

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 16 DECEMBER 2010 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Richard Gamble, Cllr Charles Howard, Cllr Jerry Kunkler (Reserve), Cllr Laura Mayes, Cllr Jemima Milton, Cllr Jeffrey Ody (Reserve) and Cllr Christopher Williams

Also Present:

Cllr Nigel Carter

91. **Election of Chairman**

The current Vice-Chairman, Cllr Charles Howard sought nominations for the position of Chairman of the Eastern Area Planning Committee.

Cllr Charles Howard was proposed by Cllr Richard Gamble and seconded by Cllr Laura Mayes

In the circumstances, Cllr Howard vacated the chair and left the meeting for the duration of this item.

Cllr Williams in the Chair

Cllr Williams asked if there were any other nominations. There being no further nominations and on being put to the vote it was,

Resolved

That Councillor Charles Howard be elected as chairman of Eastern Area Planning for the remainder of 2010/2011.

92. **Election of Vice-Chairman**

The Chairman sought nominations for the position of Vice-Chairman of the Eastern Area Planning Committee.

Cllr Richard Gamble was proposed by Cllr Christopher Williams and seconded by Cllr Laura Mayes. There being no further nominations and being put to the vote it was,

Resolved:

That Councillor Richard Gamble be elected as Vice-Chairman of Eastern Area Planning for the remainder of 2010/2011.

93. **Apologies for Absence**

Apologies were received from Cllrs Chris Humphries and Jane Burton, substituted by Cllrs Jerry Kunkler and Jeff Ody respectively, Cllr Nick Fogg and Cllr Peggy Dow.

94. **Minutes of the Previous Meeting**

Minutes from the previous meeting held 14 October 2010 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

95. **Declarations of Interest**

Cllr Charles Howard declared a personal and prejudicial interest in item 9b, application no. E/10/1147/FUL, owing to his close acquaintanceship with the applicant's father, who is also the applicant's business partner.

96. **Chairman's Announcements**

The Chairman drew members' attention to the omission of Cllr Jerry Kunkler on the list of Committee reserves on the agenda frontsheet, and clarified that Cllr Kunkler is a reserve member of the Eastern Area Planning Committee.

97. **Public Participation**

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

98. **Planning Appeals**

The Committee noted that a quarterly update on planning appeals would be provided at the next meeting, to be held on 6 January 2011.

99. **Planning Applications**

99a. **E/10/1330/FUL - Melbourne House The Nursery Devizes Wiltshire SN10 2AB - Change of use from residential use (C3) to a Resource Centre for children and families (Sui Generis)**

The following people spoke against the proposal:

Mrs Penny Spink, a local resident.
Dr Colin Hallward, a local resident.
Mr Clive Smith, a local resident.

The following people spoke in favour of the proposal:

Mr Andy Meads, representing Wiltshire Council Children's Services.
Ms Jan Thatcher, representing Wiltshire Council Children & Families.
Mr Peter Lawson, the agent.

The division member, Cllr Nigel Carter, spoke generally about the application.

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

There were no technical questions. The Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

After discussion including:

- The highways impact of the proposed development;
- The impact on the amenity of neighbouring properties; and
- The principle and impact of development on the listed building

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 have any adverse impact on the amenity of residents of neighbouring properties, due to the specific nature of the use proposed and the conditions attached to the planning permission. Highway safety would be secured by the proposed alterations to the access and the A361 and the provision of adequate parking facilities on site.

Furthermore, the use proposed and the alterations to the property that are required would not have any adverse impact on the character or appearance of the listed building. Accordingly, the proposal is in accordance with policy PD1 of the Kennet Local Plan and with Government guidance set out in PPS5.

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. Prior to the first use of the building for the use hereby permitted the highway improvement scheme shown on drawing IMA-10-080-005 Rev A shall be implemented in full.

REASON: To ensure the necessary increase in visibility is provided for vehicles exiting the site.

3. Prior to the first use of the building for the use hereby permitted the existing strip of vegetation along the eastern side of the driveway shall be removed and that land shall be resurfaced using a properly consolidated surface (not loose stone or gravel) at the same level as the existing driveway. The strip of land shall be maintained in that form thereafter.

REASON: To ensure the increased width of driveway is achieved in order to create an acceptable form of vehicular access for the proposed use.

4. Prior to the first use of the building for the use hereby permitted sufficient space for the parking of at least six vehicles together with a vehicular access thereto has been provided in accordance with the details first submitted to and approved in writing by the local planning authority. The said space shall not be used other than for the parking of vehicles or for the purposes of access.

REASON: To ensure adequate provision is made for parking within the site in the interests of highway safety.

5. Other than for the activity and the persons associated with the overnight crisis accommodation (which are subject of the restrictions set out in condition 6) the resource centre shall be closed to all staff and clients outside of the hours of 0830 to 2200 Monday to Saturday

and the centre shall be closed to all staff and clients on Sundays and Bank Holidays.

REASON: In the interests of neighbour amenity.

6. Only the annex building, and no other part of the house, shall be used for the overnight crisis accommodation. There shall be no more than 2 children and 3 staff using the annex for overnight crisis accommodation at any one time and no child shall stay in the overnight crisis accommodation for more than 3 consecutive nights.

REASON: To ensure the amount of residential accommodation on the site is limited and only for a temporary period in the interests of neighbour amenity.

7. Prior to the first use of the building for the use hereby permitted the landing window at first floor level on the east elevation of the annex building shall be altered so that it is glazed with obscure glass only and the window shall be permanently maintained with obscure glazing and fixed shut at all times thereafter.

REASON: In the interests of residential amenity and privacy.

8. The balcony on the southern end of the annex shall not be used by any staff or clients except in the case where it is needed as a means of escape in the event of an emergency. The doors to the balcony shall be fixed shut in a manner that will only allow them to be opened in the event of an emergency in accordance with the details first submitted to and approved in writing by the local planning authority. The doors shall be maintained fixed shut in accordance with those approved details thereafter.

REASON: In the interests of the amenity and privacy of the occupiers of the adjacent dwelling.

9. No external lighting shall be installed on site, including security lighting, until plans showing the type of light appliance, the height and position of fitting and illumination levels have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the occupiers of neighbouring properties.

10. 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.

Site location plan, block plan, proposed alterations drawings 1 to 4 and Planning, Design and Access Statement all received on 11th October 2010 together with drawing IMA-10-080-005 Rev A received on 29th November 2010 which superseded the Highway Improvement Scheme originally submitted in the Planning, Design and Access Statement.

99b. **E/10/1147/FUL - Field Barn Off Fiddlers Hill Winterbourne Bassett Wilts - Change of use of barns and conversion into three units of holiday accommodation and associated stabling**

Having declared a personal and prejudicial interest in the item, Cllr Charles Howard withdrew from the meeting for this item. The Vice-Chairman instead presided over the item.

The following people spoke in favour of the proposal:

Mr Peter Lawson, a local business owner;
Mr Edward White, the applicant; and
Ms Janet Montgomery, the agent

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 refusal, and drew members' attention to the late items.

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

After discussion including:

- The sustainability of the development in the AONB;
- The principle of change of use of the site; and
- The suitability of the existing buildings for conversion

It was,

Resolved:

To delegate authority to the Area Development Manager to approve the

application for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would protect the character and appearance of the Area of Outstanding Natural Beauty and would be in accordance with the aims of PPS4 by promoting economic development in this rural area. The proposal would therefore be in accordance with policies PD1; HC26 and NR6 of the Kennet Local Plan.

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. The accommodation hereby permitted shall not be occupied by any person for a period exceeding 8 weeks in any year, or for a period exceeding 4 weeks at a time, with no return within 4 weeks. A register of occupiers shall be available for inspection by the local planning authority at all reasonable times.

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.

3. All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out in the first planting and seeding season following the first bringing into use of the first of these buildings to be converted; or the completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

4. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and

shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

5. There shall be no burning of any animal waste or bedding emanating from the development hereby permitted anywhere on the land the subject of the application or on the site or on the adjoining land under the control of the applicant.

REASON: To preserve the amenities of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order) with or without modification no fences, other than post and rail fences less than 1.5 metres in height, and no outside lights, other than those whose position has been agreed with the local planning authority prior to work commencing, shall be erected or placed within the application site.

REASON: To protect the character and appearance of the landscape.

7. Before the holiday units are respectively first brought into use, their roofs shall be re-covered in natural slate.

REASON: To ensure that the character and appearance of the area of outstanding natural beauty is protected and enhanced.

8. Before the development hereby permitted is brought into use the highway visibility area shall be cleared and kept free of all obstructions to sight above 600mm above the adjoining carriageway level from a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge to points on the nearside carriageway edge 160 metres to the north-west and 160 metres to the south east. This visibility area shall thereafter be kept free of such obstructions.

REASON: In the interests of highway safety.

9. Prior to commencing development, details of a barn owl mitigation scheme shall be submitted to and approved in writing by the Council. Prior to bringing into use the first of the holiday units, the agreed mitigation scheme shall be implemented, together with the other recommendations of the submitted Protected Species Survey (Ambios 2010).

REASON: To safeguard the interests of the protected species at the site.

10. 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 Refs:09048-1A; 2; 3; 4; 5; 6 Revision D; 7 Revision B; 8 Revision A;

- 99c. **E/10/0155/FUL - Coronel Farm, Aldbourne, Marlborough, Wiltshire, SN8 2JZ - Creation of racehorse training establishment on part of land at Coronel Farm (land otherwise retained in agricultural use). Creation of 30m x 20m Arena; change of use and extension of barn 3 to create loose boxes and staff facilities; all weather gallops; training fences; associated access track; ancillary accommodation; horse walker; isolation boxes and two temporary residential units (log cabins)**

The following people spoke in favour of the proposal:

Mr Duncan Mathewson, the agent; and
Mr Kevin Light, consultant to the agent

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

There were no technical questions. The Committee then received statements from members of the public as detailed above, expressing their views regarding this planning application.

After discussion including:

- The principle of development in the open countryside
- The impact on the AONB
- Archaeology and ecology of the site

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 significant harm to the appearance of the landscape and would protect the setting of the nearby ancient monuments, whilst allowing for legitimate economic diversification into a use that is an accepted part of the local economy and character of the area.

The pertinent central government guidance is contained within Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Statement 4: Planning for Sustainable Economic Growth. In addition, because of the archaeological and ecological issues present at the site, advice and guidance contained within Planning Policy Statement 5: Planning for the Historic Environment and Planning Policy Statement 9: Biodiversity and Geological Conservation is also relevant.

In respect of the Kennet Local Plan 2011 policies PD1 in relation to general development principles as well as policies NR6 and NR7 in relation to sustainability and the protection of the countryside and landscape are also relevant. Furthermore, the Kennet Landscape Conservation Strategy, which has been adopted as a supplementary planning document, is a material consideration.

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 details and samples of the materials to be used for the roofs and stain colour to be used for the timber boarding on the external walls of the temporary dwellings 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. The occupation of the two temporary dwellings hereby permitted shall be limited to a person solely or mainly employed in the equestrian business occupying the plot edged red on the attached plan, or any resident dependents.

REASON: The site lies within an area where planning permission

would not normally be granted for development unrelated to the essential needs of the established business for which nearby staff accommodation is now required and this permission is only granted on the basis of an essential need for two new dwellings in this location having been demonstrated.

4. The two dwellings hereby permitted shall be removed and the land restored to its former condition on or before 31st December 2013 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal of the buildings for which permission can be justified only on the basis of a special temporary need.

5. No development shall commence on site until details of the surfacing of the arena 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.

6. No development shall commence on site until details and samples of the materials to be used for the roof and stain colour to be used for the timber boarding on the external walls of the isolation boxes 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.

7. No development shall commence on site until details and samples of the materials to be used for the walls and roofs of barn 3 to be converted and extended to loose boxes and staff facilities 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.

8. There shall be no burning of waste material or animal bedding on the site outlined in red or on the land outlined in blue.

REASON: To protect the amenities of the area.

9. Notwithstanding the submitted details, no development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

10. Prior to the development hereby permitted being first brought into use, the existing access track within the site to the C29 shall be upgraded by increasing the available width to 5 metres over the first 15 metres from the C29 carriageway edge with the provision of radii of 9 metres to either side. The first 15 metres of the access shall be resurfaced in tarmac and any gates shall be erected at least 12 metres from the C29 carriageway edge and made to open inwards only.

REASON: In the interests of highway safety.

11. No development shall commence on site until details of the surfacing of the extension to the existing access track and track access to the gallops 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.

12. No development shall commence on site until details of the surfacing of the gallops 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.

13. Notwithstanding the submitted details, no development shall commence on site until a scheme of hard and soft landscaping (which encompasses the landscape recommendations set out in the Phase 1

Habitat Survey report 2008 and the Landscape and Visual Impact Assessment, 2009) 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) 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.

14. 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 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.

15. No development shall commence within the application site area 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.

16. 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: 7105 - 01G, Date Received: 6th October 2010;
Plan Ref: 7105 - 06, Date Received: 9th February 2010
Plan Ref: 7105 - 08 B, Date Received: 9th February 2010
Plan Ref: 7105 - 11A, Date Received: 9th February 2010
Plan Ref: 7105 - 12 A, Date Received: 9th February 2010
Plan Ref: 7105 - 14, Date Received: 9th February 2010;
Plan Ref: 7105 - 015, Date Received: 9th February 2010;
Plan Ref: 7105 - 16, Date Received: 4th October 2010;
Plan Ref: BAR 012 Issue 08, Date Received: 3rd November 2010,
and
Plan Ref: BAR 213 D Issue 02, Date Received: 3rd November 2010.

17. INFORMATIVE TO APPLICANT:

The applicant is advised that the archaeological work referred to in condition 16 should be of the nature of a "strip map and record" of the proposed gallops and horse-walk. It should have the contingency to allow sufficient time to investigate any features of archaeological interest revealed, and to fully excavate significant archaeological features which extend beyond the footprint of the proposed tracks. It should be conducted by a professional, recognised archaeological contractor in accordance with a brief issued by the Wiltshire Council archaeological department. There will be a financial implication for the applicant.

18. INFORMATIVE TO APPLICANT:

The applicant is advised that where the construction of the gallops could potentially compromise the integrity of badger setts the applicant should consider the need to close the affected sett(s) under a licence from Natural England, bearing in mind that tunnels can extend up to 20 metres from the sett entrances and could be damaged by even shallow excavations or the use of heavy machinery. An ecological consultant should advise on the need or otherwise for a sett closure licence.

19. INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire and Rescue Service dated the 5th March 2010.

20. INFORMATIVE TO APPLICANT:

The applicant is advised that they may require separate consent from the Environment Agency for the storage/disposal of horse waste and is advised to make their own separate investigations in respect of this matter.

99d. **E/10/1419/FUL - 3 The Park, Erlestoke, Devizes, Wiltshire, SN10 5TY - Retention of air to water heat pump**

The following people spoke against the proposal:

Mr Stan Jonik, of Erlestoke Parish Council

The following people spoke in favour of the proposal:

Cllr Nigel Carter, as non-executive director of Sarsen Housing

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval, and noted that this was the last of several similar such retrospective applications, all of which had been approved under delegated powers.

There were no technical questions. The Committee then received statements from members of the public as detailed above, expressing their views regarding this planning application.

After discussion including:

- Impact on neighbour amenity
- Impact on the character and appearance of the area

It was,

Resolved:

That planning permission be granted for the following reason:

The retention of the air source heat pump will not have any adverse impact on the character or appearance of the conservation Area, nor will it have any significant adverse impacts on the amenity of the adjacent property. Accordingly, the proposal is considered to be in accordance with policy PD1 of the Kennet Local Plan.

And subject to the following condition:

This decision related 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, technical specification for Worcester Bosch air source heat pump (including photograph), 1:1250 location plan, 1:500 site plan, 1:50 elevation drawing and 1:50 block plan received on 26 October 2010.

100. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.50 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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