

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 FEBRUARY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jerry Kunkler (Substitute), Cllr Laura Mayes and Cllr Jemima Milton

1. Apologies for Absence

Apologies for absence were received from Cllr Jane Burton and Cllr Christopher Williams (who was substituted by Cllr Jerry Kunkler).

2. Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the Committee meeting held on 15 December 2011.

3. Declarations of Interest

Cllr Jemina Milton expressed a personal and prejudicial interest in planning application 6b. E/11/0838/FUL, Chantry Meadow, Ogbourne St George. She had done so in the initial application as she previously had an arrangement with the applicants to store horse lorries at her property.

4. Chairman's Announcements

There were no Chairman's announcements.

5. Public Participation and Councillors' Questions

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

Members of the public addressed the Committee as set out in Minute No 6, as detailed below.

There were no questions received from members of the public or members of the Council.

6. Planning Applications

6.a E/2011/1247/FUL Ashwyns, Kingsbury Street, Marlborough, Wilts SN8 1JA - Demolition of existing house and garage and their replacement with a new dwelling; studio space to rear lowered courtyard; extension of front boundary wall (amendment to E/11/0168/FUL).

The following people spoke in support of the application:

Mr David Higgins
Mr Ian Cowan (Agent)
Mrs S Rupp (Applicant)

Mrs M Rose (Chairman of Marlborough Town Council Planning Committee)

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be granted subject to a planning obligation and conditions.

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 the planning application.

After discussion,

Resolved:

To grant planning permission for the following reasons:-

The proposal will not cause any significant harm to interests of acknowledged importance, including the amenity of residents of nearby properties and road safety. It would preserve and enhance the appearance of the conservation area and would accord with policy PD1 of the Kennet Local Plan and with national guidance in 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. The development hereby permitted shall not be exercised in addition to or in combination with the development permitted by the permission granted under Ref. E/2011/0168/FUL dated 23/06/11

REASON:

In the interests of sound planning.

3. No development shall take place until details (including samples) of the materials to be used for the external walls and roofs (including details of the colour and type of render to the summer room) 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:

4. In the interests of visual amenity and the character and appearance of the area.

No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys and dormers 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.

5. No development shall commence on site until details of the bricks, bond, mortar, capping and termination of the extended front boundary wall have been submitted to and approved in writing by the local planning authority. Furthermore a sample wall panel shall have been constructed on site, inspected and approved in writing by the local planning authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON:

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

6. Prior to commencement of development, assessment of the listed status of the boundary walls of the sunken garden is to be made and presented to the local planning authority. Full details of proposals for

works of repair or rebuilding to any existing boundary wall to the sunken garden wall, including details of new bricks, bond, mortar and capping are to be submitted to and approved in writing by the local planning authority in advance of these works being undertaken. Rebuilding works will involve the re-use of the existing bricks where these are in good condition and shall be carried out in accordance with the approved details.

REASON:

To secure the upkeep of these historic walls, in the interests of preserving the character and appearance of this part of Marlborough Conservation Area.

7. Prior to commencement of development, the applicant shall advise the local planning authority of results of investigations into depth of foundations of existing historic boundary walls and buildings on the site (in relation to the need to meet building regulations and the Party Wall Act) and advise of any consequential works required to secure the structural integrity of such structures due to the construction of the new development.

REASON:

Such details do not form part of the application.

8. Notwithstanding the details shown on plan 10085(L)020 Rev A, no development shall take place until there has been submitted to and approved by in writing by the local planning authority a fully detailed scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

9. All soft landscaping comprised in the approved details of landscaping 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; 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.

10. The office/studio building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house.

REASON:

To define the extent of the permission and given the residential character of the neighbourhood.

11. 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 any building forming part of the development 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.

12. 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 shall be inserted above ground floor ceiling level in the northern or southern side elevations of the dwelling hereby permitted.

REASON:

In the interests of residential amenity and privacy.

13. Prior to the dwelling hereby permitted being first occupied, the roadside kerbs shall have been lowered and raised as necessary to suit the revised access width, with the footway being resurfaced as necessary to suit the revised levels.

REASON:

In the interests of highway safety.

14. No development shall commence within the site 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.

15. INFORMATIVE TO THE APPLICANT:

The applicant should note that the costs of carrying out the required archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred. The work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by the County Archaeologist.

16. INFORMATIVE TO THE APPLICANT:

Listed building consent may be required for any repairs to the boundary walls of the sunken garden. This should be obtained before any works commence.

17. INFORMATIVE TO THE APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

18. 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.

9041-50-02, 9041-100-01, 9041-100-03, 10085(L)011B and 10085(L)012B, all received 12/09/11

10085(L)005G, 10085(L)006J, 10085(L)007K, 10085(L)008H, 10085(L)009F, 10085(L)010H, 10085(L)013F and 10085(SK)039_A all received 19/12/11

6.b E/11/0838/FUL Chantry Meadow, Ogbourne St George, Marlborough, Wiltshire, SN8 1SU - Change of use of the land from agricultural to mixed use of agriculture/equestrian, retention of stable building

The following people in opposition to the proposal:

Mr Freeman (Local resident)
Mr Anthony Hawnt (Local resident)
Lizzie Hawnt (Local resident)

The following persons spoke in support of the proposal:

Mr Tim Frost (Local resident)
Paul Oakley (Agent)

Mr Timothy George spoke on behalf of Ogbourne St George Parish Council.

Cllr Jemima Milton left the room and did not return (minute no. 3 refers).

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended, that permission be granted subject to a planning obligation and conditions.

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 the planning application.

Members then heard the views of Cllr Chris Humphries, the member for the adjoining Division, who opposed the application highlighting issues surrounding highways, North Wessex Downs Area of Outstanding Natural Beauty and CPRE.

After discussion, it was proposed that the application should be refused, this motion failed. After further discussion a second motion for approval was proposed,

Resolved:

To grant planning permission for the following reasons and subject to the conditions set out below:-

The decision to grant planning permission has been taken on the grounds that the proposal will not cause any significant harm to interests of acknowledged importance, including the visual amenities of the area, the amenities of the North Wessex Downs Area of Outstanding Natural Beauty, residential amenity or highway safety. Development would accord with policies PD1 & NR7 of the Kennet Local Plan 2011 and

government policy contained in Planning Policy Statement 7: 'Sustainable Development in Rural Areas'.

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 190, as amended by the Planning and Compulsory Purchase Act 2004.

2. This planning permission shall ensure solely for the benefit of the applicant and only for so long as the applicant's main place of residence is at the property known as The Vicarage, Ogbourne St George. Should the applicant cease to reside at this property then the equestrian use shall cease and the stable building shall be permanently removed from site and the use of the land shall revert to agricultural use.

REASON:

In order to reserve to the Local Planning Authority long term control over the land and the buildings since this permission is granted solely to meet the needs of the present applicant in view of the alternative access available through their property, 'The Vicarage' .

3. The development hereby permitted shall be used solely for private use and shall not be used for any commercial purpose, including any livery (or DIY livery) use.

REASON:

Any commercial use would give rise to fresh planning considerations, including traffic generation and the potential impact on the amenity of nearby properties

4. There shall be no overnight parking of vehicles, including horse boxes or horse trailers, anywhere within the application site, or within the area outlined in blue.

REASON:

In the interests of visual amenity and preserving the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty.

5. There shall be no loading or unloading of horseboxes or horse trailers using the existing field access adjacent 'Fauns Close' at the north of the site. All transportation of horses to and from the site shall use the access through the applicant's property (The Vicarage).

REASON:

To prevent an increase in the use of a substandard access by vehicles resulting from the need to transport horses associated with the equestrian use of the land hereby permitted.

6. There shall be no burning of any animal waste or bedding emanating from the development hereby permitted anywhere on the site or on land outlined in blue.

REASON:

To preserve the amenities of neighbouring residential properties.

7. No external lighting shall be installed on the site (or within the area outlined in blue) unless otherwise first agreed in writing by the local planning authority.

REASON:

To enable the local planning authority control over proposed lighting in the interests of visual and neighbour amenity.

8. Within two months of the date of this permission, the area on the plans labelled for 'Equestrian Use' which is currently in use as a riding area, shall be fenced along its boundary (marked in red on the amended location plan received on the 18th October 2011) with timber posts and dark green tape at a height no greater than 1.4 metres and shall be thereafter maintained as such thereafter unless otherwise first agreed in writing by the local planning authority.

REASON:

To ensure that the area granted change of use to equestrian/ riding is properly demarcated for the purposes of monitoring and enforcement and in the interests of the visual amenities of the area.

9. 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 Plan (3187.1) and Stable Elevations and Plan View (Drwg 01) both received on the 30th June 2011 and amended Location Plan and attached letter received on the 18th October 2011.

(Duration of meeting: 6.00 - 7.10 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic Services, direct line 01225 718379, e-mail anna.thurman@wiltshire.gov.uk

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