

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 3 NOVEMBER 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 Laura Mayes, Cllr Jemima Milton and Cllr Christopher Williams

Also Present:

Cllr Lionel Grundy OBE

179. **Apologies for Absence**

There were no apologies for absence received.

180. **Minutes of the Previous Meeting**

The minutes of the meeting held 25 August 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

181. **Declarations of Interest**

Cllr Richard Gamble declared a personal interest in Item 6 - The Wiltshire Council Sheet ST95SE Parish of Cheverell Magna Rights of Way Modification Order No. 16 2011 owing to his knowing the participants on both sides.

Cllr Richard Gamble declared a personal interest in Item 8b - E/2011/0965 - Red Hone Cottage Townsend Urchfont through contact with the agent of the applicant.

Cllr Nicholas Fogg declared a personal interest in Item 6 - The Wiltshire Council Sheet ST95SE Parish of Cheverell Magna Rights of Way Modification Order No. 16 2011 through knowing one of the participants on a professional basis.

182. **Chairman's Announcements**

There were no announcements.

183. **Public Participation**

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

184. **The Wiltshire Council Sheet ST95SE Parish of Cheverell Magna Rights of Way Modification Order No. 16 2011**

Public Participation:

Brigadier Rawlins spoke in objection to the Order.

Mr Michael Brain spoke in objection to the Order.

Mr Michael Kavanagh spoke in objection to the Order.

Ms Ann Venus spoke in support of the Order.

Brigadier Ian Christie spoke in support of the Order.

Ms Molly Hopkins spoke in support of the Order.

Mr Paul Stevens, speaking on behalf of Cheverell Magna Parish Council, spoke in support of the Order.

The Rights of Way Officer introduced the report, set out the main issues in respect of the Order and explained the decision options available to the Committee.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding the application and order to amend the Definitive Map and Statement.

After a discussion during which the issue of the differing footpath widths and the true line of the path was discussed it was

Resolved

That the Wiltshire Council (Sheet ST 95SE) (Parish of Cheverell Magna) Rights of Way Modification Order No 16 2011 be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination, and the Wiltshire Council supports the Order with a modification at Public Inquiry that the centre-line of the footpath is 2.5 metres out from the hedge in Mr Alexander's field, and 2.5 meters out from the hedge in Mr Kavanagh's field.

185. **Planning Appeals**

The committee received details of the following appeal decisions:

E/09/1241/LBC & E/09/1242/FUL - Old Chapel, Seend Cleve - Committee - Allowed

E/10/0090/FUL - 273, East Grafton - Delegated - Dismissed

E/10/0386/FUL - Woodbridge Inn, North Newnton - Delegated - Dismissed

E/10/0516/FUL – Berhills Lane, Seend – Committee – Dismissed

E/10/0819/FUL - Land to r/o 23 Astor Crescent, Ludgershall – Delegated - Dismissed

E/10/0942/FUL & E/10/0943/LBC – 23, the Brittox, Devizes – Delegated - Dismissed

E/10/0977/FUL - 37 Roseland Avenue, Devizes – Delegated - Dismissed

E/10/0981/FUL - Mill House, High Street, Ogbourne St George – Delegated - Dismissed

E/10/1081/FUL – 2 Chapter Close, Marlborough – Delegated - Dismissed

E/10/1140/FUL & E/10/1144/LBC – Old Rectory, Ludgershall – Delegated – Dismissed

E/10/1191/FUL – Baish Cottage, Urchfont – Delegated – Dismissed

E/10/1274/FUL – Bowermead, Hilworth Road, Devizes – Delegated – Dismissed

E/10/1281/FUL – 2, New Cottages, Uffcott, Broad Hinton – Delegated – Dismissed

E/10/1454/FUL – 30 Victoria Road, Devizes – Delegated – Dismissed

E/10/1567/FUL – 8 Willis Close, Great Bedwyn – Delegated – Dismissed

E/10/1632/FUL – Ivy House Hotel, High Street, Marlborough – Committee – Allowed

E/11/0174/FUL – Fairview, Uphill, Urchfont – Committee – Allowed

186. **Planning Applications**

186a **E/2011/1094 - Cresingham Elcot Lane Marlborough**

Public Participation:

Mr Alex Dawson, agent, spoke in support of the application.

Cllr Peggy Dow, spoke in her capacity as a member of Marlborough Town Council and local member

The Planning Officer outlined his report, which recommended approval, and summarised the planning considerations.

A debate ensued during which the following concerns were raised:

- The possible intrusion into the townscape and detriment to the street scene
- The scale of the application in the local context

It was

Resolved:

That the application be REFUSED for the following reasons:

The proposed development would, by virtue of its siting in the front garden of the property, have an adverse impact on the appearance of the streetscene and would be out of context with neighbouring properties on this side of the road that do not have developments of this nature in their front gardens. Accordingly, the proposal conflicts with policy PD1 B(3) of the Kennet Local Plan 2011.

186b **E/2011/0965 - Red Hone Cottage Townsend Urchfont**

Public Participation:

Mr Keith Bennett, agent, spoke in support of the application.

Mr Paul Clark, applicant, spoke in support of the application.

Mr David Harrod spoke in support of the application

Mr Simon Holt, Chair of Urchfont Parish Council, spoke in support of the application.

Cllr Lionel Grundy, local member, spoke in support of the application.

The Planning Officer outlined his report, and summarised the planning considerations. The report recommended refusal of the application.

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

After a debate which focused on the following points:

- The impact of the planned application on nearby properties;
- Recent development in the area
- Visibility issues around the access to the property;

It was

Resolved:

To APPROVE the application for the following reasons:

Since the earlier decision by the Planning Inspector, Urchfont has seen a significant amount of new development. The Council is satisfied that this development will not have an adverse impact on the character or setting of the listed building, due to the distance between the new dwelling and the existing. The changes to boundary treatment of the listed building have overcome the adverse impacts on amenity that led the Inspector to include this as a significant reason for refusal in the earlier appeal. Accordingly, the Council are satisfied that the proposal is in accordance with policies HC22 and PD1 of the Kennet Local Plan 2011.

Conditions on planning permission:

- 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 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) indications of all existing trees and hedgerows on the land;

- (b) details of any to be retained, together with measures for their protection in

the course of development;

(c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

(d) finished levels and contours;

(e) means of enclosure;

(f) car parking and turning area layout;

(g) other pedestrian access;

(h) hard surfacing materials;

(i) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY: PD1 of the Kennet Local Plan 2011

3) 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 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.

POLICY: PD1 of the Kennet Local Plan 2011 .

4) No development shall commence on site until the trees on the site which are to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected,

it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, or raising or lowering of ground levels, shall be allowed within the protected areas.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

POLICY: PD1 of the Kennet Local Plan 2011.

- 5) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.0 metres back from the edge of the carriageway, measured along the centre line of the access, to a point to the east where the site boundary meets the highway boundary. The splay shall thereafter be permanently maintained free from obstruction to vision above a height of 1.0 metre above the level of the adjacent carriageway.

REASON: In the interests of highway safety

POLICY: PD1 of the Kennet Local Plan 2011.

- 6) No construction works, or related deliveries to or collections from the site shall be carried out on or adjoining the site except between the hours of 8am and 6pm on Mondays to Fridays and between 8am and 1pm on Saturdays. No construction works or related deliveries/collections shall be carried out at any time on Sundays or on and Bank or other statutory holidays.

REASON: To protect the private amenity of nearby residential property.

POLICY: PD1 of the Kennet Local Plan 2011.

- 7) 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: To ensure a satisfactory appearance for the development.

POLICY: PD1 of the Kennet Local Plan 2011.

187. **Appeal decisions**

The Committee noted the contents of the appeals.

Cllr Fogg asked a question relating to E/10/1632/FUL Ivy House Hotel regarding the consultation procedures by the Planning Inspector. The Planning Officer clarified the consultation procedure that is used by the Inspector when such decisions are made.

188. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.45 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services,
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