

## EASTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 9 AUGUST 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 Jerry Kunkler (Substitute), Cllr Jemima Milton and Cllr Jonathon Seed (Substitute)

#### **Also Present:**

Cllr Nigel Carter and Cllr Lionel Grundy OBE

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#### 48. **Apologies**

Apologies were received from Cllrs Christopher Humphries, Christopher Williams and Laura Mayes.

Cllr Humphries was substituted by Cllr Jerry Kunkler.

Cllr Mayes was substituted by Cllr Jonathan Seed.

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

The minutes of the meeting held on **19 July 2012** were presented, and it was,

#### **Resolved:**

**To APPROVE as a true and correct record and sign the minutes.**

#### 50. **Declarations of Interest**

There were no declarations.

#### 51. **Chairman's Announcements**

It was confirmed application E/2012/0408/FUL - *Darrells Farm, Ramsbury* - had been withdrawn by the applicant.

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

The Committee noted the rules on public participation.

53. **Planning Applications**

**53.a E/2012/0797/FUL: 32 The Brittox, Devizes, SN10 1AJ**

The Area Development Manager introduced a report which recommended approval. It was highlighted that 20% of the shop units in The Brittox were currently vacant, and that in a correction to the report papers, the application was for the ground floor of the property only. It was also noted that the proposal was for a change of use only, and that the key issues included finding a viable new use for the listed building to prevent decay, and whether the application would contribute to the vitality and viability of the town centre.

The Committee then had the opportunity to ask technical questions of the officers. There were no public speakers regarding the application.

The Local Member, Cllr Nigel Carter, then spoke in support of the application.

A discussion followed, where the implications of the National Planning Policy Framework in relation to the individuality of town centres was raised, along with the number of Coffee shops already current in Devizes, the impact on the paved area outside the proposed site and the position of the Town Council, not in objection, was noted.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development, by bringing a vacant unit in a listed building located in a prominent position in the conservation area into a viable new use, would make a positive contribution to the vitality and viability of the town centre. This would be in accordance with policy ED18 of the Kennet Local Plan and with the guidance contained within the National Planning Policy Framework.**

**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 ground floor of the premises shall only be used for A1 retail purposes or as a coffee shop serving coffee, other hot and cold drinks, sandwiches and other light refreshments for consumption on or off the premises.

**REASON:** The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 3** No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.

**REASON:** In the interests of residential amenity and to protect the vitality and viability of the primary shopping area.

- 4** Before the change of use takes place, there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the insulation against noise emissions from extraction fans, compressors and any similar equipment. Such scheme as is approved shall be implemented in accordance with the approved details before the change of use takes place.

**REASON:** In the interests of the amenities of the area.

- 5** The change of use shall not take place until a scheme for the control of fumes from extractor fans and similar equipment has been submitted to and approved in writing by the Local Planning Authority; and the development shall not be brought into use until that scheme has been implemented in accordance with the approved details.

**REASON:** In the interests of the amenities of the area.

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

Application form received on 20 June 2012; Letter/Planning Statement received on 20 June 2012;

Plan Ref: Site Location Plan received on 20 June 2012; Plan Ref: CN539-EX received on 25 July 2012; Plan Ref: CN539-100 received on 20 June 2012

**REASON:** To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 7** **INFORMATIVE TO APPLICANT:** This permission authorises a Change of Use only

**and does not authorise any works or alterations that may require planning permission, Listed Building Consent or Advertisement Consent.**

**53.b E/2011/1708/FUL: The Pooles Yard, High Street, Ogbourne St George, Marlborough, Wiltshire SN8 1SL**

Public Participation

Mr R Iliffe, applicant, spoke in support of the application.

Mr Michael Fowler, agent, spoke in support of the application.

Cllr Timothy George, Ogbourne St George Parish Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended the application be delegated to the Area Development Manager for approval subject to the applicant entering into a S106 agreement as listed in the report. The current poor state of the buildings on the site and the details of the 15 planned dwellings were highlighted.

The Committee then had the opportunity to ask technical questions of the officers. It was noted that the number of affordable houses was one less than requested by the Council's Head of New Housing, but that the number was in line with emerging policy. The ownership of the green space to be created by the developers was raised, and it was stated that it would be available to all village residents, and that ownership would be transferred to Wiltshire Council and, if requested, could then be transferred to the Parish Council.

A discussion also arose over to what extent the Committee had legal authority to give priority for the affordable homes to be occupied by people with a close connection to the village, rather than the wider area of Wiltshire generally.

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

The Local Member, Cllr Jemima Milton, then spoke in objection to the application.

A discussion followed, where the extension of the development into some greenfield land was raised, and whether it amounted to material harm. The highways impact was discussed, and it was noted there were no objections from Highways officers.

Parish Council involvement in design of the children's play area, and the need for the play area to be constructed as early as possible in the development in the event of permission, was also raised. The Committee further debated whether the negative impact of the development outweighed its positives for the village.

After debate, it was,

**Resolved:**

**That the application be DELEGATED to the Area Development Manager to GRANT planning permission subject to the applicant entering into a S106 legal agreement to secure the affordable housing provision, transfer of land and financial contributions for the maintenance of the play area and the green and financial contributions towards educational provision for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework, to Kennet Local Plan 2011 policies PD1, HC24, HC32, HC35, HC37 and NR7 and to Wiltshire and Swindon Structure Plan 2016 policy C8.**

**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 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 [INSERT].**

- 3 No development shall commence on site until all the existing farm buildings, including concrete hardstandings, have been demolished and all of the resulting demolition materials and debris have either been removed from the site or set aside for recycling as part of the construction works. Any materials set aside for recycling and not subsequently used for this purpose shall be removed from the site before any of the dwellings is first occupied.**

**REASON: In the interests of the character and appearance of the area.**

- 4 Prior to the occupation of any of the dwellings hereby permitted, the silage clamp shall have been removed and its former area restored to grass.**

**REASON: In the interests of the character and appearance of the area.**

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

**REASON: To secure harmonious architectural treatment.**

- 6 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local**

**Planning Authority. The development shall be carried out in accordance with the approved levels details.**

**REASON: In the interests of visual amenity.**

- 7 All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the occupation 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 landscaping setting for the development.**

- 8 No development shall commence on site until 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) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.**

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

- 9 All development shall be carried out in full accordance with the recommendations of Section 4 of the submitted ecological Biodiversity Assessment (Lindsay Carrington, September 2010), unless otherwise agreed in writing with the Local Planning Authority.**

**REASON: To mitigate against the loss of existing biodiversity and nature habitats.**

- 10 None of the dwellings hereby permitted shall be first occupied until a 2m wide footway has been provided over the frontage of the site in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.**

**REASON: In the interests of highway safety.**

- 11 None of the dwellings hereby permitted shall be first occupied until the visibility splays detailed on plan number 091204-32 B have been provided. The splays shall be kept free of obstruction above a height of 200mm above carriageway level at all times.**

**REASON: In the interests of highway safety.**

- 12 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and**

approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include: (a) infiltration test to determine the site specific infiltration rate and to confirm that groundwater levels will not interact with the proposed drainage scheme, and; (b) details of how the scheme shall be maintained and managed after completion.

**REASON:** To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage scheme.

**13** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (A) A preliminary risk assessment which has identified: (i) all previous uses; (ii) potential contaminants associated with those uses; (iii) a conceptual model of the site indicating sources, pathways and receptors, and; (iv) potentially unacceptable risks arising from contamination at the site.
- (B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**REASON:** Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site, further details will be required to ensure that risks are appropriately addressed.

**14** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

**REASON:** To protect local water interests from pollution.

- 15 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

**REASON:** In the interests of sustainable development and prudent use of natural resources.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of the dwellings at plots 1 to 7.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 17 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 on the site.

**REASON:** In the interests of visual amenity.

- 18 The windows and doors to be used in the development hereby permitted shall be of timber construction and shall be permanently so maintained.

**REASON:** In the interests of the visual amenity.

- 19 **INFORMATIVE TO THE APPLICANT:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 20 **INFORMATIVE TO THE APPLICANT:**

The Highway Authority will seek to adopt the road leading into the site as public highway.

- 21 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.

091204-26, 091204-27, 091204-28, 091204-29, 091204-30 and 091204-31 received



08/12/11;

091204-102 A received 09/01/12;

091204-22 D, 091204-25 A, 091204-32 B, 091204-33, 091204-34 and 091204-35 received 11/05/12;

2417/3 rev A received 23/05/12

*In addition, the Committee requested that priority for occupation of the affordable units of the development should if possible be given to persons with a close connection with Ogbourne St George in the first instance, and if possible this restriction should apply to subsequent occupations.*

**53.c E/2012/0408/FUL: Darrells Farm, Ramsbury, SN8 2HL**

The application was withdrawn prior to the commencement of the meeting.

**53.d E/2012/0318/FUL: Land at Oaklands, 6 Oak Lane, Easterton SN10 4PD**

Public Participation

Mrs Edith Jenssen spoke in objection to the application.

Mr Roberet Trevis spoke in objection to the application.

Mr Tim Watts spoke in objection to the application.

Mr Richard Cosker, agent, spoke in support of the application.

Mr Chris Mastin-Lee spoke in support of the application.

Mr Mike McPherson spoke in support of the application.

Cllr Chris Saunders, Chairman, Easterton Parish Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended the application be delegated to the Area Development Manager to approve subject to the applicant entering into a S106 agreement as detailed in the report. It was stressed that the site was a separate infill plot from that of the neighbouring thatched cottage, and that the roadside boundary and landscaping would be maintained. The key considerations included the principle of development and the impact on the character and appearance of the surrounding conservation area, which officers deemed acceptable.

The Committee then had the opportunity to ask technical questions of the officers, and the definition of an infill plot was sought.

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

The Local Member, Cllr Lionel Grundy, then spoke in objection to the application.

A debate followed, where the impact on the nearby Grade II\* listed building was highlighted, and the cumulative impact of this development and the others that had previously taken place adjacent on the appearance of the conservation area was assessed. The objections of the Council's Conservation Officer were also noted and debated.

After discussion, it was,

**Resolved:**

**To REFUSE Planning Permission for the following reasons:**

- 1. The proposed development would harm the setting of Kestrels, a Grade II\* listed building. As such it would be contrary to policy PD1 (B3 & B7) of the adopted Kennet Local Plan 2011, Core Policy 58 of the emerging Wiltshire Core Strategy and government policy contained in Section 12 of the National Planning Policy Framework 2012.**
- 2. The proposal would constitute an overdevelopment of the site which would contribute to the cumulative gradual erosion of the rural character of this part of the conservation area. As such it would be contrary to policy PD1 (B2, B3 & B7) of the adopted Kennet Local Plan 2011, Core Policy 58 of the emerging Wiltshire Core Strategy and government policy contained in Section 12 of the National Planning Policy Framework 2012.**
- 3. The design of the proposed dwelling does not draw on the local context and is not complimentary to the locality. As such it would fail to enhance local distinctiveness and would be harmful to the character and appearance of this part of the conservation area. The proposals are therefore contrary to policy PD1 (B2, B3, B7, B8 & B9) of the adopted Kennet Local Plan 2011, Core Policy 57 of the emerging Wiltshire Core Strategy and government policy contained in Section 7 of the National Planning Policy Framework 2012.**

**54. Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.10 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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