

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 JUNE 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Nigel Carter (Substitute), Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries and Cllr Christopher Williams

140. **Apologies for Absence**

Apologies were received from Cllr Jane Burton, substituted by Cllr Nigel Carter, and Cllr Laura Mayes.

141. **Changes to Committee Membership**

The Committee noted the changes to Committee membership as agreed at Council on 17 May 2011 and detailed in the agenda.

142. **Minutes of the Previous Meeting**

The minutes of the meeting held 21 April 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

143. **Declarations of Interest**

There were no declarations of interest.

144. **Chairman's Announcements**

There were no Chairman's announcements.

145. **Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would proceed.

146. **Planning Applications**

147. **E/11/0168/FUL**

Ashwyns, Kingsbury Street, Marlborough, Wilts SN8 1JA – Demolition of existing house and garage and their replacement with a new dwelling; studio space to rear lowered courtyard; extension of front boundary wall.

The following people spoke in objection to the proposal:

Mrs Anne Cooper, a neighbour of the site
Mrs Rosy Boulton, a neighbour of the site
Mr Mike Ravening, a neighbour of the site

The following people spoke in support of the proposal:

Mrs Marilyn Dobson, a local resident
Mr Ian Cowan, agent and chartered surveyor to the applicant
Mrs Suzanne Rupp, the applicant
Mrs Margaret Rose, of Marlborough Town Council

The Committee received a presentation from the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval subject to conditions, and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public detailed above, expressing their views regarding this planning application.

After discussion regarding:

- Whether the replacement dwelling is acceptable in principle;
- Whether the scale and design of: (i) the proposed dwelling, and; (ii) the proposed office/studio are acceptable, particularly in relation to the historic context of the site;
- Whether the proposed scheme would give rise to an adverse impact in respect of neighbour amenity;
- Whether the scheme would give rise to an adverse impact upon the structural integrity of listed buildings and walls;
- Whether the scheme would prejudice highway safety;
- Whether the loss of the trees to the front of the site is acceptable.

And upon hearing the views of the divisional Member, Cllr Nick Fogg, it was,

Resolved:

That planning permission is granted for the following reason:

The proposal will not cause any significant harm to interests of acknowledged importance, including the amenity of residents of nearby properties and road safety. It would preserve and enhance the appearance of the conservation area and would accord with policy PD1 of the Kennet Local Plan and with national guidance in PPS5.

And subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration three years of the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2. No development shall take place until details (including samples) of the materials to be used for the external walls and roofs (including details of the colour and type of render to the summer room) 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: In the interests of visual amenity and the character and appearance of the area.

- 3. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and dormers 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: In the interests of visual amenity and the character and appearance of the area.

- 4. No development shall commence on site until details of the bricks, bond, mortar, capping and termination of the extended front boundary wall have been submitted to and approved in writing by the local planning authority. Furthermore a sample wall panel shall have been constructed on site, inspected and approved in writing by the local planning authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.**

REASON: In the interests of visual amenity and the character and appearance of the area.

5. Prior to commencement of development, assessment of the listed status of the boundary walls of the sunken garden is to be made and presented to the local planning authority. Full details of proposals for works of repair or rebuilding to any existing boundary wall to the sunken garden wall, including details of new bricks, bond, mortar and capping are to be submitted to and approved in writing by the local planning authority in advance of these works being undertaken. Rebuilding works will involve the re-use of the existing bricks where these are in good condition and shall be carried out in accordance with the approved details.

REASON: To secure the upkeep of these historic walls, in the interest of preserving the character and appearance of this part of Marlborough Conservation Area.

6. Prior to the commencement of development, the applicant shall advise the local planning authority of results of investigations into depth of foundations of existing historic boundary walls and buildings on the site (in relation to the need to meet building regulations and the Party Wall Act) and advise on any consequential works required to secure the structural integrity of such structures due to the construction of the new development.

REASON: Such details do not form part of the application.

7. Notwithstanding the indicative details shown on the submitted plans, no development shall take place until there has been submitted to and approved by in writing by the local planning authority a fully details scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

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

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless

otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

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

9. The office/studio building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house.

REASON: To define the extent of the permission and given the residential character of the neighbourhood.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings shall be inserted above ground floor ceiling level in the northern or southern side elevations of the dwelling hereby permitted.

REASON: In the interests of residential amenity and privacy.

12. Prior to the swelling hereby permitted being first occupied, the roadside kerbs shall have been lowered and raised as necessary to suit the revised access width, with the footway being resurfaced as necessary to suit the revised levels.

REASON: In the interests of highway safety.

- 13. No development shall commence within the area indicated [proposed development site] until:**
- a) 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**
 - b) 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.

14. INFORMATIVE TO THE APPLICANT:

The applicant should note that the costs of carrying out the required archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred. The work should be conducted by a profession recognised archaeological contractor in accordance with a brief issued by the County Archaeologist.

15. INFORMATIVE TO THE APPLICANT:

Listed building consent may be required for any repairs to the boundary walls of the sunken garden. This should be obtained before any works commence.

16. INFORMATIVE TO THE APPLICANT:

**The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.
If you intent carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.**

- 17. 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.

9041-50-02, 9041-100-01, 9041-100-03, 10085(L)011B and 10085(L)012B, all received 07/02/11

10085(L)010C, received 08/04/11

10085(L)006F, 10085(L)007G, 10085(L)008D, 10085(L)009B, 10085(L)013B, 10085(SK)023B and 10085(SK)024A, all received 31/05/11

10085(L)005D received 01/06/11

148. **E/11/0169/CAC**

Ashwyns, Kingsbury Street, Marlborough, Wiltshire SN8 1JA – Demolition of existing house and garage to be replaced with a new dwelling.

Upon discussion, and in light of the decision to approve the associated application for planning permission having taken into consideration the impact of the development on the conservation area, it was,

Resolved:

That conservation area consent is granted, for the following reason:

The demolition of the house and garage will not have an adverse impact on the character and appearance of the conservation area.

And subject to the following conditions:

1. **The works for which conservation area consent is hereby granted shall be begun within three years from the date of this consent.**

REASON: To comply with the provision of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

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

9041-50-02, 9041-100-01, 9041-100-03, 10085(L)011B and 10085(L)012B, all received 07/02/11

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10085(L)005D received 01/06/11

149. **Urgent items**

There were no urgent items.

150. **Enforcement Report - 21 Avon Square**

It was,

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the subsequent business of the meeting because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

The Area Development Manager introduced the report and outlined the matters for consideration.

Following discussion, it was,

Resolved:

That the Committee authorises the Area Development Manager to undertake the action as recommended in the report.

(Duration of meeting: 6.00 - 7.05 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line (01225) 713058, e-mail chris.marsh@wiltshire.gov.uk

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