

## EASTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 SEPTEMBER 2016 AT WESSEX ROOM, CORN EXCHANGE, DEVIZES, WILTSHIRE.

#### **Present:**

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Paul Oatway QPM and Cllr Anna Cuthbert (Substitute)

#### **Also Present:**

Cllr Philip Whitehead

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#### 45. **Apologies for Absence**

Apologies were received from Councillor Stewart Dobson, substituted at the meeting by Councillor Anna Cuthbert, and from Councillor Jerry Kunkler.

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

The minutes of the meeting held on 4 August 2016 were presented for consideration and it was,

#### **Resolved**

**To approve and sign as a correct record the minutes of the previous meeting held on 4 August 2016.**

#### 47. **Declarations of Interest**

There were no declarations of interest made.

#### 48. **Chairman's Announcements**

There were no announcements made at the meeting.

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

The rules on public participation were noted.

#### 50. **Planning Appeals and Updates**

The Appeals update for the period between 28 April and 7 September 2016 was received.

## **Resolved**

**That the Planning Appeals and Updates report be noted.**

### 51. **Planning Applications**

The meeting considered the following application:

### 52. **16/03703/FUL: Land at Woodland Road, Patney, Devizes**

Patricia Alsop, Mark Alsop and Mark Cann spoke in objection to the application. Damian Thursby, Helen James and Rachel Yeomans, agent for the applicant spoke in support of the application  
Cllr Peter Small, Chairman, spoke on behalf of Patney Parish Council.

Jonathon James, Senior Planning Officer, and Mike Wilmott, Head Development Management, presented the report which recommended that permission be refused.

There were no additional later items or observations.

Key issues included: the position of the site within the AONB, and the position in relation to open land and nearby listed buildings; the access to the site from the highway; the possible impact of earthworks associated with the development; the design and materials to be used in the proposal; how the proposal has been designed to meet the needs of a child with significant additional needs; the impact of the proposals on the AONB and the character of the local area; that the family's circumstances were a primary consideration but did not, in the officer's opinion, outweigh the potential harm caused by the proposed development; how the requirements of human rights legislation interfaced with planning law; that the interests are a primary consideration but not necessarily determinative in planning matters ; the views of the local people and consultees; and that the committee has to weigh up the issues and make a balanced judgement.

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

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

Cllr Philip Whitehead, Division Councillor for the applicants, spoke with regard to the application.

A motion to refuse the application in line with the officer's recommendation was moved by Councillor Charles Howard seconded by Councillor Paul Oatway QPM.

The Committee then debated the application. It was discussed: how best to reach a balanced decision; the planning history on the site, and the previously refused application; the views of the local people and the parish council; the implications of the Core Strategy; and the needs of the children and the family.

Having been put to the vote, the motion to refuse the application was lost.

Subsequently, a motion to permit the application was moved by Councillor Richard Gamble seconded by Councillor Anna Cuthbert.

The committee, upon the advice of officers, discussed what conditions may be appropriate should permission be granted. It was agreed that officers should be delegated responsibility to grant permission subject to the standard conditions to also include an additional condition restricting the occupancy of the development to the child and their family for a period of five years.

Having been put to the vote, the meeting;

### **Resolved**

**To Delegate Approval to the Head of Development Management subject to the conditions as outlined at the meeting, and with the addition of a condition restricting the occupancy of the development to the child and their family for a period of five years. The conditions subsequently imposed are 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, Planning Supporting Statement, Heritage Statement (Mar 2016), Landscape and Visual Report (Mar 2016), Barrister Advice, GP Letter, Enclosures A to G, Risk Assessment and Supporting Information and the following approved plans: "Location Plan, dwg no. LOC/01, Rev A"; "site Block Plan and Indicative Landscape Strategy"; "Topographical Survey, dwg no. TOP/01, Rev A"; "Floor Plan, dwg no. FL/01, Rev A"; "Elevations A01".**

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

3. The dwelling shall be first occupied by Sophia Thursby, her parents, carers and any resident dependants of her parents and shall be occupied by these people only for a period of five years from the date of the first occupation of the dwelling.

**REASON:** The site is in an area where residential development for purposes other than the essential needs of Sophia Thursby would not normally be permitted and this permission has only been granted on the basis of the essential need and special circumstances demonstrated in this case.

4. 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

5. 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) all hard and soft surfacing materials, including the materials for the drive and parking area.

**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.

6. 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 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.**

- 7. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON: In the interests of highway safety.**

- 8. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces 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.**

**REASON: In the interests of highway safety.**

- 9. No development shall commence until a plan detailing the proposed visibility splays has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first occupied until the visibility splays shown on the approved plan 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: 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 highway safety.**

- 10. 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-E shall take place on the dwelling house hereby permitted or within its curtilage without the prior grant of planning permission from the local planning authority.**

**REASON: The site is in a sensitive area within the area of outstanding natural beauty and any additions or outbuildings need to be carefully considered through a planning application to assess the impact on the landscape and**

heritage assets.

**11. No development shall commence within the area indicated (proposed development 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:** 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 enable the recording of any matters of archaeological interest.

**INFORMATIVE TO APPLICANT:** With regards to the provision of acceptable visibility splays, the applicant is directed to the visibility splays shown on the plan "VIS/01 - Pre-application submission" submitted under the pre-application enquiry on this site.

**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.

**INFORMATIVE TO APPLICANT:** The attention of the applicant is drawn to the contents of the letter from Wessex Water which contains advice on mains and foul drainage.

**INFORMATIVE TO APPLICANT:** The archaeological work should be conducted by a professional archaeological contractor. The applicant should note that the costs of carrying out the archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

**53. Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.09 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



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