

## EASTERN AREA PLANNING

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 26 NOVEMBER 2009 AT 6:00 PM AT BROWFORT, DEVIZES

#### Present:

Councillor P Brown (Chairman), Councillor M Connolly, Councillor R Gamble, Councillor C Howard, Councillor C Humphries, Councillor L Mayes, Councillor J Ody, Councillor C Williams.

#### Apologies:

Councillor Mrs P Dow

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#### 27. MINUTES

The minutes of the meeting held on 15 October 2009 were confirmed as a correct record and signed by the Chairman.

#### 28. CHAIRMANS ANNOUNCEMENTS

There were none.

#### 29. DECLARATIONS OF INTEREST

There were none.

#### 30. E/09/0873/FUL – Kennet Rise, Axford, Ramsbury – Full planning application for: erection of five 2 storey terraced two and three bedroom houses together with 25 parking spaces and associated site works following demolition of existing dilapidated garage block.

##### Public Participation:

1. Mr H Watson spoke in objection to the application.
2. Mr Holstead spoke in objection to the application.
3. Mrs Henderson spoke in objection to the application.
4. Five further letters of objection were reported.
5. It was reported that Axford Parish Council had no objections to the proposal.

**Resolved:**

Defer and Delegate to the Area Development Manager to grant planning permission, subject to the conditions set out below, and subject to the applicant entering into a Section 106 agreement to ensure provision of affordable housing on the site. The Area Development Manager is also authorised to seek to include within the terms of the Section 106 agreement the safeguarding of 20 of the car parking spaces for public use.

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

REASON: To secure harmonious architectural treatment.

- 3 No development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of hard and soft landscaping, 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. Details shall also include species, sizes at planting, densities, location and numbers.

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

- 4 All soft landscaping comprised in the approved details of landscaping 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; 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.

- 5 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, including trees on land adjoining the site; 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) Trees 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 and adjoining the site in the interests of visual amenity.

- 6 Prior to commencement of the development hereby approved details of the treatment of the boundaries of the houses shall be submitted to the local planning authority for approval in writing. The boundaries shall be completed in accordance with the approved details prior to the first occupation of the houses.

REASON: To ensure a satisfactory setting for the development.

- 7 Before any part of the development hereby permitted is first occupied the access, turning area and 30 parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes. Ten of the parking spaces shall be reserved exclusively for the approved development; the remaining 20 spaces shall be made available to the public, and use for this purpose and access thereto, shall be made available at all times.

REASON: In the interests of highway safety and the proper planning of the site, to ensure that the parking area proposed is not kept solely for the residents of the proposed houses, as this would be over provision, but is made available to provide off-street parking for the public, in the interests of road safety..

- 8 The gradient of the new access road shall not exceed 1 in 12 for the first 5 metres back from the edge of the public highway.

REASON: In the interests of highway safety and to provide a safe and usable means of access to the development.

- 9 Before any part of the development hereby permitted is commenced, the highway visibility area shall be cleared and kept free of all obstructions to sight above 1 metre

above the adjoining carriageway from a point of 2.4 metres from the edge of the carriageway measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the east and 43 metres to the west from the centre of the access. The visibility area shall be kept free of obstructions to sight above this height thereafter.

REASON: In the interests of highway safety.

- 10 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 in the east facing elevation of the building hereby permitted.

REASON: In the interests of the privacy of the neighbouring properties.

- 11 Before development commences, a specification for a 2 metre wide footway across the site frontage shall be submitted to and approved in writing by the local planning authority. The footway shall be provided in accordance with the approved specification prior to the occupation of the first dwelling.

REASON: In the interests of highway safety.

- 12 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(s) hereby approved shall be erected.

REASON:

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

- 13 Prior to commencement of development details of the treatment of the common boundary between the site and nos. 1-3 Quality Court shall be submitted to the local planning authority for approval in writing. The development shall not be occupied until the boundary treatment is implemented in accordance with the approved details.

REASON: In the interests of safeguarding the privacy of the occupiers of nos 1-3 Quality Court.

- 14 No dwelling shall be occupied until the sewerage treatment works have been completed in accordance with the submitted plans.

REASON: To ensure satisfactory foul water drainage.

- 15 Details of the means of disposal of surface water from roads, paved areas, the car park and roofs shall be submitted to and approved by the local planning authority before work commences on site. Development shall be carried out in accordance with the approved details.

REASON: To ensure satisfactory surface water drainage.

- 16 No works connected with the construction of the houses shall commence until the measures for de-contamination set out in the "Leadbitter Axford Marlborough Desk Study and Interpretative Site Investigation Report" by T & P Regeneration Ltd dated June 2009 have been implemented, and the completed de-contamination works have been agreed in writing by the local planning authority.

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

- 17 Before any work commences on site the ground floor slab levels 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.

- 18 The developer shall give one month's written notice to the County Library and Museum Service, County Hall, Trowbridge, before any operations commence on site, and shall afford access at all reasonable times to any archaeologist and allow him/her to observe the excavations and record items of interest and finds.

REASON:

The proposal involves building operations in an area of potential archaeological interest.

- 19 **INFORMATIVE TO APPLICANT:**  
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 no. 3166/002 Rev **G** dated 29/04/09 (received by lpa **22/10/09**);

Plan no. 3166/003 Rev B dated 08/09 (received by lpa 08/09/09).

- 20 **INFORMATIVE TO APPLICANT:**  
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 21 **INFORMATIVE TO APPLICANT:**  
In relation to condition no. 16 (de-contamination works) the applicant is advised to consult the Council's Environmental Health Officer, Peter Nobes, to discuss the options set out in the Investigation Report (tel. 01380 734892).

- 22      **INFORMATIVE TO APPLICANT:**  
The applicant's attention is drawn to the attached response to the application from the Wiltshire Fire & Rescue Service.
- 23      **INFORMATIVE TO APPLICANT:**  
In relation to the access road, the applicant is advised that the Highway Authority is not required to adopt a road of this type which essentially provides access to a private car park and sewerage treatment works. In any event, the access road would appear on face value to have a gradient in excess of what would be acceptable to the Highway Authority to adopt.

Reasons for granting planning permission:

The site lies within the built-up area of Axford where residential development is permitted in accordance with the criteria set out in policy HC 24 of the Kennet Local Plan. The Council is satisfied that the development meets these criteria, in that it does not consolidate an existing loose knit, sporadic area of development; it replaces an existing building and is in harmony with the village in terms of its scale and character. The proposal would also enhance the appearance of the area and would comply with policy PD1 of the Kennet Local Plan. The proposal is therefore in accordance with the policies of the Development Plan and there are no overriding other material considerations that would justify refusal of planning permission.

**31.    E/09/1267/FUL – Chalk Hill House, Post Office Lane, Broad Hinton,–  
Full planning application for: Erection of replacement dwelling  
(Amendment to previously approved application K/57794/F)**

Public participation:

1.      Mr G Jefferies spoke in objection to the application.
2.      Mr M Hill spoke in support of the application.
3.      Mr Thomas spoke in support of the application.
4.      A further letter of objection concerning the garage roof was reported.
5.      The Divisional Councillor (Mrs J Milton) addressed the committee and spoke in objection to the proposal.

**Resolved:**

That planning permission be **GRANTED** 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      The materials to be used on the external surfaces of the garage and driveway shall be in accordance with the details shown on the submitted application particulars.

REASONS: To ensure that the new works harmonise with the existing building.

- 3 The dwarf retaining walls hereby permitted shall not be commenced until details of the external facing materials have been submitted to and approved by the local planning authority in writing. The development shall then be completed using the approved materials.

REASON: To secure harmonious architectural treatment.

- 4 The window at first floor level in the east-facing side elevation (serving the laundry room) shall be glazed with obscured glass only and fixed with a ventilation stay restricting its opening and shall be permanently maintained as such at all times.

REASON: In the interests of residential amenity and privacy.

- 5 Prior to installation details of the specific location and design of the second satellite dish shall be submitted to the local planning authority for approval in writing. The second satellite dish shall then be installed in accordance with the approved details.

REASON: The application contains insufficient information to assess this detail at this stage.

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

Plan Refs 09/23/01 & 09/23/03 dated Aug 09 and received by the lpa on 01 Oct 09.

Reasons for granting planning permission:

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 (in particular, the development, by reason of the design, would not detract from the visual amenities of the locality and would not have a detrimental impact on the privacy of neighbours) and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1 and NR7; and Central Government planning policy set out in PPS1 and PPS7.

## **32. PLANNING APPEALS**

The Members of the Committee noted the appeal decisions within the planning appeals update report.

## **PART 2**

**Items considered whilst the public were not entitled to be present**

**None.**

Chairman  
17 December 2009

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