

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber, Wiltshire Council Offices, Browfort, Devizes
Date: Thursday 20 May 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Anna Thurman, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718379 or email anna.thurman@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 Philip Brown
Cllr Mark Connolly
Cllr Peggy Dow
Cllr Nick Fogg
Cllr Richard Gamble

Cllr Charles Howard
Cllr Chris Humphries
Cllr Laura Mayes
Cllr Christopher Williams

Substitutes:

Cllr Lionel Grundy OBE
Cllr George Jeans
Cllr Jerry Kunkler

Cllr Jemima Milton
Cllr Christopher Newbury
Cllr Jeffrey Ody

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on 29th April 2010 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application 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. 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.

6. **Planning Applications** *(Pages 1 - 2)*

To consider and determine planning applications in the attached schedule.

- 6.a **E/10/0107/FUL Full planning application for: Retrospective change of use of land and building for the parking and storage of vehicles and equipment pending and equipment pending preparation for sale or export. Improvement to road junction At: Bromham House Farm, Devizes Road, BROMHAM, SN15 2DX** *(Pages 3 – 8)*

- 6.b **E/10/0225/S73 Full planning application for: Removal of condition number 4 of original planning permission K/85/1137 (Flats 21-34 inclusive) to allow unrestricted occupation of the dwellings. At: Stanford Court, Sheep Street, DEVIZES SN10 1EW (Pages 9 - 18)**

7. **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

None.

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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

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

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Wiltshire Council

East Area Planning Committee

May 20th 2010

List of Applications for Consideration

1. 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

RECOMMENDATION: Refuse planning permission

2. E/10/0225/S73

Full planning application for: Removal of condition number 4 of original planning permission K/85/1137 (Flats 21-34 inclusive) to allow unrestricted occupation of the dwellings.

At: Stanford Court, Sheep Street, DEVIZES SN10 1EW

RECOMMENDATION: Grant planning permission

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	20 th May 2010
Application Number	E/10/0107/FUL
Site Address	Bromham House Farm, Devizes Road, Bromham, Wilts SN15 2DX
Proposal	Retrospective Change of Use of Land & Buildings for the Parking & Storage of Vehicles, Plant & Equipment Pending Preparation for Sale or Export; Improvements to Road Junction
Applicant	Mr Jim Butler
Town/Parish Council	BROMHAM
Grid Ref	397506 165854
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before the Committee at the request of the Division Member, Cllr Brown.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issues in this case are the impact upon visual amenity and landscape character, and the impacts upon highway safety and neighbour amenity.

3. Site Description

This application relates to Bromham House Farm which lies in the countryside on the eastern outskirts of Bromham. The entrance to Bromham House Farm lies on the A342 Devizes to Chippenham road, immediately opposite the northern turning into Highfield.



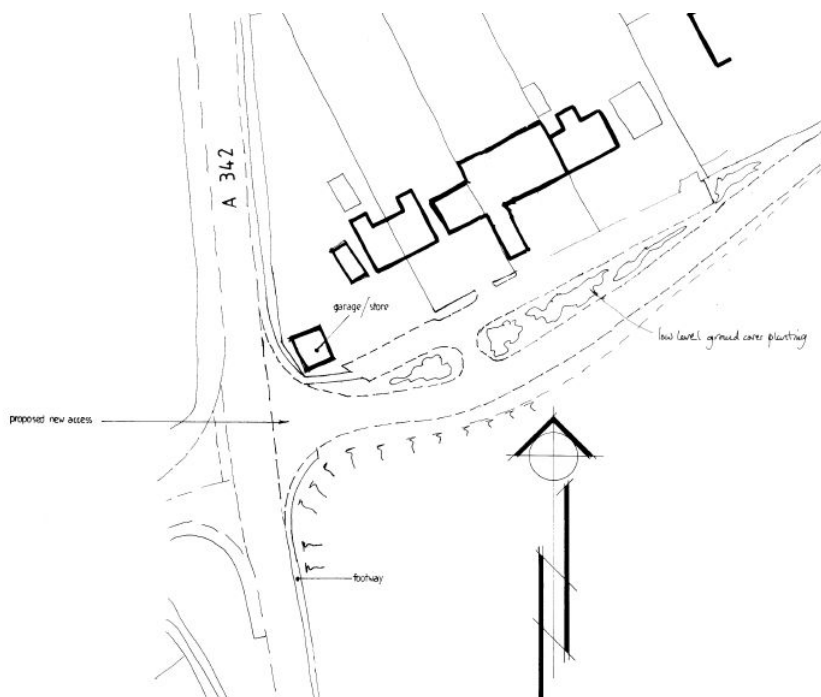
Site Location – East of A342 Devizes – Chippenham road

4. Relevant Planning History

E/09/1093/FUL - Change of use of land and buildings to allow the parking and storage of vehicles, plant and equipment pending preparation for sale or export; Improvements to road junction. Application withdrawn by applicant on 7th October 2009.

5. The Proposal

The proposal is for a retrospective change of use of land & buildings for the parking & storage of vehicles, plant & equipment pending preparation for sale or export. As part of the proposal the junction onto the A342 would be improved (see drawing below). The changes also include a proposed slip road to serve the dwellings closest to the A342 junction.



6. Planning Policy

Kennet Local Plan 2011 - policies PD1, NR6 & NR7 are relevant to the consideration of this planning application. Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy is also a material consideration. Government guidance contained in PPS4: 'Planning for Sustainable Economic Growth' is relevant.

7. Consultations

Bromham Parish Council – no objections, supports the amended plan to include 4 Roughmoor Cottages in the proposed slip road.

Wiltshire Council Highways – no objections, subject to a condition requiring the junction improvements and access road alterations to be carried out within 6 months.

Wiltshire Council Landscape Consultant – no objections in principle, subject to:

- Storage areas being confined to areas E and F on the plans;
- The height of vehicles stored on the site being restricted to 4.3 metres; and
- Landscaping detail being supplied as part of the application.

8. Publicity

The application has been advertised by press and site notices. Neighbour notification has also been carried out.

Representations have been received from the owner/occupiers of 2, 3 & 4 Roughmoor Cottages. These properties front onto the access road leading to Bromham House Farm and would be directly affected by the proposed junction improvements. Neither neighbour has any

objection to the proposals. They make the following additional comments:

- The bank between the two roads should be maintained as grass with perhaps some kerbing to retain the soil and refurbishment to the ruts in the existing road (which will be retained as a cul-de-sac as part of the proposals).
- The proposed new access will greatly improve visibility when exiting onto the A342, and will allow drivers travelling along the A342 better visibility of vehicles exiting onto the A342.
- The proposal to retain the existing road for residents' access will also be an improvement when exiting their properties giving improved visibility and improving safety for residents.

A further representation of objection has been received from the owner/occupier of 52 Highfield. The respondent considers that the proposal would be detrimental to highway safety without improvements being made to the junction of the farm access onto the A342.

9. Planning Considerations

Background

The applicant claims that his farm has diversified into various commercial enterprises over the last twenty years. The current planning application relates to one of those enterprises. In essence, the applicant has entered into an arrangement with an agency which finances the purchase of commercial vehicles, plant and machinery, to collect, repair and/or recondition such items where the company is unable to meet its contractual obligations with the finance company. Once the items have been cleaned and repaired, they are sold to defray the outstanding financial obligations between the parties to the original agreement.

According to the applicant, until the end of 2007 the number of vehicles and items of plant being brought onto the farm was not significant and the business operated alongside the other agricultural and commercial activities run from the site. Since then the severe economic recession has resulted in a significant increase in the number of repossessions, and a collapse in the demand for commercial vehicles, plant and equipment. This has resulted in a marked increase in the number of vehicles, etc. that are stored or parked in and around the farm buildings. The applicant therefore decided to construct an additional area of hardstanding for use in connection with the business. An earth bund has been constructed around the north and east edges of the hardstanding.

Assessment

Government guidance contained in PPS4 advises local planning authorities to support farm diversification initiatives which are consistent in scale and environmental impact with their rural location.

The main impacts of this development are upon visual amenity and landscape character, highway safety and neighbour amenity.

a) Impact upon visual amenity and landscape character

The vehicles, plant and machinery are stored on a new hardstanding to the north of the existing farm buildings. The position of the hardstanding means that the development is hidden in views from the south. The main visual impact is from the north and there are clear views from the A342 near its junction with the A3102. The most significant views are from the A342 from the junction with the Calne Road (B3102) southwards.

The nature of the storage, which includes amongst other things brightly coloured lorry units, articulated trailers and earthmoving plant with jibs, means that it is highly visible as a discordant element in the rural landscape. In essence, it is what you would expect on an industrial estate in a built up area, not a farmyard in the countryside. The existing bunding is inadequate to screen the external storage effectively and higher bunding would be impractical and appear alien in this

location. It would be possible to plant the boundaries with trees and hedging (as proposed in the application), but your officers are concerned that this would be inadequate as the commercial vehicles are bulky and taller than the normal hedgerows that could be expected in this location. Any planting would take a considerable length of time to establish and become effective, plus native species would not provide the necessary screening in the winter months. It is also very difficult for planting to establish on top of earth bunds due to the dryness of the soil.

The proposed junction improvements would also have a visual impact. However, it is considered that this is capable of being mitigated by a suitable landscaping scheme incorporating native trees and hedging.

b) Impact upon highway safety

The application proposes improvements to the junction of the access road with the A342. These improvements are necessary to improve the junction radii and make it suitable for the large, often articulated, vehicles accessing the site. It will also have added benefits for farm traffic and the residents of neighbouring properties. The Council's highway engineer is satisfied that the improvements are acceptable from a highway safety perspective. There are thus no objections on these grounds.

c) Impact upon neighbour amenity

The movement of heavy vehicles and plant in and out of the site has the potential to cause nuisance for the occupiers of residential properties alongside the access. However, the number of daily movements is likely to be relatively modest, particularly in comparison to the existing levels of farm traffic using the access. The realignment of the junction will move the access road further away from Roughmoor Cottages and this will reduce any impact upon the amenities of occupiers of these properties. It is relevant to note that no objections on these grounds have been received from adjacent properties; three have made representations but none has raised any objection on amenity grounds.

d) Economic benefits

PPS 4 supports economic development in rural areas, but makes it clear that planning authorities need to consider whether the benefits outweigh the harm in terms of the potential impact on the countryside and landscape compared to the local economic and social needs.

Conclusion

As other matters are not at issue, the assessment of this application focuses on whether the benefits of the economic diversification outweigh the harm to the appearance of the countryside and landscape at the site. This is a finely balanced issue and had the use involved smaller scale vehicles, such as tractors, officers may have been able to support it. However, the size and nature of the vehicles involved make the operation one that is more appropriately sited on a properly serviced industrial estate. The impact of this open storage on the appearance of the countryside is considered unacceptable and accordingly, refusal is recommended.

RECOMMENDATION

Refuse planning permission for the following reason:

The open storage of vehicles, plant and machinery is detrimental to visual amenity and landscape character due to its location adjacent to open countryside, height and bright coloration. This is contrary to policies PD1 & NR7 of the Kennet Local Plan 2011, Supplementary Planning Guidance contained in the Kennet Landscape Conservation Strategy and government policy contained in PPS4: 'Planning for Sustainable Economic Growth'.

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file and associated history file.



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REPORT TO THE EASTAREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	20 th May 2010
Application Number	E/10/0225/S73
Site Address	Stanford Court Sheep Street Devizes Wiltshire
Proposal	Removal of condition number 4 of original planning permission K/85/1137 (Flats 21-34 inclusive) to allow unrestricted occupation of the dwellings.
Applicant	English Churches Housing Group
Town/Parish Council	DEVIZES
Grid Ref	400717 161380
Type of application	Variation of Condition
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been brought to Committee at the request of the Division Member, Councillor Jeff Ody.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Site Description

Stanford Court is located in an accessible location central to the town of Devizes (almost opposite the library) and is partly located above a public car park. A car park marked out with 6 parking spaces lies to the front of the site which is currently utilised by the warden, residents and their visitors. The development has a communal garden area located to the rear and lies within the conservation area.

The application site is Phase II (14 flats) only of a development of a total of 27 flats originally granted planning permission in the 1970s and 1980s. Unrestricted occupation of Phase I of the scheme was permitted. However, the later phase II of the development was restricted by condition to 'Category Two sheltered accommodation'. Category II sheltered accommodation is widely accepted as wardened accommodation for those over the age of 60.

3. Relevant Planning History

K/75/0536 - Approve with Conditions 15/01/1975
Erect 13 flats for elderly persons. (No occupancy condition)

K/85/0600 - Approve with Conditions 08/08/1985
3 Storey bldg. to provide 13 no. new flats, together with ancillary rooms, new staircase and lift

K/85/1137 - Approve with Conditions 30/01/1986
One additional dwelling in the approved scheme giving a total of 14 (with the occupancy condition)

4. The Proposal

The application proposes the removal of condition number 4 of original planning permission

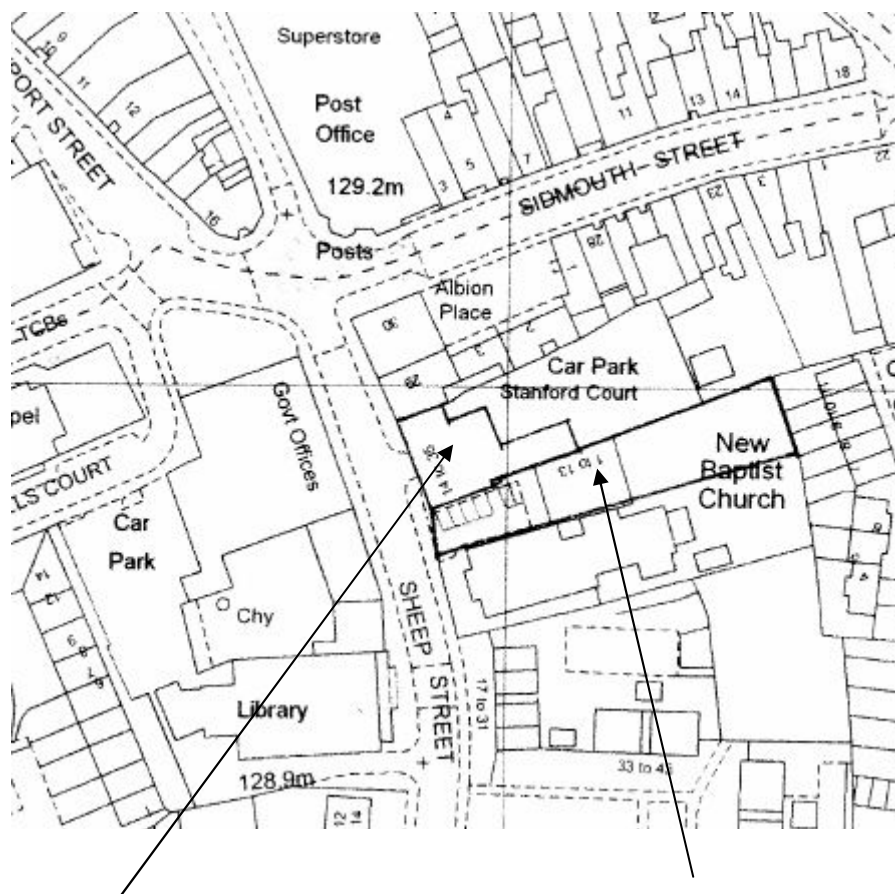
K/85/1137 for 14 flats (flat numbers 21-34 inclusive) which states that;

'The flats shall be occupied as Category Two sheltered housing accommodation only and shall not be used for general housing.

REASON: The development is unsuitable for general housing because of the levels of provision for car parking and private open space.'

Removal of the condition would allow occupation as open market housing and would bring the permission for these flats in line with the permission granted for the original units.. Although both phases are currently occupied by elderly residents, there is no condition that requires this on the first phase.

The reasons put forward by the applicants for wishing to remove the condition are that they are seeking a new landlord to take over the ownership and management of the whole of the property. Although the new landlord has no plans to change the use of the building as there is currently a strong demand for sheltered accommodation, they seek to remove the condition to protect their investment in the building. This would enable them to change the use in the future if there was no longer a demand for this type of accommodation.



Stanford Court – flats with occupancy condition..... and those without

5. Planning Policy

Kennet Local Plan – the site lies within the Devizes Conservation Area. The relevant planning policy is AT9 (vehicle parking standards) National guidance contained within Planning Policy Guidance Note 13 is also relevant.

6. Consultations

Devizes Town Council - After much discussion it was agreed that the introduction of a mixed development would compromise the nature of the development for older people.

Objections to the application have been received from 14 parties, many of which are extensive in their content. A summary of the key points is set out below, however the representations can be accessed in full by viewing the planning file:

- 6 parking spaces are insufficient for general housing and there is no further available space for parking provision. If allowed, the application would be harmful to highway safety and would further block space available for emergency access.
- The further 9 parking spaces required to be provided by original planning permission K/85/0600 were never provided and the situation has not changed.
- The communal garden area is shared with the church and does not provide sufficient play space for children nor is it suitable for play.
- The mixed occupancy of the flats would cause noise and disturbance and there are concerns that occupancy by younger people is incompatible with use by elderly people, some of whom are infirm. This would adversely affect the sense of security and peace and force people to move from the community they chose to live in at this more vulnerable time.
- There are security concerns both regarding the local area and also of communal areas at Stanford Court.
- The application has led to significant anxieties about the future of the building and potential resulting increases in rent.
- Concerns have been expressed about the unsuitability of communal areas, including access, halls and stairwells (especially as mobile scooters are stored there) and laundry facilities which could cause further risk.
- There is insufficient space for laundry drying requirements of market housing.
- The building should not be lost as elderly persons accommodation as the demand is greater than ever due to changing demographics.
- The proposal conflicts with draft policies in the emerging Core Strategy in that it would allow accommodation centrally located to key facilities for elderly people to be lost for their use.

7. Publicity

Neighbours and occupiers of the development have been notified by letter and the application has been advertised by means of a site notice.

8. Planning Considerations

This application is to apply to remove a condition on the planning permission for the original development relating to the restriction of occupancy as Category II sheltered housing only. The material planning considerations are therefore limited to the reason that this condition was originally imposed: namely that, *'The development is unsuitable for general housing because of the levels of provision for car parking and private open space.'* It should be noted that this condition was imposed in 1985 when the relevant planning policies would have been quite different from those at present and that phase I of the development, flats 1-13 inclusive, could already be occupied as market housing.

Whilst there is sympathy for the general amenity considerations raised by the residents regarding the impact of removing the condition, this is in reality a management issue for the owners of the flats to resolve with the tenants. The fact is that the building is suitably located for unrestricted residential use and it is difficult to see how an argument against removing the condition could be successfully defended, particularly where one half of the complex does not have a similar condition. Similarly, the issue of the change in ownership does not have any bearing upon the consideration of this application.

The key remaining planning issues of parking provision and private open space are addressed in turn below.

Parking Provision

The present situation is that none of the parking spaces are tied to the 27 flats known as Stanford Court. However, it is acknowledged that the six parking spaces located directly to the front of Stanford Court are currently utilised by the warden, the residents and their visitors. The existing policy stance is one of maximum parking standards and each proposal must be viewed on its merits. In this instance, relevant factors include; the accessible town centre location of the

flats; the nearby public car parks and existing waiting restrictions on the streets within the vicinity which assist in reducing inconsiderate parking. Wiltshire highway officers have considered these factors and have raised no objections to the variation of the condition on phase II of Stanford Court subject to a condition to tie the existing 6 parking spaces to the flats known as Stanford Court. The situation is that a condition of this nature first imposed in the 1980's could no longer be justifiably used in this location on a new development given current parking standards and Government guidance

Private Open Space

Whilst adopted Supplementary Planning Guidance would usually advocate the provision of 50 square metres of private open space per new dwelling, regard must be had to the existing situation of a communal garden area shared amongst the existing residents of the 27 flats and shared with the church. If Members were minded to approve the application for the variation of the condition to allow unrestricted occupancy of this block of 14 flats, it is highly likely that the number of occupants would not change significantly from the present situation. Given the modest size of the flats, it is also unlikely that they would be suitable for occupation by significant numbers of children. In any case, the properties are within easy walking distance of play areas and recreation spaces on The Green and other leisure opportunities at Devizes Leisure Centre. Whilst the existing situation may preclude individual space for the drying of laundry, this would not be significantly worse than the existing situation. On balance, it is considered that the minimal open space provision would not cause significant harm in this instance to warrant refusal of planning permission.

9. Conclusion

It is considered that there are no planning grounds to justify refusal of this application. Accordingly, permission is recommended.

RECOMMENDATION

Approve with conditions as follows

- 1 The six parking spaces located in the parking and associated turning areas directly to the west of the block housing flats 1-13 and directly to the south of the block housing flats 14-35 shall be retained as parking and turning areas in perpetuity for use by the residents of the development known as Stanford Court and their visitors only.

REASON: To ensure adequate on-site parking provision.

- 2 No flats shall be occupied other than as category II sheltered housing accommodation until suitable provision for bin storage has been made in accordance with plans first submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved plans and shall thereafter be maintained as such.

REASON: In the interests of amenity.

- 3 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: E/10/0225/S73 received on the 30th March 2010.

Appendices:

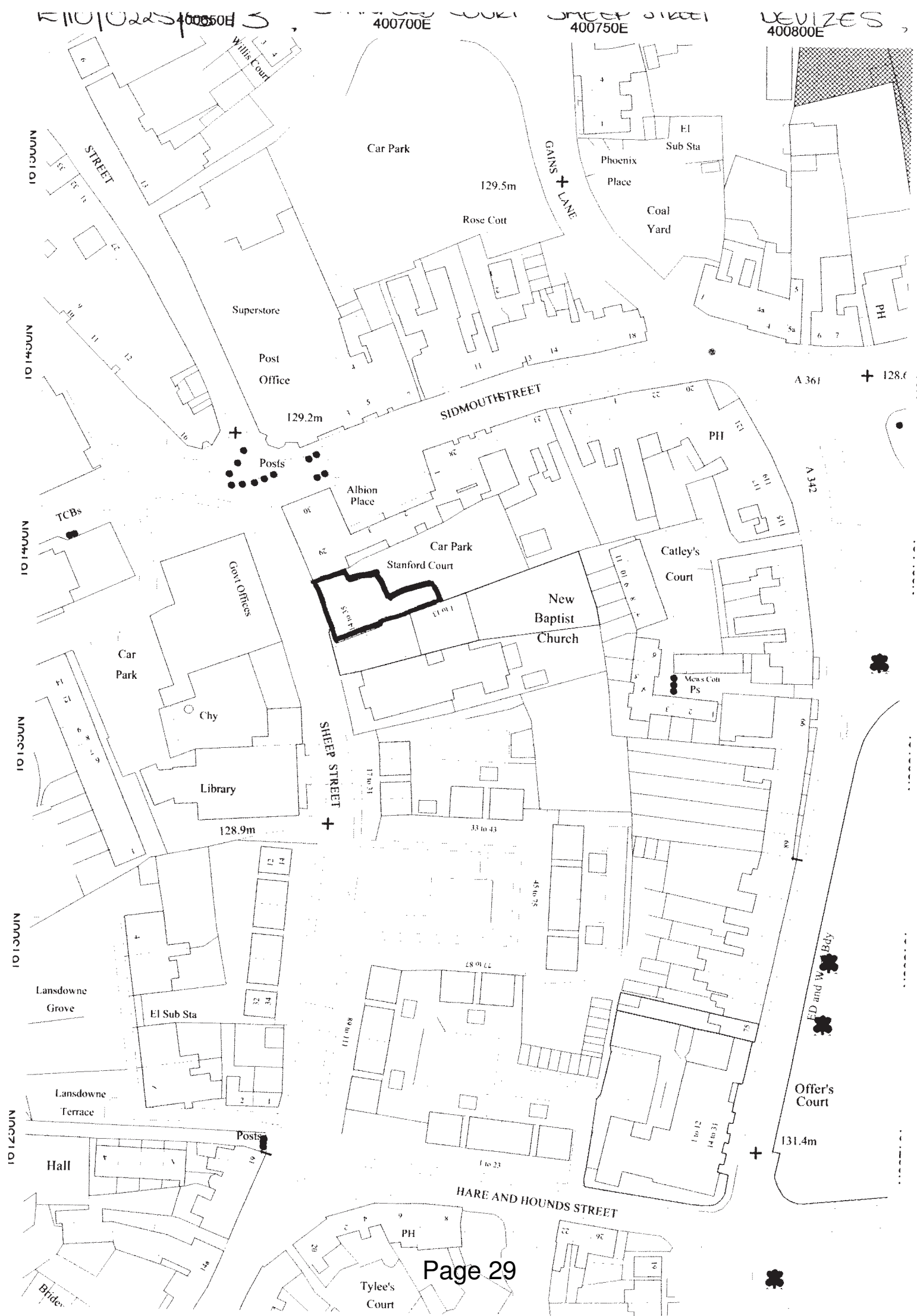
None

Background Documents Used in the

The application file and associated history file.

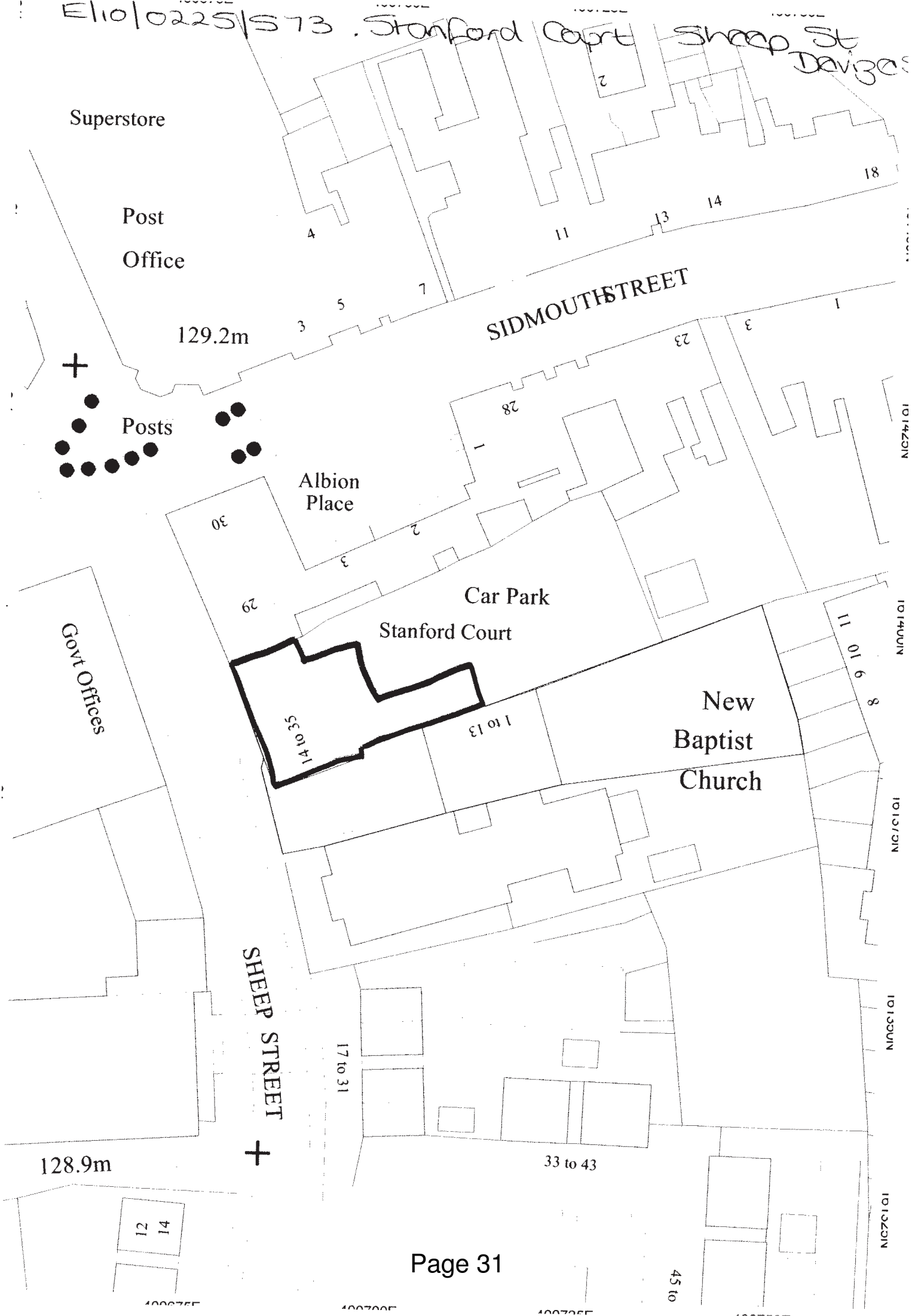
Preparation of this Report:

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