

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 29 APRIL 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Philip Brown (Chairman), Cllr Mark Connolly, Cllr Peggy Dow, Cllr Nick Fogg,
Cllr Richard Gamble, Cllr Lionel Grundy OBE (Reserve), Cllr Charles Howard,
Cllr Chris Humphries and Cllr Christopher Williams

40. Apologies for Absence

Apologies were received from Councillor Laura Mayes.

41. Minutes of the Previous Meeting

The minutes of the meeting held on 18th March 2010 were approved as a correct record and signed by the Chairman.

42. Declarations of Interest

E/09/01602/FUL – Councillor Philip Brown declared a personal and prejudicial interest in the application as he is an employee of Sainsbury and therefore would not participate in the consideration of the application, withdrawing from the meeting for the duration of the consideration and determination of the application.

Councillor Peggy Dow declared that she had publically supported the Tesco Supporters Group in 2009, however this was before she had known that another Supermarket was interested in establishing premises in the Marlborough area. In the interest of making decisions that are open and transparent, she would speak in her capacity as local member and then withdraw from the meeting for the duration of the consideration and determination of the application.

E/10/0183/S73 Councillor Chris Humphries declared a personal and prejudicial interest in the application as he is the applicant and would therefore withdraw from the meeting for the duration of the consideration and determination of the application.

E/09/0758/FUL – Councillor Richard Gamble declared a personal interest in this item as Mr Bennett is known to him through the group ‘Business over Breakfast’..

43. **Chairman's Announcements**

There were none.

44. **Public Participation**

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

45. **Planning Appeals**

The Committee noted the report. The Chairman remarked on the favourable results, which compared with the national average for local planning authorities of the Appeal Performance April 1st 2009 -31st March 2010.

46. **Planning Application - E/09/01602/FUL - Full planning application for: Development of Class A1 supermarket with associated access arrangements, servicing, landscaping, parking and upgraded pedestrian crossing and bus stops At: Marlborough Business Park, MARLBOROUGH, SN8 4AW**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received statements from the following members of the public expressing their views regarding this planning application.

Public Participation:

1. Mr Bruno Moore spoke in opposition of the application.
2. Mr David Dudley spoke in opposition of the application.
3. Ms Melanie Chiswell spoke in support of the application.
4. Mrs Lisa Farrell spoke in support of the application.
5. Mr Carter spoke in support of the application.
6. Mrs Hannaford-Dobson Marlborough Town Councillor spoke in support of the application.
7. Mrs Peggy Dow Marlborough Town Councillor and Unitary Member for Marlborough East, spoke in support of the application.

Following a lengthy debate of the salient points,

Resolved:

Planning permission is GRANTED for the following reasons:

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 having regard to the policies of the development plan, central government planning statements and guidance and other material considerations.

The proposed development is an out of centre food store in Marlborough which will offer convenience goods and, to a lesser extent, comparison goods. The application for the development is accompanied by considerable evidence which demonstrates that there would be no adverse impact from this on:

- (i) town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience offer;
- (ii) in-centre trade/turnover and on trade in the wider area; and
- (iii) other locally important impacts.

There are no existing, committed and planned public and private investment proposals in the centre or centres within the catchment area of the proposal. There are no allocated sites outside the town centre being developed.

The application site is neither in the town centre nor at the edge of the centre. It has, however, been robustly demonstrated that there are no sequentially preferable sites in these locations in any event. The proposal is of an appropriate scale in relation to the size of the centre and its role in the hierarchy of centres.

In general terms the proposal:

- (i) has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change;
- (ii) is accessible by a choice of means of transport including walking, cycling, public transport and the car, and would not aggravate congestion after public transport and traffic management measures have been put in place;
- (iii) secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area (including the Area of Outstanding Natural Beauty) and the way it functions;
- (iv) achieves development on a long term vacant site which has failed to generate interest for other business uses, and provides consumer choice to the benefit of social inclusion objectives;
- (v) does not have a detrimental impact on local employment provision.

It is material that there is only one other significant food store in the town, this restricting consumer choice. It is also material that the 'claw back' of leaked expenditure would benefit the town through linked trips, and reduce journey times in the interests of sustainability. Notwithstanding the out of centre location, the site remains reasonably close to the town centre and is accessible by a variety of means. The application includes proposals to promote more sustainable transport choices. It also sets out proposed alterations to road infrastructure so that existing congestion on the local road network is not aggravated.

Although the site is protected strategic employment land the proposal satisfies the PPS4 definition of economic development. The new store would employ around 140 people.

The design of the development is considered acceptable and appropriately sustainable within its context, with no adverse impacts on the area of outstanding natural beauty or visual amenity in general. The privacy of nearby residential properties would not be adversely affected.

Without prejudice to the outcome of either application, comparative analysis of the proposal with a later competing application for a second food store on adjoining land has shown that the Tesco proposal has, on balance, fewer adverse effects and/or disadvantages to the public.

The decision to grant planning permission has been made having regard to Policies DP1, DP2, DP3, DP6, T1 and C8 of the Wiltshire and Swindon Structure Plan 2016; Policies PD1, ED7, ED17, AT1, AT9 AT10 and NR7 of the Kennet Local Plan 2011; and Central Government planning statements and guidance set out in PPS1, PPS4, PPS7 and PPG13.

Subject to the following conditions:

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

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

- 2 Notwithstanding the information set out in the application particulars, no development shall take place until details of the materials to be used for the external walls and roofs, and the surfacing of the car park, access roads and pedestrian routes, (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To secure harmonious architectural treatment.

- 3 This permission grants a net convenience sales floor area of 1,080 sq m and a net comparison goods sales area of 122 sq m. Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), there shall be no provision of retail floorspace in excess of the net areas defined without the prior express consent of the local planning authority neither shall there be any alteration or subdivision of the sales floor, nor provision of ancillary or subsidiary retail units within that sales floor.

REASON:

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

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

REASON:

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

- 5 All soft landscaping comprised in the submitted landscaping scheme (that is, drawing no. "ASP4: Planting Plan Rev B" dated 03/12/09 and accompanying the Landscaping Supporting Statement by Aspect Landscape Planting) shall be carried out in the first planting and seeding season following the opening of the store or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 6 Notwithstanding the information set out in the application particulars, the acoustic barrier to be provided around the outside of the service yard shall comprise both the indicated timber acoustic fence and the

service yard gates. Before development is commenced the detailed design of the acoustic barrier, including its acoustic properties, shall be submitted to the local planning authority for approval in writing. The acoustic barrier shall then be erected in accordance with the approved specification prior to the first opening of the store or the completion of the development, whichever is the sooner. The acoustic barrier shall be permanently retained thereafter.

REASON:

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

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

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

- 8 The rating level of noise emitted from the site shall not exceed the existing background noise level, the LA90T, by more than 5dB. The noise level shall be determined at the nearest noise sensitive premises. The measurement and assessment of such noise shall be made in accordance with BS4142 1997.

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

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

REASON: To safeguard local amenities.

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

REASON:

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

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

REASON:

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

47. **Planning Application - E/10/0183/S73 - Full planning application for : Variation of condition on planning permission K/51693/F to extend the time limit for implementation of the planning permission At: Butchers Shop, 6A The Square, ALDBOURNE SN8 2DU**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received statements from the following members of the public expressing their views regarding this planning application.

Public Participation:

1. Mr Cowan spoke in opposition of the application
2. Mr Evill spoke in support of the application

Following a debate of the salient points,

Resolved:

Planning permission is GRANTED for the following reasons:

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 policies PD1 and ED29 of the

Kennet Local Plan 2011 and to central government planning policy contained in PPS5 'Planning for the Historic Environment'.

48. **Planning Application - E/09/0758/FUL- Full Planning application for :
Erection of a 4 Bed detached house, with attached garage, including all
other associated works. (Amendment to K/57892/F). At Plot 1 Halstead
Farm Kings Road EASTERTON SN10 4PS**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

The Committee then received statements from the following members of the public expressing their views regarding this planning application.

Public Participation:

1. Mr Barrett spoke in opposition of the application
2. Mr Bennett spoke in support of the application

Following a debate of the salient points,

Resolved:

Planning permission is GRANTED for the following reasons:

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 national guidance contained within Planning Policy Statement 5: Planning for the Historic Environment and the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

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 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 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 landscaping setting for the development.

- 3 Prior to the first use of the access the driveway shall be surfaced in a well bound consolidated material (not loose stone or gravel) in accordance with details which have first been submitted to and approved in writing by the local planning authority, and shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

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

REASON:

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted above ground floor level in the south or east elevations of the building hereby permitted.

REASON:

In the interests of the privacy of the neighbouring properties

- 6 The en-suite window at first floor level shown on the approved plans on the east elevation shall be glazed with obscured glass and fitted with a ventilation stay restricting the opening of the window, in accordance with details which have been first approved in writing by the local planning authority. The window shall be maintained in accordance with the approved details thereafter.

REASON:

In the interests of the privacy of the neighbouring property.

- 7 Prior to the installation of the air source heat pump hereby approved full manufacturer's details and specifications (including noise details) of the air source heat pump together with appropriate noise mitigation measures, if required, shall first be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of neighbour and visual amenity.

- 8 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: HF1-01, 02 and 04 all received on the 16th June 2009, additional survey drawing dated 15th February 2009 and the Amended Site Plan - Landscaping and Location Plan received on the 26th March 2010.

49. **Urgent items**

There were none.

(Duration of meeting: 6.00 - 8.00 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic & Members' Services, direct line (01225) 718379, e-mail anna.thurman@wiltshire.gov.uk

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