent and no formal offers have been received for plot 1000 on a B1/B2 or B8 basis over the past 7 years. ....”.

It is also of note that where sites have been developed at the park for B class purposes in accordance with the original planning permission a number of these remain vacant at this time. Partly in recognition of these circumstances limited non-B class uses have been permitted elsewhere on the park, these including a dental practice and a private gym. The lack of evident interest in the site for class B uses is, therefore, a further material consideration which must be given some weight.

On balance, having regard to the more flexible definition of economic development set out in PPS4 which has largely overtaken Policy ED7, the lack of interest in the application site for class B uses despite extensive marketing for an extended period, the results of the sequential test already covered, and the employment the store will provide in any event, an exception to Policy ED7 is considered fully justified in this case. The loss of part of the protected strategic employment land would not, it is considered, adversely impact on the overall economic strategy set out in the plan, and indeed will bring into use a site which would otherwise remain vacant for the foreseeable future.

#### TRANSPORT ASSESSMENT

Policy EC10 of PPS4 (Determining planning applications for economic development) sets out impact considerations for assessing all planning applications for economic development. EC10.2b states the following:

*All planning applications for economic development should be assessed against the following impact considerations:*

*(b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.*

This supports other government guidance set out in PPG13 which promotes more sustainable transport choices, and seeks to reduce the need to travel, especially by car.

The application is accompanied by a Transport Assessment and a Transport Assessment Addendum.



### Choice of means of transport

In relation to ensuring a choice of means of transport to the site, the assessment states that the following will be provided:

- Cars - Car park for 112 cars (inc. 8 spaces allocated for disabled usage and 4 spaces for parent and child usage) and 5 motorcycles. Restrictions on parking/waiting on the roads within the business park;
- Cycles - Cycle park for 20 cycles;
- Public transport - Pedestrian access to the bus stops on Salisbury Road improved by dropped kerbs and tactile paving on all arms of the Blenheim Road/Salisbury Road roundabout. The owners of the business park are already committed to improving the bus stops with shelters, etc. Pick-up/drop-off point for two taxis with direct telephone line in the store to a local taxi company;
- Pedestrians - Improved surface of footway on Blenheim Road to roundabout. Trimming back of trees/foliage on south eastern edge of Salisbury Road (on approach to roundabout). Installation of tactile paving across Cherry Orchard junction and other improvements to surfaces elsewhere. Dropped kerbs and tactile paving across Savernake Court, including surface upgrade to highway. A financial contribution towards any future proposal to provide pedestrian access elsewhere.
- Staff – Travel plan to initiate car sharing, bicycle user group, secure cycle parking, etc.

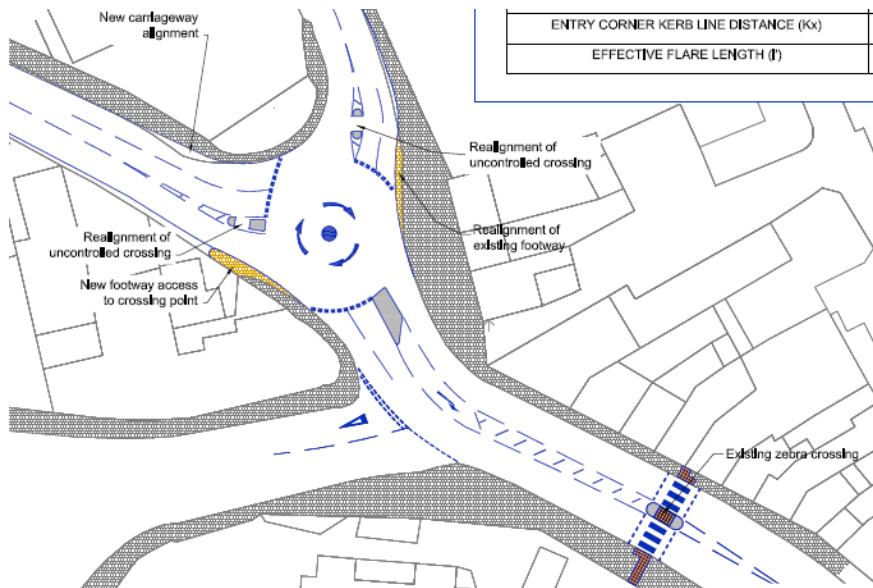
The WC Highways Officer agrees with most of these initiatives, and one or two others, and consequently no objection has been raised on sustainability grounds.

Some concern has been expressed by third parties that pedestrians will be put-off walking to the store because of the narrow width of the pavement alongside the A346 through the railway cutting and the general gradient of Salisbury Road. It is acknowledged that there is a pinch-point by the railway, and that this will be a deterrent to some pedestrians. However, due to the short length of pavement concerned, the probable difficulty in making improvements, and the adequacy of the rest of the route (including its gradient) between the site and the town centre in any event, this is not seen as a reason to raise objection to the development as a whole.

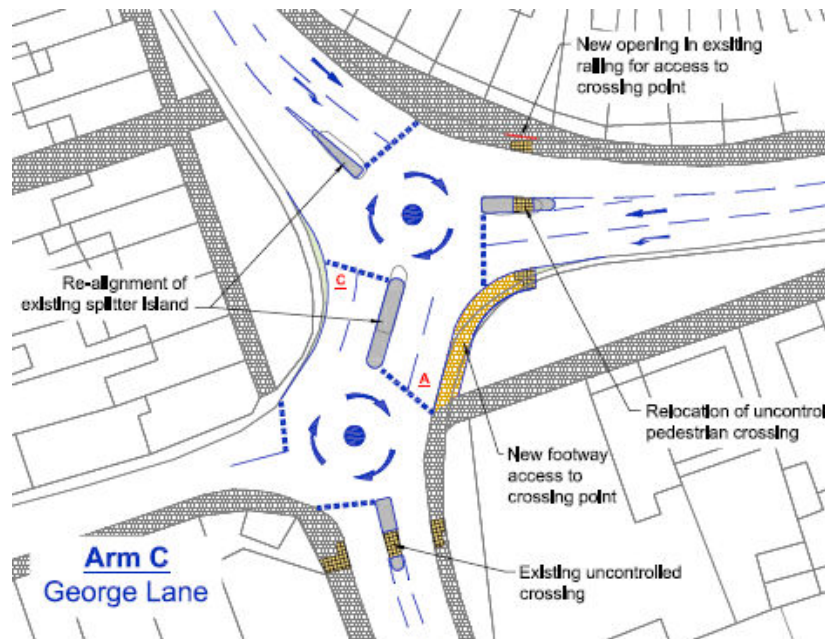
### Congestion

In relation to the effect on local traffic levels and congestion the assessment proposes the following alterations to roads:

- A346/A4 junction within the town – wider approaches on all arms and realignment of uncontrolled crossing points and footways;
- A4/A346/George Lane junction within town – longer dual lane approaches on A4/A346 arms, improved general layout, new footway and new pedestrian crossing point;
- A346/Blenheim Road junction – widening of south approach.



*A346/A4 junction improvements*



*A4/A346/George Lane Improvements*

These proposals have been devised following traffic counts carried out in November 2009 and subsequent modelling. The conclusion set out in the TA is as follows:

“The results of the development traffic modelling indicate that the three junctions already over capacity will remain over capacity without any physical mitigation. These junctions are already subject to congestion and will operate over capacity, principally due to the limitations of available highway land capacity in that location.

The proposed physical alterations to the geometry at these junctions will ensure that queue lengths do not increase beyond levels were the development not to proceed (nil detriment) during peak hours. It is considered that the conditions will be more favourable outside peak hours.

The results do not consider the impact of sustainable mitigation, as such the results are the worst case assessment and it is envisaged that the queue lengths could be reduced further”.

At the time of writing the WC Highways Officer is seeking independent confirmation that, in terms of congestion, the status quo will be maintained at peak times, and that there will be improvements at other times if the proposed mitigation measures are carried out as proposed. Assuming there is agreement then the highways conditions as drafted will require the improvements to be carried out. An update will be given to the Committee at the start of the meeting.

Regarding additional HGV's using the road network which has been raised by some third parties, the TA states that the store would be serviced by four each day. It is not considered that an additional four HGV's on the road network each day would cause such additional congestion or nuisance to warrant an objection for this reason.

#### VISUAL AMENITY AND THE AONB

The application site is prominently located at the front of the Marlborough Business Park, with frontages to Salisbury Road, Blenheim Road and Woodstock Court. With countryside to its south side, the business park provides the southerly entrance to Marlborough town. The entire business park (and, for that matter, Marlborough as a whole) lies within the North Wessex Downs Area of Outstanding Natural Beauty.

Further impact considerations set out in Policy EC10 of PPS4 are as follows:

*All planning applications for economic development should be assessed against the following impact considerations:*

- (a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change;*
- (c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.*

Policy PD1 of the local plan sets out further design requirements, requiring sustainable design principles; scale, height and massing; layout, servicing and access arrangements; landscape proposals; and building materials, colour and detailing to be taken into account.

As set out in the 'Proposal' section of this report, the proposed building would be contemporary in terms of its design. The two principal elevations facing Salisbury Road and Blenheim Road would contain large areas of glazing. The walls of the building would be constructed from larch timber panels above an 'oyster' smooth finished plinth. The very shallow pitched roof would be constructed using built-up single ply coloured dark grey. Window frames and other external rain goods, etc. would be coloured white. Four 'wind catcher' roof ventilators would be installed on the roof as part of the sustainable design.

The application is accompanied by a Design and Access Statement which states the following:

“The building's design draws on a system of standard reusable, recyclable and sustainable components. Many of the construction materials and methods lend themselves to be recycled or re-used after the store has reached the end of its lifespan. The primary intention is to create an environmentally friendly retail unit with ease of use for all ...”; and

“The proposed store is predominantly single storey with a double storey element to the south east of the building to house the staff facilities. .... Due to the sunken nature of the site the store sits below road level which reduces its impact when viewed from the A346. .... The scale of the development is sensitive to the surrounding area. The height of the store is not overbearing and the existing and proposed landscaping positively contributes to the character of the area”.

The application is also accompanied by a Landscape Supporting Statement which states the following:

“... The proposals and layout have responded well to the open approaches to the town and to the urban/rural interface character area in which the site lies. The building is well designed, low in height, set back from the road with low-level car parking that is cut into the existing ground levels which will ensure that the proposals are not prominent.

The positioning of the store to the rear of the site leaves the front area open with views of mature trees along the northern boundary and the new tree planting within the open car park. This responds to and complements the character of the open approaches to the town. If a building was positioned at the front of the site the views of the mature treescape would be partially removed and the character of the open approaches would be diluted, resulting in a development edge that would not respond well to the transition between the open countryside and the town. ...”.

The proposal is for a relatively large building, but notwithstanding this the site is adequate in size and shape to accommodate it without a cramped or overbearing impact. The contemporary design fits well within its ‘modern’ business park context, and will positively enhance this situation. The historic core of Marlborough town is sufficiently distanced and screened to ensure no unsatisfactory relationships. The listed lodge building on Salisbury Hill is also sufficiently distanced to ensure its setting is safeguarded.

In terms of the set-back siting of the building, the benefits of this expressed in the Landscape Supporting Statement are agreed by the WC Landscape Consultant. Tree planting in the otherwise open car park to the front of the building will soften the impact of this. The slightly sunken level of the site will also help to mitigate the impact of parked vehicles.

The external materials are considered acceptable, particularly in terms of sustainability. The grey-coloured roof accords with the conditions attached to the original planning permission for the business park, and will ensure a satisfactory appearance when viewed from higher level on Salisbury Road.

Overall the design and layout of the development is considered to be acceptable, with no harmful impacts on visual amenity in general. The area of outstanding natural beauty will similarly be preserved.

#### RESIDENTIAL AMENITY

The nearest existing residential properties to the site are the lodge on Salisbury Road, individual houses in Cherry Orchard and the Priorsfield estate. All of these properties are, however, sufficiently distanced and/or screened from the site to ensure no adverse relationships.

Much closer to the site is the WC depot on the former elevated railway station land. Planning permission has effectively been given for mixed ‘live/work’ units and dwellings on this land. A number of the agreed units would be relatively close to the store with inter-visibility due to the change in levels. Although there is no issue with the inter-visibility, the close proximity and the change in levels also means that occupiers of the new units would hear activity around the store, in particular arising from the use of the service yard which is to the side. To address this the WC

Environmental Health Officer recommends conditions, in particular, requiring a specification for the acoustic fence around the service yard to be submitted for approval and the fence itself to be extended to include the gates, the gates to be kept closed at all times except when delivery vehicles are entering or leaving, and no use of the service yard by delivery vehicles during night time. Subject to this the Environmental Health Officer raises no other objections.

### CONCLUSION

This application is for an out of centre supermarket in Marlborough which will offer convenience goods, and to a lesser extent, comparison goods. The application is supported by considerable evidence which demonstrates in both quantitative and qualitative terms that there is a need for a further supermarket in the town. A household survey reveals that there is significant leakage of expenditure from the Marlborough catchment area to other centres outside of the catchment area, and to a large extent the proposed store would 'claw' this back.

The site for the proposed store is neither in the town centre nor at the edge of the centre. It has, however, been robustly demonstrated that there are no sequentially preferable sites in these locations in any event. Notwithstanding the out of centre location, the application also demonstrates that as a consequence of the relatively healthy condition of Marlborough town centre, the benefits of 'claw back', and the expected returns from a supermarket of the size proposed, that the impact on the vitality and viability of the town centre would be very limited in respect of convenience sales (primarily impacting on the only other supermarket) and negligible in respect of comparison sales.

In qualitative terms it is material that there is only one other supermarket in the town, this restricting consumer choice. It is also material that the claw back of leaked expenditure would benefit the town through linked trips, and reduce journey times in the interests of sustainability.

Although the site is protected strategic employment land the proposal satisfies the flexible PPS4 definition of economic development as well as the Policy ED7 sequential test. The new store will employ around 140 people. There has been little interest in the site for class B use purposes following long term marketing.

Notwithstanding the out of centre location, the site remains reasonably close to the town centre and is accessible by a variety of means. The application includes proposals to promote more sustainable transport choices. It also sets out proposed alterations to road infrastructure so that existing congestion on the local road network is not aggravated (and, indeed, is improved at off peak times).

The design of the development is considered acceptable within its context, with no adverse impacts on the area of outstanding natural beauty or visual amenity in general. Conditions can be imposed to ensure the privacy of occupiers of the future development on the adjoining site is safeguarded.

For these reasons the proposed development is considered acceptable. Approval of the application is, therefore, recommended subject to the applicant entering into a legal agreement relating to financial contributions towards sustainable transport initiatives within the town, monitoring of the green travel plan, and a potential road traffic order (should it be needed).

### **RECOMMENDATION –**

**That the application be approved subject to the applicant entering into a legal agreement requiring the following:**

- (a) **A financial contribution towards sustainable transport improvements in the Marlborough area;**
- (b) **A financial contribution towards green travel plan monitoring costs; and**
- (c) **A financial contribution towards the cost of preparing and implementing waiting restrictions within the business park, should these be found to be necessary after the first six months of operation of the new store;**

**- and 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 Notwithstanding the information set out in the application particulars, no development shall take place until details of the materials to be used for the external walls and roofs, and the surfacing of the car park, access roads and pedestrian routes, (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 This permission grants a net convenience sales floor area of 1,080 sq m and a net comparison goods sales area of 122 sq m. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), there shall be no provision of retail floorspace in excess of the net areas defined without the prior express consent of the local planning authority neither shall there be any alteration or subdivision of the sales floor, nor provision of ancillary or subsidiary retail units within that sales floor.

**REASON:**

To accord with the terms of the application and in particular its justification for sales areas of these specific sizes, and having regard to policies set out in PPS4 and the Development Plan which resist developments which could have a detrimental impact on the vitality and viability of the town centre.

- 4 Immediately upon the commencement of trading of the store hereby permitted, provision shall be made at the entrance to the store for the advertising of town centre retail and service facilities in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to commencement of the internal fitting out of the building.

**REASON:**

To support and encourage linked trips between the store and the town centre in accordance with the qualitative justification forming part of the application and in the interests of maintaining the vitality and viability of the town centre.

- 5 All soft landscaping comprised in the submitted landscaping scheme (that is, drawing no. "ASP4: Planting Plan Rev B" dated 03/12/09 and accompanying the Landscaping

Supporting Statement by Aspect Landscape Planting) shall be carried out in the first planting and seeding season following the opening of the store or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced 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.

- 6 Notwithstanding the information set out in the application particulars, the acoustic barrier to be provided around the outside of the service yard shall comprise both the indicated timber acoustic fence and the service yard gates. Before development is commenced the detailed design of the acoustic barrier, including its acoustic properties, shall be submitted to the local planning authority for approval in writing. The acoustic barrier shall then be erected in accordance with the approved specification prior to the first opening of the store or the completion of the development, whichever is the sooner. The acoustic barrier shall be permanently retained thereafter.

REASON:

To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

- 7 The loading and unloading of service and delivery vehicles (including home delivery vehicles) together with their arrival and departure from the site shall not take place outside the hours of 7.00 am to 11.00 pm (Monday to Saturday) and 8.00 am to 10.00 pm Sundays. The service yard gates shall be kept closed at all times other than when vehicles are entering or leaving the service yard.

REASON:

To safeguard the residential amenities of future occupiers of the adjacent site which benefits from a resolution to grant planning permission for a residential and live/work development.

- 8 Details of any floodlighting/external lighting proposed to illuminate the development (including light spillage diagrams) shall be submitted to and approved in writing by the local planning authority before the store is first opened to the public or the development is completed, whichever is the earliest date. Development shall be carried out in accordance with the approved details.

REASON:

To safeguard local amenities.

- 9 The development hereby permitted shall not be commenced until such time as site drainage plans (foul and surface water drainage) have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON:

To demonstrate adequate means of disposal of surface water and foul water.

- 10 Before the development hereby permitted is first brought into use, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The Green Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON:

In the interests of road safety and reducing vehicular traffic to the development.

- 11 Before any part of the development hereby permitted is first opened to the public the access, turning areas and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

- 12 The development hereby permitted shall not be commenced until details of the secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first opening of the store to the public and shall thereafter be retained for this use at all times.

REASON:

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 13 Prior to commencement of the development hereby approved detailed specifications for the 'Sustainable Travel Initiatives' and the 'Junction 3' 'Junction Improvements' set out in the Transport Assessment Addendum dated 02/10 (including drawing no. 17518-01-1-OS-03C) shall be submitted to the local planning for approval in writing. The Sustainable Travel Initiatives and the Junction 3 Junction Improvements shall then be completed in accordance with the approved detailed specifications either prior to the first opening of the store to the public or the completion of the development, whichever is the sooner.

REASON:

To ensure satisfactory pedestrian links to the town centre and to address congestion issues on the road network in accordance with the application particulars and in the interests of highway safety.

- 14 Prior to commencement of the development hereby approved detailed specifications for the 'Junction 1 ' and 'Junction 2' 'Junction Improvements' set out in the Transport Assessment Addendum dated 02/10 (including drawing no. 17518-01-1-OS-06B & 17518-01-1-OS-07A) shall be submitted to the local planning for approval in writing. The Junction 1 and Junction 2 Junction Improvements shall then be completed in accordance with the approved detailed specifications either prior to the first opening of the store to the public or the completion of the development, whichever is the sooner.

REASON:

To ensure satisfactory pedestrian links to the town centre and to address congestion issues on the road network in accordance with the application particulars and in the interests of highway safety.



- 15 Prior to the commencement of the development hereby approved details of the taxi pick up and drop off point outside of the store (including road markings) and details of the taxi call point within the store shall be submitted to the local planning authority for approval in writing. The details shall show marked out spaces for two taxis to pick up and drop off outside the store. The taxi drop off and pick up point and the taxi call point shall be provided in accordance with the approved details prior to the first opening of the store to the public or the completion of the development, whichever is the sooner. The taxi pick up and drop off point and the taxi call point shall be permanently maintained thereafter.

REASON:

To accord with the terms of the application and to ensure sustainable transport choices in accordance with PPS4 and PPG13.

- 16 Prior to the commencement of the development hereby approved a detailed specification for the final surfacing of the 3 metre wide footway along the entire Blenheim Road frontage of the site shall be submitted to the local planning authority for approval in writing. Additionally, prior to commencement of the development hereby approved a detailed specification for a 2 metre wide footway along the entire Woodstock Court frontage of the site shall be submitted to the local planning authority for approval in writing. Both the final surfacing of the footway along the entire Blenheim Road frontage and the new footway along the entire Woodstock Court frontage shall be provided in accordance with the approved detailed specifications before either the new store first opens to the public or the development is completed, whichever is the sooner.

REASON:

In the interests of highway safety.

- 17 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. AP00 (13/11/09), AP01A (13/11/09) & 17518-01-1-OS-05 (12/09) received by the lpa 07/12/09;

Drawing nos. AP03P (13/11/09), AP04C (13/11/09), AP05B (13/11/09) & AP06J (31/07/09) received by the lpa on 24/02/10;

Drawing no. 'ASP4: Planting Plan Rev B' (03/12/09) forming part of the Landscape Supporting Statement;

Drawing nos. 17518-01-1-TR-01D (12/09), 17518-01-1-OS-03C (12/09), 17518-01-1-OS-06B (12/09), 17518-01-1-OS-07A (01/10) & 17518-01-1-OS-08A (01/10) forming part of the Transport Assessment Addendum received by the lpa 10/02/10.

- 18 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 and dated the \*\*\*\*\*.

- 19 INFORMATIVE TO APPLICANT:  
For clarification, the Sustainable Travel Initiatives referred to in condition no. 13

comprise the following:

(i) Provision of tactile paving and any associated lowered kerb alterations for two pedestrian crossing points on Salisbury Road near to the Blenheim Road roundabout including slightly widening of the splitter island on the southbound approach to the roundabout;

(ii) Alterations to the Salisbury Road/Blenheim Road roundabout as outlined on plan number 17518-01-1-OS-03-C;

(iii) Cutting overhanging trees and vegetation to improve visibility for crossing pedestrians on the Salisbury Road frontage of the site.

(iv) Widen existing lowered kerb at the pedestrian crossing points either side of George Lane at the George Lane/Salisbury Road junction.

(v) Extend drop kerbed pedestrian crossing points and provide tactiles at Cherry Orchard junction with Salisbury Road.

(vi) Provide drop kerbed pedestrian crossing points and tactiles at Savernake Court junction with Salisbury Road.

20 INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the attached letter from Wiltshire Fire and Rescue.

21 INFORMATIVE TO APPLICANT:

The applicant is advised that it will be necessary to enter into a Section 278 agreement with the highway authority prior to works in the highway being undertaken.

**Appendices:**

None

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

The application file and related history files.

**REPORT TO THE EAST AREA PLANNING COMMITTEE**

Report No. 2

<b>Date of Meeting</b>	18 March 2010
<b>Application Number</b>	E/09/1422/FUL
<b>Site Address</b>	Land off Aldbourne Road, Baydon, Wiltshire.
<b>Proposal</b>	Change to already approved layout reference K/53477/F (amended by K/58950/F) comprising a change in layout and house types to plots 1 & 2, amendment to the position of garages & parking to plots 1, 2, 4, 5 6 & 7 and the addition of single storey sun rooms to plots 3-8.
<b>Applicant</b>	Redcliffe Homes Ltd
<b>Town/Parish Council</b>	BAYDON
<b>Grid Ref</b>	427843 177845
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rebecca Hughes

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

The application has been called to committee by the local Member, Chris Humphries.

**Purpose of Report**

To consider the recommendation that the application be approved.

**Report Summary**

The main issue to consider is:

- Whether the proposed changes from the scheme approved under K/53477/F (amended in respect of plots 16-19 by ref: K/58950/F) would adversely affect the design of the development or have any implications for highway safety, neighbour amenity and landscaping.

**Site Description**

The application site is approx 0.24ha in size and forms part of a larger site subject to planning permission for 24 residential units and associated works (application ref: K/53477/F). The site subject to K/53477/F lies on the western side of Aldbourne Road approximately 250 metres south-west of the Aldbourne Road/Ermin Street Junction. The site frontage sits between the dwellings known as Baydon Cote and Fortune Field before extending out to the rear to include a roughly rectangular shaped field. The northern and southern boundaries of the site are bound by existing residential development comprised predominantly of two-storey, detached and semi-detached dwellings. The western boundary opens out onto open countryside along which runs a public right of way linking Aldbourne Road to Baydon Road. Hedgerows and trees surround the site and where the site abuts Aldbourne Road is a mature sycamore covered by a Tree Preservation Order.

The 0.24ha area of land subject of this application lies towards the front of the site and falls away slightly from east to west. Construction works have commenced on site under application K/53477/F.

## **Planning History**

K/30881/O – Outline planning permission was refused in June 1997 for residential development of 7 dwellings

K/44670 – Full planning permission for the erection of 24 dwellings, vehicular access and off-site highways improvements was refused in March 2003.

K/51194/F – An application for full planning permission for the erection of 24 dwellings and associated infrastructure was withdrawn in January 2005.

K/53477/F – A full application for the erection of 24 dwellings and all associated infrastructure was approved in July 2007

K/58950/F – An application for the substitution of plots 16-19 of approved planning layout from application ref: K/53477/F was approved in August 2008

E/10/0141/FUL – Change of house types to plots 20 and 21 with revised parking; addition of sunrooms to rear of plots 9 and 15-19 (amendments to K/53477/F). At the time of writing this report this application is currently under consideration by this Council.

## **The Proposal**

Applications for residential development on the site were approved in 2008 (ref K/53477/F) and amended (in respect of plots 16-19) in 2009 by application ref: K/58950/F. This application seeks the following amendments to the approved scheme:

- Addition of single storey sun rooms to plots 3-8;
- Amendment to position of garages and parking plots 1,2,4,5,6 and 7;
- Change in layout and house types plots 1 and 2.

During its consideration the application has been revised. Firstly the plans were altered to omit numerous other changes to plots and parking arrangements shown on the plans by the developer in error, but not included within the application (for information this included proposals for additional parking spaces located near the boundary with neighbouring residential development in Downsmead, as referred to by third party representations). Secondly, first floor openings in the gable end of plot 1 were replaced with blind openings and an additional opening was inserted into the rear elevation of plot 1. Finally, the floorplans of the York house type have been amended to tally with the schedule of dwellings (illustrating a 3 bed dwelling). Extracts from the most relevant plans are set out below:

Proposed Layout (not to scale)



DRAWING BASED ON PLANNING DRAWING 46-1278-001 PRODUCED BY SIMON COOPER ASSOCIATES

Elevations plots 1 and 2 (not to scale)



Front Elevation

Side Elevation



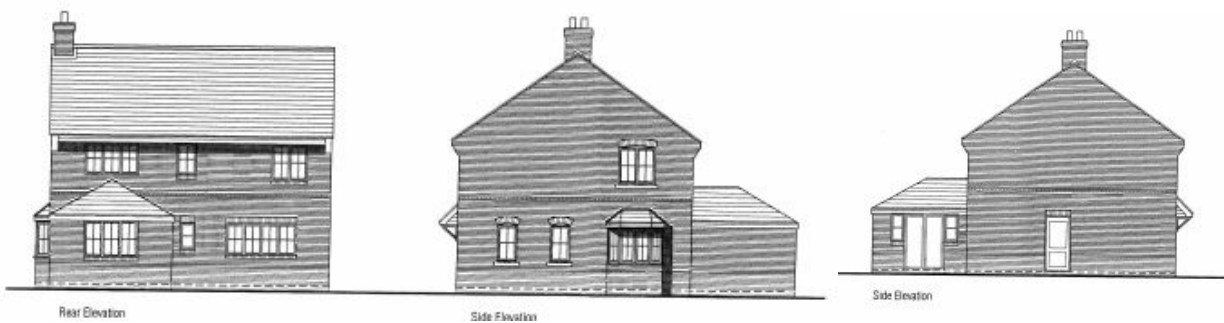
Rear Elevation

Side Elevation

*Photographs of plots 1 and 2 taken from Aldbourne Road*



*Example of proposed sunroom (not to scale)*



### **Planning Policy**

Kennet Local Plan 2011 - Policies PD1 (Development and Design), HC6 (Efficient Use of Land), HC7 (Housing Layout), HC22 (Villages with a Range of Facilities), HC32 (Affordable Housing Contributions in Rural Areas), HC34 (Recreation Provision) and NR6 (Sustainability and Protection of the Countryside) are considered relevant to this application, as is advice in the following central government planning policies: PPS1: Delivering Sustainable Development, PPS3: Housing, PPS7: Sustainable Development in Rural Areas, PPG13: Transport, PPS25: Development and Flood Risk.

### **Consultations**

Parish Council: Initial response to erroneous plans - Object to the application on the grounds that the proposed changes impose on existing neighbours to the plot to a much larger extent than the original application. Proposed changes to access road, driveways and parking would be detrimental to both the appearance of the close and unnecessarily impact on immediate neighbours. Would like it noted that not all existing neighbours were consulted on this application, the information has not been available to download from the website, there is confusion surrounding when and what is proposed and that work on site has already begun.

Second response to corrected plans – seek clarification regarding access to play area, whether York housing specification is 3 or 4 bed, parking spaces for plots 22 and 23 (road widening/loss of tree) and list of current conditions.

Wiltshire Council Landscape Consultant: The proposed amendments will not impact on tree protection measures. Concerned that amended proposals have not been tied into previously agreed landscaping proposals and not convinced that amended plans, particularly in respect of the impacts on plots 1 and 2 will be adequately mitigated by those proposals. Appears that plot 2 will now assume an unacceptable level of dominance at the front of the site, whereas previously it was less dominant and the higher ridge dwelling had a backdrop of trees in views from Aldbourne Road, which reduced its impact. Would like to see the landscape principles and tree protection added to the amended plans and given proper consideration.

Wiltshire Council Highways Dept: No objection to amended plan ref: 09121/PL01/B – adequate distance of around 6m to rear of spaces 4 and 5 and garden of plot no.7 has been straightened to allow ease of movement to and from parking space no.7.

### **Publicity**

Letters of representation have been received in respect of the scheme from no. 37 (Orchard House) and no.50 Downsmead. Comments raised are summarised as follows:

- parking spaces for plot 22 have gone back to position of planning application before last i.e. no longer in front of house;
- 6 parking spaces shown against hedge with no.50 Downsmead instead of 4, brings parking within 10 feet of conservatory of no.50, will add increased level of noise and therefore parking layout is unacceptable;
- plots 22,23 and 24 have changes to garden and parking;
- slip road has been enlarged to a hammerhead shape;
- work has commenced on site without notification to nearby residents or discharge of pre-commencement conditions.

The changed layout around plots 20-24 referred to in the first four bullet points above was erroneously included in the application particulars by the applicant. The revised plans now before the Committee show the layout as originally approved in this area. Following re-consultation on the corrected plans no objection was received from no.50 Downsmead on these points. However, concern was expressed that developer's sales particulars do not reflect updated layout plans and that current plans do not plot neighbouring houses therefore making it difficult to measure distances which appear very close.

### **Planning Considerations**

The principle of residential development on the site has been established by the granting of applications ref: K/53477/F and K/58950/F. This application relates solely to changes to plots 1-8 of the 24 approved units and with the exception of these plots, the amended plans reflect the layout previously approved under K/53477/F (as amended by K/58950/F).

The addition of single storey sun rooms to plots 3-8 and the alterations to the garaging and parking for plots 1,2,4,5,6 and 7 will have no significant impacts on the overall design of the development. Highways Officers have confirmed that no objections are raised to the changes to the parking and garage positions.

Plots 1 and 2 front Aldbourne Road, marking the entrance to the site. The units have been 'handed' in comparison with the previously approved scheme and the ridge heights reduced slightly. 'Handing' the units will slightly increase the prominence of plot 2 when viewed from Aldbourne Road to the north, however the units are set back some distance within the site, broadly following the existing line of development to the north east and as such it is not considered that this will have any significant impact on the visual amenities of the surrounding area in comparison with the previously approved scheme. Alterations to the landscaping scheme agreed under K/53477/F can be secured by means of condition. The alterations to plots 1 and 2 are acceptable

in terms of residential amenity.

### **Conclusion**

The alterations to plots 1-8 of the 24 units approved under application ref: K/53477/F are considered to be acceptable in terms of design, visual impact, highway safety and residential amenity. Accordingly, the approval of planning permission is recommended subject to a number of conditions. The S106 agreement forming part of the original planning permission will continue to apply.

The Parish Council's concern that work has commenced on site in breach of conditions is the subject of a separate enforcement investigation and cannot delay determination of this application.

### **RECOMMENDATION**

Approve with 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.

**Appendices:**

None

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

Planning Application files K/53477/F, K/58950/F and working file ref: E/10/0141/FUL



**REPORT TO THE EAST AREA PLANNING COMMITTEE**

Report No. 3

<b>Date of Meeting</b>	18 <sup>th</sup> March 2010
<b>Application Number</b>	E/10/0067/FUL
<b>Site Address</b>	Skylarks, land adj. Kilnwood House, Bytham Road, Ogbourne St George, Marlborough, Wilts, SN8 1TD
<b>Proposal</b>	Retention of two Class B1 light industrial units.
<b>Applicant</b>	Mr Paul Dobson
<b>Parish Council</b>	Ogbourne St George
<b>Grid Ref</b>	420478 173894
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Victoria Cains

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

This application has been referred to committee at the request of local member, Jemima Milton.

**Purpose of Report**

To consider the recommendation that the application be approved.

**Report Summary**

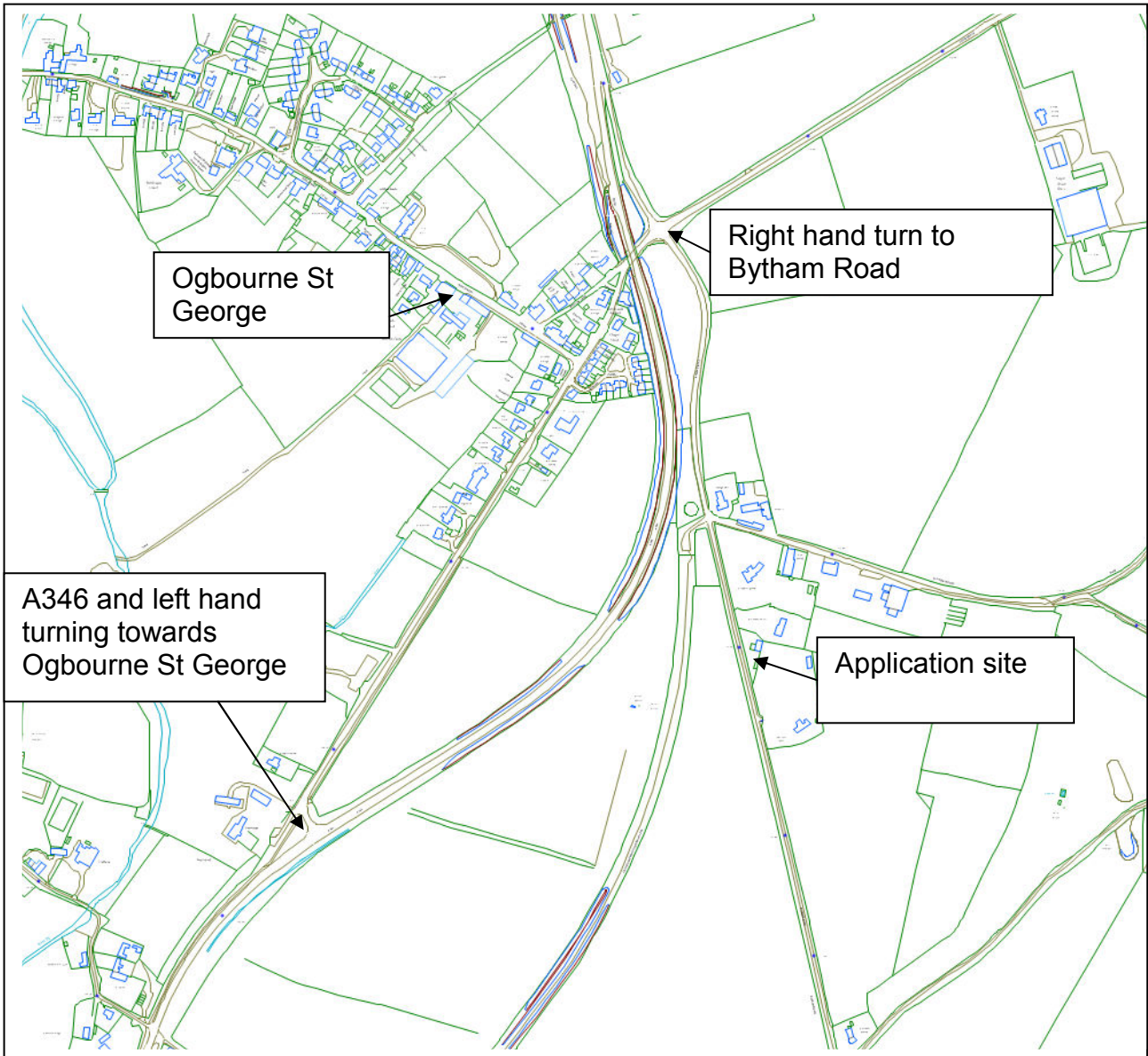
The main issues to consider are:

- Whether the proposal is acceptable in principle;
- Whether the proposal would have a detrimental impact upon the character and appearance of the landscape in which it lies;
- Whether the proposal would have any implications for highway safety; and
- Whether the proposal would have a detrimental impact on neighbour amenity.

**Site Description**

This application relates to a recently constructed pair of Class B1 light industrial units at Bytham Road in Ogbourne St George. Although within the parish of Ogbourne St George, the site lies outside of the main settlement within a small cluster of residential and employment sites to the east of the main village. The site also lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

The site is accessed by taking the left handing turning off of the A346 "High Street Brow" which runs from Marlborough which will be signposted for Ogbourne St George. Continue straight along this road which skirts past the main centre of the village. Bytham Road can be reached by taking the first right hand turning almost immediately after one has exited the village.



*Figure 1: Location plan*

The site is triangular in shape and abuts both residential properties and the open countryside. Bytham Road is a rural lane which runs straight past the site. The site supports a pair of recently constructed light industrial units separated by metal fencing. The rest of the site is laid out as associated yards finished with gravel. Figure 2 is an larger scale plan of the site showing it within its immediate context.



*Figure 2: Application site and its immediate surrounds*

### **Planning History**

K/36556 - A certificate of lawfulness was approved in 1999. This application covered both the application site and a much wider area of land stretching to the north. It was under this application that the main building previously on the site (and extended as part of this application) was established to have a lawful Class B2 general industrial use. The surrounding buildings were determined to have a lawful storage use in connection with the main Class B2 Use.

K/39089 - An application for the demolition of buildings on the site and replacement with a dwelling was refused on May 2000. An appeal into this refusal was also dismissed.

K/46568 - An application for the residential conversion of the existing workshop was refused in December 2003.

K/56751/F – An application for the demolition of one existing industrial building and extension of a second industrial building for use as Class B2 general industrial use (for vehicle servicing and maintenance with garaging and workshop plus reception and office accommodation) was approved at committee on the 17<sup>th</sup> August 2007.

### **Proposal**

This is a retrospective application for the construction of two light industrial units. Essentially, rather than implementing planning permission K/56751/F for the extension and alteration of an existing building to create one larger Class B2 general industrial unit, the applicant has (a) created two separate Class B1 light industrial units within the one building and (b) constructed a building of a different size and appearance to that approved under K/56751/F. Two separate accesses and parking areas have been created to the front and side of each separate unit. None of the conditions imposed upon planning permission K/56751/F in respect of landscaping and materials have been discharged.

Figures 3 and 4 are photographs of the recently constructed building and show the new units in their rural context.



*Figure 3: Photograph of the two units*



*Figure 4: Photograph of the units and two access points to Bytham Road*



## **Planning Policy**

The site lies in a rural location and within the wider AONB designation. Policy PD1 is the pertinent consideration from the local plan. In addition, the advice and guidance contained within Planning Policy Statement 4: Planning for Sustainable Economic Growth, and Planning Policy Statement 7: Sustainable Development in Rural Areas, is relevant.

## **7. Consultations**

Ogbourne St George Parish Council: Object on the following grounds:

- (a) The application is misleading and inaccurate in that it refers to the previous permission granted at the site. This new application should be based exclusively on the status as before the first approval. The forms are incorrect in stating trees and hedges have not been removed and incorrect in stating that the access has not been altered.
- (b) The applicant has failed to comply with conditions imposed upon K/56751/F relating to materials and landscaping.
- (c) The new application is not specific about which businesses will occupy the new units and therefore it is not possible to ascertain the number of associated vehicle movements. However, this is far greater than the original permission suggested and this is unacceptable for this site due to its position and single track nature of its access road. The concept of two access points for entrance and exit is now clearly abandoned with the two access points being both entrance and exit for each of the units.
- (d) Objection as there are no limitations in the application on potential tenants covering business hours; noise; storage and waste disposal; vehicle parking.
- (e) This development is within a residential area with houses close to the site.
- (f) Object to the lack of landscaping – the site now stands out prominently and can be seen from the A346 and particular houses in the village. This contravenes the conditions for maintaining an AONB in which the site is situated. The green roofing and red/blue doors are unsympathetic.
- (g) The Parish Council understands that the plans were signed off by a private Building Inspector who clearly did not know what had been built was inconsistent with the approved plans. The Parish Council requests a proper survey is carried out to establish what has or has not been constructed, particularly in reference to matters shown on the new application. This would ensure a satisfactory check is made as to the installation of the two septic tanks and soakaways as stated on the plans.

WC Landscape Consultant: The green roof is highly reflective when wet and is of such a shade that it is visually prominent from viewpoints across the valley. It should be replaced or repainted with a matt merlin grey finish. In addition, there is no site frontage landscaping and to ensure parked vehicles do not become prominent features in the landscape, a mixed native hedge near the road edge is required. Furthermore, there should be no long term parking of vans, lorries or other tall vehicles and no external storage at the site.

WC Environmental Protection: No objection subject to conditions controlling noise levels; restriction of hours of operation; the shutting of doors whilst work is taking place within the building; no commercial burning at the site and waste to be disposed appropriately.

WC Highways: No objection subject to conditions ensuring any gates open inwards only and the vehicle parking and turning areas being made available as such thereafter.

## **Publicity**

Two letters of objection were received. The objections are summarised as:

- (a) The building's water is supplied via meter from Kilnwood House. The water pressure in this property has subsequently been affected and the onward billing every 6 months to tenants

- is not satisfactory as this would be time consuming and costly on both parts.
- (b) There are discrepancies between the building approved and that built. That is, no landscaping has been carried out and old and substantial trees have been removed and not replaced. New fencing to separate the two units has been erected and the access arrangement also altered where each unit must enter and exit from a single access.
  - (c) The green roofing material is does not seem in keeping with the surrounding rural environment and is not aesthetically pleasing.
  - (d) The two separate access points were supposed to be entrance and exit points for the original single building. These access points now have dual purpose as both entrance and exits points. Will this result in increased activity on a narrow single track road used frequently by pedestrians. Two businesses will require deliveries of parts and equipment – which would increase the number of vans or lorries with limited access than previously thought.
  - (e) Further clarification should be sought on the waste storage and collection. The forms accompanying the application state subject to the tenant's use and this is not satisfactory.
  - (f) The plans now show two septic tanks rather than one as previously shown. Where is this new septic tank?
  - (g) The trees and hedges removed along the boundary with Kilnwood House have not been replaced as requested and in accordance with the approved application. The hawthorn hedge should be planted as approved with the first application.
  - (h) What guarantee can be given that these buildings will remain light industrial?
  - (i) What provisions have been made for a Fire Officer inspection as far as access and water pressure are concerned?
  - (j) The applicant has completely ignored the landscaping scheme condition imposed on the previous planning permission.
  - (k) The original application was for the personal use of the applicant. This application is for two units for unknown occupiers – this is a single track road and I am concerned about the possible increase in the volume of traffic.
  - (l) The applicant should be compelled to arrange a proper water supply directly from the local water authority for the two new units.

### **Planning Considerations**

This is a retrospective application for the retention of two Class B1 light industrial units and their associated access/parking arrangements. The following issues are considered relevant to the determination of the application: the principle of the development; visual impact; highway safety and neighbour amenity.

#### Principle of the development

K/56751/F granted planning permission for a single larger Class B2 general industrial unit at the site. As is evident from the planning history, the site has been used for Class B2 purposes. However, K/56751/F was not implemented and, instead, two attached Class B1 light industrial units have been erected. This building differs from that previously approved in terms of both its size and appearance, as well as the number of units and the intended use.

The first issue to consider is whether two Class B1 units are acceptable in principle. Despite this being a rural location, the site forms part of a small mixed use enclave with residential and commercial properties being in close proximity to each other, (Earthline commercial operation is located to the north-east of the site). There were Class B2 buildings previously at the site and PPS4 is generally supportive of the conversion and re-use of buildings in the countryside for economic development, particularly those sites adjacent or closely related to towns or villages. This site was previously used for an industrial use and is physically closely related to the village of Ogbourne St George (albeit not directly adjacent). The creation of an additional industrial unit within this location is therefore considered acceptable in this specific context.

The intended Class B1 use of the buildings rather than Class B2 use is also acceptable. Such light industrial uses have less impact in terms of noise, fumes, smell etc and would be more appropriate than the former Class B2 use in close proximity to residential properties.

#### Visual Impact

The site is located in a prominent position on the edge of the Og Valley on rising ground within the AONB, being prominent in views across the valley to the west and south west. The buildings originally at the site were in a poor state of repair and the site was largely overgrown. The previous permission to build one larger unit was considered acceptable subject to conditions requiring details of materials and a landscaping scheme being submitted to and approved in writing before development commenced at the site. These conditions were never discharged, and as stated above, the development was in any event not implemented in accordance with the planning permission.

It is regrettable that a building has now been constructed not in accordance with the earlier planning permission. Although the general scale of the building is acceptable, it is stark within its countryside setting and unduly prominent in long distance views. This is because of its bright green roof and the lack of landscaping at the front of the site to soften and/or screen the site.

However, it is considered that if a mixed native hedge is planted in the next planting and seeding season (that is, in the Autumn), and if the green roof is either replaced or painted dark grey, then the development would then be visually acceptable within the AONB landscape.

#### Highway safety

This scheme now proposes two separate access points, each of which will serve a separate industrial unit. Although the previous permission incorporating separate entrance and exit access points serving one unit was seen as an improvement, this new access arrangement is nevertheless acceptable. The units themselves are relatively small with sufficient parking space and visibility. No objection is raised by the highways officer subject to conditions.

The Parish Council and local residents have objected to the unrestricted Class B1 use of the application site in that no end users of the units are known and therefore vehicle movements are equally unknown. It is quite usual to not know the end user where speculative development such as this is proposed. What is known, however, is that, firstly, the use will be Class B1 (which limits it to 'neighbourly' business uses only); secondly, the two units are relatively modest in size and this in itself limits the amount of traffic and activity the site can generate; and thirdly, no objection has been raised by the highways officer for this reason.

#### Neighbour amenity

The site is bordered to the north and south by residential properties. However, the site already has an established Class B2 general industrial use and the move to Class B1 is seen as advantageous. Such Class B1 industrial uses are those which are more compatible in residential areas, in particular not giving rise to amenity issues, (for example, smells, fumes, noise etc.). A loose definition of Class B1 is "*Offices (other than those that fall within Class A2), research and development of products and processes, light industry appropriate in a residential area*". Although the number has increased to two units, this is still considered acceptable given the proposed Class B1 use of the units.

It is reported that a number of trees have been removed close to or on the boundary with Kilnwood House. Whilst this is again a regrettable situation, the trees were not specifically protected and the intention of the previous landscaping condition was to soften long distance views of the site and not to necessarily alleviate perceived neighbour amenity issues. The building is close to the boundary with Kilnwood but immediately beyond this boundary wall is the driveway and sheds/outbuildings belonging to that house. The building is not so close to the house or its useable garden area so as to give rise to a detrimental impact upon the reasonable living

conditions of the occupier of the property, particularly given the nature of the Class B1 use. The application is therefore considered acceptable in respect of neighbour amenity.

The Environmental Protection Team has recommended conditions in respect of noise and hours of operation. However, because Class B1 uses are deemed to be compatible with residential uses then these conditions are considered unnecessary.

#### Other Issues

There appears to be a degree of frustration from the Parish Council and some local residents in that reference is made to the previous approval and objections have been raised in respect of this and the failure of the applicant to build what was approved and discharge the relevant conditions. There are also concerns that some of the questions on the application forms have not been filled in accurately. Whilst the local planning authority can fully understand such frustrations and never advocates carrying out of works without the relevant planning permissions, this is not a reason to form a negative view on this application. Nor should a retrospective application been seen as a "*fait a compli*". It is regrettable that the building was constructed without planning permission and the relevant conditions not discharged but this application must now be judged on how it has been built and whether or not this is acceptable. It is your officers view that the scheme is acceptable (for the aforementioned reasons) but subject to conditions ensuring the roofing material is changed and landscaping in the form of a mixed native hedge at the front of the site is carried out.

#### **Conclusion**

The proposal is considered to be acceptable in terms of the principle of the development, impact on visual amenity, highway safety and neighbour amenity. Accordingly, the approval of planning permission is recommended subject to a number of conditions.

#### **RECOMMENDATION**

Approve with 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. The roof shall be maintained as such thereafter.

#### REASON:

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

- 2 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 europeus*), 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.

- 3 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.

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

**REASON:**

In the interests of highway safety.

- 5 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.

**Appendices:**

None

**Background Documents Used in the Preparation of this Report:** The application file and related history papers.



<b>Date of Meeting</b>	18 <sup>th</sup> March 2010
<b>Application Number</b>	E/10/0075/LBC
<b>Site Address</b>	103 High Street, Burbage, Marlborough, Wiltshire, SN8 3AA
<b>Proposal</b>	Demolition of single storey rear extension. Construction of new single storey rear extension. Modification of south side of two storey extension.
<b>Applicant</b>	Mr Allen Leitch
<b>Town/Parish Council</b>	BURBAGE
<b>Grid Ref</b>	422994 161567
<b>Type of application</b>	Listed Building Consent
<b>Case Officer</b>	Andrew Guest

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

The application (and the following related planning application) is before the Committee at the request of the local member, Stuart Wheeler.

**Purpose of Report**

To consider the recommendation that the application be refused.

**Report Summary**

The main issue in this case is the impact of the proposed alterations to the building on its historic fabric and structure.

**Site Description**

The application site is located on the east side of the High Street within the Burbage Conservation Area. It is not readily viewable from the High Street being atop a well-screened bank.

The site is occupied by a grade II listed 17<sup>th</sup> century thatched cottage. The cottage has been extended to the rear with a relatively modest circa mid to late 19<sup>th</sup> century wing and, attached to this, a more recent single storey addition.

**Planning History**

K/37299/L - Approve with Conditions 04/06/1999  
Proposed internal alterations

E/09/0363/LBC - Withdrawn 06/05/2009

Alteration and partial reconstruction of existing two storey rear extension and demolition and reconstruction of existing recent single storey rear extension as two storey extension.

E/09/1412/LBC & E/09/1413/FUL - Withdrawn 16/12/2009

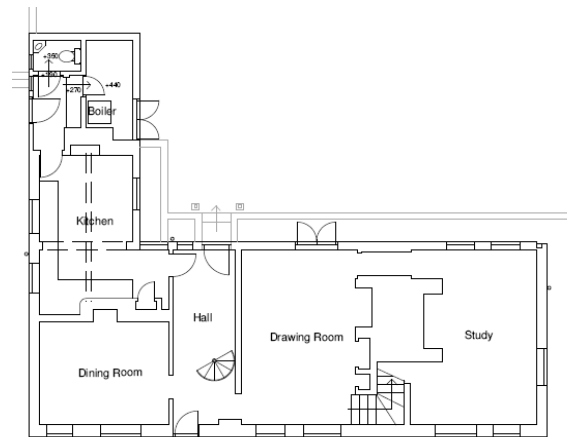
Demolition of single storey rear extension. Construction of new single storey rear extension. Modification of south side of two storey extension.



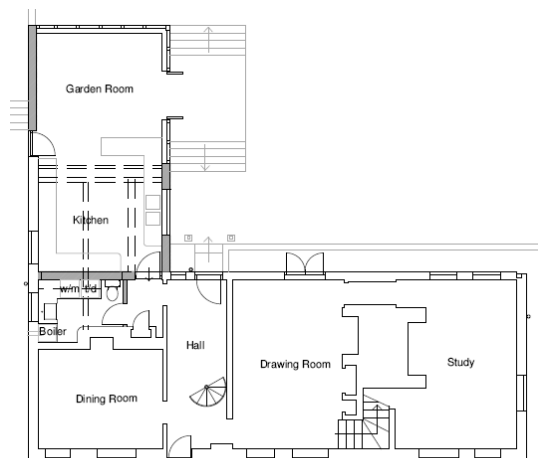
*Location Plan*

**The Proposal**

The proposal is to demolish the more recent single storey rear extension and erect a slightly larger single storey rear extension in its place. To enable an open plan ground floor layout in the new extension it is also proposed to demolish the rear and side wall and the chimney stack, at ground floor level of the 19<sup>th</sup> century wing.



*Existing ground floor plan (showing internal and external walls/fireplace in C19 wing)*



*Proposed ground floor plan (showing removed internal and external walls/fireplace)*



## Planning Policy

Relevant planning policy in respect of listed buildings is set out in Planning Policy Guidance Note no. 15 – Planning and the Historic Environment.

## Consultations

Burbage Parish Council: no objection.

WC Conservation Officer: The current applications are a re-submission of the previous applications (E/09/1412/LBC & E/09/1413/FUL), which were withdrawn.

Unfortunately the applications have not taken into account the concerns over the removal of the chimney at ground floor level – both from a structural point of view (as it forms the main bulk and structural element of the rear wall) and from the loss of historic fabric. The application could be easily amended to retain the chimney stack and still provide the additional accommodation desired by the owners. This would then provide the structural support for the first floor, without the need to introduce additional steelwork into the property.

The specifications for the steelwork have not been provided, so there is no indication of how the new supporting structure will fit into the historic fabric, namely the rear elevation.

Still no justification has been provided for the application, which is a requirement under current legislation, as PPG15:3.4, states that applicants must be able to justify their proposals, and they will need to show why works which would affect the character and appearance of a listed building are desirable or necessary.

Concerns over the proposals have always been clearly expressed, and I am therefore disappointed to see that none have been addressed to limit the impact of the proposals on the historic fabric. My comments on the previous applications were as follows:

*The current applications (or indeed the previous applications) have not been subject to pre-application discussion. Upon withdrawal of the previous applications I had verbally discussed the site with the agent and stated that the replacement of the fairly modern single storey extension may be acceptable, as long as it was single storey and its overall proportions were in keeping with the main cottage, however the removal of the chimney from the late 19<sup>th</sup> century two storey extension was not acceptable, as this was against current government advice contained in PPG15:C.36, which states that 'chimney stacks are both formal and functional features of the roofscape and can be important indicators of the date of a building and of the internal planning. In many cases chimneys also perform a vital structural function, and they should normally be retained even when no longer required.'*

*The current application is for the single storey rear extension to be demolished and replaced with another, slightly larger single storey extension, which extends down the side of the existing two storey extension, adjoining the main part of the cottage. Two sides of the 19<sup>th</sup> century two-storey extension will also be demolished at ground floor level and steel supports added to the structure to support the remaining upper floor of the building. The chimney is still proposed for removal at ground floor level, with the upper section of the external stack retained.*

*There are no objections to the demolition of the c.1980s single storey extension, however the other walls and chimney proposed for demolition and new steel work required to support the first floor is not acceptable as these are harmful to the special interest of the building and its historic fabric. Indeed the supporting information submitted with the application in the Design & Access statement acknowledges the importance of the later extension in the development of the 17<sup>th</sup> century cottage, although it is not completely*

*correct in the statement 'the two storey Victorian extension and chimney stack will be retained', as the lower levels will be demolished. The entire first floor will then be supported with new steel work, but no information on how this will be achieved has been submitted, although without this, the proposals are contentious, as the proposal is to create a large farmhouse-style open plan kitchen and garden room, which is not appropriate for a thatched cottage. The plan form of a traditional cottage such as this, is an important feature and contributes to its special interest. The introduction of open plan living into this important example of vernacular architecture deviates from its character and is not in keeping with the scale and proportions of the historic building.*

*There are no objections to the creation of partition to form a new utility/toilet/boiler room, however no details on how the new wall will be constructed have been submitted or where and how the new boiler flue will be located or what it will look like.*

*There is no objection to the creation of a doorway from an existing window, although further details are required on how this will be achieved and finished. Internal elevations should be submitted to clearly illustrate this.*

*There are no objections to the actual single storey extension, despite the increase in size/width, which is wider than the existing extension (I had previously advised against this), and there is no objection to creating a passage alongside the existing two storey extension (combined with the new doorway as commented on above).*

### Summary

The application could be easily amended to retain the chimney in its entirety and yet still provide the desired additional accommodation to the property, with limited impact on the existing historic fabric.

### **Publicity**

The application was publicised by way of site notice and local press advert.



*Existing side and rear elevations*



*Proposed side and rear elevations*

## Planning Considerations

The main concern in this case is the impact of the proposed internal alterations on the historic fabric and structure of the 19<sup>th</sup> century wing. Although a later addition relative to the original cottage, the wing is still an historic feature which is integral to the evolution of the building. As already explained by the conservation officer, loss of critical parts of its fabric would, therefore, cause irreversible damage to the building's special interest to the detriment of its historic and architectural importance.

On the issue of insensitive alterations PPG15 states the following –

“... Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They are a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out ... for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to ‘have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary alteration and should be the prime consideration for authorities in determining an application for consent”.

In this case the removal of historic fabric from the wing is considered an ‘unnecessary alteration’ (particularly as the space desired by the applicant could be accommodated without this change) which would not preserve the building and its features. Most significantly the proposal envisages loss of part of the chimney stack, which is a critical feature of any historic building as recognised by PPG15. PPG15 states chimney stacks are both formal and functional features of the roofscape and can be important indicators of the date of a building and of the internal planning; in many cases chimneys also perform a structural function, and they should normally be retained even when no longer required. For these reasons, and in view of any adequate justification by the applicant for the proposed works, the proposal is considered to be unacceptable being in direct conflict with this government guidance.

## RECOMMENDATION

Refuse

- 1 The removal of part of the chimney and adjacent walls from the 19th century two storey rear wing would have a detrimental impact on the character, history and structure of this grade II listed building. This is contrary to government guidance in Planning Policy Guidance Note no. 15 (Planning and the Historic Environment) which states that chimney stacks are both formal and functional features of the roofscape and can be important indicators of the date of a building and of the internal planning; and in many cases they perform a vital structural function, and so should normally be retained even when no longer required. No adequate justification has been provided in support of the application to demonstrate that the proposal, which would adversely affect the character and appearance of the listed building, is desirable and necessary, also contrary to PPG15.

**Appendices:**

None

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

The application file and related history files.



**REPORT TO THE EAST AREA PLANNING COMMITTEE**

Report No. 5

<b>Date of Meeting</b>	18 March 2010
<b>Application Number</b>	E/10/0072/FUL
<b>Site Address</b>	103 High Street, Burbage, Marlborough, Wiltshire, SN8 3AA
<b>Proposal</b>	Demolition of single storey rear extension. Construction of new single storey rear extension. Modification of south side of two storey extension.
<b>Applicant</b>	Mr Allen Leitch
<b>Town/Parish Council</b>	BURBAGE
<b>Grid Ref</b>	422994 161567
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

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

This application is before the Committee at the request of the local member, Stuart Wheeler.

**Purpose of Report**

To consider the recommendation that the application be refused.

**Report Summary**

The main issue in this case is the impact of the proposed alterations to the building on its character and appearance. Also relevant to the planning application is the impact of the proposal on the visual and residential amenity.

The 'Site Description', 'Planning History', 'Proposal', 'Consultations' and 'Publicity' are the same as in the last item on the agenda which is for the related application for listed building consent.

**Planning Policy**

Relevant planning policy is PD1 from the Kennet Local Plan and central government guidance set out in PPG15.

**Planning Considerations**

The proposed extension is relatively modest in size, relating well to the proportions of the original house. It would not be readily visible from outside of the site and consequently would not have an adverse impact on the conservation area. In terms of residential amenity, the extension would be relatively close to the boundary with the neighbouring house, but the separation is such with intervening screening to ensure no loss of privacy.

An implicit part of the proposal is the removal of walls and a chimney stack at ground floor level in the existing 19<sup>th</sup> century wing. For the reasons set out in the listed building consent report, this is unacceptable. In view of this unacceptability the planning application also fails for similar reasons.

**RECOMMENDATION**

Refuse

- 1 The proposal includes alterations to the existing 19th century two storey rear wing (namely removal of walls and a chimney stack at ground floor level) which would have a detrimental impact on the character, history and structure of this grade II listed building. As these alterations are an implicit part of the whole proposal, the whole proposal is unacceptable being contrary to Policy PD1 of the Kennet Local Plan 2011 which requires the relationship to historic features to be taken into account.

**Appendices:**

None

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

The application file and related history files.

ORDNANCE SURVEY EXTRACT

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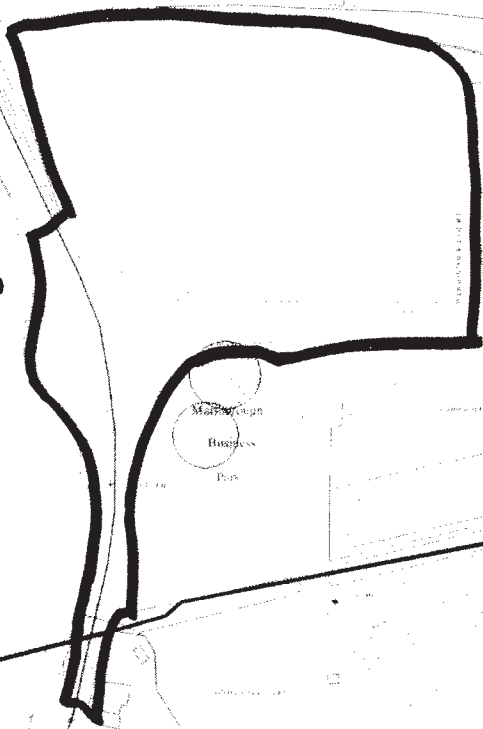
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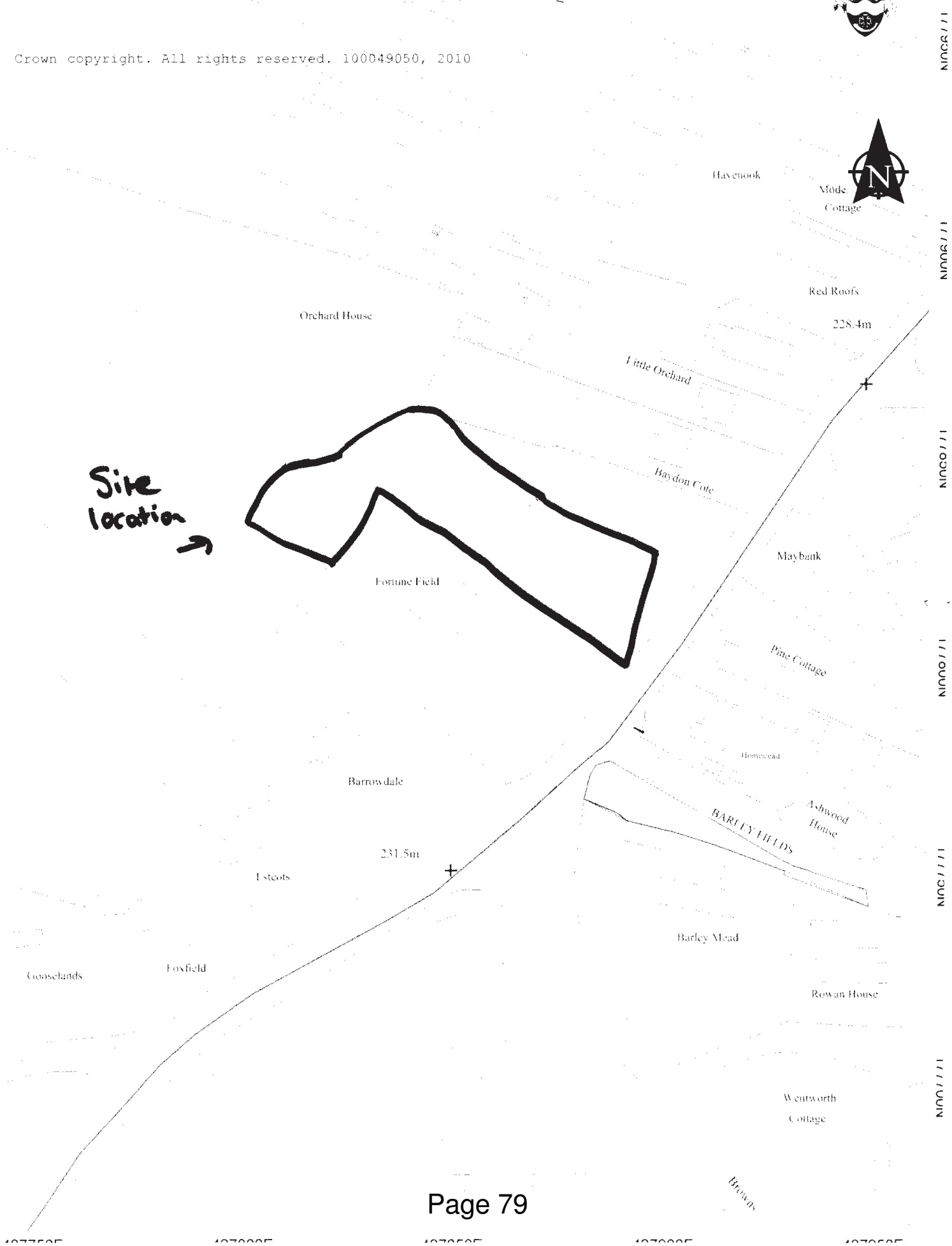
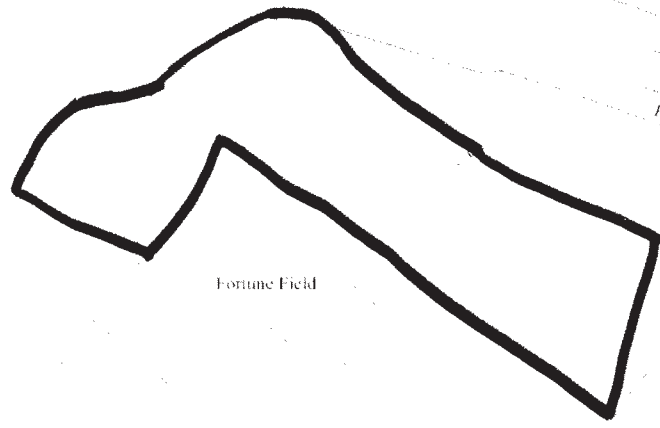
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Foxlynch

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Elw  
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Limes Bungalow

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Kilwood House

159.3m +

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Chapel

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Barn  
House

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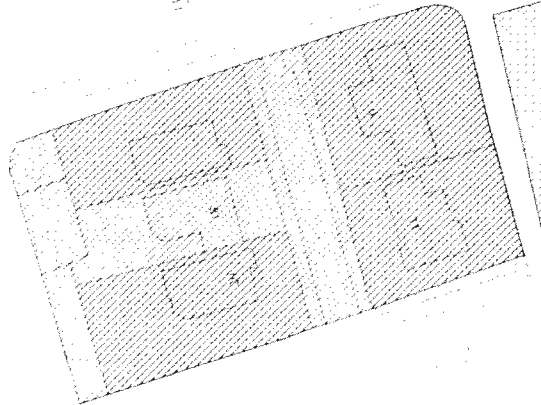
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CROSBY

MEADOW

Cherry Tree  
Cottage

Telex



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