

## EASTERN AREA PLANNING COMMITTEE

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**DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 AUGUST 2015 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.**

**Present:**

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

**Also Present:**

Cllr Sue Evans and Cllr Jemima Milton

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**57. Apologies for Absence**

Apologies were received from:

Cllr Stewart Dobson

**58. Minutes of the Previous Meeting**

**Resolved**

**To approve and sign as a true and correct record the minutes of the meeting held on 6 August 2015.**

**59. Declarations of Interest**

Cllr Nick Fogg declared a non-pecuniary interest in item 7c. Cllr Fogg had come into contact with the applicant in his position as a town councillor. Cllr Fogg stated he would consider the application before him with an open mind.

Cllr Richard Gamble declared a non-pecuniary interest in item 7c. Cllr Gamble was a former resident of Avebury and knew a family involved in the application and was familiar with the site. For this item Cllr Gamble abstained from voting.

**60. Chairman's Announcements**

There were no announcements.

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

None.

62. **Planning Appeals**

None.

63. **Planning Applications**

64. **15/05550/FUL - 14 The Market Place, Devizes, Wiltshire, SN10 1HX - Conversion of first floor of former print works to 1 no. apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site and erection of replacement single-storey building containing 2 dwellings;(1one bed & 1 two bed)**

**Public Participation**

Mrs Jenny Warren spoke in objection to the application.

Mr Nick Seager spoke in objection to the application.

Mr Howard Waters spoke in support of the application.

The senior planning officer introduced the report which recommended that planning permission be granted subject to conditions. Key issues were stated as including the principle of the development of three new dwellings to the rear of the existing buildings; the potential for impact on the amenity of neighbouring properties; and the potential impact on the historic fabric, character and setting of the listed building and the conservation area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Access during construction was explained as being through the pedestrian access route adjacent to the site. This was clarified as the route materials would be removed and brought in through. It was explained that a construction statement was requested in the conditions, which would include details of construction times. Fire sprinklers were not included as a possible condition as issues over internal fixtures were for consideration by building control.

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

The unitary division member, Cllr Sue Evans, then spoke to the application. Concerns were raised over obstruction to the Market Place, the over-development of a small restricted site, and a lack of sunlight to the proposed building. It was also stated that the housing quota within the Devizes Neighbourhood Plan had already been met and exceeded.

A debate followed where the proposed design was considered, along with the condition of the wall to the rear of the development. The state of the current dilapidated building on the brownfields site was discussed. The Committee considered the policies of the Devizes Neighbourhood Plan. An informative on preserving and enhancing the wall to the rear of the proposed development was considered. Concerns over the over-development of the site and access for demolition and construction were debated.

At the conclusion of debate it was

### **Resolved**

**To Grant 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellings hereby permitted or within their curtilage without the prior grant of planning permission by the local planning authority.**

**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.**

- 3. The development shall be constructed in strict accordance with the recommendations made in the Phase 2 Bat Survey Report by Peach Ecology.**

**REASON: In order to safeguard the interests of protected species using the area and in the interests of proper planning.**

- 4. No external lighting shall be installed on site, or in the alley leading to the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage 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 order to safeguard the interests of protected species using the area, in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

5. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
  - a. Risk assessment of potentially damaging construction activities
  - b. Identification of 'biodiversity protection zones'
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - d. The location and timing of sensitive works to avoid harm to biodiversity features
  - e. The times during construction when specialists ecologists need to be present on site to oversee works
  - f. Responsible persons and lines of communication
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
  - h. Use of protective fences, exclusion barriers and warning signs.
  - i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

**REASON:** To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

**6. 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. measures to control the emission of dust and dirt during construction;**
- e. a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- f. 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, 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.**

**7. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.**

**8. The development hereby permitted shall be carried out in accordance with the application form, Heritage Statement (and Design and Access Statement) (MWA 13111 Rev A) (dated 2<sup>nd</sup> June 2015), Structural Report (dated 29<sup>th</sup> May 2015) Phase 2 Bat Survey (dated 9<sup>th</sup> June 2015) and the following approved plans: Site location plan, Proposed Block Plan, Proposed Site Layout**

**(13111.11), Proposed elevations (13111.12), Proposals (existing building) (13111.05A) received on 8<sup>th</sup> June 2015.**

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

- 9. Before either of the two new-build dwellings is first occupied, the boundary wall with No.16 shall be rebuilt, using bricks reclaimed from the existing wall. Details of The method of rebuilding the boundary wall, including details of the bonding and mortar to be used, shall be submitted to and approved in writing by the local planning authority before work to construct these dwellings is first commenced.**

**REASON: To ensure the historic boundary wall is suitably rebuilt, to protect the character and appearance of the area and the setting of the listed buildings.**

**INFORMATIVE: The applicant shall endeavour to protect the wall that divides between the site and Carriage Court to the rear from any damage during the course of the development. Such damage, should it occur, shall be rectified in line with the Party Wall Act (1996 or any act revoking or amending it). The wall will be replaced/repared in a like for like manner.**

- 65. 15/05689/LBC - 14 The Market Place, Devizes, Wiltshire, SN10 1HX - Conversion of first floor of former print works to 1 apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site**

#### **Public Participation**

Mrs Ann Stevens spoke in objection to the application.

Mr Howard Waters spoke in support of the application.

The senior planning officer introduced the report which recommended that permissions be granted subject to conditions. Key issues were stated as including the potential impact on the historic fabric, character and setting of the listed building and the conservation area.

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.

A debate followed where Core Policy 58 was discussed. The response from the conservation officer was also considered.

At the conclusion of debate it was

**Resolved**

**To grant permission 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 the details and, where requested, 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and on the listed buildings.**

- 3. Notwithstanding the approved drawings, no works shall commence on the new works until details of the following have been submitted to and approved in writing by the Local Planning Authority:**
  - Large scale details of all external joinery including(1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, cills and lintels;**
  - Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;**
  - A full schedule and specification of repairs to the boundary wall;**

**The works shall be carried out in accordance with the approved details.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and listed building consent the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the**

**interests of preserving the character and appearance of the listed building and its setting.**

- 4. The development hereby permitted shall be carried out in accordance with the application form, Heritage Statement (and Design and Access Statement) (MWA 13111 Rev A) (dated 2<sup>nd</sup> June 2015), Structural Report (dated 29<sup>th</sup> May 2015) Phase 2 Bat Survey (dated 9<sup>th</sup> June 2015) and the following approved plans: Site location plan, Proposed Block Plan, Proposed Site Layout (13111.11), Proposed elevations (13111.12), Proposals (existing building) (13111.05A) received on 8<sup>th</sup> June 2015.**

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

- 66. 15/05475/FUL - Lanes Cottage, 36 High Street, Winterbourne Bassett SN4 9QB - New dwelling to replace demolished dwelling, with a change of use of agricultural land to residential use and further change of use of agricultural land to mixed use of agricultural and providing residential access**

#### **Public Participation**

Mr Tony Iles spoke in support of the application.

Mr Laurence Wills spoke in support of the application.

The planning officer introduced the report which recommended that permission be refused. Key issues were stated as including the principle of a new dwelling of this size within the North Wessex Downs area of outstanding natural beauty (AONB), and the size and impact of the dwelling proposed upon the rural character and landscape of the area.

A correction in the report was noted. The figure of 1hectare on page 45 of the agenda should read 0.72hectares.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was explained that once a dwelling has been demolished, all planning permission associated with that building is lost. The undemolished thatched building at the east end of the site was clarified as being a small out-building which would remain.

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

The unitary division member, Cllr Jemima Milton, then spoke to the application. Cllr Milton explained that no neighbours had objected to the application, and that the AONB had not commented on the application. It was also explained that the site was of a large nature and was well hidden by surrounding tree cover



A debate followed where the size of the proposed development in comparison to the previously existing building was considered. The design of the proposed building was also discussed.

### **Resolved**

**To refuse the application for the following reasons:**

- 1) Whilst there was previously a cottage on the site, and the site retains a residential character, the dwelling would be significantly larger than the previous cottage and being in an elevated and relatively exposed position, would, due to its design and scale, be detrimental to the openness and rural character and landscape of the area, contrary to Wiltshire Core Strategy Core Policies 51 and 57, and due to its much larger size than the previous dwelling on the site, would conflict with the requirement of policy HC25 of the Kennet Local Plan, as saved by the Wiltshire Core Strategy. There are no material circumstances sufficient to justify approval of the application contrary to the development plan.**

### **67. Urgent items**

(Duration of meeting: 6.00 - 7.30 pm)

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