

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 JULY 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Jane Burton, Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jemima Milton and Cllr Jonathon Seed (Substitute)

Also Present:

Cllr Nigel Carter, Cllr Lionel Grundy OBE and Cllr Jeffrey Ody

151. **Apologies for Absence**

Apologies were received from Cllr Chris Williams, substituted by Cllr Jonathon Seed, and Cllr Laura Mayes.

152. **Minutes of the Previous Meeting**

The minutes of the meeting held 23 June 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

153. **Declarations of Interest**

Councillor Jane Burton confirmed that although a Member of Devizes Town Council, which had considered application E/11/0057/FUL, The Wharf, Devizes, she had abstained from debate and had not voted on the item, and would be considering the application with an open mind.

Councillors Peggy Dow and Nick Fogg confirmed that they would be considering application E/10/0632/FUL, Ivy House Hotel, Marlborough, with an open mind.

154. **Chairman's Announcements**

There were no Chairman's announcements.

155. **Public Participation**

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

156. **Planning Applications**

157. **E/10/1632/FUL**

Ivy House Hotel, 43 High Street, Marlborough, SN8 1HJ – Change of use from Hotel (C1) to Boarding House (C2). Internal and external alterations.

The following people spoke in objection to the proposal:

Mr G Olson, a local businessman

Miss Julia Peel, on behalf of residents of River Park, Marlborough

Lady Julia Hiscox, the wife of, and on behalf of, the High Sheriff of Wiltshire

Mr Richard Pitts, of Marlborough Town Council

The following people spoke in support of the proposal:

Mr Michael Douch, the hotel owner

Miss Suzie Willis, the agent

The Committee received a presentation from the Area Development Manager (South Wiltshire) which set out the main issues in respect of the application. He explained the background to the application and clarified that the Committee could not determine the application, which was subject to appeal to the Planning Inspectorate, but could express whether it supported or objected to the proposal. He introduced the report, which recommended that the Committee support the application's approval by the Inspector, 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.

The Chairman invited advice from the Wiltshire Council Solicitor, who submitted that:

- The value in planning terms of an existing use of land is clearly a material consideration in determining a planning application unless there

is no possibility that a refusal would result in its retention. The test is to ask whether there is a fair chance that if permission were refused, the existing use would continue rather than stand empty. But that test should be applied while balancing the planning significance of the existing use.

- PPS4 policy EC7 deals more with the way in which local planning authorities should prepare their development plans, than individual planning applications. However the guidance overall may be relevant.
- Policy ED18 is relevant - the criteria to apply are whether the application (so far as relates to the part of the building that is within the primary shopping frontage):
 - a) makes a positive contribution to the vitality and viability of the centre or
 - b) is necessary to secure the future of a Listed Building at Risk or other building is important to the street scene; and that
- It is also of some relevance and a factor to weigh in the balance, that the existing use is a town centre use recognised as such for the purposes of PPS4 while the proposed use appears not to be such a recognised use, and one not made explicit in the officer's report.

After lengthy discussion regarding:

- The principle of change of use from hotel to boarding house;
- The impact on the character of the area (including its status as a conservation area);
- The impact on the listed building;
- The impact on highway safety; and
- The impact on residential amenity.

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

Resolved:

That the Council advise the Planning Inspectorate that is objects to the proposal, for the following reason:

The proposal would result in the loss of an important tourist facility within the Marlborough area. This would be detrimental to the vitality and viability of the area as a consequence of lost local employment and tourism related spend, and so is contrary to the broad principles of Planning Policy Statement no. 4 (Planning for Sustainable Economic Growth) and Policy ED18 of the Kennet Local Plan 2011.

158. **E/11/0057/FUL**

Former gasholder site, land adjacent to The Wharf, Devizes – Redevelopment for 39 retirement apartments for older people including communal facilities, car parking and associated landscaping.

The following people spoke in objection to the proposal:

Mr Tony Sedgwick, transport advisor to the Trust for Devizes
Mr Ted East, on behalf of the Trust for Devizes
Mr Rick Rowland, a local resident
Mr Gary Tomsett, Wiltshire Council Environmental Control and Protection Team Manager (South and East)
Mr John Kirkman, Chair of CPRE Kennet District Group
Mr Kelvin Nash, of Devizes Town Council

The following people spoke in support of the proposal:

Mr Matthew Shellum, the agent

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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 lengthy discussion regarding:

- The principle of residential development;
- Density considerations;
- Design and impact upon the conservation area and setting of the Kennet & Avon Canal;
- Recreation provision;
- Affordable housing;
- Contaminated land;
- Ecology;
- Archaeology;
- Adequacy of car parking;
- Highways (including access, servicing, footpath link, and cycle and mobility scooter parking);
- Impact upon residential amenity;
- Renewable energy; and
- Relationship to draft Planning Brief for Devizes Wharf,

And upon hearing the views of the local Member, Cllr Nigel Carter, and those of the Member for the adjacent division, Cllr Jeff Ody, it was,

Resolved:

To refuse planning permission for the following reason:

- 1. The design of the scheme and its proximity / relationship to the Crown public house and the adjacent brewery's barrel handling yard is likely to result in noise nuisance for future occupants of the development. This would conflict with policy PD1 (B.10) of the Kennet Local Plan 2011 and government policy contained in PPG24: 'Planning and Noise'.**

The conflict between land uses may result in the Council having to take enforcement action for statutory nuisance under the Environmental Protection Act 1990; such action would threaten the future viability of Wadworths brewery and its role as an important local employer and generator of local economic wealth. This would be contrary to the Government's overarching objective for sustainable economic growth as set out in PPS4 'Planning for Sustainable Economic Growth'

- 2. The proposed development, by virtue of its design, scale, bulk, height and massing, would fail to preserve or enhance the character or appearance of the conservation area and would harm the setting of the Kennet & Avon Canal. The development fails to make a positive contribution to the character and local distinctiveness of the historic environment, contrary to policy HE7 of PPS5, and fails to take the opportunities available for improving the character and quality of the area contrary to PPS1. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan 2011 and Supplementary Planning Guidance contained in the Devizes Conservation Area Statement and Devizes Town Centre Design Code.**

159. E/11/0297/FUL

Carina, Uphill, Urchfont, Devizes, Wiltshire SN10 4SB – Erection of a 3 bedroom dwelling and single garage.

The following people spoke in support of the proposal:

Mr Simon Holt, of Urchfont Parish Council

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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 lengthy discussion regarding:

- The principle of development;
- Impact upon the setting of the listed building;
- Design; and
- Impact upon residential amenity,

And upon hearing the views of the local Member, Cllr Lionel Grundy, it was,

Resolved:

To refuse planning permission for the following reasons:

- 1. The proposed dwelling would, by virtue of its backland siting and poor design, harm the setting of Carina, a Grade II listed building. The proposal is therefore contrary to policies PD1 and HC22 of the Kennet Local Plan 2011 and government policy contained in PPS1 and PPS5.**
- 2. The comings and goings associated with the new dwelling would cause noise and disturbance for the occupiers of Carina, thus harming their residential amenities. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan 2011.**

160. E/11/0190/FUL

Land adjacent to Haxon Dairy, Everleigh Road, Haxton, Salisbury SP4 9PT –
Erection of dwelling and garage.

The following people spoke in objection to the proposal:

Mrs O'Neil, immediate neighbour to the site
Mr John Cherrett, of Fittleton Parish Council

The following people spoke in support of the proposal:

Mr Simon Lock, the agent
Mrs Valerie Oldrey, the applicant

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended approval.

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:

- The impact of the proposal upon neighbour amenity,

And upon hearing the views of the local Member, Cllr Charles Howard, it was,

Resolved:

That planning permission be granted for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any material harm to the amenities of neighbouring occupiers, the character and appearance of the area or highway safety. As such, the proposal is considered to comply with policies PD1 & HC24 of the Kennet Local Plan 2011.

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. **No development shall commence on site until the following have been submitted to and approved in writing by the Local Planning Authority:**

- a) **Samples of the bricks to be used for the external walls / boundary wall;**
- b) **Samples of the double roman clay tiles to be used for the roofs;**
- c) **Samples of the timber cladding to be used for the external walls;**
- d) **Details of any stain or preservative to be applied to the timber cladding;**
- e) **Details of the stain to be applied to the barge boards and fascias;**
- f) **Detailed working drawings of eaves and verges;**
- g) **Details of rainwater goods;**
- h) **Details of the paint finish to be applied to the windows;**
- i) **Details of the timber garage doors and any finish to be applied; and**
- j) **Samples of the block paviours to be used for the driveway / turning area.**

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. The rooflights to be installed in the dwelling hereby permitted shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

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

4. The dwelling hereby permitted shall not be occupied until the sight screens either side of the window serving bedroom 2 have been installed in accordance with the details shown on drawing no. 719-20-07A. The screens shall be retained thereafter in accordance with the approved details.

REASON: In the interests of neighbour amenity.

5. 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/extensions to the dwelling hereby permitted.

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

6. The dwelling hereby permitted shall not be occupied until the access, driveway and turning area have been completed in accordance with the details shown on the approved plans. These areas shall be maintained for use in connection with the development at all times thereafter.

REASON: In the interests of highway safety.

7. Before the dwelling hereby permitted is occupied the first 4.5 metres of the access serving that dwelling (measured from the edge of the carriageway) shall be resurfaced in a well bound consolidated material (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

8. Any gates serving the access for the new dwelling shall be set back 5.0 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

9. 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.

a) Application Form, Drawing no. 719-20-01 & Phase 1 Habitat Survey received on 11th February 2011.

b) Environmental Risk Assessment dated (March 2011) received on 4th April 2011.

c) Drawing nos. 719-20-02B, 719-20-03B, 719-20-04B, 719-20-05B, 719-20-06B & 719-20-07A received on 31st May 2011.

161. **E/11/0654/FUL**

Park Farm, Clench Common, Marlborough, Wiltshire SN8 4DU – First floor extension to bungalow to create two storey dwelling, erection of porch to east elevation (resubmission of E/11/0365/FUL)

The following people spoke in support of the proposal:

Mrs Alex Fox, the applicant
Mr Michael Fowler, the agent

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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 proposed extension would be harmful to the character and appearance of the property; and

- Whether the proposed extension would be harmful to the character and appearance of the wider area,

And upon hearing the views of the local Member, Cllr Jemima Milton, it was,

Resolved:

That planning permission is granted for the following reason:

The proposed development would improve the appearance of the existing bungalow and the appearance of the area. Furthermore, the proposal would not cause any harm to the amenities of the North Wessex Downs Area of Outstanding Natural Beauty or the residential amenities of neighbouring occupiers. As such, the proposal complies with the requirements of policy PD1 of the Kennet Local Plan 2011 and government policy contained in PPS7.

And 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 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

- 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.**

Application Form, Planning Design & Access Statement and Drawing nos. 110210-01, 110210-105 & 110210-106 received on 19th May 2011.

162. **E/11/0691/FUL**

Avenue Farm House, Winterbourne Monkton, Swindon SN4 9NW

The following people spoke in support of the proposal:

Mr Paul Oakley, the agent

The Committee received a presentation from the Development Control Team Leader which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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 proposal is tantamount to the creation of a new dwelling in the countryside and therefore contrary to long standing national and local countryside planning policies; and
- Whether the proposal would be detrimental to the character and appearance of the area, including to the setting of the Avebury World Heritage Site.

And upon hearing the views of the local Member, Cllr Jemima Milton, it was,

Resolved:

That planning permission is granted for the following reason:

That by virtue of its nature as an ancillary building proportional in scale to Avenue Farm House, the proposed development would not constitute a new dwelling in the countryside. In this location, the proposal would not harm the appearance of the North Wessex Downs AONB nor the setting of the Avebury World Heritage Site. As such, the proposal accords with policy HC26 of the Kennet Local Plan 2011 and central government planning policy contained in PPS7. The proposal also accords with Kennet Local Plan policies PD1 and HH3 and to central government planning policy contained in PPS5.

And 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 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

- 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. 561/1J received 26/05/11

- 4 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated as of the date of completion of the above agreement.

163. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.25 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

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