

## EASTERN AREA PLANNING COMMITTEE

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**MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 19 JULY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, BATH ROAD, DEVIZES SN10 2AT.**

**Present:**

Cllr Jane Burton, Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jerry Kunkler (Substitute), Cllr Laura Mayes and Cllr Jemima Milton

**Also Present:**

Cllr Jeffrey Ody and Cllr Anthony Trotman

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41. **Apologies for Absence**

Apologies were received from Cllr Chris Williams.

Cllr Williams was substituted by Cllr Jerry Kunkler.

42. **Minutes of the Previous Meeting**

The minutes of the meeting held on **28 June 2012** were presented. It was,

**Resolved:**

**To approve the minutes as a true and correct record.**

43. **Declarations of Interest**

There were no declarations.

44. **Chairman's Announcements**

There were no announcements.

45. **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

#### 46. **Planning Applications**

Attention was drawn to the late list of correspondence received, and attached to these minutes, concerning Item **6b** as listed in the Agenda pack.

##### **46.a E/2012/0359/FUL - 21-22 High Street, Marlborough, SN8 1LW - Change of Use of Ground and First Floors to A1/A3 Use**

###### Public Participation

Mr Richard Pitts spoke in objection to the application.

Mrs Liz Rolph spoke in objection to the application.

Mr Robert Holman spoke in objection to the application.

Mr John Kirkman, Campaign to Protect Rural England (CPRE), spoke in objection to the application.

Cllr Margret Rose, Marlborough Town Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended the application be approved. It was stressed that though the applicant's decision to proceed with altering the premises and trading with changed use from A1 to Mixed A1/A3 prior to the decision of the Committee was regrettable, it was not a criminal offence and could not be a consideration for the Committee in determining whether the application should be approved or denied.

The key issues were highlighted as being whether the development would make a positive contribution to the vitality and viability of the Town Centre in accordance with relevant plans. Survey and interview evidence produced by the applicant had been submitted in support of that judgement. Sixteen out of Seventeen appeal decisions to permit Coffee shop developments in Town Centre locations nationally was also raised.

The Committee then had the opportunity to ask technical questions of officers. It was queried how applicant submitted data on footfall to the operating business could be considered when the fact of its operating without planning permission was not a consideration.

The lack of a fire escape was also questioned. Members further sought clarification on policy ED18 of the Kennet Local Plan, retained within the Wiltshire Core Strategy. It was stated that the National Planning Policy Framework paragraph 23 partially superseded policy ED18.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Nick Fogg, then spoke in objection to the application.

A debate followed, during which the impact of the principles of the Localism Act 2011 on the application was raised in terms of local consultations, and it was confirmed Environmental Protection officers had raised no objection subject to precautionary conditions with regards to noise. The evidence submitted by the applicant regarding footfall was discussed, and whether it had been

independently produced. It was stated that the Town Council and local Chamber of Commerce regarded the application as not benefiting the High Street.

The implications of the National Planning Policy Framework regarding town centres offering a diverse retail offering was raised, with emphasis on the need to reflect individuality.

At the conclusion of debate, it was,

**Resolved:**

**That the application be REFUSED for the following reason:**

**The proposal conflicts with policy ED18 of the Kennet Local Plan, which states that planning permission in this designated Prime Shopping Area will not be given for the change of use of ground floor premises to uses other than Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended unless the development makes a positive contribution to the vitality and viability of the centre.**

**The Council does not believe that the proposal meets these criteria; it considers that the applicant's evidence on this point is unsubstantiated and that the proposal would conflict with the National Planning Policy Framework (para 23) that seeks to promote the individuality of town centres, which in the case of Marlborough centres on the broad range of local independent operators.**

**It would also conflict with the objectives of the Marlborough Area Plan, which seeks to maintain a vibrant and healthy High Street through support of independent businesses.**

**2) The proposal makes no provision for a fire escape from the first floor.**

**46.b E/2012/0613/FUL - Lower Upham Airfield, Ogbourne St George, Marlborough, SN8 1SZ - Erection of Dual Purpose Hangar/Agricultural Store to replace the Polytunnel Hangar currently in use (granted permission under Application No. E/11/0135/FUL)**

**Public Participation**

Mrs Marina Morrison-Atwater spoke in objection to the application.

Mr George McDonic spoke in objection to the application.

Mr John Kirkman, Campaign to Protect Rural England, spoke in objection to the application.

The Area Development Manager introduced a report which recommended the application be approved, and gave details of four extra letters of support and one of objection since the report had been published. It was clarified that as the application did not include proposals to increase the number of aircraft

permitted for the site, the key issue was solely whether the application would adversely affect the scenic quality of the Area of Outstanding National Beauty.

The Committee then had the opportunity to ask technical questions of the officers.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Chris Humphries, then spoke in objection to the application.

A debate followed, where the increase in size from the temporary to permanent building was assessed, and it was clarified that any increase in size for the building in question would not affect the total number of aircraft permitted within the totality of the site, and the increase was in part to permit improved grain storage on the main site where necessary. The design of the proposed build was discussed, including colouring, and it was highlighted that the North Wessex Downs AONB Unit had raised no objection to appearance of the proposed build.

At the conclusion of debate, it was,

**Resolved:**

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

**The site is located in the countryside outside of the Limits of Development for any settlement. It is within the North Wessex Downs Area of Outstanding Natural Beauty, where it is the Council's policy to protect the character and appearance of the landscape. The erection of this permanent new building, of a larger size than the existing temporary structure currently in situ, would have an adverse impact on the appearance of the landscape and would therefore conflict with policy NR7 of the Kennet Local Plan.**

**46.c E/2012/0152/FUL - Manor Farm, West Overton - Erection of a Steel Portal Framed Grain Storage Building with Concrete Apron Area**

Public Participation

Mr Max Dissanayake spoke in objection to the application.

Mrs Carolyn Gittens spoke in objection to the application.

Mrs Gillian Roberts spoke in objection to the application.

Mr William Bird, BK Grain Engineers, spoke in support of the application.

Mr Paul Clark, applicant, spoke in support of the application.

Cllr Paul Burrowbridge, Fyfield and West Overton Parish Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended the application be approved, highlighting the key issues as the principle of the

proposed grain drier and storage building, highway safety and impact on residential amenity at the proposed location, which had been determined as the most appropriate available to balance all requirements. It was clarified that the land north of the A4 lay within a World Heritage Site and that Highways had withdrawn their objection following the proposal to introduce visibility splays and a passing bay on the approach lane, and Environmental Health raised no objection subject to conditions.

The Committee then had the opportunity to ask technical questions, and it was stated that the previously utilized Grain dryer was inadequate for purpose, and located within the village, closer to nearby houses.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Cllr Jemima Milton, then spoke, stating it was unfortunate that a new building was required, but it was the most appropriate location and a necessary function, and stressed that suitable conditions were required to mitigate the concerns of local people.

A debate followed, where the needs of the ongoing agriculture business were discussed and the impact upon the local highways network, and the details of traffic movements and passing places was highlighted. Discussion of specific conditions relating to lighting and noise were also raised.

At the conclusion of debate, it was,

**Resolved:**

**To grant planning permission for the following reasons, and subject to the following conditions:**

**The decision to grant planning permission has been taken on the grounds that the proposed development is required for the efficient operation of the farm holding. The site chosen, in the centre of the holding, is considered to be an appropriate location, having regard to the need to balance the landscape impact, impact on neighbours and traffic generation, subject to the conditions attached, and having regard to the National Planning Policy Framework and the following policies and proposals in the Kennet Local Plan 2011, namely policies PD1; HH1; HH3; NR6 and NR7**

**Subject to the following conditions:**

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

**REASON:**

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

- 2 No works shall commence on site (including any groundworks) 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.

- 3 The grain dryer hereby approved shall only be used to store and dry grain produced from the land holding identified on the submitted plan (parcels 1-6) or for other agricultural purposes ancillary to the agricultural use of that identified land only.

**REASON:**

The use of the building to service land outside of this area may give rise to fresh planning considerations, including highway safety and residential amenity which may require further consideration by the local planning authority.

- 4 No development shall commence until details of the translocation of the hedge have been submitted to and agreed in writing by the local planning authority. Details shall include methodology and timing for transplanting. The hedge shall be transplanted in accordance with the approved details and shall be gapped up in accordance as per the specification on 'Screen Planting for Entrance and Grain Dryer'.

**REASON:**

In the interests of visual amenity and highway safety.

- 5 All soft landscaping comprised in the approved details of landscaping detailed on Screen Planting for Entrance and Grain Dryer dated 28th January 2012 shall be carried out in the first planting and seeding season following the first use of the building 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.

**REASON:**

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

- 6 All spoil shall be disposed of in accordance with disposal details which have first been submitted to and approved in writing by the local planning authority.

**REASON:**

In the interests of visual amenity.

- 7 No part of the development shall be first brought into use until the passing bay shown on the plans hereby approved has been formed in accordance with the approved details.

**REASON:**

To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 8 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600 mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

**REASON:**

In the interests of highway safety.

- 9 The building hereby approved shall not be first brought into use until the access has been laid out and provided as detailed on plan number BK/1559/7 and the first 7 metres of the access has been surfaced in a well-bound consolidated material (not loose stone or gravel) and shall be retained as such thereafter.

**REASON:**

In the interests of highway safety.

- 10 The entrance gates hereby approved shall not be installed until details of those gates (including height, materials and design of the gates) have first been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

**REASON:**

In the interests of visual amenity.

- 11 The plant hereby approved shall not be first brought into use until the plant has been installed in accordance with the details and mitigation measures set out in the Environmental Noise Survey and Plant Assessment ( 2650\_ENA\_1 dated 31st Jan 2012). The plant and its housing shall thereafter be maintained in accordance with the approved details unless otherwise first approved in writing by the local planning authority.

**REASON:**

To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 12 Before the building is first brought into use, a Traffic Management Plan shall be submitted to and agreed by the local planning authority in writing. The plan shall direct drivers of delivery vehicles to the shortest route to the A4 and shall include provision for the erection of a sign at the site exit directing drivers of delivery vehicles leaving the site to turn left. The sign shall be erected before the building is brought into use and shall thereafter be retained.

**REASON:**

In the interests of road safety.

- 13 No loading of lorries shall take place at the site, and no deliveries shall be dispatched from it, outside of the hours 08:00 - 1800 Mondays- Saturdays, nor at any time on a Sunday.

**REASON:**

To protect the amenity of nearby residents.

- 14 No external lighting shall be installed on site 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.

- 15 **INFORMATIVE TO APPLICANT:**

In respect of condition number it is recommended that the work, in the form of an archaeological watching brief, should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office and there will be a financial implication for the applicant.

- 16 **INFORMATIVE TO APPLICANT:**

The applicant should be advised that the passing bay will require the separate consent of the Highway Authority, and that a minor legal agreement will be required to secure the works, the costs of which would fall to the applicant.

- 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.

**Plan Ref:**

Screen Planting for Entrance and Grain Dryer received on the 20th April 2012, BK-1559-7, BK-1559-6-R2 and BK-1559-8 received on the 26th April, BK-1559-3-R1, BK-1559-2-R1, WT/Fm/110.1, received on the 1st February 2012

Additional information received in the letter from BK Grain Handling Engineers, letter from Three Counties Farms and plan showing Land Holding at Manor Farm all received on the 12th April 2012.

47. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.25 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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# Minute Item 46.

PLANNING SERVICES GROUP

POST REPORT REPRESENTATIONS

WILTSHIRE COUNCIL

EASTERN AREA COMMITTEE

DATE: 19<sup>th</sup> July 2012

Agenda No. Application No.	Location		No Objection	Objection	No Comment
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2. E/2012/0613/FUL	Lower Upham Farm Airfield, Ogbourne St George, Marlborough, SN8 1SZ	Letter of Representation – Mr Keith C E Hart 06.07.12		X	
		Letter of Representation – Mark Sexton 06.07.12		X	
		Letter of Representation – Phil Hall 08.07.12		X	
		Letter of Representation – Brian Cornes 09.07.12		X	

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