

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 AUGUST 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Jane Burton, Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman),
Cllr Charles Howard (Chairman), Cllr Laura Mayes, Cllr Jemima Milton and
Cllr Christopher Williams

Also Present:

Cllr Liz Bryant and Cllr Brigadier Robert Hall

163. **Apologies for Absence**

Apologies were received from Cllr Chris Humphries.

164. **Minutes of the Previous Meeting**

The minutes of the meeting held 14 July 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

165. **Declarations of Interest**

There were no interests declared.

166. **Chairman's Announcements**

There were no Chairman's announcements.

167. **Public Participation**

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

168. **Planning Applications**

169. **E/11/0293/FUL**

Land adjacent to no. 7 & no. 9 Bayntun Close, Bromham, Chippenham, Wiltshire SN15 2JG – Erection of detached dwelling and associated driveway (resubmission of E/10/1172/FUL).

The following people spoke in objection to the proposal:

Sandra Lovell, as agent on behalf of Mr J Abbott, an immediate neighbour

The following people spoke in support of the proposal:

Mr Elliott, Chairman of the former owner of the site
Jean Collens, representing Bromham Parish Council

The Committee received a presentation from the Development Control Team Leader (East) which set out the main issues in respect of the application. He introduced the report, which recommended refusal.

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

After discussion regarding:

- a) Principle of development
- b) Impact on the streetscene
- c) Impact of residential amenity
- d) Impact on flooding
- e) Design matters including the height and massing of the proposal

And upon hearing the views of the local Members, Cllr Liz Bryant, it was,

Resolved:

That planning permission is granted for the following reason:

The proposed dwelling would be in scale and harmony with existing bungalows in Bayntun Close and it would cause no harm to the visual amenities of the area or the residential amenities of neighbouring occupiers. As such, it is considered that the proposals would comply with policies HC22 and PD1 of the Kennet Local Plan 2011.

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 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. No development shall commence on site until a surface water drainage strategy and flood risk assessment have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include full infiltration testing results for any soakaways being proposed. Development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.

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

4. No development shall commence on site until details of the retaining wall supporting the public right of way at the rear of the site (including structural calculations and design specification) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.

REASON: To protect the public right of way.

5. The dwelling hereby permitted shall not be occupied until the 2m high wall on the boundary with 9 Bayntun Close has been constructed in accordance with the details shown on the approved plans. The wall shall be maintained in accordance with the approved details thereafter.

REASON: In the interests of neighbour amenity.

6. The dwelling hereby permitted shall not be occupied until the Tarmac driveway has been completed in accordance with the details shown on the approved plans. The driveway shall be maintained thereafter for use in connection with the development.

REASON: In the interests of highway safety.

7. The dwelling hereby permitted shall not be occupied until a channel cut-off drain has been provided at the rear edge of the public highway across the driveway.

REASON: To prevent discharge of surface water onto the public highway in the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted above ground floor ceiling level in the front (west) elevation of the dwelling hereby permitted.

REASON: In the interests of neighbour amenity.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of the dwelling hereby permitted.

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, extensions or enlargements.

10. INFORMATIVE TO APPLICANT:

The applicant should note that a claim for a right of way has been made which would affect this site. It passes through the NE section of the site, including through the NE part of the proposed house. While this has been turned down by Wiltshire Council, the applicant has the right to appeal and there is the possibility that the Secretary of State could require Wiltshire Council to make an order to record the right of way. Were the house to be built it is possible that the part of the house on the line would be required to be demolished unless an application for a diversion was submitted and was successful. The applicant is strongly advised to contact Wiltshire Council's rights of way section before beginning any development on this site.

11. 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.

(a) Application Form, Design & Access Statement (Revision B February 2011) and Drawing nos. 3102/12A & 3102/14 received on the 3rd March 2011.

(b) Drawing nos. 3102/11C & 3102/13C received on 19th May 2011.

(c) Computer generated image received by email on 31st July 2011.

170. **E/11/0721/FUL**

Whatcombes, The Street, Conock, Devizes, SN10 3QQ – Replacement dwelling and garage and enlargement of garden (resubmission of E/10/1313/FUL).

The following people spoke in support of the proposal:

Mr Anthony Hues, the applicant
Mr Brian Toogood, the agent
Ms Stephanie Robertson, Chair of Chirton Parish Council

The Committee received a presentation from the Development Control Team Leader (East) which set out the main issues in respect of the application. He introduced the report which recommended refusal.

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

After discussion regarding:

- a) Principle of development and the 'fallback' situation
- b) Impact upon the listed Historic Park and Garden
- c) Design and visual impact

And upon hearing the views of the local Member, Cllr Brigadier Robert Hall, it was,

Resolved:

To grant planning permission for the following reason:

Despite the fact that the proposed dwelling would be significantly larger than the existing property it would nonetheless not be to the detriment of the historic environment, would meet the needs of the applicant and would accord with the ethos of PPS5.

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. Within one month of the first occupation of the dwelling hereby approved, the existing dwelling on the site shall be demolished and the resulting materials removed from the site.**

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

- 3. All soft landscaping comprised in the landscaping details hereby approved shall be carried out in the first planting and seeding season following the 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.

- 4. All verges shall be plain mortared verges.**

REASON: To secure harmonious architectural treatment.

- 5. Any gates to be installed shall be timber five bar gates, set back at least 4.5 metres from the edge of the carriageway, such gates to open inwards only.**

REASON: In the interests of highway safety.

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, walls or other means of enclosure with the exception of stockproof timber post and rail fencing, or children's play equipment or sheds, greenhouses, garages, stables, kennels, or any other ancillary domestic outbuildings shall be erected anywhere within the site without the prior grant of planning permission.

REASON: In the interests of visual amenity and preserving the Special Interest of the Grade II Listed Historic Park and Garden.

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 amenities of the area.

8. 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.

Application Form, Design & Access Statement, Site Location Plan, Topographic Survey and Plan Refs: 2011-5 10, 11, 12, 13 & 14 all received on the 1st June 2011.

171. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.00 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

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