

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 20 APRIL 2017 AT WESSEX ROOM, CORN EXCHANGE, THE MARKET PLACE, DEVIZES SN10 1HS.

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr Jerry Kunkler and Cllr James Sheppard (Substitute)

Also Present:

Cllr Philip Whitehead and Cllr Christopher Williams

20. Apologies for Absence

Apologies were received from Cllr Nick Fogg and from Cllr Paul Oatway QPC who was substituted for the meeting by Cllr James Sheppard.

21. Minutes of the Previous Meeting

Cllr Mark Connolly, seconded by Cllr Peter Evans, moved that that the minutes of the Eastern Area Planning Committee held on 16 February 2017 be accepted as an accurate record.

Resolved:

To approve and sign the minutes of the meeting of the Eastern Area Planning Committee on 16 February 2017 as an accurate record.

22. Declarations of Interest

Cllr Charles Howard declared a non-pecuniary interest in respect of agenda item 7a (application 17/00605/FUL) due to his prior business arrangements with the applicant, and that he would retire from the Chair and leave the room for the duration of the item.

23. Chairman's Announcements

The Chairman had no announcements to make.

24. **Public Participation and Councillors' Questions**

The Chairman explained the rules of public participation and confirmed that no questions had been submitted from members of the public.

25. **Planning Appeals and Updates**

The written update on appeals was received.

26. **Planning Applications**

27. **17/00605/FUL Castle Club, Ludgershall**

Cllr Mark Connolly was in the chair.

Public Participation

Mr Aaron Smith, agent, spoke in support of the application

Mr Mike Giles, Ludgershall Town Council, spoke in objection to the application.

Mike Wilmott, Head of Development Management, introduced the report which outlined the application for the demolition of a single storey extension to Old Castle social club and the erection of 2 dwellings with associated car parking and landscaping. Key issues included that the site was within the acceptable limits of development; that it would have a positive impact on the conservation area when compared to the current site; that the impact on the local residential amenity was acceptable; and that previous arrangements for parking on the site had been informal and should not be considered in determining the application. The officer recommended that the application be approved for the reasons set out in the report.

Members of the Committee were invited to ask technical questions of the officer. There were none.

Members of the public were then invited to speak as detailed above.

The local unitary division member, Cllr Christopher Williams, spoke in regards to the application. He reported that he was pleased that the proposal had been revised to include two rather than three new dwellings, and that he felt the development would be likely to have an impact on local highway issues including parking.

Cllr Richard Gamble, seconded by Cllr Jerry Kunkler, moved that the application for planning permission be granted subject to the conditions outlined in the officer's report.

In the debate that followed, the following points were discussed: the potential for parking and other highways issues to arise in the area; the impact on local businesses; the impact of the proposal on the conservation area and local amenity; and the history of the site and the conditioning for undertaking an archaeological study prior to work commencing.

At the conclusion of debate, it was

Resolved:

To grant planning permission, subject to the following conditions:

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Ref: 160239-02 – Location Plan. Received 20.01.2017

Ref: 160239-03 Rev B – Design Scheme. Received – 09.03.2017

Ref: 160239-04 – As proposed. Received 04.04.2017

REASON: For the avoidance of doubt and in the interests of proper planning.

3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5 No development shall commence within the site until:

A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

The approved programme of archaeological work has been carried out in accordance with the approved details

REASON: To enable the recording of any matters of archaeological interest.

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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- Finished levels and contours;**
- Means of enclosure;**
- Car park layouts;**
- All hard and soft surfacing materials.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, 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 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 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 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C or E shall take place on the dwelling houses hereby permitted or within their curtilage without the prior grant of planning permission from the Local Planning Authority.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

11 Before the development hereby permitted is first occupied the first floor windows on the eastern elevation of Unit 1 shown to be serving a bathroom; and the windows on the southern and eastern elevations of Unit 2 shown to be serving a bathroom and a landing respectively, shall be glazed with obscure glass only [to an obscurity level of no less than level 5] and shall be fitted to be top hung only. The windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

INFORMATIVES

1 The applicant's attention is drawn to the comments received about the site to application ref: 16/09438/FUL, dated 19 October 2016.

2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

3 Please note that in respect of condition 4, off the shelf GRP porches will not be acceptable and will not satisfy the requirements of this condition.

4 Please note that in respect of condition 5, any archaeological work should be conducted by a professionally recognised archaeological

contractor in accordance with a written scheme of navigation approved by this office and there will be a financial implication for the applicant.

28. **16/10328/FUL Devizes Marina**

Cllr Charles Howard returned to the chair

Public Participation

Mr Tom Taylor, applicant, spoke in support of the application.

Mr D Carpendale, agent, spoke in support of the application.

Mr Eric Clark, on behalf of Bishops Cannings Parish Council, spoke in objection to the application.

Morgan Jones, Senior Planning Officer, introduced the report which outlined the application for eight holiday lodges and associated external works. One late submission had been received from the Canal and River Trust in which their objection as consultee had been withdrawn and a request had been made for additional conditioning should the application be approved. In response to the consultee's submission, the officer recommended that should the committee be minded to approve the application, an assessment be conditioned to determine the impact on the canal bank of the proposed development. The officer recommended that the application be approved for the reasons set out in the report.

Key issues were stated to include: the impact on the ecology, environment, and heritage of the area; the re-establishment of a 3metre landscaping buffer between the site and the canal bank; that a housing development had been approved on the neighbouring site; risk of flooding and consideration of drainage; and the impact on highway and pedestrian safety.

Members of the Committee were invited to ask technical questions of the officer and it was confirmed: that discussion was ongoing with the applicant regarding a temporary fence believed to encroach on a public right of way; that there was no public right of way between the site and the canal bank; that the lodges would be classified as caravans and temporary in nature; and that any mooring requirements or restrictions would be by agreement between the applicant and the Canal and River Trust.

Members of the public were then invited to speak as detailed above.

In response to comments raised during public participation, the planning officer clarified that the previous permission for the site included 6 lodges and a larger distance between the lodges and the canal bank but that the development site under consideration was larger than for the previous scheme.

Cllr Mark Connolly, seconded by Cllr Richard Gamble, moved that the application be approved for the reasons presented in the officer's report, with the addition of the following conditioning:

No development shall commence until an assessment of the loading of the lodges, including and foundations or supports, on the embankment and underlying soils shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

In the debate that followed, the following points were made: that the number of lodges was acceptable; that the design of the lodges was in keeping with the local environment; that the width of the buffer between the canal bank and the lodges was of a suitable size; that the development would aid the viability of the Marina; that the restrictions on time and type of residency conditioned for were in line with national policy; and that the nature of the building materials used was appropriate.

At the conclusion of the debate, it was,

Resolved:

To grant planning permission subject to the following conditions:

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 The development hereby permitted shall be carried out in accordance with the following approved document and plans:

Drawing no.13113-1 - Location Plan;

Drawing no.13113-2 - Existing Site Plan;

Drawing no.13113-3 Rev D - Proposed Site Layout Plan;

Drawing ref.40'x20' Tuscany - 2 Bed;

Drawing ref.40'x20' Custom - 2 Bed;

Drawing ref.40'x20' Tuscany Side Aspect - 2 Bed;

Document: Planning Application form dated 20.10.16.

REASON: For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation including as a person's sole or main place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access,

and planning policies pertaining to the area, would not permit permanent residential accommodation.

4 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5 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 lodges 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.

6 No development shall commence on site until an Ecological and Landscape Management Plan (ELMP) has been submitted to and approved in writing by the Local Planning Authority. The ELMP will cover management of all ecological and landscape features within the site, including responsibility for maintenance and mechanism for changes to the plan should these be necessary to ensure continued integrity of the landscape features. The ELMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

7 No part of the development hereby permitted shall be brought into use or occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

8 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use or occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

9 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No lodge shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

10 No development shall commence on site until details of the proposed ground floor levels of the lodges have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

12 No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Identification of 'biodiversity protection zones'**
- b) Practical measures (both physical measures and sensitive working practices) to avoid harm to biodiversity features (may be provided as a set of method statements)**
- b) The location and timing of sensitive works to avoid harm to biodiversity features**
- d) Responsible persons and lines of communication**
- e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)**
- f) Use of protective fences, exclusion barriers and warning signs.**
- g) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.**

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

13 No development shall commence until an assessment of the loading of the lodges, including any foundations or supports, on the embankment and underlying soils shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

REASON: To comply with paragraph 120 of the National Planning Policy Framework as excavation, earth removal and the construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure.

INFORMATIVES TO APPLICANT:

14 The attention of the applicant is drawn to the contents of the letter from the Dorset and Wiltshire Fire & Rescue Service, dated 16.11.16, which can be viewed on the Council's website at www.wiltshire.gov.uk

15 The attention of the applicant is drawn to the contents of the consultation response received from Wessex Water, dated 13.12.16, which can be viewed on the Council's website at www.wiltshire.gov.uk

16 The Environment Agency recommends that the development incorporates water and energy efficiency measures to reduce the water and energy consumption of the development hereby approved.

17 The applicant is advised to contact the Canal and River Trust in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works Affecting the Canal & River Trust.

18 The Environment Agency recommends that safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

19 The Council's Rights of Way & Countryside team advise that the public footpath abutting the east of the site is BCAN43 and has a recorded width of 4 metres. This should remain unobstructed and the full width should be available for the public to pass and re pass. The temporary fence is encroaching onto the footpath. Obstruction of the highway is an offence at common law as a form of public nuisance and also a crime by statute under Section 137 of the Highways Act 1980. The public are entitled to free passage along any highway and any building, fence, structure or deposited materials on the highway will be judged to be an obstruction in law. The Highway Authority is empowered to serve notice for the removal of obstructions and where not complied with the offence becomes a continuing offence liable to higher penalties. A court has the power to order the removal of an obstruction and failure to comply is punishable by a fine up to £5,000 with further failures to comply punishable by fines of up to £250 per day. If the Highway Authority removes the obstruction itself it has powers to recover costs from the offender. It is recommended that the applicant contacts the Council's Senior Rights Of Way Warden (West), Mr Paul Millard, on 01225 712821 to discuss and resolve the above issue.

29. Urgent items

There were no urgent items.

Cllr Mark Connolly, on behalf of the committee, thanked Cllr Charles Howard for all his work during his time spent as Chairman, and wished him well for his retirement from Wiltshire Council.

(Duration of meeting: 6.00 - 6.53 pm)

The Officer who has produced these minutes is Becky Holloway of Democratic Services, direct line 01225 718063, e-mail becky.holloway@wiltshire.gov.uk

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