

EASTERN AREA PLANNING

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 2 JULY 2009 AT 6:00 PM AT BROWFORT, DEVIZES

Present:

Mr P Brown (Chairman), Mr M Connolly, Mrs P Dow, Mr N Fogg, Mr R Gamble, Mr C Howard, Mr C Humphries, Mrs L Mayes, Mr C Williams.

Also in attendance:

Mr J Ody.

Apologies:

None.

1. MINUTES

The minutes of the meeting held on 28 May 2009 were confirmed as a correct record and signed by the Chairman.

2. CHAIRMANS ANNOUNCEMENTS

1. The Chairman announced the following appeals determined:

E/2008/288 Enforcement Notice Appeal - Little Leaze Liveries, Goose Lane, unauthorised residential caravan. Decision: dismissed.

E/2007/264 Enforcement Notice Appeal – Samson House, Kelham Gardens, Marlborough, unauthorised first floor balcony. Decision: allowed.

2. Members of the committee were issued with an up to date copy of the national protocol “Probity in Planning” released by the National Government Association.

3. DECLARATIONS OF INTEREST

1. **K/57714/O** Mrs Dow was in the Council Chamber when Marlborough Town Council discussed this item, she did not vote on this matter and is attending this meeting with an open mind.
2. **E/09/0536/FUL** Mr Ody is chair of the Trust for Devizes which has an interest in the streetscape. The Trust have not discussed this matter.
4. **K/57714/O - Marlborough Depot Site, Salisbury Road, Marlborough – Outline planning application for: Erection of 18 live/work units; 14 residential dwellings and associated works following the demolition of existing buildings.**

Resolved:

To defer and delegate to the Area Development Manager to grant outline planning permission subject to a legal agreement entered into by Wiltshire Council and the next owner of the site following its sale by Wiltshire Council covering -

1. A financial contribution towards off-site recreation provision;
2. A financial contribution towards education services; and
3. A financial contribution towards providing the pedestrian/cycle link at the east end of the site;

And subject to separate commitments by Wiltshire Council to-

1. Provide the Marlborough Household Recycling Centre from the proceeds of the sale of the site; and
2. Expeditiously enter into the legal agreement referred to above with the next owner of the site,

And subject to the following conditions-

1. Approval of the details of the scale and appearance of the buildings, and the 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 is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. 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:

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. 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, whichever is the later.

REASON:

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. This permission relates to the scheme of development as submitted except insofar as amended by the revised plan nos. 6169(L)003B, 6169(L)004C & 6169(L)006B from Nash Partnership received on 2 May 2008, and revised plan nos. 748283-D-008A & 748283-D-007A from Mouchel Parkman received on 1 April 2008.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

5. All of the conventional houses and 'live/work' units hereby approved shall incorporate within their designs sufficient renewable energy features to reduce carbon dioxide emissions from energy use by the owners/occupiers by 10%. The details of these renewable energy features shall be submitted to the local planning authority as part of the reserved matter relating to appearance. The development shall be carried out, and maintained thereafter, in accordance with the approved details.

REASON:

To accord with the local planning authority's policy for renewable energy.

6. No development shall take place until details of the materials to be used for the external walls and roofs of the buildings and the final surfacing of the roads and courtyards (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.

7. Notwithstanding the details set out in the application particulars, none of the buildings hereby approved shall be greater than two storey unless agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory relationship with the surroundings having regard to the elevation of the site.

8. None of the conventional houses hereby approved shall be occupied until the 'live/work' units are completed, unless first agreed in writing by the local planning authority.

REASON:

To ensure appropriate phasing of the development in accordance with the agreed scheme.

9. The 'work' element of the 'live/work' units hereby permitted shall be used for business and/or storage and distribution purposes only (that is, uses falling with Classes B1 and/or B8 of the Town and Country Planning (Use Classes) Order (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

REASON:

In the interests of amenity.

10. The 'work' element of each 'live/work' unit hereby approved shall remain an integral part of the 'live/work' unit to which it relates, and shall not at any time be occupied separately from that 'live/work' unit as a self-contained 'work' unit.

REASON:

In the interests of amenity.

11. The detailed landscaping plans to be submitted as part of the landscaping reserved matter shall include a 1/200 scale plan showing the position of any existing, retained and proposed trees and landscaped areas and of all existing and proposed pipes, drains, sewers, and public services, including gas, electricity, telephone, water and cable. Once approved there shall be no departure from

these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

To ensure the retention of trees on the site in the interests of visual amenity.

12. 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) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(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 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) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority).

The exact position of this fencing shall be first agreed in writing with the local planning authority. 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 written consent of the local planning authority.

REASON:

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON:

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

14. Before any work commences on site the ground floor slab levels of each building shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

15. Before work commences on the erection of the buildings hereby approved, decontamination of the site shall take place in accordance with the recommendations of the Integrale reports accompanying the planning application.

REASON:

In the interests of the safety of the public and the environment.

16. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) until the developer has submitted to, and obtained written approval from the local planning authority for, an amendment to the recommendations set out in the Integrale reports detailing how the unknown contamination shall be dealt with. De-contamination shall then take place in accordance with the agreed amendments.

REASON:

To prevent pollution of local water interests.

17. Plans of the means of disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. The plans shall specify no infiltration of surface water into the ground unless it has been demonstrated that there is no resultant unacceptable risk to

controlled waters. Development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage.

18. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details no later than the first occupation of the buildings unless otherwise agreed in writing with the local planning authority.

REASON:

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

19. No development shall take place until details of the treatment of all boundaries within and at the edges of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASONS:

In the interests of amenity.

20. No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

21. Within 12 months of the date the development hereby approved commences, further wildlife surveys shall be carried out for badgers, bats, reptiles and dormice (the surveys to be carried out at the appropriate time of year by a qualified ecologist). Within 2 weeks of the date the development hereby approved commences, a further wildlife survey shall be carried out for breeding birds (again, by a qualified ecologist). The results of the surveys, and any recommendations stemming there from, shall be submitted to the local planning authority for approval in writing. Development shall only commence when written approval by the local planning authority has been given.

REASON:

To accord with the recommendations of the Simecology report accompanying the planning application, and in the interests of potential wildlife on the site.

22. Before any part of the development hereby permitted is first occupied the re-designed access shown on drawing no. 748283-D-008A and the cycle routes shown on drawing no. 748283-D-007A shall be completed in accordance with these approved plans.

REASON:

In the interests of highway safety.

23. Before any part of the development hereby permitted is first occupied the accesses, 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.

24. INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, ED7, HC5, HC7, HC30, HC34, HC37, HC42, AT9, AT10 and NR7; and Central Government policy set out in PPS1, PPS3, PPS4, PPS7 and PPG13.

25. INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the *****.

26. INFORMATIVE TO APPLICANT:

A B1 Business use means a use for any of the following purposes: -
(a) as an office other than a use within Class A2 (financial and professional services).
(b) for research and development of products or processes, or

(c) for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. References to Class B1 and A2 are from the Town and Country Planning (Use Classes) Order 1987.

27. INFORMATIVE TO APPLICANT:

In relation to condition no. 7, the applicant is advised that the local planning authority is unlikely to object to a building with a slightly larger footprint at units 30-32 than that shown on the approved layout drawing to enable the three flats to be contained within a two storey building. This is likely to be considered acceptable under the terms of the outline planning permission.

28. INFORMATIVE TO APPLICANT:

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the development.

29. INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the informatives set out in the attached letter from the Environment Agency.

5. **E/09/0536/FUL – Elmhurst, Wick Lane, Devizes – Full planning application for: Demolition of existing detached single garage. Proposed two storey extension and related alterations incorporating new single garage/utility area/WC shower plus bedroom and bathroom over.**

Public Participation:

- a. Mr C Hogan spoke in opposition to the application.
- b. Mr N Dolman spoke in support of the application.
- c. Mr T Willis spoke in support of the application.

Resolved:

GRANTED against officer recommendation for the following reasons:

The decision to grant planning permission has been taken on the grounds that the proposed development would not have any significant impact on the amenity of residents of nearby properties and would not detract from the appearance of the area, having regard to 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. 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 Refs 1470-06 and 1470-02 Revision E received on 20th April 2009.

6. **E/09/0401/FUL – Double Cottage, 23 Wilcot Green, Wilcot – Full planning application for: Alterations to existing rear lean-to and erection of single storey rear extensions.**

Public Participation:

- a. A late item in favour of the application was reported.
- b. Mr T Joll (applicant) spoke in support of the application.
- c. Mr A Oliver (agent) spoke in support of the application.

Resolved:

REFUSED for the following reasons:

1. The proposed extensions, by reason of their size, scale and situation, would adversely affect the character and special interest of this grade II listed building. Furthermore when viewed in combination with previous extensions, the development would visually dominate the rear elevation and erode the character of building, which was formerly a pair of modest estate workers cottages. As such the proposal is contrary to advice contained in PD1 of the Kennet Local Plan 2011 and central government guidance contained in PPG15: Planning and the Historic Environment.

7. E/09/0402/LBC – Double Cottage, 23 Wilcot Green, Wilcot – Listed building application for: Alterations to existing rear lean-to and erection of single storey rear extensions.

Public Participation:

- a. A late item in favour of the application was reported.
- b. Mr T Joll (applicant) spoke in support of the application.
- c. Mr A Oliver (agent) spoke in support of the application.

Resolved:

REFUSED for the following reasons:

1. The proposed extensions, by reason of their size, scale and situation would adversely affect the character and special interest of this grade II listed building. Furthermore when viewed in combination with previous extensions, the development would visually dominate the rear elevation and erode the character of the building, which was formerly a pair of modest estate workers cottages. As such the proposal is contrary to central government advice contained in PPG15: Planning and the Historic Environment.

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
23 July 2009

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