

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 24 OCTOBER 2013 IN THE MAIN HALL, DEVIZES SCHOOL, THE GREEN, DEVIZES, WILTSHIRE SN10 3AG.

Present:

Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Charles Howard (Chairman), Cllr Jerry Kunkler and Cllr Paul Oatway

Also Present:

Cllr Sue Evans and Cllr Philip Whitehead

84. **Apologies for Absence**

There were no apologies received for the meeting.

85. **Minutes of the Previous Meeting**

The minutes of the previous meeting held 22 August 2013 were signed and approved as a true and accurate record of the meeting.

86. **Declarations of Interest**

Cllr Peter Evans declared a non pecuniary interest in item 6b. Cllr Evans stated that he was a member of the Planning Committee at Devizes Town Council which had previously screened application 6b. Cllr Evans declared that he had not voted on the application whilst it was being considered by the Town Council.

87. **Chairman's Announcements**

No announcements were made through the Chairman.

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

No questions had been received from members of the public.

89. **13/00714/FUL - M & Co (now Morrisons) 134 High Street, Marlborough, SN8 1HN**

Public Participation

Ms Sandy Tickner spoke in objection to the application.

The Area Development Manager outlined the report which recommended the application be granted planning permission. It was noted that no late items had been received. The Area Development Manager outlined the site plan and relevant planning history of the site before detailing the relevant planning policy. This included the Kennet Local Plan: PD1, and the National Planning Policy Framework: Chapters 1, 2, 7 and 11. The key issues were summarised as being: the impact on neighbouring property, the impact on the vitality of the town centre and the impact on the character and appearance of the area. Further guidance on key considerations was offered by way of the NPPF paragraph 123.

The committee were then invited to ask technical questions of the application. Cllr Stuart Dobson questioned if noise reflection was a relevant consideration in the application. It was clarified by the Environmental Protection Officer that noise reflection was not a relevant consideration in the application given the nature of the surrounding walls.

Cllr Nick Fogg proposed an amendment to condition 3 from the officer's report. This was supported by the committee.

Cllr Dobson spoke on the item and outlined that the expected noise level and impact on the high street as reasons to support the application.

Cllr Gamble then commented on the impact that the anticipated noise levels would have with regard to nuisance and tranquillity and stated that the expected levels would not be sufficient to constitute a statutory nuisance.

At the end of the debate it was;

Resolved;

To APPROVE planning permission for the application subject to the following conditions;

- 1) All soft landscaping comprised in the approved details of landscaping in respect of the discharge of condition number 2 relating to planning permission K/55894/F shall be maintained in situ, free from weeds. 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 first agreed in writing by the local planning authority.**

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

- 2) The store shall not be open to members of the public outside the hours of 07:00 and 23:00 from Mondays to Sundays inclusive.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenities of the area.

- 3) The condensers to the rear of 134-135 High Street, Marlborough which serve the refrigeration equipment shall be set to work at no more than 44% of maximum duty. The condensers shall be operated and maintained to ensure that the cumulative "rating noise" level does not add to the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 10m from the condensers. The meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 4) The air conditioning units in the acoustic enclosure at roof level of 134-135 High Street, Marlborough shall be operated and maintained to ensure that the cumulative "rating noise" level does not exceed the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 12m from the condensers. The meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 5) Any delivery lorries serving the store shall not be loaded or unloaded outside of the hours of 08:00 to 20:00 Monday to Saturday and 10:00 to 20:00 Sundays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

6) The development hereby permitted shall be carried out in accordance with the following approved plans:
p595/102 received on the 20th May 2013
595/103 received on the 31st May 2013
595/106 received on the 20th May 2013
595/104A received on the 20th May 2013
595/105B received on the 9th August 2013
595/101A received on the 3rd July 2013
595/105A received on the 3rd July 2013
RF-NB105.dwg received on the 31st May 2013
595/107 received on the 31st May 2013.
Noise Survey and Impact Assessment dated 14th June 2013 (insofar as not superseded by additional noise data following maximum capacity of plant change to 44% to deal with 'stepping up')
Raw Noise Data received on the 24th July 2013
AC Plant Noise Technical Note dated 6th August 2013
Refrigeration Plant Noise Readings received on the 28th August 2013
Technical data (3 sheets) for Mitsubishi Air Conditioning Units received on the 30th May 2013.

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

90. **13/00719/FUL - St Mary the Virgin Church, New Park Street, Devizes SN10 1DS**

Public Participation

Mr John Mead spoke in objection to the application.
Canon Paul Richardson spoke in support of the application.
George Batterham spoke in support of the application.
Robert Hunt-Grubbe spoke in support of the application.

Sarah Bridewell spoke in support of the application on behalf of Devizes Town Council.

The Area Development Manager outlined the application and detailed the report which recommended the application be refused planning permission. The Area Development Manager outlined the Grade 1 listed status afforded to the site, and detailed the relevant planning considerations for the committee.

This included: Kennet Local Plan 2011: PD1, National Planning Policy Framework: Section 7 and 12. English Heritage guidance: "New work in historic places of worship, 2012" and the Devizes Conservation Area Statement, September 2005. The Area Development Manager also provided guidance on planning considerations as detailed in the Wiltshire Core Strategy Pre-

Submission Document 2012: CP57 and CP58, although the guidance in the core strategy was suggested to not carry full weight as it was yet to have been formally adopted by the Council.

Therefore the relevant planning considerations were summarised as being the impact on the building as a grade 1 listed structure, the impact on the conservation area and the public benefit of the proposed development.

The Committee were then invited to ask technical questions of the application. Cllr Dobson questioned the impact of the proposed development on the boundary wall and its impact on the neighbouring property. The Area Development manager confirmed that part of the wall may need to be reconstructed, but that the impact on the neighbouring property would not be substantial.

Cllr Peter Evans then questioned the footprint of the development in relation to the overall size of the church and churchyard. The Area Development manager stated that he was not able to answer the question exactly but had an understanding that it was around 13%.

Following public participation, Cllr Sue Evans, the local member spoke in favour of the application.

Members then entered a debate on the application and discussed the previous planning application, and the discussions between the applicant and planning officer at the pre application stage. The design and materials of the application was discussed, and the public benefit of the application was considered. Cllr Gamble provided a summary of the reasoning of his views and relevant planning policy. The local development framework was debated and the consultation with statutory bodies including English Heritage was also discussed.

At the end of the debate it was:

Resolved:

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

Reason:

The extension, by reason of its scale and size, siting, form, design and materials/detailing, would cause substantial harm to the grade I listed building and its setting, to the character and appearance of this part of the Devizes Conservation Area. No evidence has been provided to adequately demonstrate that the proposal represents the optimum viable use for the building or that there is an overwhelming local need for the facilities such that the public benefit of providing them would outweigh

the substantial harm that would be caused to the heritage assets. The proposal would therefore be contrary to Policy PD1 of the Kennet Local Plan, Policies CP57 and CP58 of the Wiltshire Core Strategy Pre-Submission Document 2012, the Introduction and Sections 7 & 12 of the National Planning Policy Framework (NPPF) 2012 and guidance contained in the Devizes Conservation Area Statement.

91. 13/01926/FUL - 15 Greengate Road, Wedhampton, Devizes, Wilts, SN10 3QB

Public Participation

Malcolm Fraser spoke in objection to the application.

Charlotte Hill-Baldwin spoke in objection to the application.

Albert Ehrnrooth spoke in objection to the application.

Richard Cosker (Agent) spoke in support of the application

Simon Holt from Urchfont Parish Council spoke in objection to the application.

The Area Development Manager introduced the application and outlined the officer recommendation for approval. The Area Development Manager highlighted that one late item had been received and illustrated its content to the committee. The Area Development Manager outlined the proposal and the relevant Planning Policy which was HC24 and PD1 of the Kennet Local Plan. The main issues were summarised as being the design of the proposal; the impact on the amenities of neighbouring properties and the principle of whether it was acceptable development within a 'village with limited facilities'.

Following discussion of the relevant planning considerations, the committee were invited to ask technical questions of the application to the Area Development Manager. There were no technical questions, and so members of the public were invited to speak on the application.

Following submissions from the public, the Area Development Manager was invited to comment on the representations made by members of the public. The Area Development Manager confirmed that a right to a view over another's land was not protected in Law, and was therefore not a planning consideration.

The Committee then entered into a debate on the application, and discussed the limits of permitted development rights. The Committee also discussed classification of the village under the Core Strategy and questioned how this affected the development rights. The Area Development Manager confirmed that the relevant planning policy was to be the Kennet Local Plan, and that any weight afforded to the Core Strategy guidance would be less than that of the Kennet Local Plan, given that the Core Strategy was yet to be formally ratified by the Council.

The Committee then discussed the local Conservation Policy and the Conservation Area Statement and how this was applied along with the Kennet Local Plan.

Following the debate it was;

Resolved:

To **APPROVE** 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) **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) **The eaves and verge detailing, porch canopy, window headers, cills, window reveals, chimney and rainwater goods to be used on the new dwelling hereby approved shall be finished to match the detailing on the existing dwelling, known as 15 Greengate Road, unless otherwise first agreed in writing by the local planning authority.**

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

- 4) **No works shall commence on site until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details and all external window joinery shall be painted to match the existing dwelling.**

REASON: To secure harmonious architectural treatment in the interests of preserving the character and appearance of the conservation area.

- 5) 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) location and current canopy spread of all existing trees and hedgerows on the land;**
 - b) full details of any to be retained, together with measures for their protection in the course of development;**
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
 - d) means of enclosure;**
 - e) all hard and soft surfacing materials;**
 - f) refuse storage areas and any housing;**

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

- 6) 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 dwelling 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.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification),**

there shall be no additions or extensions to the new dwelling hereby approved.

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

- 8) The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

- 10) No part of the development hereby permitted shall be first occupied 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.

- 11) No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 12) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

**13)The development hereby permitted shall be carried out in accordance with the following approved plans:
1412-planning, Design and Access Statement and Planning Supporting Statement, Block Plan, Elevations and Floor Plan drawings, House and Site Surveys all received on the 17th July 2013.**

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

92. 13/01852/CAC - Ham Cross, Ham, Marlborough, SN8 3QR

Public Participation:

Mrs Mo Robinson spoke in support of the application.

Mr Michael Fowler spoke in support of the application.

Mr Robin Buchanan-Dunlop spoke in support of the application.

The Area Development manager introduced the application and the report which recommended that the application be refused planning permission.

The Area Development Manager outlined the relevant considerations for the committee, stating that the barn was a significant unlisted building in a conservation area. The Area Development Manager stated that Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Area Development Manager outlined the relevant consultations that had been undertaken and discussed the relevant planning considerations, which were summarised as being; the significance of the barn, and the impact of its demolition on the conservation area.

Following the officers report the committee were invited to ask technical questions of the application. This included a question on the surveys of the building which gave conflicting status reports to its usage and its condition.

The public were invited to speak on the application and the Area Development Manager was given the opportunity to respond to comments made by the public.

Members then entered a debate on the application and discussed the conservation area and the impact of demolition.

Following debate it was;

Resolved:

To APPROVE the application for demolition of the barn subject to the following conditions:

14)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 works for the demolition of the building shall commence until an appropriate programme of building recording (including photographic and architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority. Two copies of the resultant report shall be submitted to the Local Planning Authority for deposit with the county HER.

REASON: To secure the proper recording of the building.

93. Urgent items

There were no urgent items to be considered.

(Duration of meeting: 6.00 - 8.30 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