

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room, Corn Exchange, Devizes, SN10 1HS

Date: Thursday 22 November 2012

Time: 6.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Jane Burton	Cllr Jerry Kunkler
Cllr Trevor Carbin	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Jemima Milton
Cllr Richard Gamble (Vice Chairman)	Cllr Christopher Williams
Cllr Charles Howard (Chairman)	

Substitutes:

Cllr Liz Bryant	Cllr Simon Killane
Cllr Nigel Carter	Cllr Christopher Newbury
Cllr Bill Douglas	Cllr Jeffrey Ody
Cllr Peggy Dow	Cllr Jonathon Seed
Cllr George Jeans	Cllr Stuart Wheeler

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Membership**

To note the membership of the Committee as appointed by Council at its meeting on 13 November 2012, as set out at the front of the agenda.

2 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

3 **Minutes of the Previous Meeting (Pages 1 - 14)**

To approve and sign as a correct record the minutes of the meeting held on **01 November 2012**.

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Chairman's Announcements**

To receive any announcements through the Chair.

6 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item 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 and up to 3 speakers on any other item on this agenda. 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.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda **no later than 5pm on Wednesday 07 November 2012**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

7 **Planning Applications**

To consider and determine the following planning application.

7a **E/2012/0943/FUL: Land to the rear of 1-6 London Road, Marlborough, SN8 1PH** (*Pages 15 - 32*)

8 **Urgent items**

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

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 1 NOVEMBER 2012 IN THE WESSEX ROOM CORN EXCHANGE DEVIZES SN10 1HS.

Present:

Cllr Liz Bryant (Substitute), Cllr Jane Burton, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jerry Kunkler (Substitute) and Cllr Christopher Williams

Also Present:

Cllr Mark Connolly and Cllr Stuart Wheeler

62. Apologies for Absence

Apologies were received from Cllrs Jemima Milton, Laura Mayes and Peggy Dow.

Cllr Milton was substituted by Cllr Jerry Kunkler.

Cllr Mayes was substituted by Cllr Liz Bryant.

63. Minutes of the Previous Meeting

The minutes of the meeting held on **11 October 2012** were presented. It was,

Resolved:

To APPROVE as a correct record and sign the minutes.

64. Declarations of Interest

Cllr Nick Fogg declared a non-pecuniary interest in Application E/2012/0786/FUL - *Burbage Wharf, Burbage, Marlborough, SN8 3BJ* - by virtue of being acquainted with the partner of the applicant. He declared this would not affect him considering the application on its merits, and would debate and vote with an open mind.

65. Chairman's Announcements

There no announcements.

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

The Committee noted the rules on public participation.

There were no questions or statements submitted.

67. **Planning Applications**

The Committee considered the following applications, with reference to the late list of representations, attached to these minutes.

67.a E/2012/0361/OUT: Land at Zouch Manor, Tidworth

Public Participation

Mr Ben Bathurst spoke in objection to the application.

The Planning Officer introduced the report, which recommended approval, and drew attention to the late correspondence received including an amendment to condition 5 and the full details of the planning obligations as set out within the current draft of the S106.

It was stressed that apart from the issues of access, all other details for the site were reserved for a future application, meaning specifics relating to scale, design, landscaping and other issues, would be determined at a future date. The main issues to consider therefore included the principle of the development, and the details of the access arrangements. Attention was drawn to the views of council officers contained in the report.

The Committee then had the opportunity to ask technical questions of the officers. The visibility of the site and Zouch Manor in particular was raised, along with details of ownership of the Manor, surrounded by the application site, by the Ministry of Defence, and initial details of the proposed dwellings.

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

The Local Member, Cllr Mark Connolly, then addressed the Committee, supporting the principle of the application, but suggesting further conditions to mitigate local concerns.

A debate followed, where the level of affordable housing provision that could viably be sought through an s.106 legal agreement was discussed, along with details on permitted construction times at the site and acceptable heights for properties depending on their relationship to nearby, existing residential properties.

The suitability of the proposed access arrangements was raised, and it was confirmed a condition had been suggested to ensure the primary access was

completed first, and used for construction traffic thereafter. Details on recreational space were also sought.

At the conclusion of debate, it was,

Resolved:

That subject to the applicant entering into a s.106 legal agreement to secure:

- **The provision of 25% affordable housing on site;**
- **The provision of on-site recreational space;**
- **Financial contributions towards primary & secondary education, a new community centre, highway infrastructure improvements and public transport, sports pitches, waste & recycling bins for the development, and the Wessex Stone Curlew Project.**
- **Off-site highways works.**
- **A monitoring fee towards the Travel Plan.**

That Planning Permission be GRANTED for the following reason:

The residential development would be acceptable in principle, falling within the boundaries of a main settlement, and the proposed density of development would make effective use of the land whilst being able to respond to the key characteristics of the site and surrounding area. Subject to conditions, the proposed means of access to the site would be acceptable in highway safety terms and the development would not have a significant effect upon the highway network.

The indicative layout demonstrates a generally acceptable townscape and relationship with neighbouring dwellings subject to the further approval of detailed matters relating to scale, design and landscaping. Subject to conditions there would be no significant adverse impacts in terms of ecology, the environment, archaeology or public health. An appropriate level of affordable housing would be provided on site, having regard to viability considerations, and appropriate provision has been secured towards off-site recreational open space and other necessary community infrastructure improvements.

The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to saved policies PD1, HC1, HC5, HC7, HC28, HC19, HC30, HC31, HC34, HC37, HC42, AT1, AT9, AT10, NR4, HH1 of the Kennet Local Plan and the NPPF.

And subject to the following conditions:

- 1) **Approval of the details of the Scale and Appearance of the buildings, Layout and Landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.**

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 2) **Plans and particulars of the reserved matters referred to in condition 1 above, relating to the Scale and Appearance of the buildings, Layout and Landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.**

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 3) **Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 4) **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 5) **The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

- **Application form**
- **Application site plan (Drg. No. TID/PA/SLP/01 Rev. E) Feb 2012**
- **Indicative Masterplan (Drg. No. H.0277_07B) 27.01.12**
- **Primary Site Access (Drg. No. H406/3 Rev. B) February 2012**

- Secondary Site Access (Drg. No. H406/4 Rev. E) February 2012
- Tertiary Site Access (Drg. No. H406/5 Rev. A) March 2012
- Proposed Foul Water Connection Points (Drg. No. TID/PA/FWC/01) Feb 2012
- Planning Supporting Statement (Pegasus Planning) 06.03.12
- Design & Access Statement (Pegasus Planning) March 2012
- Landscape Appraisal (MHP Design) 23.02.12
- Heritage Statement (CgMs Consulting) March 2012
- Ecological Assessment (Eco logy Solutions Ltd) March 2012
- Geotechnical Design Report (Wilson Associates) 17.11.11
- Flood Risk Assessment & Drainage Strategy (Phoenix Design) March 2012
- Transport Assessment (PFA Consulting) 02.03.12
- Site Waste Minimisation Statement (Pegasus Urban Design) 05.03.12

REASON: For the avoidance of doubt.

- 5) The landscaping approved as part of the reserved matters 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 landscaped setting for the development.

Policy: PD1

- 6) No development shall commence on site until the trees on the site to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): 'Trees in relation to design, demolition and construction – Recommendations'. Before the fence is erected its type and position shall be approved by the Local Planning Authority in writing and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected area(s) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

Policy: PD1

- 7) No development shall commence within the Root Protection Area of any retained trees (as shown within drawing number 28.38.01, Tree King Consulting – December 2011) until details of the existing and proposed service routes (including drainage, sewerage, water, gas, electricity and telecommunications) and details of any other proposed construction works within the Root Protection Area have been submitted to and approved by the Local Planning Authority together with a method statement demonstrating how the trees will not be adversely affected by the proposed works. All works within the Root Protection Areas shall be carried out in accordance with the agreed details.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

Policy: PD1

- 8) No works shall be carried out which will obstruct the route of North Tidworth footpath no.2 until an official Footpath Diversion Order has been obtained.

REASON: To ensure that the legal route of North Tidworth footpath is not obstructed, and adequate provision is made for its diversion if necessary.

Policy: PD1, HC7

- 9) No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The 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.

Policy: PD1

- 10) The details approved pursuant to Condition 2 shall ensure that the layout of the road from the approved tertiary access (Nepaul Road) is of a type, width and layout that will accommodate a minimum of four on-street parking spaces.

REASON: In the interests of highway safety and to replace the spaces lost at the end of the existing highway by its extension into the site.

Policy: PD1

- 11) Within 3 weeks of the commencement of the development the Advance Direction Sign at the site entrance from Pennings Road shall have been

relocated using the same or similar new traffic sign posts to a new position as detailed on drawing H406/3 Rev B dated February 2012.

REASON: In the interests of highways safety.

Policy: PD1

- 12) The primary access point onto the A338 shall be formed and made ready for use prior to the other site access points, and shall be used as the primary access for construction traffic and contractors' vehicles.

REASON: In the interests of highways safety and residential amenity.

Policy: PD1

- 13) Construction traffic and contractors' vehicles shall not access or egress the site via Zouch Farm Road, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highways safety and residential amenity.

Policy: PD1

- 14) No development shall commence on site until full details of the land contamination remedial works (as indicated by the Wilson Associates Geotechnical Design Report reference 3399/2) have been submitted to the Local Planning Authority and approved in writing. The remedial works shall be implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the residential use of the site.

Policy: PD1

- 15) No development shall commence on site until details of the finished floor levels of the dwellings, to be set no lower than 110m above Ordnance Datum in accordance with the approved Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design Partnership Limited (March 2012), have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

Policy: NPPF (Chapter 10)

- 16) No development shall commence on site until a detailed surface water drainage scheme for the site, based upon the principles contained within the Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design Partnership Limited (March 2012), demonstrating sustainable drainage principles and an assessment of the hydrological and hydrogeological 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 details shall also include specification of how the scheme shall be managed and maintained in perpetuity after completion.

REASON: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

Policy: NPPF (Chapter 10)

- 17) No development shall commence on site until a detailed foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details on the layout and build standard of individual drains and their connection points, and a 'scheme of works' for the works associated with the 'RAM' pumping station, including details of a construction programme and timetable for implementation. The foul drainage scheme shall be constructed in accordance with the approved details and timetable for implementation.

REASON: To ensure that proper provision is made for sewerage of the site and that in the interests of public health and to protect the environment the development does not increase the risk of sewer flooding to downstream property.

Policy: PD1

- 18) No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment.

Policy: PD1

- 19) No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that a minimum of Code for Sustainable Homes level 3 is achieved for all new dwellings in respect of water efficiency measures. The scheme shall be implemented in accordance with the agreed details before the first occupation of the development.

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

Policy: PD1

- 20) No development shall commence on site until an Ecological Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include a timetable for implementation and the following biodiversity enhancement measures: areas to be planted with species-rich grassland and native woody planting; provisions for nesting birds, bats and invertebrates; and management of the River Bourne corridor to secure enhancement of habitats for riparian and other corridor species. The approved Plan shall be carried out in accordance with the agreed details.**

REASON: In the interests of biodiversity.

Policy: NR4, NPPF (Chapter 11)

- 21) No development shall commence on site until 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 in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.**

REASON: To enable the recording of any matters of archaeological interest.

Policy: HH1

- 22) No development shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of those buildings at the former Zouch Farm complex identified as being of historic interest within the submitted Heritage Statement (CgMs, March 2012). This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.**

REASON: To secure the proper recording of heritage assets.

Policy: PD1, NPPF (Chapter 12)

- 23) No demolition or construction works shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.**

REASON: In the interests of neighbouring amenity.

Policy: PD1

INFORMATIVES:

1) Condition 2 – Layout and impact upon setting of Thatchwell Cottage

Although the enhancement of the existing hedge to Bourne (Thatchwell) Cottage is welcomed (as illustrated within the MHP Landscape Plan) it is considered that, for the final scheme to be acceptable in terms of the setting of this listed building, amendments will be required to the orientation and location of the nearest proposed dwelling (as illustrated within the Indicative Masterplan). For further advice please contact the Council's Conservation Officer (Helen Garside, tel: 01380 734878).

2) Condition 2 – Layout and impact upon amenities of existing neighbouring properties

Should the housing layout of the final scheme be generally based upon the Indicative Masterplan, it is considered that for the scheme to be acceptable a greater degree of physical separation will be necessary between the following proposed and existing buildings: the proposed terrace of three dwellings to the south of 11-14 Monks Close; the proposed terrace of five dwellings and associated parking area to the east of 1 Chestnut, Nepal Road; and the proposed detached dwelling to the north of 15-19 Chandlers Court. In relation to the 11-14 Monks Close relationship, a more satisfactory layout would involve the omission/relocation of the northernmost terraced unit.

3) Condition 2 – Scale and impact upon amenities of existing neighbouring properties

It would be expected that any 3 story buildings be situated away from the site boundaries and existing neighbouring property.

4) Condition 16 - Surface water drainage

The Environment Agency expect to see the following details when discharging the surface water drainage condition:

- A clearly labelled drainage layout plan showing the pipe networks and (where appropriate) any attenuation ponds, soakaways, drainage storage tanks etc. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes;
- A manhole schedule;
- Model runs to demonstrate that the critical storm duration is being used;
- Confirmation of the agreed discharge rate (where appropriate), with any flow control devices indicated on the plan with the rate of discharge stated;
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event including climate change allowance; • If there is any surcharge and flooding from the system up to the design event, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site;
- A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25;
- Where infiltration forms part of the proposed stormwater system such as

infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

- Specification of how the scheme will be maintained and managed after completion.

5) **Existing surface water drainage systems**

There must be no interruption to the existing surface water drainage systems of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively throughout all phases of construction, and that riverbank (riparian) owners upstream and downstream of the site are not adversely affected.

6) **Water Resources Act 1991 and the Land Drainage Byelaws**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed permanent or temporary works or structures in, under, over or within 8 metres of the top of the bank of the River Bourne, designated a 'main river' at this location. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483351.

We are reliant on the accuracy and completeness of the FRA in undertaking our review, and can take no responsibility for incorrect/inadequate data or interpretation made by the authors. Our response does not constitute approval of those details or calculations nor do they constitute our consent or approval that may be required under any other statutory provision, byelaw, order or regulation. The responsibility for the FRA and proposal details and calculations remains with the developer or his agents. Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and our response does not absolve the developer of his responsibility to ensure a safe development.

7) **Condition 18 - Pollution prevention during construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compound
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

8) **Condition 19 - Water efficiency measures**

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. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications. Applicants are advised to refer to the following for further guidance:

<http://www.environment-agency.gov.uk/homeandleisure/drought/138319.aspx>
<http://www.savewatersavemoney.co.uk/>

9) **Public right of way**

The developer should be informed that the rights of public footpath users must be safeguarded and that temporary closure of the public footpaths crossing of the site is likely to be required during construction.

10) **Parking standards**

The submitted Transport Assessment refers to the Council's superseded maximum parking standards at section 5.8. The applicants should be informed that the current minimum residential parking standards will be applied to any reserved matters application for detailed layout including the requirement for visitor parking at the rate of at least 1 space per 5 dwellings.

11) **Access to the rear of Zouch Manor**

It is expected that the final layout of the site would make provision for an alternative vehicular access to the north-east of Zouch Manor.

67.b E/2012/0786/FUL: Burbage Wharf, Burbage, Marlborough, SN8 3BJ

Public Participation

Mr Paul Oakley, agent, spoke in support of the application.

Mr Ian Booth, applicant, spoke in support of the application.

Mr Mike Vardy, Burbage Parish Council, spoke in support of the application.

The Area Development Manager introduced a report which recommended refusal. The key issues included the principle of the development, the impact upon the listed building, visual amenity and the Area of Outstanding Natural Beauty (AONB), Highways safety and the lack of recreation space and affordable housing.

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 Stuart Wheeler, then spoke in support of the application.

A debate followed, where the current state of the site was raised, along with its location in the open countryside. The impact upon the listed building and the AONB from the application designs was discussed, along with the lack of

pedestrian access for the site, and the relevant aspects of local, Wiltshire and national planning policy were raised in assessing the suitability of the site.

After discussion, it was,

Resolved:

That planning permission be REFUSED for the following reasons:

- 1. The proposed development occupies a countryside location which is remote from services and employment opportunities, and with poor facilities for pedestrians to safely and conveniently access the site, would be unsustainable in that it would increase the need to travel, especially by private car. This would be contrary to policies HC26 and PD1 of the adopted Kennet Local Plan 2011, policy DP1 of the Wiltshire and Swindon Structure Plan 2016 and Chapters 6 and 7 of the National Planning Policy Framework.**
- 2. The A346 Class I road, from which the proposed development would take access, is busy, winding without pedestrian facilities, only subject to the national speed limit, and is therefore inadequate and inappropriate to provide safe and convenient pedestrian access to and from the site. This is contrary to policy PD1 of the adopted Kennet Local Plan 2011 and Chapters 6 & 8 of the National Planning Policy Framework.**
- 3. The scale, layout and design of the proposed development would fail to preserve or enhance the setting of heritage assets, the character or quality of the North Wessex Downs Area of Outstanding Natural Beauty and the setting and appearance of the Kennet and Avon Canal. Consequently, the proposal is contrary to policies PD1, NR6 and NR7 of the adopted Kennet Local Plan 2011 and Chapters 7, 11 and 12 of the National Planning Policy Framework.**
- 4. The proposal fails to make adequate provision for affordable homes in this area of housing need. The proposal is therefore contrary to policy HC32 of the adopted Kennet Local Plan 2011 and Chapters 6 & 8 of the National Planning Policy Framework.**
- 5. The proposal fails to make adequate provision for children's recreation. This is contrary to policy HC35 of the adopted Kennet Local Plan 2011 and Chapter 8 of the National Planning Policy Framework.**

68. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 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

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

REPORT TO THE EAST AREA PLANNING COMMITTEE

Date of Meeting	November 22 nd 2012
Application Number	E/2012/0943/FUL
Site Address	Land to the rear of 1-6 London Road Marlborough SN8 1PH
Proposal	Erection of 3 dwellings
Applicant	PARS Developments
Town/Parish Council	MARLBOROUGH
Grid Ref	419113 169140
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

This application has been called to committee at the request of the local ward member, Cllr Peggy Dow.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider are:

1. Whether residential development in this location is acceptable in principle;
2. Whether the scale/design/layout of the houses is acceptable, particularly in relation to the setting of nearby listed buildings and the impact upon the character and appearance of the conservation area;
3. Whether the proposal would give rise to matters of highway safety;
4. Whether the scheme would give rise to an adverse impact upon the residential amenities of the occupiers of the neighbouring dwellings as well as the amenities of the future occupiers of the proposed dwellings;
5. Whether the scheme would give rise to an adverse impact upon matters of archaeological importance;
6. Other matters, such as land ownership and flood risk

3. Site Description

This application relates to land to the rear of 1-6 London Road, Marlborough. The site itself is accessed off of Wye Lane, a small lane leading directly off London Road to a small enclave of residential development behind the properties facing London Road. Wye Lane is opposite The Parade. The site can be found almost immediately on the right hand side of Wye Lane after passing no.1 London Road (which forms part of the passageway). The site formerly contained a collection of buildings which in some cases abutted boundaries and buildings along London Road but these have since been demolished and the site is now a vacant brownfield site.

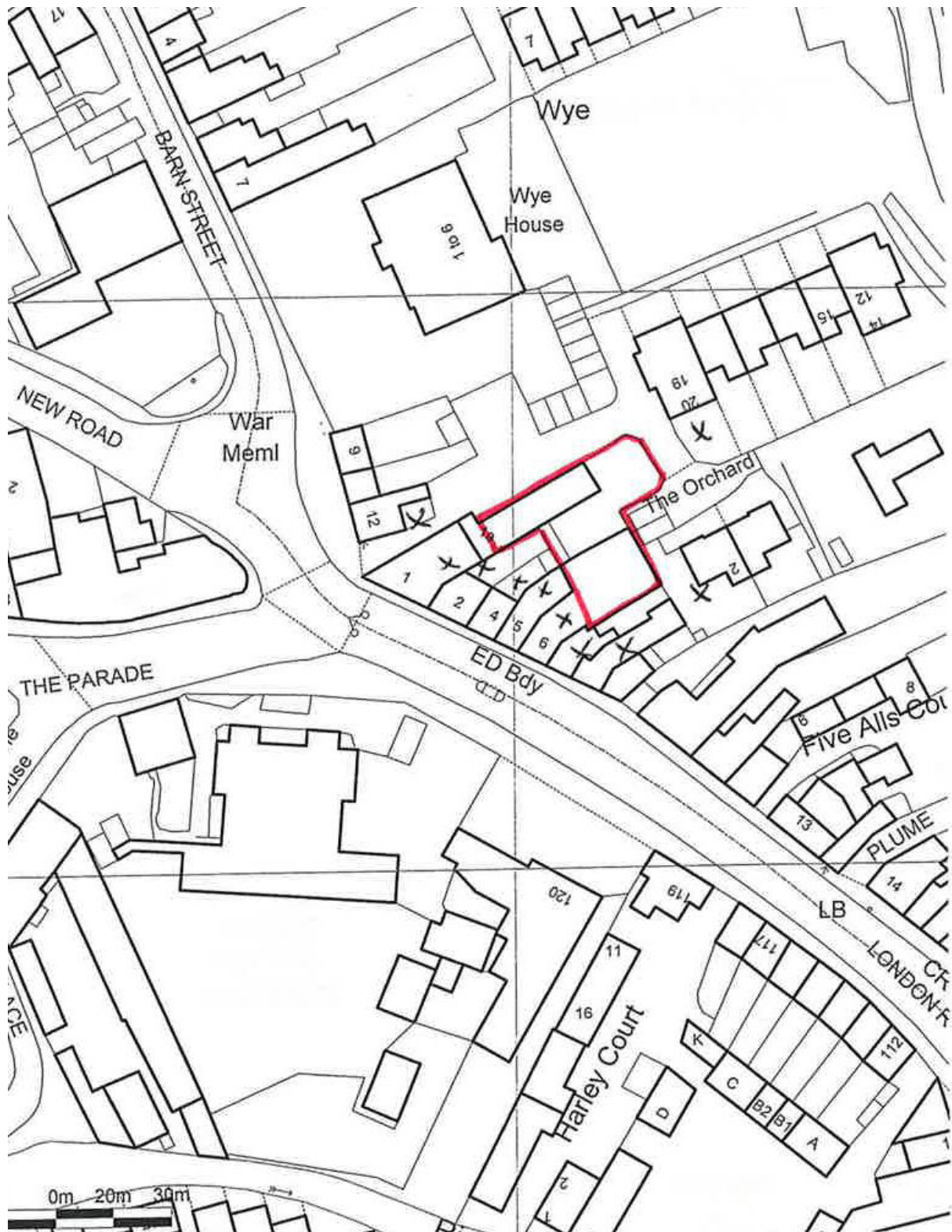


Plate 1: Location Plan, not to scale.

The development already existing at Wye Lane largely comprises historic properties to the front on London Road (south and south east) with a number of more modern developments at the rear (Wye House Gardens and 1 & 2 The Orchard). The application site could be considered the last remaining area at this part of Wye Lane

to be developed. The site falls partly within the conservation area and there are many listed buildings close by.



Plate 2: Block Plan, not to scale.



Photograph of site – the application site being to the left (behind the herras fencing) with Wye Lane in the background



Plate 4 – View through the site to the rear of Wye Lane showing neighbouring development



Plate 5 – Site looking towards the rear of outbuildings on London Road

4. Planning History

Planning permission has been granted at the site for two dwellings and a garage building (K/52166/F). This was approved in 2005 but has subsequently expired. Commercial buildings previously existed at the site and in some cases these directly abutted buildings on London Road. These have subsequently been demolished and the site is now vacant.

- K/52055/CAC Demolition of existing commercial buildings.
- K/52166/FUL Demolition of existing commercial buildings. Erection of two dwellinghouses and garage building, and associated access – approved June 2005
- K/54712/LBC Demolition of existing commercial buildings to enable redevelopment of site for residential purposes. Approved July 2006
- E/2012/0388/FUL Erection of 4 dwellings - withdrawn.

5. The Proposal

This application seeks to erect 3 dwellings with 3 associated parking spaces. The dwellings are intended to form a courtyard style development with two dwellings at the front of the site with a single dwelling behind these. A shared open courtyard area occupies the space between the three dwellings. The two dwellings at the front will face directly onto Wye Lane and a rear passageway provides rear pedestrian access for plot 3 as well as properties facing onto London Road.

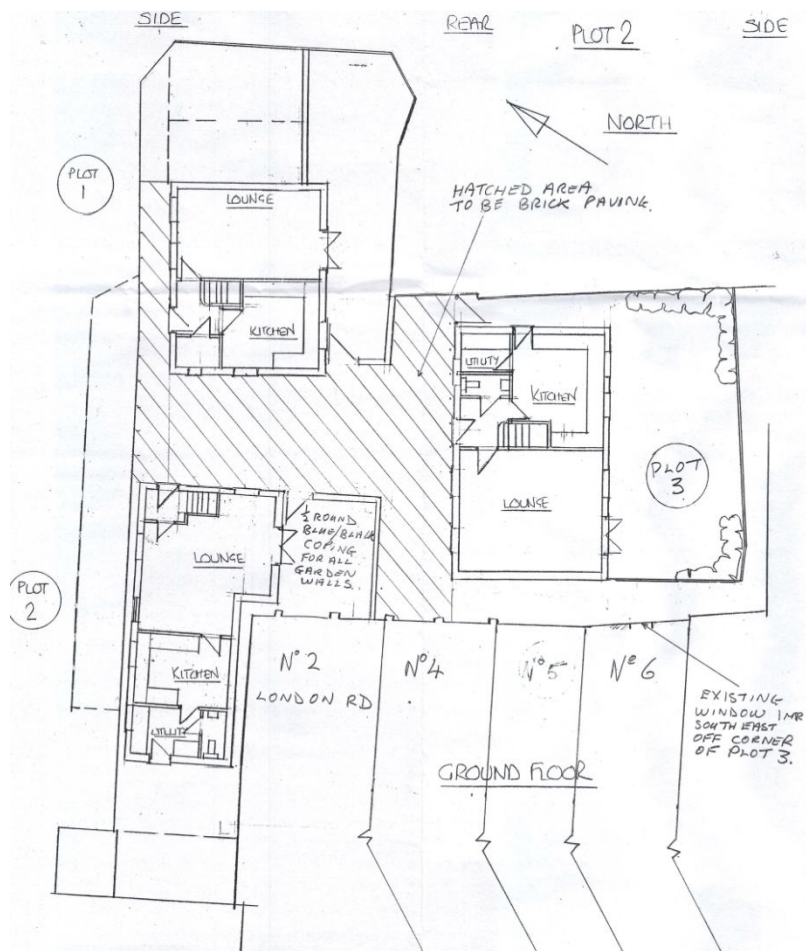


Plate 6: Layout plan, not to scale

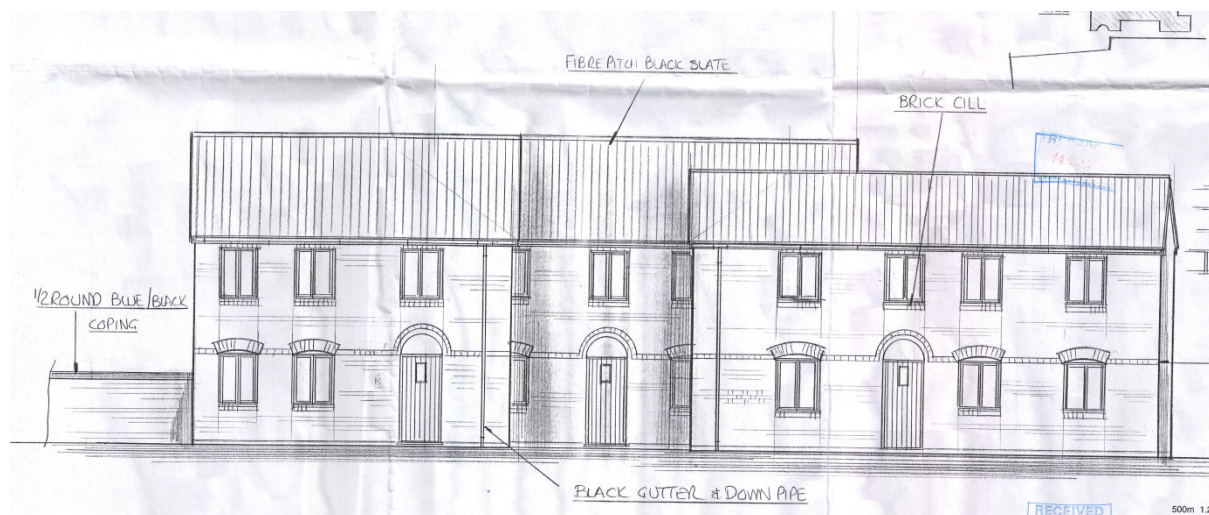


Plate 7: Front elevation

6. Planning Policy

The National Planning Policy Framework (NPPF) sets out the general planning policy advice of central government. Of particular relevance to the determination of this application is section 6 “delivering a wide choice of high quality homes”, section 7 regarding design (this not only emphasises the importance of design in terms of visual impact but also in respect of the impact upon the community, including neighbour amenity) and section 12 regarding historic heritage.

Wiltshire and Swindon Structure Plan: DP3 regarding the development strategy for residential development and HE7 regarding historic heritage (listed buildings and conservation areas).

Kennet Local Plan (saved policies): Policy PD1 regarding general development and design principles and HC1 regarding strategic housing provision are the pertinent considerations.

Wiltshire Core Strategy Pre-submission Document (February 2012): This holds limited weight at the present time as a material consideration but this weight will strengthen as the document progresses towards adoption (timetabled early 2013). The key policies would be Core Policy 1: Settlement Strategy, Core Policy 14: Spatial Strategy: Marlborough Community Area, Core Policy 57: Ensuring high quality design and place shaping and Core Policy 58: Ensuring the conservation of the historic environment.

Other material considerations: The Practice Guide to Planning Policy Statement 5 and the Marlborough Conservation Area Statement are also material considerations.

7. Consultations

Wiltshire Highways: No objection

Wiltshire Conservation Officer: The design of the development has been significantly improved to a level which should no longer cause harm to the character and appearance of the conservation area and the setting of the nearby listed buildings.

Wiltshire County Archaeologist: No objection subject to a condition requiring an archaeological watching brief

Marlborough Town Council: Objects for the following 3 reasons:

1. Overdevelopment of the site.
2. Out of keeping in a Conservation Area.
3. Further clarity required on parking and access.

Wiltshire Fire & Rescue Service: No objection, general fire safety advice provided.

8. Publicity

6 separate letters of objection have been received from neighbouring residents as well as a further letter of objection written on behalf of 3 neighbouring residents (2 Orchard Close, 19 Wye House Gardens and Orchard Close). The objections received are summarised as:

1. It has been stated upfront on the joint letter that objection is not raised to the principle of development at this site but the scheme that is currently proposed;
2. The proposal represents an overdevelopment of the small site with box like houses of particularly poor quality being bland and uninspiring. A sketch has been provided showing an alternative design for the dwellings (this can be viewed online). Dwellings of the design shown do not protect or enhance their historic setting or surrounding historic fabric;
3. The tandem arrangement with a pair of houses on the frontage with one almost immediately behind them is un-neighbourly and clumsy;
4. The parking spaces at the front of the site are in a separate ownership and will result in cars parking right outside of the front elevations of the front two dwellings and the car parking space serving plot 2 is inaccessible;
5. The dwellings have small gardens – in some cases too small to be used as a garden and would be overlooked by windows of the proposed dwellings and existing dwellings.
6. The rear facing windows of plots 1 and 3 would look into the garden of 2 The Orchard;
7. The dwellings will result in the increased use of the awkward junction of Wye Lane and London Road;
8. Car parking is below the standard required of 2 per dwelling and is poorly arranged with plot 3 being remote from its parking space;
9. The owners of 1 London Road state that the owner of the application site does not have right of way over the parking strip in front of the application site and therefore they do not have rights to access their parking space;
10. Concern that the front ground floor windows of plot 2 will cause conflict with the tenants of no.2 when high sided vans may need to be parked in close proximity to these windows;
11. Concern about parking arrangements for the tenants of 1 London Road whilst the construction phase is taking place.
12. The main objection from the occupier of 24 London Road is the location of plot 2 adjacent to the north western edge of my garden. I feel that a two storey property this close to mine and will cause a considerable loss of light to the rear of my

property in particular my office/day room and bathroom and I object to it on these grounds.

13. Objection is raised from the occupier of 9-11 Barn Street to the loss of privacy from the windows in the proposed dwellings towards their garden area and back windows of their property.
14. Objection is raised to the high density of the proposal;
15. There are boundaries and trees/hedging close to the site which are not in the ownership of the applicant and these boundary treatments and hedging/saplings should not be disturbed during the construction phase or when the dwellings are complete;
16. There is a mature silver birch tree in the site which should be the subject of a TPO.

An objection was received from the owner of 5 London Road to the original plans (not the amended plans which show a rear access route) stating that cramming in four dwellings into such a small site will severely restrict access to the rears of properties 1-6 London Road, which would be necessary for maintenance and fire safety purposes (fire escape from these premises and access to the rear of these properties by Fire Services). These points do not appear to have been covered in the application.

17. Given the limited (single) and narrow access of Wye lane on the one hand and the pleasant open character of the area around Wye House and Orchard house on the other, it would seem a shame to cram in more cars (6) and add to congestion when existing residents already find it hard to manoeuvre. Not only would this be a missed opportunity to provide two bigger houses, possibly for larger families, in central Marlborough.

9. Planning Considerations

9.01 Principle of development

The site lies within the centre of Marlborough where, in principle, new residential development is considered acceptable. This is in line with policy and advice contained within the NPPF, Kennet Local Plan (saved policies), Structure Plan as well as the emerging core strategy. Furthermore, residential development has previously already been permitted at the site. The principle of residential development is therefore considered acceptable on this site.

9.02 Design and relationship with historic context

This application proposes a courtyard style of development of 3 dwellings (2 at the front and 1 at the rear) with a shared area of hardsurfacing between properties. The site lies within the designated conservation area as well as being adjacent/abutting many historic and largely listed buildings. The design intention is that the two dwellings at the front are located close to the boundary frontage in order to maintain a sense of intimacy as one enters from London Road, through Wye Lane passageway and into the residential area behind (see plate 3). By placing the two dwellings at the front of the site close to Wye Lane it is considered that they create an “active” frontage of built form reflecting the high density network of dwellings and passageways which exist elsewhere in the conservation area and often to the rear of historic road frontages (e.g. Harley Court, Five Aills Court, Angel Yard, Alma Place). The dwelling at the rear will be glimpsed through the opening between the front two

dwellings and the development will form its own small courtyard group with doors opening up into the shared area helping to create a “sense of place”. Plate 8 below is an aerial photograph of the site, showing the site in its context.



Plate 8: Aerial photograph of the site, not to scale.

Objection has been raised to this layout and its cramped form. Whilst this scheme appears higher density in comparison to the immediate modern developments of Orchard Close and Wye House Gardens, the scheme nonetheless reflects the higher density of many developments that have evolved over the years behind the more prominent and historic frontage dwellings. There is no overriding character or scale of dwelling at the rear of this part of London Road with larger modern dwellings neighbouring the historic terraces of London Road. It is considered that this proposal will read as a stand-alone element within this eclectic mix of dwelling styles, layouts and ages.

In terms of their appearance, all of the dwellings are similar in scale and design albeit of slightly different sizes. The dwellings are modest in scale with narrow gable spans and heights reflective of historic properties. The difference in form of the buildings, but with the same design details, helps to introduce variety into the group of buildings whilst maintaining the cohesive design of the development. With the use of high quality hard surfacing between the dwellings and common high quality materials throughout, this will also help to create a sense of unity and link the dwellings together and help the scheme to read as a small courtyard development. It is recommended that a “hard” landscaping condition be added to any permission to secure a low front boundary wall to the rear plot to create a small front garden area and ensure the use of high quality paving and brick walling elsewhere.

The objectors have referred to the design of the dwellings as of a poor standard and being bland and uninspiring. This is not considered accurate. The dwellings are of a simple vernacular with simple design features which will add quality and interest to the scheme, such as string coursing, simple but traditionally designed front doors with a fan light window above and a traditional brick bond. This is a similar approach to other schemes approved within the conservation area where simple design features have been utilised to create a modern interpretation of a simple historic vernacular, e.g Angel Yard (see plate 10 below). Plate 9 shows the properties of Barn Street and London Road. The residential properties have very simple vernacular (those to the left) in comparison to the commercial properties where traditional shop frontages add more interest at ground floor level.



Plate 9: Front elevation of Wye Lane and the properties of London Road (application site to the rear)



Plate 10: Angel Yard, Marlborough – an example of a simple modern terrace within the conservation area with adjacent listed buildings.

It is also relevant to consider the scheme that was approved at the site and this is a material consideration and a possible fall-back option should this permission ever be renewed. The built form occupied a similar area to that now proposed with development at both the front and rear close to neighbouring boundaries (see plate 9 below) and parking along the frontage.

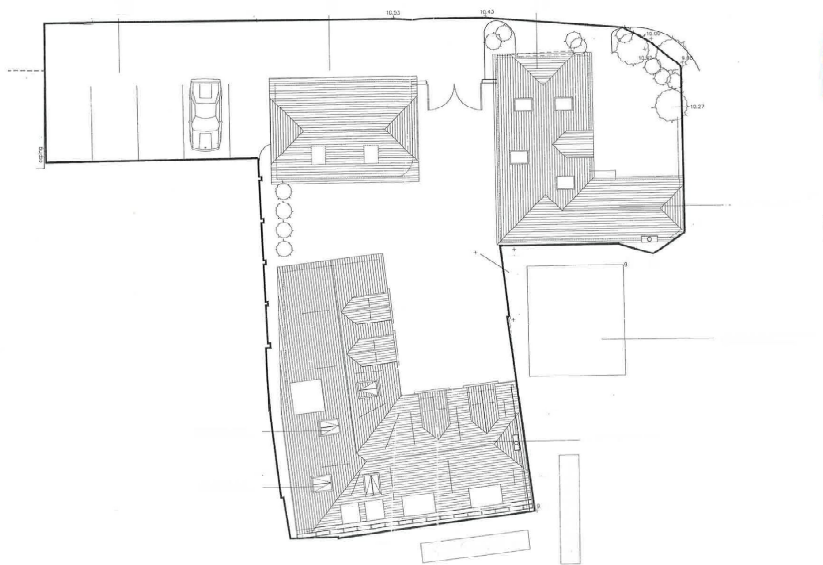


Plate 9: Layout of the scheme (two dwellings and garages) approved at the site



Plate 10: Streetscene view (as seen from Wye Lane) of the approved scheme

It is therefore considered by your officers that with appropriate conditions securing high quality materials, finishes, boundary treatments and hard surfacing, the scheme is an acceptable addition and will cause no harm to the setting of the adjacent listed buildings or the character and appearance of the conservation area. Indeed, this is considered an improvement on the situation that used to exist where modern commercial buildings directly abutted listed buildings, in some cases up to the first floor. The scheme is therefore considered acceptable in design terms.

9.03 Residential amenity

A number of objections relate to the impact of the scheme upon the reasonable living conditions of the existing occupiers of the neighbouring residential dwellings as well as the future occupiers of the proposed dwellings. Each of these impacts is addressed separately below:

Existing occupiers: Your officers do not consider the scheme to give rise to an adverse impact upon the reasonable living conditions of the occupiers of the neighbouring dwellings. None of the windows of the proposed dwellings will result in direct overlooking and where appropriate windows have been obscurely glazed or the internal layout arranged to avoid overlooking. Views from the proposed dwellings will either be at oblique angles (to 2 The Orchard who has objected) or are of sufficient distance (i.e. over 21 metres to a neighbouring window and over 10.5 metres to neighbouring gardens) or relate to commercial premises and their upper floors. Furthermore, the overlooking between the proposed and existing properties is reflective of the existing situation where densely packed buildings and outbuildings to the rear of London Road possess, in places, a higher degree of overlooking with some rear elevations being at close quarters or facing towards each other (e.g. plate 5 above). The dwellings themselves are sited far enough away from neighbouring properties so as not to be overbearing or have an adverse impact in terms of shadowing/loss of light. In respect of properties along London Road, the dwellings will come close to the boundaries of these properties but are to the north/north-east and largely separated by outbuildings and boundary walls. Indeed, in some cases the scheme will be a significant improvement in comparison to the previous buildings which existed where in places abutted the neighbouring boundaries and walls. The scheme will represent a change in outlook from these properties but this is not considered to be harmful in respect of amenity.



Plate 11: View from application site towards 2 The Orchard

Future occupiers: Whilst your officers understand and sympathise with objections being raised in respect of amenity, your officers do not agree with the extent of the comments made with regard to the future occupiers. It is acknowledged that these dwellings do not meet typical suburban amenity standards. However, the dwellings as proposed are nonetheless typical of many town centre residential schemes (both modern and historic) with parking at times close to the dwellings, smaller gardens and a higher degree of mutual overlooking where residential and commercial uses existing cheek by jowl. Such higher density schemes have historically reflected site constraints by relaxing approaches to amenity with dwellings closer together and small or no gardens. The proposed scheme reflects this and whilst providing small gardens with some overlooking between properties, this is reflective of the densely packed buildings to the rear of London Road and is not considered, in this instance to be harmful.

9.04 Highway safety

The scheme will use the existing access and will provide 3 car parking spaces (one for each dwelling). The highways engineer is satisfied that the additional car movements associated with the dwellings is an acceptable addition to the access from Wye Lane and London Road. Furthermore, given the central location within the town, the highways engineer is also satisfied that three parking spaces is sufficient.

Comments have been received stating that there are land ownership issues restricting access across part of Wye Lane to the parking space serving plot 2. Evidence has now been produced by the applicant demonstrating that they do have a right of access across Wye Lane to this parking space and your officers are satisfied with this and that the parking as shown can be achieved.

Your officers therefore see no reason to disagree with this advice and subsequently

the scheme is considered acceptable with regard highway safety.

9.05 Archaeology

The archaeologist has stated that *“the Extensive Urban Survey for Marlborough suggests that the application site is within a 12th–13th century settlement area. Important information on the origins and early development of the town may exist on the site. Furthermore isolated Prehistoric and Romano-British finds have been discovered in the vicinity”*. It is therefore recommended that a programme of archaeological works, in the form of an archaeological watching brief, is carried out during the construction stage of the development. This can be secured by means of a planning condition and if this is imposed upon any planning permission then your officers are satisfied with the scheme in respect of its impact upon archaeology.

9.06 Other matters

A small part of the site falls within Flood Risk Zone 2 (as identified by the Environment Agency). A flood risk assessment has been submitted with the planning application and concludes that as this site is already a brownfield site with hard surfacing, the surface water run-off from the proposed scheme will not alter significantly. Your officers agree with the contents of the assessment and its conclusion and flood risk is not therefore considered to be an adverse matter at the site.

10. Conclusion

Your officers consider that although this is a dense scheme with one dwelling closely sited behind the front two, it is concluded that once developed with common materials and a common form and appearance, the scheme will appear as a small courtyard development. It is the modest scale of the dwellings and their cohesive design as well as the densely packed character of this part of the rear of London Road that result in a scheme which is considered acceptable within its historic context. Wye Lane has an eclectic mix of dwelling styles, layouts and ages and this additional small courtyard will add to this mix. With appropriate conditions to ensure that high quality materials are used (e.g. brick and brick bond, slate tiles, windows and doors, hard landscaping) and no harm to amenity is caused (e.g. obscure glazed conditions where necessary) the scheme is considered acceptable.

RECOMMENDATION

The application be approved subject to the conditions set out below:

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 development shall commence on site until details of the proposed ground floor slab levels of the 3 dwellings 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 and to safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

3. Notwithstanding the submitted details, no development shall commence on site until details and samples of the materials to be used for the external walls (including the string course and boundary walls) and roofs have been submitted to and approved in writing by the Local Planning Authority. The roof material shall comprise either natural slate or a plain clay tile. Development shall be carried out in accordance with the approved details.

REASON:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

4. The brickwork on the houses and walls hereby permitted shall be constructed using English bond unless otherwise agreed in writing by the local planning authority.

REASON:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

5. Notwithstanding the submitted details, no development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details of all windows, including the fan window above the front doors), 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:

To safeguard the character and appearance of the area which is designated as a conservation area and the setting of adjacent listed buildings.

6. No development shall commence on site until a scheme of soft and hard 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) hard surfacing materials, and
- (e) Details of all boundary walls within the site. This shall make provision for a front boundary to plot 3.

Development shall be carried out in accordance with these approved details unless otherwise submitted to and agreed in writing by the local planning authority.

REASON:

To ensure a satisfactory hard and soft landscaped setting for the development.

7. 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 building(s) 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.

8. 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.

9. 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 those Orders with or without modification), no development within Part 1, Classes A-E and G-H, and Part 2, Class A shall take place at the dwellinghouses hereby permitted or within their curtilage.

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.

10. The rear-facing windows at first floor level of plot 1 and plot 2 shown on the approved plans shall be glazed with obscured glass and permanently fixed shut and shall be maintained as such thereafter.

REASON:

In the interests of the privacy of neighbouring properties.

11. No part of the development hereby permitted shall be first occupied until the three parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON:

In the interests of highway safety.

12. 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 no:11999/5, Received on the 2nd October 2012, and
Drawing no:11999/6, Received on the 2nd October 2012.

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