

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 JUNE 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Philip Brown (Chairman), Cllr Nick Fogg, Cllr Richard Gamble, Cllr Charles Howard, Cllr Chris Humphries, Cllr Laura Mayes, Cllr Christopher Williams, Cllr Peter Colmer (Reserve) and Cllr Jane Burton

50. **Apologies for Absence**

Apologies were received from Cllr Peggy Dow, who was represented by Cllr Peter Colmer.

51. **Minutes of the Previous Meeting**

The minutes of the meeting held 29 April 2010 were approved as a correct record and signed by the Chairman.

52. **Declarations of Interest**

E/10/0107/FUL – Cllr Philip Brown declared a personal interest in the application as he serves on Bromham Parish Council with the applicant.

E/10/0071/FUL – Cllr Gamble declared a personal interest as he had attended the Campaign to Protect Rural England (CPRE), Kennet Branch, Annual General Meeting (AGM).

Cllr Fogg declared a personal interest as he had taught the children of the applicant.

53. **Chairman's Announcements**

There were none.

54. **Public Participation**

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

55. **Planning Application - E/10/0107/FUL - Full planning application for: Retrospective change of use of land and buildings for the parking and storage of vehicles, plant and equipment pending preparation for sale or export. Improvements to road junction. At: Bromham House Farm, Devizes Road, BROMHAM SN15 2DX**

The Committee received a presentation by the Area Development Manager, 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 David Pearce spoke in support of the application.

Following a debate of the salient points,

Resolved

Planning permission is GRANTED, subject to the conditions set out below, for the following reasons:

The decision to grant planning permission has been taken on the grounds that the proposed development would support legitimate diversification that would not have a harmful impact on the character and appearance of the countryside and that would result in improvements to road safety. The proposal is in accordance with policies PD1; NR6 and NR7 of the Kennet Local plan and with government guidance in PPS7 and PPS4.

- 1 Within three months of the date of this decision, there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, the details of which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and all species, planting sizes and planting densities for new planting. The scheme shall include provision for landscaping the new section of access road to Bromham House Farm. .

REASON: To ensure a satisfactory landscaped setting for the development.

- 2 All soft landscaping comprised in the approved details of landscaping shall be carried out by 31st March 2011, unless otherwise agreed by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development.

- 3 The parking and storage of vehicles, plant and equipment shall be confined to the areas labelled E and F on Drawing No. 002A received on January 25th 2010.

REASON: To protect the appearance of the area and establish the extent of the area permitted to be used for parking and storage.

- 4 Within 6 months of the date of this decision. or such longer period as may be agreed by the Local Planning Authority, the junction of the access road with the A342 shall have been altered as detailed on plan numbers LDC.1382.003/D; LDC.1382.004/C and LDC.1382.005/B received on April 20th 2010, including the construction of additional sections of footway, a new section of access road to Bromham House Farm and formation of a closed section of service road and access point thereto to serve the existing dwellings, in accordance with further details which have been submitted to and approved in writing by the Local Planning Authority prior to works commencing.

REASON: In the interests of road safety and the safety of pedestrians

- 5 The use shall be restricted to the parking and storage of vehicles, plant and equipment pending preparation for sale or export only, and for no other use, including any other use within Class B8 of the Town and Country Planning Use Classes Order (as amended).

REASON: The proposed use is acceptable as a rural diversification, but other uses for storage could give rise to additional planning issues, including highway matters, that may require evaluation at a future date.

- 6 The height of any vehicles, plant and equipment stored on the site shall not exceed 4.3 metres above ground level.

REASON: To protect the appearance of the area.

7 INFORMATIVE TO APPLICANT:

The applicant should note that works within the existing highway (the verge area of the A342) will not be permitted without the separate consent of the Highway Authority. The Highway authority will require a Section 278 Agreement to secure the works.

- 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.

(a) application form, justification statement and Drawing No. LDC.1382.002/A received on 25th January 2010;

(b) Drawing Nos LDC.1382.001/B and LDC.1382.006 received on 16th February 2010;

- (c) Drawing No. 209803/SU-01 received on 1st april 2010;
(d) Drawing Nos LDC.1382.003/E; LDC.1382.004/C and LDC.1382.005/B received on 20th April 2010

56. **Planning Application - E/10/0071/FUL Full Planning application for: Demolition of existing beef cattle buildings and replacement with new dairy complex and agriculturally tied dwelling. At: Sharcott Pennings Farm, Wilcot Road, PEWSEY**

The Committee received a presentation from the Area Development Manager Officer which set out the main issues in respect of the application and that drew attention to the relevant policies in the Waste Development Control Policies DPD.

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

Public Participation:

1. Mrs C Spickernell spoke in opposition of the application.
2. Mr H Pearson Gregory spoke in opposition of the application.
3. Mr M Brown spoke in opposition of the application.
4. Mr Fowler spoke in support of the application.
5. Mr G Davies spoke in support of the application.
6. F Hornby spoke on behalf of CPRE in opposition of the application.

Following a lengthy discussion of a number of issues,

Resolved

Subject to the applicant entering into a 'Section 106 agreement' to tie the new farmhouse, flat and existing Sharcott Pennings Farm farmhouse to the land comprising Sharcott Pennings Farm, the decision to grant planning permission is delegated to the Area Development Manager subject to the conditions set out below, for the following reasons:

The decision to grant planning permission has been taken on the grounds that the proposed development is in accordance with the planning policies set out in the Kennet Local Plan (policies PD1 and NR7;) the Wiltshire and Swindon Structure Plan (policies DP1; DP14; C1; C8; RE1; W2) and the Wiltshire and Swindon Waste Development Control Policies DPD (policies WDC1; WDC2; WDC3; WDC7; WDC11, WDC 12). The design and landscaping of the proposal minimises the visual impact on the area of outstanding natural beauty, conserving the character and appearance of the landscape. The associated anaerobic digester will help deal with the waste generated on the farm holding in a sustainable manner that will help generate renewable energy whilst not

generating an unacceptable increase in traffic or having any unacceptable impact on the amenity of nearby residents. The proposal will enable the development of the agricultural dairy business on the site, which is an appropriate use of land within the countryside and is part of the character of this part of the Pewsey Vale.

- 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 until a phasing programme for the development has been submitted to the local planning authority and approved in writing. The phasing programme shall set out the order in which each element of the development shall be carried out. It shall specify that the "rotary parlour" building, the "500 cow dairy complex buildings", the "straights store" & "storage barn", and the "open silage clamps" shall be completed prior to completion and occupation of the dwelling and flat.

REASON: To ensure the proper planning of the development in accordance with the agreed scheme, and to ensure that the dwelling and flat are not completed and occupied before the farm complex itself is completed having regard to the justification for the dwelling in the first place which is based on the functional need arising from the farm complex.

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

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

- 4 No development shall commence on site until a management plan for the operation of the dirty water lagoon has been submitted to the local planning authority and approved in writing. The plan shall address the management of this facility having regard to the flood risk assessment and to ensure that flood risk and any consequent pollution risk is satisfactorily dealt with. The development shall be carried out in accordance with the approved management plan.

REASON: To prevent pollution of the water environment.

- 5 No development shall commence on site until a scheme for the discharge of surface water from the site incorporating sustainable drainage details (including the design/capacity of any storage tanks and attenuation ponds, and including sizing/outflow calculations), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

[

REASON:

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

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 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON:

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

- 9 Prior to commencement of any works relating to the construction of any of the new buildings or structures hereby approved, the existing farm buildings at the site shown to be demolished shall be demolished and the resulting debris cleared from the site (or stockpiled on the site for use in the construction of the new development, if appropriate).

REASON:

To ensure the proper planning of the site in accordance with the agreed scheme and to safeguard the visual amenities of the locality.

- 10 The occupation of the dwelling and flat forming part of the development shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants. The occupation of the flat shall remain at all times incidental to the dwelling.

REASON:

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

- 11 The occupation of the existing dwelling known as Sharcott Pennings Farm shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON:

Sharcott Pennings Farmhouse is located immediately adjacent to the approved farmyard. Its proximity and link to the farmyard means that it would be unsuited to occupation by any persons other than an agricultural worker connected with the farmyard and wider estate, or working in agriculture or forestry in general. Its

occupation by an agricultural worker also forms part of the justification for the new agricultural worker's dwelling and flat forming part of the development.

- 12 The development shall be carried out strictly in accordance with the requirements of the habitat survey by Lindsay Carrington Ecological Services Ltd dated October 2009, this including the submission to the local planning authority for approval in writing prior to commencement of development a detailed mitigation scheme for bats, and repeat surveys for owls and reptiles immediately before and during demolition works with mitigation strategies as necessary.

REASON:

To safeguard protected wildlife species.

- 13 No part of the development hereby permitted shall be brought into use or occupied until the new access, the turning areas and the parking spaces have been completed in accordance with the details shown on the approved plans. Notwithstanding the details shown on the approved plans, the new access shall be provided with bell mouth radii of 8m either side, and not 6m as specified. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 14 The new access shall be provided with visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the south-east and 120 metres to the north-west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 15 Any gates across the new access shall be set back 8.0 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 17 Prior to the first use of the new access provision shall be made for the disposal of surface water in accordance with details that have been first submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON: To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

- 18 Within 3 months of the first use of the new access by vehicular traffic (other than construction traffic) the existing access to the farmyard to the north-west of the new access shall be stopped-up and the grass verge re-instated at a height and gradient to match that of the established verges either side of this access. Thereafter, the sole means of vehicular and pedestrian access to the development shall be via the new access.

REASON: In the interests of highway safety.

- 19 Within 3 months of the first use of the new access by vehicular traffic (other than construction traffic), the existing access to the site from "Bridleway 15 Sharcott Drove" shall be closed-off within the site to prevent access by vehicles other than to Sharcott Pennings Farm farmhouse. The method of closure shall comprise a fence or bollards (or other means first agreed in writing by the local planning authority). The method of closure shall be permanently retained thereafter.

REASON:
In the interests of highway safety.

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

Drawing nos. 090805-02A (04/10) & 2405/3 (04/10) received by the lpa 23/04/10;

Drawing nos. 011, 012, 013, 014 & 015 (12/09), & 090805-01 (although re-configured layout) (09/09) received by the lpa 14/01/10.

57. **Urgent items**

There were none.

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

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