

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 24 FEBRUARY 2022 AT WESSEX ROOM, DEVIZES CORN EXCHANGE, MARKET PLACE, DEVIZES.

Present:

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Sam Pearce-Kearney, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Caroline Thomas (Substitute)

Also Present:

Cllr Kelvin Nash

1. **Apologies**

Apologies were received from Cllr Brian Mathew and Cllr Kelvin Nash. Cllr Kelvin Nash was replaced for this meeting by Cllr Caroline Thomas.

2. **Minutes of the Previous Meeting**

The minutes of the meeting held on 2 December 2022 were presented for consideration.

Resolved:

To approve and sign the minutes as a true and correct record, subject to minute 28 including reference to Cllr Caroline Thomas reading an email from North Wessex Downs Area of Outstanding Natural Beauty objecting to the Rabley House planning application.

3. **Declarations of Interest**

Cllr Paul Oatway reported that, in relation to the planning application submitted by the Police and Crime Commissioner for Land North of Quakers Road and South of Parkfields, Devizes, he had previously been employed by the Chief Constable for Wiltshire, although this would not effect his consideration of the application.

4. **Chairman's Announcements**

There were no Chairman's announcements.

5. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

6. **Planning Appeals and Updates**

Resolved:

To note the report on completed and pending appeals.

7. **Planning Applications**

The following planning applications were considered:

8. **21/02477/OUT - Land North of Quakers Road and South of Parkfields, Devizes, Wilts**

Public Participation:

- David Dawson - spoke in objection to the application
- David Fellows – spoke in objection to the application
- Simon Handy – agent – spoke in support of the application
- Cllr Richard Oliver OBE – Devizes Town Council spoke in objection to the application

Andrew Guest, Head of Development Management presented the report which recommended that the Head of Development Management be authorised to grant planning permission, subject to first the completion of a S106 agreement within 6 months of the resolution date and subject to conditions detailed in the report.

The officer stated that the main considerations in this application are, firstly, the principle; and then detailed matters including highway safety, visual amenity, ecology, heritage impact, and residential amenity.

The officer advised that the site comprises c. 2.53 ha of mainly open land located on the north side of Devizes, within its defined 'Market Town' limits of development. The larger part of the site can reasonably be described as an enclosed field, although with some central small tree groups and a hard-surfaced area on its east side (former tennis courts, long-term dis-used). On its north side the site also includes sections of Parkfields road, including three 'islands' of open space. The site is generally level. To the south-east side of the site is London Road (A361). To the south side is Quakers Road, with the Wiltshire Police Headquarters beyond. To the south -west side is The Trinity Primary School. To the west, north and east sides is Parkfields road and a footpath link to London Road, with residential properties beyond. The site is enclosed by fencing and/or hedgerows with existing access gates from Parkfields. In planning policy terms the site lies within the limits of development of Devizes 'Market Town'. The site has no specific land use designation.

The report detailed the responses to the consultation and representations received. It was noted that the application has been the subject of two rounds of

public consultation. On both occasions Devizes Town Council has raised objections. The first consultation round generated 94 representations (all objections). The second consultation round generated 45 representations (all objections). All representations – first and second round – remain relevant to the determination of the application.

In response to technical questions asked by the Committee the officer explained that in comparison to other roads in the vicinity, the application site was adequate for its purpose, although it would be widened in part from c. 4.5m to 5m; Existing green verges would be used to construct new footpaths; it was confirmed that the green space through the centre of the development would be sufficient to sustain the resident badgers and bats; road access to and from the site was double width to accommodate cars in both directions.

Members of the public then had the opportunity to present their views, as detailed above.

A statement objecting to the application from the unitary division member, Cllr Laura Mayes was circulated to the Committee prior to the meeting and read out by the Head of Development Management during the meeting.

In response to issues raised during public participation and the Unitary members statement, the Head of Development Management reminded the Committee that the application was an outline application and the plans attached to the report were illustrative and may not reflect the final design; the site was in a sustainable location with bus stops within easy walking distance; Wiltshire Council Highways did not object to road capacity not in terms of technical aspects of the scheme; the drainage strategy had not received any objections; and the photographs displayed in the slide presentation at the meeting had not been tampered with.

So that the Committee had something to debate the Chairman proposed a motion to grant the application, with conditions detailed at pages 46-52 of the agenda, as per the officer recommendations.

A debate followed where Members expressed concerns about the application in its outline form. Comments were made about the site access and congestion from the number of delivery vans; concern that communities are encouraged to prepare neighbourhood plans and one of the representations refers to the application being contrary to the Devizes Area Neighbourhood Plan which encourages brownfield development on smaller sites to satisfy required housing targets (the Head of Development Management explained that the application complied with the Neighbourhood Plan and referred to page 38 of the agenda pack and Policy H2); Proposal to have only one access onto the site (the Head of Development Management reminded the Committee that they had to consider the application before them, and two access road were necessary due to the green 'lung' constraints in the middle of the site); the application goes against the spirit of the Neighbourhood Plan; concern about additional traffic on

London Road; access onto Parkfields; the negative impact on the badgers sett and food supply; and challenges during school drop off and pick up times.

The vote for granting the application was lost with one member in favour of the motion and five against. Therefore, a further motion was proposed to refuse the application on the grounds detailed below. The vote for refusing the application was won five in favour of the motion and one against.

At the conclusion of the debate, it was

Resolved:

That planning permission is refused for the following reasons:

- 1. The proposal would lead to an increase in vehicular movements in Parkfields and Parkfield Terrace, this as a consequence of the additional houses planned to be accessed from these roads. By reason of the unusual layout of these roads and their relatively narrow carriageway widths (notably in Parkfield Terrace), the additional traffic would lead to increased danger and inconvenience to all users of these roads, to the detriment of highway safety. This is contrary to Core Policies 57(xiv) ('Ensuring high quality design and place shaping') and Core Policy 61 ('Transport and new development') of the Wiltshire Core Strategy.**
- 2. The application site is known to support an active badgers sett. By reason of the limited size and position of the proposed 'green lung' within which the badger sett is planned to be incorporated, the proposal would have a detrimental impact on the badgers and their environment. This is contrary to Core Policy 50 ('Biodiversity and geodiversity') of the Wiltshire Core Strategy**

9. **PL/2021/09789 - Land adj 15 Pines Road (known as 17 Pines Road) Devizes, Wilts, SN10 3AZ**

Public Participation:

- Phil Jenkins - agent spoke in support of the application

Meredith Baker, Senior Conservation/Planning Officer presented the report which recommended that the planning permission be refused, for reasons detailed in the report, for a detached dwelling (resubmission of PL/2021/05314).

The officer stated that the proposed development is considered to give rise to unacceptable impacts upon the character of the area as a result of the overdevelopment of the site in a plot which is out of keeping with the pattern of development. The proposal would also result in inadequate amenity space for the future occupants of the three bedrooomed dwelling and would adversely impact on neighbours' amenities in terms of overlooking from the first-floor

bedroom window. There are no benefits that would outweigh the harm generated.

The officer advised that the site is located within the settlement of Devizes and comprises the land that was previously part of the residential curtilage of 15 Longcroft Crescent. As confirmed in the Planning Statement the land is now no longer part of the residential land known as 15 Longcroft Crescent and is known as 17 Pines Road. The site is situated to the south of the highway of Pines Road in a residential estate. To the immediate east are two storey semi-detached pairs and to the west and south are single storey bungalows.

The report detailed the responses to the consultation and representations received. It was noted that Devizes Town Council raised no objection to the application and Wiltshire Council highways raised issues about the visibility splays, resurfacing parking areas and informative note about vehicle crossover permission. A summary of the 2 third party letters of representation, raising objections, were detailed in the report.

In response to technical questions asked by the Committee the officer confirmed that the principle of development is acceptable, however, the proposal for a 2 storey dwelling is considered overdevelopment, the lack of amenity space is considered unacceptable for the future needs of the occupants contrary to Core Policy 57, and the Committee need to consider the application before them, any material changes, such as the relocation of the window to the third bedroom to remove the issue of overlooking, would require the Committee to defer the application.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Kelvin Nash spoke in support of the application. Cllr Nash indicated that the area was well known to him. He disagreed with the report describing the dwelling as out of keeping with the Streetscene. He explained that the materials are a very good match to others in the immediate vicinity, the amenity space was similar to some other dwellings in the area, overlooking of neighbouring properties was not too much of an issue, and over shadowing in the garden next door had minimal impact and was acceptable. He referred to the representations received and felt that the proposal was well designed. He urged the Committee to support the application.

So that the Committee had something to debate the Chairman proposed a motion to refuse the application, with reasons detailed at pages 65-66 of the agenda, as per the officer recommendations.

A debate followed where Members expressed support for the application in its current form. Comments were made about the amenity space indicating that this was a matter of personal choice, issues concerning overlooking were minimal and the proposed development on the site was acceptable.

The vote for refusing the application was lost with no members in favour of the motion and five against. Therefore, a further motion was proposed to grant the application on the grounds detailed below. This vote for granting the application was won 5 in favour of the motion and none against.

At the conclusion of the debate, it was

Resolved:

That planning permission is granted 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 and documents:**

Application Form

Location Plan - Drawing No. 00381/001

Proposed Site Plan - Drawing No. 00381/003

Proposed Ground Floor Layout - Drawing No. 00381/004

Proposed First Floor Layout - Drawing No. 00381/005

Proposed Roof Layout - Drawing No. 00381/006

Proposed Elevations - Drawing No. 00381/007

Proposed Street Scene - Drawing No. 00381/008

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

3. **The development hereby permitted shall not be first occupied until splays have been provided on both sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The splays shall always be kept free of obstruction above a height of 600mm.**

REASON: In the interests of highway safety.

4. **The development hereby permitted shall not be first occupied until the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.**

REASON: In the interests of highway safety and to ensure that the highway is not inundated with private water.

5. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwellinghouse hereby permitted or within their curtilage.**

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.

Informatives:

6. **The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.**

(Note: Cllr Sam Pearce-Kearney arrived after the Committee had started to consider this application. Cllr Pearce-Kearney did not take part in the consideration or voting on this item.)

10. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.20 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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