

EASTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING
HELD ON 10 MARCH 2016 AT WESSEX ROOM - THE CORN EXCHANGE,
MARKET PLACE, DEVIZES, SN10 1HS.**

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman),
Cllr Stewart Dobson, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Paul Oatway,
Cllr James Sheppard (Substitute) and Cllr Christopher Williams (Substitute).

8. Apologies for Absence

Apologies were received from Cllr Peter Evans who was substituted at the meeting by Cllr Chris Williams, and from Cllr Jerry Kunkler who was substituted at the meeting by Cllr James Sheppard.

9. Minutes of the Previous Meeting

Resolved

To approve and sign the minutes of the meeting held on 28 January 2016 as a true and accurate record.

10. Declarations of Interest

There were no Declarations of Interest received.

11. Chairman's Announcements

There were no Chairman's Announcements.

12. Public Participation and Councillors' Questions

The Chairman noted the rules on public participation and that there were no questions submitted.

13. **Rights of Way - Highways Act 1980 and Wildlife and Countryside Act 1981 - The Wiltshire Council Baydon 2 (Part) and 11 (Part) Diversion Order and Definitive Map and Statement Modification Order 2015**

The following person spoke against the proposal

Mr Gallagher of The Ramblers Association

The following people spoke in support of the proposal

Mrs Sally Johnson, the applicant.

Mr Michael Wood, the agent.

Mr Tony Prior, a local resident.

Cllr Andy Knowles, Chairman Baydon Parish Council.

The Rights of Way Officer introduced the report which recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination.

The Rights of Way Officer referred Members to the Diversion Route map as detailed on page 59 of the agenda pack, and it was explained that the existing route was unavailable for use as it was obstructed by garden fencing and hedging. It was further explained that the alternate route shown as 'Y-X' on the diversion route map was initially proposed, but was not taken forward as the land owners' were not in agreement.

The Officer advised that the proposed 'E-F-G' route satisfied the legal tests for the making of a Diversion Order under Section 119 of the Highways Act 1980, and there had been no new evidence submitted during the formal objection period that would lead Wiltshire Council to no longer support the making of the Order.

The Committee was then invited to ask technical questions, for which there were none.

Members of the public were then invited to speak, as detailed above.

Within debate the views of local residents, as detailed by the Parish Council, were noted and it was encouraging that the applicants had considered the views and opinions of local residents.

Resolved

To forward "The Wiltshire Council Baydon 2 (part) and 11 (part) Diversion Order and Definitive Map and Statement Modification Order 2015 to the

Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed with a modification to the statement for Baydon 11 to replace text missing in Part 3. After "...at its junction with Baydon 30" add "where BRIDLEWAY leading south for approximately 60 metres to its junction with Baydon path no. 2."

14. **Planning Appeals**

The Committee received a report which set out details of completed and pending appeals. The Chairman drew attention to the proceedings relating to application no. E/2013/0083/OUT, Land at Coate Bridge adjacent to Windsor Drive which was due to commence on 5 April 2016.

Resolved

To note the contents of the report.

15. **Planning Applications**

15.1 15/12705/FUL - Land at West View House, St Johns Court, Devizes, Wiltshire, SN10 1BU - Proposed new dwelling (new design to replace previously approved)

The following people spoke in support of the application

Mr Howard Waters, the agent.

Mr Richard Jackson, the applicant.

The Senior Planning Officer presented the application and noted that a letter and accompanying photograph had been presented to members of the Committee by the applicant since the agenda pack had been published.

It was explained that the proposal was to replace a previously approved permission with a larger scale dwelling. It was noted that the Highways Officer had expressed concern with regard to adequate parking at the site, and had raised an objection to the application on that basis. The officer's report concluded that the application should be refused on the basis that the height, mass, bulk and design would have an adverse impact on both the setting of nearby listed buildings and the conservation area; and would be in contrary to Sections 7 and 12 of the NPPF and policies CP57 and CP58 of the Wiltshire Core Strategy.

The Committee was then invited to ask technical questions, for which there were none.

Members of the public were then invited to speak, as detailed above.

The Divisional Member, Cllr Sue Evans, spoke in support of the application and explained that the application had received full support at a recent Town Council meeting in preference to the previous application. The Town Council were satisfied that the new proposal would not impact on the views of the Church or Castle, and that the quality of the building would reflect its surroundings. Cllr Evans advised that the proposed dwelling mirrored that of buildings in the town centre, and therefore fitted in with the imposing structure. Cllr Evans noted that the Highways Officer objected to the proposal on the grounds of parking, but this issue could be resolved and should not be a reason for refusal.

The Officer responded that the proposal, within the context of the surrounding buildings, would look out of character, and the previously approved design of a smaller scale building would be better suited and more appropriate within its surroundings.

During debate, it was noted that the previous design was a compromise, and that a lot of care and attention had been put into the new design in terms of fitting into the historic surrounding area. A concern was raised with regard to parking and vehicle access, and it was suggested a condition be included within the recommendation on that basis. It was also noted that the views of the Town Council should be taken on board in that they had a good understanding on what they believed to be suitable for their town.

It was also noted that the design was too grand for its setting and that the new design may look incongruous in context of the smaller bungalows surrounding it. Concern was also raised that the proposal did not meet CP57 in that it did not fit into the locality and was beyond what was appropriate for the location.

Resolved

To approve the application subject to the conditions set out below:

- 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 The development hereby permitted shall be carried out in accordance with the Application form, the "Design and Access Statement and Heritage Statement" dated 14/12/2015 and the following approved plans: Site location and block plans, dwg no. 1268.08; Site layout and section, dwg no. 1268.09; Plans and elevations, dwg no. 1268.10-B; Existing and Proposed views, dwg no. 1268.12**

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

- 3 No development shall commence on site until the exact 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: 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.

- 4 All new brickwork shall be constructed using a Flemish bond.**

Reason: To secure harmonious architectural treatment.

- 5 No development shall commence on site until architectural details of all eaves, verges, rainwater goods, chimneys, dormers and canopies 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 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 Conservation Area and the setting of the Listed Building.

- 6 No works shall commence on site until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details and maintained as such thereafter.**

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, in the interests of preserving the character and appearance of the setting of the listed building and of the setting of the Conservation Area.

- 7 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 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.

- 8 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- * means of enclosure, including any screening, hedgerow, walls, fences and repairs to existing;**
- * all hard and soft surfacing materials;**
- * retained historic landscape features and proposed restoration, where relevant.**

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

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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 and the protection of existing important landscape features.

- 10** The dwelling hereby approved shall not be occupied until sufficient space for the parking of 3 vehicles together with a vehicular access and turning area thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 11** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

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

- 12** The tree on the site which is protected by a Tree Preservation Order shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by braced Heras fencing (or other type of fencing to be agreed in writing by the local planning authority). Before the fence is erected its position shall be agreed 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 stacking of soil, shall be allowed within it.

REASON: To enable the local planning authority to ensure the retention of an important tree on the site in the interests of visual amenity.

- 13** The development hereby approved shall be carried out in accordance with the "Written Scheme of Investigation for an Archaeological Watching Brief" dated June 2013 and the "Interim Statement on an Archaeological Watching Brief" dated 19/02/14.

REASON: To safeguard the sites archaeological interest.

- 14** Construction work on the site shall only take place between the hours of 08:00 and 17:30 on weekdays, between 08:00 and midday on Saturdays, with no work taking place on Sundays or Bank Holidays.

REASON: In the interests of protecting the reasonable living conditions of the occupants of the neighbouring properties.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 unless planning consent is granted 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.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans unless planning consent is granted by the Local Planning Authority.**

REASON: To safeguard the character and appearance of the area.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in any of the roofslopes of the development hereby permitted unless planning consent is granted by the Local Planning Authority.**

REASON: In the interests of residential amenity and privacy and in the interests of the character of the dwelling and that of the area.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted unless planning consent is granted by the Local Planning Authority.**

REASON: To safeguard the character and appearance of the building and area.

- 19** Before the development hereby permitted is first occupied the bathroom windows in the north and south elevations shall be glazed with obscure glass only, to an obscurity level of no less than level 4 and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 20** The dwelling hereby approved shall achieve a level of energy performance equivalent to Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until evidence has been submitted to and confirmed in writing by the local planning authority certifying that this level or equivalent has been achieved.

REASON: In the interests of creating a sustainable form of development in accordance with Policy CP41 of the Wiltshire Core Strategy.

- 21** **INFORMATIVE TO APPLICANT:** Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 22** **INFORMATIVE TO APPLICANT:** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

15.2 15/12362/FUL - The Drummer Boy, Church Street, Market Lavington, Wiltshire, SN10 4DU - Change of use and conversion of existing Public House to two 3 bed dwellings, and erection of 1 two bed dwelling to rear of site, with associated amenity space and parking

The following people spoke against the application

Mrs Ann Earley, local resident.

Mr Bob Gordon, local resident.

Cllr Teresa Steele, Market Lavington Parish Council.

The following person spoke in support of the application

Mr Phil Easton, Architect.

The Senior Planning Officer presented the application for the change of use and conversion of an existing Public House to two 3 bed dwellings, and the erection of one 2 bed dwelling to the rear side, with associated amenity space and parking.

The officer explained that there would be no adverse impact in terms of design or the impact on the conservation area, but it was noted that concerns had been raised with regard to access and as to whether the proposal would make a significant difference in terms of additional vehicle movements. The planning officer concluded that the scheme was considered to be of an acceptable design, having no adverse impact upon reasonable living conditions of the occupiers of adjoining residential properties. The officer's report recommended that approval be granted with conditions, including that of a condition for a construction management plan to be submitted and approved by the Local Planning Authority before development could commence.

The Committee was then invited to ask technical questions, for which there were none.

Members of the public were then invited to speak, as detailed above.

Cllr Gamble, Divisional Member, noted that the proposal would bring an old building back into use and the design was of an acceptable standard, but the one fundamental issue of access for vehicles was unsatisfactory and dangerous. Cllr Gamble advised that the proposal did not meet CP61 of the Wiltshire Core Strategy, and would have a severe impact upon the safety of road users and pedestrians.

During debate, it was noted that a decision to encourage additional vehicle movement would be unwise, and that the height of the dwelling was a potential over development which could have an adverse impact on neighbours.

After discussion,

Resolved

To refuse the application for the following reasons:

The access by reason of its restricted width, height and inadequate visibility is such that it makes manoeuvring into and out of the site difficult and dangerous having a severe impact upon the safety of road users and pedestrians on Church Street. The proposed development is therefore not capable of being served by a safe access to the highway network contrary to Core Policy 61 of the Wiltshire Core Strategy 2015 and to Paragraph 32 of the National Planning Policy Framework 2012.

15.3 15/12652/FUL - Woodlands Farm, Witcha, Ramsbury, Wiltshire, SN8 2HQ - Demolition of existing bungalow, and erection of replacement dwelling with associated garaging, turning, landscaping, private amenity space, and creation of a new vehicular access point.

The following person spoke against the application

Mr Stephen Martin, local resident.

The following person spoke in support of the application

Mr Mark Pettitt, representing the planning agent.

The Senior Planning Officer presented the application and reported that he had received a communication from the County Ecologist withdrawing objections to the proposal since publication of the agenda.

The officer explained that the proposed dwelling would increase the floor space by 190% compared to the original area, which would be in contrary to Policy HC25 of the Kennet Local Plan listed in Annex D of the Wiltshire Core Strategy. It was explained that the proposed dwelling would be detrimental to the landscape as its height, size and positioning would impact on the scenic quality of the Area of Outstanding Natural Beauty (AONB), and would conflict with CP51 and CP57 of the Wiltshire Core Strategy. The officer's report therefore recommended that the application be refused.

The Committee was then invited to ask technical questions, for which there were none.

Members of the public were then invited to speak, as detailed above.

During debate it was noted that members of the committee were in agreement to the planning officer's recommendation in that the proposal was not suitable

for its setting and would have a detrimental impact on the AONB, and the proposed increase of 190% to the floor space was in conflict with the policies of the development plan.

After discussion,

Resolved

To refuse planning permission for the following reasons:

- 1 The scale of the replacement dwelling and garage is significantly larger than the original structure. As such, it does not comply with the terms of saved Policy HC25 of the Kennet Local Plan listed in Annex D of the Wiltshire Core Strategy 2015.**
- 2 By reason of its height, size, scale and positioning in the open landscape the proposed dwelling would have a detrimental impact upon the landscape character and scenic quality of the area and the North Wessex Downs AONB. There are no material circumstances sufficient to justify approval that outweigh the conflict with Core Policies 51 and 57 of the Wiltshire Core Strategy 2015, to Supplementary Planning Guidance contained within the Wiltshire Landscape Character Assessment (2005) and with central government policy contained within Section 11 of the NPPF.**

16. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.15 pm)

The Officer who has produced these minutes is Jade Urbanski, of Democratic & Members' Services, direct line 01225 718038, e-mail adam.brown@wiltshire.gov.uk

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