

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2013 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Liz Bryant (Substitute), Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson,
Cllr Peter Evans, Cllr Nick Fogg, Cllr Charles Howard (Chairman) and Cllr Paul Oatway

70. **Apologies for Absence**

Apologies were received from;

- Cllr Richard Gamble (substituted by Cllr Liz Bryant)
- Cllr Jerry Kunkler

71. **Minutes of the Previous Meeting**

The minutes of the previous meeting held 1 August 2013 were signed and approved as a true and accurate record of the meeting.

72. **Declarations of Interest**

Cllr Mark Connolly declared a non pecuniary interest in item 6d.

73. **Chairman's Announcements**

No announcements were made.

74. **Public Participation and Councillors' Questions**

No questions had been received from members of the public.

75. **Planning Applications**

76. **13/01003/FUL - Land to North of Tidworth between A338 (Pennings Road) and A3026 (Ludgershall Road), Tidworth, Wiltshire**

Public Participation

There were no public speakers on this item.

The Local Member Cllr Mark Connolly spoke in support of the application and raised the possibility of placing working time restrictions on the development to ensure that the local community were not adversely affected during the construction period.

The Planning Officer introduced the report and outlined an amended recommendation to defer and delegate planning permission subject to the completion and satisfactory findings of the outstanding Biomass Survey. A late item received from Cllr Richard Gamble (the portfolio holder for Schools and Youth) was then presented to the committee which contained a summary of comments on the proposed application.

A letter was also received from Public Protection, outlining the position on Biomass and the ongoing discussions surrounding this. The Area Development Manager advised that this matter was capable of resolution. The Area Development Manager outlined the key areas for consideration namely PD1 HC19 and HC37 of the Kennet Local Plan. These were summarised as being the development and design of the plan, and the adequate provision of schooling in the area.

The Area Development Manager also outlined the impact on character and amenity of the local area and summarised surveys that had been commissioned including Biomass, flood plain and parking. These were all relevant considerations for the committee.

Committee members were given the opportunity to ask technical questions of the application.

Cllr Stewart Dobson raised a question over parking provision and asked why parking had not been incorporated for parents. The Area Development Manager answered that the constrictive size of the site was a contributing factor, as was the proximity of the school to the surrounding area of housing.

A number of questions were asked about the development of a travel plan by the school, and it was clarified that governance arrangements of the school had only recently been agreed, and that it would be unreasonable to expect such a detailed plan in place at this stage.

Cllr Charles Howard questioned the use of school buses and cycling stands. It was clarified that the school would not be expected to provide bus services as its catchment area would most likely be served within walking distance, but that cycling stands would be installed.

A discussion was had by members and Cllr Liz Bryant raised the possibility of dual use of facilities with the local community.

At the end of the debate it was;

Resolved

That the decision to grant planning permission be DELEGATED to the Area Development Manager subject to the satisfactory resolution of the concerns relating to the biomass facility and to any conditions recommended by the Environment Agency considered necessary to enable the development to proceed and 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 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.

3 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

4 Any gates across the vehicular access to the site shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

5 The Green Travel Plan Framework for Primary School accompanying the application shall be implemented following first occupation of the school. The results of its implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

6 The new playing field and pitches shall be constructed and laid out in accordance with standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, May 2011), before they are first brought into use.

REASON: To ensure the quality of pitches is satisfactory and they are available for use.

INFORMATIVE: The Natural Turf for Sport document can be obtained from the Sport England website: www.sportengland.org .

7 No external flood lighting of the games courts or playing fields/pitches shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

8 The development hereby permitted shall be carried out in accordance with the following approved plans:
Tidworth Primary School Design and Access Statement (and appendices) dated 28/05/13
Drawing no. 275928 Site P 02 P05 (location plan in context) dated 31/05/13
Drawing no. 275928 Site P 202 T3 (site plan) dated 12/07/13
Drawing no. 275928 P 0 202 P02 (ground floor plan) dated 31/05/13
Drawing no. 275928 P 1 202 P02 (first floor plan) dated 31/05/13
Drawing no. 275928 P R 200 T06 (roof plan) dated 15/07/13

Drawing no. 275928 E 200 P03 (elevations- school) dated 31/05/13
Drawing no. 275928 S 200 T03 (general sections) dated 16/07/13
Drawing no. 275928 E 203 P01 (elevations - nursery) dated 31/05/13
Drawing no. 275928 Site P 203 (proposed fence types) dated 28/06/13
Drawing no. 275928 E 201 T02 (elevations in context) dated 28/06/13
Drawing no. 275928 E 202 T02 (elevations in context) dated 28/06/13
Drawing no. 275928 Site P 210 T02 (site plan - landscape areas) dated 28/06/13
Drawing no. P148-1693 (external lighting) dated 28/05/13
Drawing no. C-01 P3 (drainage strategy) dated 21/05/13

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

9 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

10 No external construction or demolition works shall be carried out before 0800 on weekdays and on Saturdays nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

77. **13/00707/FUL - Rushall Church of England Aided School, Pewsey Road, Rushall, SN9 6EN**

Public Participation

Mr Colin Gayle spoke in objection to the application.

Ms Alma Fowle spoke in support of the application.

Cllr John Rogers spoke on behalf of Rushall Parish Council

The Area Development Manager introduced the report which recommended the application be granted temporary planning permission. A late item received from Cllr Richard Gamble (portfolio holder for schools and youth) was also presented to the committee outlining Cllr Gamble's comments on the application.

The Area Development Manager outlined key areas for consideration including PD1 of the Kennet Local Plan. This being: the impact on character and appearance of the application on the local area and highway matters.

Committee members were given the opportunity to ask technical questions of the application.

Cllr Stewart Dobson questioned the planned use of a particular colour for the building and asked if the committee could specify a colour. It was clarified that the committee could not suggest specific colours but could consider using a sympathetic colour scheme that complimented the local area.

Cllr Liz Bryant questioned the anticipated population growth in the area and asked if a temporary building was the correct solution. It was clarified that the permanence of the population bulge in the area would be clarified in future years as this would give a more accurate picture of future data. The temporary solution was proposed to deal with the bulge in short term whilst a longer term solution could be debated.

Cllr Paul Oatway then raised concerns over access to the school; and building as a result of inflated class sizes.

Following the questions from the committee, members of the public were given the opportunity to address the committee.

Following submissions from the public, the committee entered into a debate on the application. The committee questioned the suitability of existing highways arrangements to manage an increase in class size, and the impact on the surrounding community. At the end of the debate, it was;

Resolved

To GRANT planning permission for the application, 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 mobile classroom hereby permitted shall be removed and the land restored to its former condition on or before the expiry of 5 years from the date of this planning permission, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

REASON: This permission is granted solely to meet the needs of the present applicant and because the site is in a location where the permanent retention of a building of temporary construction is considered to be inappropriate.

3 The windows in the west elevation of the mobile classroom shall be glazed with obscure glass only prior to the first occupation of the development hereby permitted and shall be permanently maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: 1316-01, 1316-02 and 1316-05 received 16/05/13

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

78. E/2012/1566/FUL - Marlborough College, Marlborough, Wiltshire, SN8 1PA

Public Participation

Mr John Ivory Spoke in objection to the application.

Mr Philip Wood spoke in objection to the application.

Ms Jayne Norris spoke in support of the application.

Ms Sarah Kendall spoke in support of the application.

Mr Julian Beckett spoke in support of the application.

The Senior Planning Officer outlined the report which recommended planning permission to be approved for the application. The Senior Planning officer outlined a number of late items received including a copy of the lighting plan and requirements and five letters of support for the application from sports clubs user groups.

The Senior Planning Officer outlined key areas for consideration including PD1 of the Kennet local plan, NR6 and NR7 which are designed to safeguard rural and countryside amenity. The Senior Planning Officer also suggested changing recommended condition 5 of the application, stating that goalmouth practice should be restricting hockey activity only.

Committee members were then given the opportunity to ask technical questions of the application.

Cllr Bryant clarified that the existing floodlighting on one of the two pitches had no restrictions and this was confirmed by the Senior Planning Officer.

Members of the public were then given an opportunity to address the committee.

Following submissions, the application was opened for debate and a discussion was held on the impact of noise levels in relation to hockey activity.

Cllr Stewart Dobson stated that the facilities were important not just to Marlborough residents and questioned the need to restrict floodlighting any more tightly than that recommended in the proposed planning conditions.

Cllr Nick Fogg stated that he was in support of the application but suggested that using floodlighting until 22:00 as suggested in the recommended conditions would impact negatively on local residents amenity and it was proposed that the lighting be restricted to 20:00. Following discussion this was amended until 21:00.

At the end of the discussion it was;

Resolved:

To GRANT planning permission for the application 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 floodlights for the Milford (eastern) Pitch hereby approved shall not be illuminated outside the hours of 08:00 and 21:00 from Mondays to Sundays inclusive.

REASON: To minimise the impact of the floodlights upon the amenities of the area.

3. Following installation of the floodlights hereby approved to the Milford (eastern) Pitch, this pitch shall not be used for the playing of hockey matches or hockey training outside the hours of 08:00 and 20:00 from Mondays to Sundays inclusive.

REASON: The playing of hockey outside of these hours would be likely to give rise to concerns over residential amenity

4. Prior to the first use of the floodlights hereby approved to the Milford (eastern) Pitch, goal backboards at the eastern end of the pitch and the base of the pitch fence along the boundary closest to the

dwelling and either side of the goal up to the height of where balls rise, shall be lined with resilient rubberised material in accordance with details which have first been submitted to and approved in writing by the local planning authority. These linings shall thereafter be permanently maintained in accordance with the approved details.

REASON: To absorb sound energy to help reduce peak noise levels in the interests of preserving the amenities of neighbouring residents.

5. Following installation of the floodlights to the Milford (eastern) Pitch, no goal mouth practice sessions shall take place within the eastern half of the pitch when the pitch is illuminated.

REASON: To minimise the impact upon neighbour amenity of additional usage facilitated by the approved floodlighting.

6. The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: Site Location Plan, Christy Lighting Ltd Pages 1 and 2 showing horizontal and vertical illuminance levels respectively, 05a-a12-0112594 and photographs confirming appearance and angle of lights, Lux Standards sheets x 4 and lighting specification report provided by Vector Design all received on the 27th December 2012.

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

NB: Cllr Stewart Dobson requested that his vote against the application be publicly recorded.

79. E/2013/0238/FUL - Land adjacent Chute Forest Cottage, Chute Cadley, Andover, SP11 9EB

Public Participation

Mr John Holroyd spoke in objection to the application.

Mr Jim Haines spoke in objection to the application.

Ms Lisa Jackson spoke in objection to the application.

Mr Eric Potter spoke in support of the application.

Mr David Close spoke on behalf of Chute Forest Parish Council.

The Area Development Manager outlined the report which recommended planning permission be approved for the application. The key considerations for

the committee were also outlined. These being: HC24, NR6 and NR7 of the Kennet Local Plan. The key considerations were summarised as being the preservation of the character and appearance of the conservation area; , the impact on setting of nearby listed buildings and highways access to the site.

Committee members were then given the opportunity to ask technical questions of the application.

Cllr Stewart Dobson questioned if a building had been on the land previously. It was clarified that a modest building appeared on a map in the 19th Century, but was no longer visible on the site and was not a relevant planning consideration..

Members of the public were then given the opportunity to address the committee.

As the local member Cllr Charles Howard then spoke and summarised the objections made against the application including the impact on the conservation area, the cramped appearance of the planned development, and contradiction to the village conservation statement.

Following public submissions the application was opened for debate

The Area Development Manager first clarified the relevant planning considerations for the committee following submissions from the public.

Cllr Liz Bryant sought clarification on the site and its relation to the Kennet Local Plan. The Area Development Manager clarified that HC24 of the Kennet Local Plan allowed for suitable infill developments.

A debate was held on the application's suitability as an infill development and the impact on the surrounding conservation area.

It was proposed to approve the development subject to the conditions outlined in the officer report, but this was defeated.

A motion was raised to refuse the application as it was contrary to PD1 and, HC24 of the Kennet Local Plan and contrary to Para 56 and 132 of the National Planning Policy Framework.

The motion was opened to debate.

Cllr Mark Connolly stated that the application was suitable for development under HC24 and opposed the refusal of planning permission.
Cllr Liz Bryant and Cllr Paul Oatway both expressed concerns against the proposed application.

Following debate it was;

Resolved:

To REFUSE planning permission for the application for the following reasons:

- 1 The proposed development would harm the character and appearance of the Lower Chute and Chute Cadley Conservation Area by virtue of the loss of an important sylvan character identified in the Conservation Area Statement and would create a cramped appearance in the conservation area. The proposal is therefore contrary to policies PD1 and HC24 of the Kennet Local Plan 2011.**
- 2 The proposed development would fill a natural green gap that creates the loose knit and sporadic built nature of this part of the village which is characterised by dwellings set within spacious plots as identified in the Chute Village Design Statement. The proposal is therefore contrary to policies PD1 and HC24 of the Kennet Local Plan 2011 and paragraphs 56 and 132 of the NPPF.**
- 3 The proposed development cannot achieve a safe and satisfactory highway access and cannot achieve the necessary visibility splays that would accommodate the stopping distances required to ensure safe egress from the access point and is therefore contrary to policies PD1 and HC24 of the Kennet Local Plan 2011.**

80. 13/00038/FUL - Land at Hare Street, Manningford Bruce, Wilts.

Public Participation

Ms Maria Gravina Coles spoke on behalf of Ms Andrea Atkins in objection to the application.

Ms Jacqui Burgess spoke in objection to the application.

Mr David Benest spoke in objection to the application.

Mr Purdy spoke in support of the application.

The Senior Planning Officer outlined the application which was recommended for approval. The key policy considerations for the committee were outlined as PD1 NR6 and NR7. These were summarised as the impact of the proposal on the landscape of this part of the area of outstanding natural beauty.

Committee members were given the opportunity to ask technical questions of the application.

Councillor Stewart Dobson questioned the positioning of the barn and the rental/ownership status of other available land to the applicant.

Members of the public were given an opportunity to address the committee.

Councillor Paul Oatway spoke as the local member for the application and stated that there was a need for a barn for the land owner to store equipment and tools securely.

The reason for the positioning of the barn was clarified as due to the nature of the land in this location and the fact that better quality land would be lost if the barn was to be placed elsewhere. There was also better existing landscaping in the proposed location.

Following submissions the application was opened for debate, and the members discussed the impact of the barn on local residents' amenity. The Senior Planning Officer clarified that no protection was afforded in law for a land owners 'right to a view', and so this would not be a suitable reason for refusal.

Members debated the height of the structure and it was agreed that it was sufficient to allow for the storage of equipment and materials.

At the end of the debate, it was;

Resolved:

To Grant Planning permission for the application 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 building hereby approved shall be used for agriculture only and for no other purpose as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

3 No development shall commence within the proposed development site, nor shall any underground cabling or servicing be installed (including cable runs to serve the solar PV panels) 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.

4 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 protect the character and appearance of the area.

5 Notwithstanding the submitted details, the PV panels hereby approved shall be installed with a 'black' coloration with each panel having a factory finished black surround, and shall thereafter be maintained in accordance with these details.

REASON: To minimise the impact of the panels on the visual amenities of the area and preserve the scenic beauty of this Area of Outstanding Natural Beauty.

6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7 The development hereby permitted shall be carried out in accordance with the following approved plans: [Location Plan, Site Plan (excluding the annotation of 'proposed concrete track' both received on the 10th May 2013 and the amended plans 'Plan and Elevations' clarifying the orientation of the building received on the 22nd July 2013.

REASON:

For the avoidance of doubt, and in the interests of proper planning.

81. Urgent items

There were no urgent items for consideration.

82. Exclusion of Press and Public

Resolved:

To exclude members of the press and public (from Item 9: E/2010/0250/ENF on this agenda) in accordance with Section 100A(4) of the Local Government Act 1972 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 1 of Part I of Schedule 12A of the aforementioned act.

83. E/2010/0250/ENF - Untidy land at, Rum Jungle, Snails Lane, Castle Grounds, Devizes, Wiltshire SN10 1DB

The Area Development Manager outlined the Officers Report and summarised the history and occupancy status of the land.

The Area Development manger outlined the representations that had been made against the application and summarised the actions taken to date. A summary of the goods, materials and equipment stored on the land was made and the dwelling conditions were also outlined.

The committee discussed the options for enforcement and it was;

Resolved:

To authorise the Area Development Manager to take direct action to ensure full compliance with the Section 215 'Untidy Site' Notice served in relation to the site.

To place a legal charge on the land and to take any other action as may be necessary to recover the cost of the Council's reasonable expenditure

(Duration of meeting: 6.00 - 9.20 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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