

## EASTERN AREA PLANNING COMMITTEE

---

### DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 OCTOBER 2010 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

#### **Present:**

Cllr Philip Brown (Chairman), Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Charles Howard, Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jeffrey Ody (Reserve) and Cllr Christopher Williams

#### **Also Present:**

Cllr Stuart Wheeler

---

#### 1. **Apologies for Absence**

Apologies were received from Councillor Jane Burton (substituted by Cllr Jeffery Ody).

#### 2. **Minutes of the Previous Meeting**

Minutes from the previous meeting held on 12 August 2010 were presented and it was,

#### **Resolved:**

**To approve and sign the minutes as a correct record.**

#### 3. **Declarations of Interest**

Councillor Philip Brown declared a personal interest with regard to his knowing an objector to an application to be considered, although this acquaintanceship was some twenty years ago.

#### 4. **Chairman's Announcements**

The Chairman drew attention to a typing error on the Agenda frontsheet, which incorrectly listed Councillor Francis Morland as a member of the Committee. The Chairman confirmed that this was not the case.

5. **Public Participation**

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

6. **Planning Appeals**

The Committee noted the list of appeals determined between 01/04/2010 and 30/09/2010.

7. **Planning Applications**

- 7a. **E/10/0374/FUL Full planning application for the demolition of existing farmhouse and farmbuildings and the erection of a replacement dwelling and 10 additional houses (4 affordable), together with a new access and associated works at Ropewind Farm, Rivar Road, SHALBOURNE SN8 3PU**

**The following people spoke against the proposal:**

Mr Mike Lockhart, a local resident.  
Mr Pollitt, a local resident.

**The following people spoke in favour of the proposal:**

Mr Michael Fowler, the architect.  
Ms Claire Glasspoole, the landscape architect.  
Mrs Zweck, of Shalbourne Parish Council.  
Cllr Stuart Wheeler, the local member.

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.

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 this planning application.

After discussion regarding:

- The proposed density of development;
- The proposed access works;
- The level of affordable housing provision; and
- The removal of trees on the site

It was,

**Resolved:**

**That planning permission be granted subject to the applicant entering into a S106 agreement to deliver the affordable housing and to make a financial contribution towards children's play space in the village.**

**And subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years of the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

2. No development shall take place until details of the materials to be used for the external walls and roofs (including samples) 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 secure harmonious architectural treatment.

3. All soft landscaping comprised in the submitted landscaping scheme hereby approved shall be carried out no later than the first planting and seeding season following the occupation of The Barn (plot 1) 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. 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.

4. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall

any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be in accordance with the submitted tree protection plan 161/001A. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. "No dig construction" shall be carried out in the areas indicated on the submitted tree protection plan 161/001A.

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

- 5. Notwithstanding the details shown on the drawings, all rooflights shall be traditional conservation style with a single vertical glazing bar and flush flashing and maintained as such thereafter.

REASON: To safeguard the character and appearance of the conservation area.

- 6. Details of the location and design of any domestic oil or gas tanks required as part of the development hereby approved shall be submitted to, and approved in writing by, the local planning authority prior to development commencing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard local amenities.

- 7. 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 additions to, or extensions or enlargements of, the buildings hereby

approved shall be erected.

REASON: To enable the local planning authority to retain control over the enlargement of the buildings in the interests of the proper planning and amenity of the area.

8. 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 first floor windows or other openings shall be inserted in the southern gable elevation of plot 1 or on the end gable of plot 11.

REASON: In the interests of the privacy of the neighbouring properties.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road or driveway.

REASON: In the interests of visual amenity.

10. Details of any floodlighting/external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted first commences or the buildings are first occupied whichever is the earliest date. Development shall be carried out in accordance with the approved details.

REASON: To safeguard local amenities.

11. The dwellings hereby permitted shall achieve level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to minimise the impact of the development on climate change.

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 road, driveways and roofs), 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. There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

REASON: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

14. Within three months of the date when the first new dwelling hereby approved is first occupied, all existing buildings on the site shall be demolished and the resulting materials removed from the site.

REASON: The retention of both the new and existing buildings on the site would not be in the interests of the proper planning of the area.

15. The development hereby permitted shall be carried out strictly in accordance with the bat mitigation strategy outlined in the Biodiversity Assessment carried out by Lindsay Carrington Ecological Services Ltd dated July 2010.

REASON: To safeguard protected wildlife species.

16. No development shall commence on site until details of an appropriate maintenance arrangement for the estate road have been submitted to and approved by the Local Planning Authority in writing, the maintenance arrangement to be in place prior to the occupation of the first of the dwellings hereby permitted.

REASON: To ensure that the road is laid out and constructed in a satisfactory manner.

17. No part of the development hereby permitted shall 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.

18. 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 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 55 metres in both directions in accordance with the approved plans drawing titled Site Plan and numbered 090502-27C. Such splays shall thereafter be permanently

maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

19. No part of the development hereby approved shall be first occupied until the parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. These areas shall be maintained and remain available for this use at all times thereafter.

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

20. No development other than the formation of a new access shall commence until the existing vehicular access to the garage, indicated on the drawing titled Site Plan and numbered 090502-27C, has been stopped up, its use permanently abandoned and the verge crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Such works shall be completed concurrently with the provision of the new access road hereby approved being first brought into use.

REASON: In the interests of highway safety to avoid the visibility splay being obstructed.

21. **INFORMATIVE TO THE APPLICANT:**  
There shall be no release of any Advance Payment Code payment or related bonds until the Highway Authority is satisfied that the road within the development has been suitably constructed and that an adequate Management Company has been secured for the maintenance of the road in perpetuity.

22. **INFORMATIVE TO THE APPLICANT:**  
This planning permission does not derogate the legal implications of demolishing the bat roost in the existing farmhouse. Demolition of the building is still likely to result in the destruction of a roost and could result in the disturbance of individual bats if not timed to avoid the summer period; this could constitute a breach of the Regulation 41 in the absence of a derogation licence. It is the developer's own responsibility to ensure that work is carried out within the law.

23. **INFORMATIVE TO APPLICANT:**  
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 14<sup>th</sup> October 2010.

24. 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.

Plans Ref. 090502-13B, 090502-14B, 090502-22A, 090502-23A, 090502-24B, 090502-25B and 161/001A all received 19 March 2010, 090502-26E and 2406/2B received 19 July 2010, 090502-21B received 21 July 2010 and 090502-27C received 9 August 2010.

7b. **E/10/1047/FUL Full planning application for change of use of agricultural land to playing fields at Glebe Field, BURBAGE**

**The following people spoke against the proposal:**

Mr Anthony McNicholas, a local resident.

**The following people spoke in favour of the proposal:**

Mr Russ Buck, Secretary of Burbage & Easton Royal Cricket Club.  
Mr Marek Grabowski, Chairman of Burbage & Easton Royal Cricket Club.  
Mr Paul Lavis, Head of Coaching at Burbage & Easton Roayl Cricket Club.  
Cllr Stuart Wheeler, the local member.

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.

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 this planning application.

After discussion regarding:

- The proposed use of the land
- Potential highways impact of the development
- The effect on local amenity of the development

It was,

**Resolved:**



**That planning permission be granted subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years of the date of this permission.

**REASON:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No loudspeakers, public address system, or other amplification equipment shall be used on the site.

**REASON:**

In order to protect the amenities of nearby residential properties

3. No external lighting (including any floodlighting) shall be erected or installed anywhere within the site or anywhere outside of the site for the purposes of lighting any part of the site.

**REASON:**

In the interests of visual and neighbour amenity.

4. 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: Site Location Plan received on the 12th August 2010 and the Proposed Use of Glebe Field Block Plan received on the 1st October 2010.

5. **INFORMATIVE TO APPLICANT:**

The applicant is requested to note that public footpath 'Burbage 6' transects Glebe Field and that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. A separate application under the Town and Country Planning or Highway Acts would be necessary.

7c. **E/10/0886/LBC Listed building application for application of textured masonry paint to the exterior of the property at 25, Long Street, DEVIZES SN10 1NN**

**The following people spoke in favour of the proposal:**

Mr Robert Budden, a local resident.

The Committee received a presentation on behalf of the Case Officer which set out the main issues in respect of the application and introduced the report, which recommended approval.

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

After discussion regarding:

- The principle of the alteration
- Impact on the local street scene
- Local reaction to the alteration

It was,

**Resolved:**

**That listed building consent is granted for the following reason:**

The proposed building works have not had an adverse impact on the character or appearance of the building and this part of the Devizes Conservation Area.

7d. **Proposed Diversion of Part of Baydon Bridleway 11 and Creation of Restricted Byway and Diverted Route**

**The following people spoke in favour of the proposal:**

Mr Jon Payne, the Applicant's Solicitor.

The Committee received a presentation by the Rights of Way Officer, which set out the main issues in respect of the application and the scope and purpose of the decision to be made.

She introduced the report of the Corporate Director, Neighbourhood and Planning, which recommended referral to the Secretary of State for determination, with a recommendation for approval.

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 this application.

After discussion regarding:

- The effect on views available to users of the bridleway
- The distance and convenience of the proposed diversion
- The effect on the occupants of the immediate residence

It was,

**Resolved:**

**That the Orders be referred to the Secretary of State for determination with the recommendation that they be confirmed as made, for the following reasons:**

1. The proposed diversion meets the tests contained in Section 119 of The Highways Act 1980.
2. The landowner has made it clear that he will only wish to dedicate the proposed new route to the public as a restricted byway if the Diversion Order is confirmed. This is considered reasonable. Additionally, Wiltshire Council would not wish to expand its rights of way network by having two routes in such close proximity with additional maintenance responsibilities.

8. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 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](mailto:chris.marsh@wiltshire.gov.uk)

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