

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 NOVEMBER 2017 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Mark Connolly (Chairman), Cllr Ian Blair-Pilling, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr James Sheppard and Cllr Jerry Kunkler (Substitute)

Also Present:

Cllr Anna Cuthbert and Cllr Sue Evans

47. **Apologies**

Apologies were received from Councillor Paul Oatway QPM. Councillor Oatway was substituted by Councillor Jerry Kunkler.

48. **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 October 2017 were presented for consideration and it was,

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 5 October 2017.

49. **Declarations of Interest**

During debate on application 17/07414/FUL Councillor Richard Gamble declared that he was currently Portfolio Holder for Heritage, Arts and Tourism, and that he would continue to consider the application on its merits and with an open mind.

During debate on application 17/05767/FUL Councillor Jerry Kunkler declared his profession as publican, and that he would continue to consider the application openly and on its merits.

50. **Chairman's Announcements**

With agreement of the Committee it was announced that in a change to the agenda order application 17/06842/FUL would be considered as the first item.

51. **Public Participation**

The rules on public participation were noted.

52. **Planning Appeals and Updates**

An update on planning appeals submitted or undertaken since the last meeting was received. The Committee noted the successful defence rate for decisions for the Eastern area.

Resolved:

To note the update.

53. **Planning Applications**

The following planning applications were considered.

54. **17/06147/FUL: Elm Cottage, 42 Yard Lane, Bromham, Wiltshire, SN15 2DTB**

Public Participation

Richard Cosker, agent, spoke in support of the application.
Craig Dalby, applicant, spoke in support of the application.

The Planning Officer, Nick Clark, introduced the report which recommended that planning permission be refused for demolition of the existing dwelling and outbuildings and construction of a replacement dwelling and outbuildings. Key issues were stated to include the impact of the proposed replacement dwelling on neighbour amenity and the character of the area, as well as planning policy in respect of replacement dwellings in the countryside.

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 local unitary division member, Councillor Anna Cuthbert, then spoke in support of the application.

A debate followed, where members considered the scale of the proposed replacement dwelling and whether this complied with planning policy. Members noted that although the proposal was larger than the existing dwelling, planning policy did not specify what constituted too significant an increase in scale, and they considered that the new dwelling was not excessively large for the site or the surrounding area and so would be in accordance with policy. They further noted that the modern construction and design would be an improvement for the site.

A motion to approve the application was moved by Councillor Stewart Dobson, seconded by Councillor James Sheppard, and at the conclusion of debate it was,

Resolved:

That planning permission be granted 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) **The development hereby permitted shall be carried out in accordance with the submitted drawings numbered 42_Yard Lane_House_Existing_001, 42_Yard Lane_House_Layout_002, 42_Yard Lane_House_Proposed_PlansElevs_003, 42_Yard Lane_Outbuilding_Existing_004 and 42_Yard Lane_Outbuilding_Proposed_005.**

REASON:

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

- 3) **i) No development of the new buildings above ground floor slab level shall commence until full details of the materials and finishes to be used for the exterior of the buildings (including product literature and photographic examples, and if requested, samples to be made available for inspection on-site) have been submitted to and approved in writing by the local planning authority.**
ii) The development shall not be carried out other than using the so-approved materials and finishes.

REASON:

The application contained insufficient information to enable these details to be considered prior to granting planning permission but the details need to be agreed 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) **i) The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes.**
ii) The dwelling shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON:

To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 5) Prior to the occupation of the dwelling hereby permitted there shall have been submitted to and approved in writing a scheme of hard and soft landscaping that details:

a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

b) areas of hard surfacing and the surfacing materials to be used;

REASON:

The application contained insufficient detail of landscaping proposals for the development. Details need to be approved in order to ensure a satisfactory landscaped setting for the development.

- 6) i) 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 dwelling or the substantial completion of the development whichever is the sooner.

ii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iii) 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.

iv) All hard landscaping shall also be carried out within 6 months of the occupation of any part of the development.

REASON:

To ensure a satisfactory landscaped setting for the development.

- 7) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of either the existing dwelling (known as Elm Cottage) or the replacement dwelling as hereby permitted.

REASON:

The building is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would be unlikely to permit other uses.

INFORMATIVE

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage and/or destroy a nest of any wild bird while that nest is in use or being built. Planning permission for development does not provide a defence against prosecution under this Act. Evidence of nesting birds has been found in the soffits of the building due to be demolished and as such it should be assumed nesting birds will be present between 1st March and 31st August, unless a recent survey by a competent person has demonstrated otherwise.

Conditions to be included were delegated by the Committee to the case officer in consultation with the Chairman.

55. **17/07414/FUL: Land to the rear of 11 White Street, White Street, Market Lavington, Wiltshire, SN10 4DP**

Public Participation

Carolyn Flower spoke in objection to the application.

Margaret Farnon spoke in objection to the application.

Nicholas Tye spoke in objection to the application.

Paul Oakley, agent, spoke in support of the application.

Councillor Ian Myhill on behalf of Market Lavington Parish Council spoke in objection to the application.

The Planning Officer, Ruaridh O'Donoghue, introduced the report recommended that planning permission be granted for the demolition of existing garages and the erection of two houses with garages. Key issues were stated to include the principle of residential development on the site, impact upon neighbouring residents and the conservation area, and impact upon highway safety/parking arrangements. Details were provided of letters received in objection since the report had been published. It was also noted that incorrect information on the level of parking provision available at the properties of the tenants of the garages had previously been provided, but that this did not affect the officer's reasons for recommending approval.

Members of the Committee then had the opportunity to ask technical questions of the officers. It was confirmed that it was unclear who owned the land upon which the present bridleway was situated and that as a result, anyone using it with a vehicle to access the site would technically be breaching the law as permission of the landowner would be required. This also applied to existing properties and garages along the bridleway that people currently accessed with vehicles. It was also confirmed that a highway safety objections could only be readily substantiated if there would be severe harm from additional vehicle movements, and that officers considered the area was suitable for housing.

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

The local unitary division member, Councillor Richard Gamble, then spoke in objection to the application.

A debate followed, where members discussed the principle of the number of dwellings on the site, the impact upon the local highways network resulting from displaced parking, and the suitability of access to the site via the bridleway. The ability for vehicles to turn around on the site was debated, along with the legal situation regarding access, the priority to be given to pedestrian and horse access and the impact for emergency services and delivery vehicles resulting from the layout and the physical characteristics of the bridleway, including its narrow width and the lack of turning areas.

A motion to refuse the application was moved by Councillor Richard Gamble, seconded by Councillor Ian Blair-Pilling, and at the conclusion of debate it was,

Resolved:

That planning permission be refused for the following reasons:

The Clays is a bridleway (MLAV24) with a definitive width of just 3 metres across its entire length. It is unsuitable, by reason of its narrow width and poor quality surfacing, to provide safe and suitable access to the development or to accommodate the additional vehicular movements associated with it. This would cause conflict with users of the bridleway, including cyclists and pedestrians.

Furthermore, the proposed layout is such that the development cannot be readily serviced by vehicles, in particular Plot 1. The proposal would therefore be contrary to Core Policy 61 of the Wiltshire Core Strategy, which requires that proposals are capable of being served by safe access to the highway network, Core Policy 57 (vi) of the Wiltshire Core Strategy, which requires that development should take account of a site's characteristics and relate effectively to the immediate setting and the wider character of the area, and paragraph 32 of the National Planning Policy Framework, which requires that safe and suitable access to the site can be achieved for all people.

Following the Committee providing planning policy refusal reasons, precise wording of those reasons was delegated by the Committee to the case officer in consultation with the Chairman.

56. **17/06842/FUL: Land to the rear of Trinity Cottage, Castle Grounds, Snails Lane, Devizes, Wiltshire, SN10 1DB**

Public Participation

Howard Waters, agent, spoke in support of the application.

The Planning Officer, Nick Clark, introduced the report which recommended that planning permission be refused for a proposed dwelling on the site of former horticultural buildings. Key issues were stated to include the impact upon

the setting of Devizes Castle as a scheduled monument and Grade I listed building, and the impact upon other listed buildings nearby and the archaeological potential of the site.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on the likelihood of archaeological remains being present on the slopes of the castle setting, previous development in the area and the status of the site in the context of the Devizes Area of Minimum Change.

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

The local unitary division member, Councillor Sue Evans, then spoke in support of the application.

A debate followed, where it was discussed whether there were any public benefits to the scheme which would outweigh any harm caused by development. The design and scale of the proposals was also raised, along with the objections on archaeological and conservation grounds, as well as the significant impact upon the Castle's setting.

A motion to refuse the application was moved by Councillor Nick Fogg, seconded by Councillor Jerry Kunkler, and at the conclusion of debate it was,

Resolved:

That planning permission be refused for the following reasons:

- 1) The application site occupies a sensitive heritage setting in the designated Area of Minimum Change on the slopes at the base of the Devizes Castle mound, where the largely undeveloped nature of the land and its residual character as former gardens to the castle contribute to the heritage significance of the Scheduled Monument and Grade I listed castle. Within this setting, the proposed dwelling would be visible from a number of directions. The significant size and elevated position of the dwelling and the associated access and garden accoutrements would be detrimental the character and appearance of the site and would intrude upon the heritage setting of the castle and particularly the relationship between the castle and the grade I listed St John's Church, resulting in less than substantial harm to their heritage significance. As such, the development would be contrary to Kennet Local Plan policy HH10 and Wiltshire Core Strategy Core Policy 57 and Core Policy 58, and in the absence of public benefits sufficient to outweigh the harm, contrary to the National Planning Policy Framework.**
- 2) The development would necessitate significant excavation and earthworks in an area where there is the potential for significant archaeological remains to exist such as the bailey and/or town defences and medieval settlement remains. In the absence of archaeological**

investigation of the site, the nature and extent of archaeological remains unclear and thus the impact of the development on the archaeological value of the site cannot be determined. As such, the application would be contrary to Wiltshire Core Strategy Core Policy 57 and Core Policy 58 and the advice of the National Planning Policy Framework.

- 3) In the absence of the results of further survey work to identify the extent and species of bats and reptiles on the site (as recommended in the submitted ecological assessment) the Council cannot be satisfied that the development would not have an adverse impact on protected species. As such, the development would be contrary to Wiltshire Core Strategy Core Policy 50.

57. **17/05767/FUL: Red Lion, Axford, Wiltshire, SN8 2HA**

Public Participation

Councillor Sheila Glass, Chairman of Ramsbury and Axford Parish Council, spoke in objection to the application.

The Planning Officer, Nick Clark, presented the report which recommended that planning permission be granted for a new dwelling, of a revised height and design, on land forming part of the curtilage of the Red Lion Inn. Key issues were stated to include impact on neighbour amenity and on the character and appearance of the area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Planning permission had previously been granted for a smaller dwelling in on the site, and details were sought on the differences between the two schemes, which included an increased ridge height and the introduction of rooflights.

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

The local unitary division member, Councillor James Sheppard, spoke in objection to the application.

A debate followed, where members discussed whether the increase in height resulting from adding another storey to the dwelling and the addition of rooflights were in keeping with the area, and whether the impact of the changes was such that the impact upon the area and neighbours had significantly increased.

A motion to refuse the application was moved by Councillor Stewart Dobson, seconded by Councillor James Sheppard, and at the conclusion of debate it was,

Resolved:

That planning permission be refused for the following reasons:

The dwelling as proposed, by reason of its scale/height (which is not subservient to adjacent buildings) and design, including a proliferation of rooflights which would be unduly prominent, especially at night time due to emanating light, would have a detrimental impact on the character and appearance of the area. It also causes a loss of light to the adjoining property, Pear Tree Cottage, which in turn adversely affects the reasonable living conditions of its occupants. This conflicts with Core Policy 57 of the Wiltshire Core Strategy and Section 7 of the National Planning Policy Framework, which requires good design.

Following the Committee providing planning policy refusal reasons, precise wording of those reasons was delegated by the Committee to the case officer in consultation with the Chairman.

58. **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.45 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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