

## EASTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 APRIL 2015 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

#### Present:

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

#### Also Present:

Cllr Philip Whitehead, Cllr Sue Evans and Cllr Stuart Wheeler

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#### 21. **Apologies for Absence**

There were no apologies for absence.

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

##### Resolved

To approve and sign as a true and correct record the minutes of the meeting held on 19 February 2015.

#### 23. **Declarations of Interest**

Councillor Peter Evans declared a non-pecuniary interest in application 14/09337/FUL - Land South West of Car Park, Station Road, Devizes - by virtue of being a member of Devizes Town Council which had previously discussed the application. Councillor Evans declared he had not taken part at that stage and would be able to consider and vote upon the application with an open mind.

#### 24. **Chairman's Announcements**

There were no announcements.

#### 25. **Public Participation and Councillors' Questions**

The rules on public participation were noted. There were no questions submitted.

## 26. Planning Appeals

### 26.1 Appeal Performance 2014

The appeals update was received, and in particular it was noted that no applications determined by the Committee or by officers in the area had appeals against those decisions upheld.

#### Resolved

**To note the 2014 appeals performance for the Eastern Area Planning Committee.**

## 27. Planning Applications

### 27.1 14/09837/FUL - Land South West Of Car Park, Station Road, Devizes

#### Public Participation

Mrs Judy Rose spoke in objection to the application.

Mrs C Gay spoke in objection to the application.

Mr Nigel Keen, agent, spoke in support of the application.

Cllr Nigel Carter spoke in objection on behalf of Devizes Town Council.

The Area Development Manager introduced the application which recommended that planning permission be granted subject to conditions for the creation of an amended vehicular access off Station Road car park from that approved as part of the historic leisure park permission for application K/13235/O. The officer confirmed the previous permission, approved subject to a legal agreement in 1991 and including a proposed access road from a different location to that proposed in the new application, remained valid as work had been begun on the site many years ago, meeting the requirements of the standard condition on permission lapsing in the event of no work begin done, even if there had been little change since.

Key issues were stated to include the existing planning status of the site, impact on the character and appearance of the area, and impact on trees and ecology. One late item was reported, an additional letter of objection, and its contents detailed.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was stated that the level of consultation was felt to have been sufficient, and that it was not possible to impose an end completion date condition to an application. It was confirmed any plans for the site the access road would lead to, beyond that which already had permission, would have to be the subject of a new application.

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

The Unitary division member, Councillor Sue Evans, then spoke in objection to the application, noting the many objections from the Town Council and

residents including concerning traffic management, impact upon residents and biodiversity.

A debate followed where members discussed whether the proposed access location and impact was an improvement on the access which had existing permission and whether the level of consultation had indeed been sufficient. It was agreed any future plans for the wider site were not relevant to the existing application, but it was discussed whether it was reasonable to impose a condition restricting the applicants to only one access, in the event of the current application being approved.

### **Resolved**

**To approve planning permission 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 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) finished levels and contours;**
  - e) means of enclosure;**
  - f) all hard and soft surfacing materials;**
  - g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
  - h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**
  - l) A 5.5m wide tree belt consisting of trees of a size and species and density to be agreed in writing with the Local Planning Authority, shall be planted to the south of the southern boundary of the site in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428**

**REASON: To ensure a satisfactory landscaped setting for the development and to preserve the connective wildlife corridor which the site currently contributes to.**

- 3. The tree belt along the southern boundary as detailed in the approved details of landscaping shall be carried out in advance of clearance of the site for development; 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 to preserve the connective wildlife corridor which the site currently contributes to.**

- 4. All soft landscaping within the red line boundary of the site comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the access road; 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 to preserve the connective wildlife corridor which the site currently contributes to.**

- 5. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be first brought into use until such time as the earthworks have been carried out in accordance with the details approved under this condition.**

**REASON: To ensure a satisfactory landscaped setting for the development.**

6. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

**A00 Location Plan, received 31 October 2014**

**A01 Survey Plan, received 31 October 2014**

**A001 Proposed Site Plan, received 31 October 2014**

**A201 Proposed Road Elevation and Field Access Elevation, received 31 October 2014**

**A301 Proposed Access Section A-A, received 18 December 2014**

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

**9. Notwithstanding the planning permission granted under reference K/13235/O in 1991, there shall be a single means of vehicular access to the leisure park from Station Road car park and if the permission hereby granted is implemented, the access formerly approved under planning permission K/13235/O shall not be constructed.**

**REASON: The construction of two vehicular access points from the car park would cumulatively have an adverse impact on the character and appearance of the area; and in the interests of road safety.**

*Councillor Nick Fogg MBE left the meeting after this item.*

## **27.2 15/01547/FUL - Crooked Cottage, 53 Burr Lane, Shalbourne**

### Public Participation

Mr John Henry Thomason, agent representative, spoke in support of the application.

Mr William Bartholomew, applicant, spoke in support of the application.

Cllr Mike Lockhart, Chairman of Shalbourne Parish Council, spoke in support of the application.

The Area Development Manager introduced the application which recommended that planning permission be refused for construction of a single storey garden room extension to the existing property. It was confirmed the original 17<sup>th</sup> Century property had retained its listed status following extensions up to the late 1970s.

Key issues were stated to include whether the proposal would preserve the character and setting of the listed building and whether the proposal would preserve or enhance the character or appearance of the Shalbourne Conservation Area. No items of correspondence had been received for the meeting.

Members of the Committee then had the opportunity to ask technical questions of the officer.

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

The Unitary division member, Councillor Stuart Wheeler, then spoke in support of the application, noting the impact of the extension compared to the large additions from previous extensions, that the proposed extension could not be seen by the public, and other development in the village that would have a larger impact on the setting being approved. It was stressed that no letters of objection had been received from the public.

A debate followed where the impact of the extension on the listed building was assessed, and the views of the council's conservation officer considered, as to whether there was any harm arising from the proposal. It was concluded that the development would not cause any harm to the listed building, its setting, and the character or appearance of the conservation area.

### **Resolved**

**To approve planning permission 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, (including the make type and colour of the bricks), 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: To protect the character and appearance of the listed building.**

- 3) Before development commences, detailed plans shall be submitted to and approved in writing by the local planning authority showing the construction details of the proposed external windows; doors and lantern rooflight. The development shall be constructed in accordance with the approved details.**

**REASON: To protect the character and appearance of the listed building.**

- 4) This permission relates to the following approved drawings: Numbers 120710 - 02C; 120710-04C; 120710-05A. Development shall be carried out in accordance with the details shown on these plans.**

**REASON: to define the permission in the interests of clarity.**

### **27.3 15/01585/LBC - Crooked Cottage, 53 Burr Lane, Shalbourne**

The listed building consent being tied to the permission approved for 15/01547/FUL, and no members of the public wishing to have any further input, a proposal was made and put to the vote.

#### **Resolved:**

**To grant listed building consent subject to the following conditions:**

- 1) The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

**REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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, (including the make type and colour of the bricks), 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: To protect the character and appearance of the listed building.**

- 3) Before development commences, detailed plans shall be submitted to and approved in writing by the local planning authority showing the construction details of the proposed external windows; doors and lantern rooflight. The development shall be constructed in accordance with the approved details.**

**REASON: To protect the character and appearance of the listed building.**

- 4) This consent relates to the following approved drawings: Numbers 120710 - 02C; 120710-04C; 120710-05A. Development shall be carried out in accordance with the details shown on these plans.**

**REASON: to define the permission in the interests of clarity.**



## **27.4 14/12100/OUT - Land adjacent Bell Caravan Park, Lydeaway, Devizes**

### Public Participation

Mr James Cain, agent, spoke in support of the application.  
Cllr Simon Holt, Chairman of Urchfont Parish Council Planning Committee, spoke in support of the application.

The senior planning officer introduced the application which recommended that planning permission be refused for the outline permission for the erection of two dwellings. Key issues were stated to include the principle of development on a site within the open countryside outside of any recognised Limits of Development within the Area of Outstanding Natural Beauty (AONB). No late items of correspondence had been received for this item.

It was also stated that a nearby former garage site had been approved for housing after attempts to market it as a continued employment site, and to prevent an eyesore, whereas this application was a caravan site with a visual impact that was not equivalent.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details on the local limits of development were sought, along with the views of the AONB team, where it was stated that no comments had been received on this application, but that they had objected to the previous similar application..

Members of the public then had the opportunity to present their views to the Committee, as detailed above

The Unitary division member, Councillor Philip Whitehead, then spoke in support of the application highlighting the committee's authority to grant permissions outside the limits of development if justified, and raised the concerns of the site becoming dilapidated without the addition of the dwellings, which would also add to housing numbers.

A debate followed where the location of the site and the limited exceptions permitted under local and national policies for permitting outside the limits of development in the open countryside were discussed, along with the precedent on the numerous caravan sites across Wiltshire.

### Resolved

**That the application be refused for the following reasons:**

**The proposed dwellings would lead to a consolidation of existing sporadic development in the countryside that would have an adverse impact on the character and appearance of the countryside in this part of the area of outstanding natural beauty and that would represent an unsustainable form of development, being situated outside of any defined settlement boundary and consequently increasing the need to travel by car to reach services, facilities and employment opportunities. There are**

**no justified special circumstances which would outweigh this harm. Consequently the proposed development is contrary to policy Core Policies CP1, CP2, CP48, CP51 and CP60 in the Wiltshire Core Strategy (Jan 2015) and policy contained within the National Planning Policy Framework 2012 (particularly paragraphs 12, 17, 37 and 55).**

**28. Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.00 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](mailto:kieran.elliott@wiltshire.gov.uk)

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