

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 APRIL 2013 IN THE THE ASSEMBLY ROOM - DEVIZES TOWN HALL, DEVIZES, SN10 1BN.

Present:

Cllr Jane Burton, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jerry Kunkler, Cllr Jemima Milton and Cllr Christopher Williams

18. **Apologies for Absence**

Apologies were received from Councillor Laura Mayes.

19. **Minutes of the Previous Meeting**

The minutes of the meeting held on **21 February 2013** were presented for consideration. It was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

20. **Declarations of Interest**

There were no declarations.

21. **Chairman's Announcements: Committee Membership and Agenda Changes**

- 1) To note the following changes of membership to the Committee:

Councillor Trevor Carbin to be replaced by Councillor Chris Humphries as a full member of the Committee.

- 2) To note that Item 7b in the agenda pack – E/2012/1216/FUL: Land to the rear of Wilcot road, Pewsey – would not be considered by the Committee to allow completion of a noise survey to take place and would be withdrawn from the agenda with the agreement of the Committee.

- 3) The Chair gave details of emergency exits in the event of a fire.

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

The Committee noted the rules on public participation.

There were no questions submitted.

23. **Highways Act 1980 and Wildlife and Countryside Act 1981 - The Wiltshire Council (Sheet SU 05 NW) Easterton 26 Diversion Order 2011 and Definitive Map Modification Order NO. 8, 2011**

Public Participation

Mrs Michelle Hayley spoke in objection to the order.

Mrs Emma Hodgson spoke in objection to the order.

Mr Bill Donald spoke in objection to the order.

Mr John Snook spoke in support of the order.

The Rights of Way Officer presented the report, which recommended that the order be forwarded to the Secretary of State for the Environment, Food and Rural Affairs, with the recommendation that the order be approved without modification. The history of the order being made, details of objections and the layout of the current and proposed bridleways were detailed.

The Committee then had the opportunity to ask technical questions of the officer. The presence of pigs alongside the bridleway routes was raised, and it was stated there were no regulations prohibiting pig sites being placed alongside the bridleway, but that the land owner was planning to move the pigs to a new location permanently in the summer. The width of the proposed bridleway was confirmed as 4m, and that the current bridleway had no recorded width.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

A debate followed, where the additional distance to be travelled along the highway under the proposed route was discussed, and it was stated Highways officers had raised no concerns. The viability of the historic bridleway was debated, taking into consideration the necessary measures to bring it into usage.

At the conclusion of debate, it was,

Resolved:

That “*The Wiltshire Council (Sheet SU 05 NW) Easterton 26 Diversion Order 2011 and Definitive Map Modification Order No.8, 2011*”, be forwarded to the Secretary of State for determination, with a

recommendation from Wiltshire Council that the Order be confirmed without modification.

24. **Planning Applications**

24.a E/2012/1536/FUL: Land adjacent to Swan Meadow, Pewsey

Public Participation

Mr Ffinlo Costain (Pewsey Environmental Action Group) spoke in objection to the application.

Mr Duncan Hartley spoke in objection to the application.

Mr Patrick Durnford spoke in objection to the application.

Mr Middleton, agent, spoke in support of the application.

Mr Stephen Dangerfield spoke in support of the application.

Mr Michael Fowler, agent, spoke in support of the application.

Cllr Marilyn hunt, Pewsey Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval, as well as drawing attention to and summarising late representations as attached to these minutes. The key issues were stated to include the designated limits of development under local planning policies, the principle of the development, and impact upon the character of the area. It was noted that 75 trees on the site had been granted Tree Protection Orders, and the site lay within the stated limits of development for Pewsey.

The Committee then had the opportunity to ask technical questions of the officer. The extent of construction in the area adjacent to the development site was raised, along with the extent of the private orchard currently occupying the site to be removed.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Councillor Jerry Kunkler, then stated that he had brought the item to Committee for determination as a matter of public interest, and detailed some of the concerns the application raised, as well as mitigating measures put in place. He stated he would not vote on the application given his close involvement with all parties during the course of its application progression.

A debate followed, during which it was confirmed the site did not meet the minimum number of properties required for affordable housing provision to be legally obliged, and the presence of flooding in the area was discussed. The Committee further debated the impact of local, regional and national planning policies on the proposal.

At the conclusion of debate, it was,

Resolved:

That planning permission be GRANTED subject to a S106 legal agreement to secure financial contributions in lieu of on-site children's play space provision for the following reason and subject to the following conditions:

The site lies within the Limits of Development and hence there is no in principle objection to the site's development. The site represents a sustainable location for new development, and could be developed without any adverse landscape impact or harm to the setting of nearby listed buildings. Satisfactory designs and layout are proposed, with no adverse highway safety implications and with no material harm to the residential amenity of existing local residents. The applicant has demonstrated that there will be no harm to local biodiversity and that with appropriate flood risk mitigation measures, the development will not increase flood risk in the locality.

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 **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 **.

- 3 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.

- 4 No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): Trees in Relation to Design Demolition and Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON:

To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 5 All soft landscaping shown on drawing numbers 120516-102D and 120516-112 shall be carried out in the first planting and seeding season following the first occupation of the dwellings 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.

REASON:

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

- 6 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.

- 7 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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON:

To secure the retention of adequate parking provision, in the interests of highway safety.

- 8 No part of the development hereby permitted shall be first occupied until the accesses, turning areas and vehicle parking areas 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. The first 7 metres of each access shall be surfaced in a well-bound consolidated material (not loose stone or gravel).

REASON:

In the interests of highway safety.

- 9 No part of the development shall be first occupied until the visibility splays shown on approved plan 120516-102D 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.

- 10 The mitigation measures detailed in Section 4 of the approved Flood Risk Assessment (February 2013 Issue 2, Cole Easdon Consultants) shall be carried out in full prior to the first occupation of the development.

REASON:

In the interests of flood prevention.

- 11 No development shall commence on site until detailed designs for both soakaways and permeable paving, along with soil percolation tests adhering to industry standard BRE 365 procedures, 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 flood prevention.

- 12 The development shall be carried out in strict accordance with the recommendations made within the document "Ecological Appraisal including Mitigation and Enhancement Strategy, Final Report 15 February 2013" by Malford Environmental Consulting, in particular the site layout drawing on page 41 and as amplified in approved drawing 120516-112.

REASON:

To mitigate against the loss of existing biodiversity and nature habitats.

- 13 No development shall commence 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.

- 14 The development hereby permitted shall be carried out in accordance with the following approved plans:

120516-103A received 30/01/13
120516-104A received 30/01/13
120516-105A received 30/01/13
120516-106A received 30/01/13
120516-107A received 30/01/13
120516-108A received 30/01/13
120516-109 received 30/01/13

120516-110A received 30/01/13
120516-112 received 26/02/13
120516-102D received 28/02/13

REASON:

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

24.b E/2012/1216/FUL: Land to the rear of Wilcot Road, Pewsey, SN9 5EL

The application was withdrawn from the agenda as detailed under Chairman's Announcements.

25. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 7.45 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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