

## EASTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 12 JULY 2018 AT WESSEX ROOM, CORN EXCHANGE, MARKET PLACE, DEVIZES SN10 1HS.

#### Present:

Cllr Mark Connolly (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr James Sheppard and Cllr Christopher Williams (Substitute)

#### Also Present:

Cllr Sue Evans

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#### 32. Apologies

Apologies were received from Cllr Stewart Dobson, who was substituted by Cllr Christopher Williams.

#### 33. Minutes of the Previous Meeting

The minutes of the meeting held on 14 June 2018 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 14 June 2018.**

#### 34. Declarations of Interest

Councillor Richard Gamble declared a non-pecuniary interest in application 18/04676/FUL by virtue of his position as Portfolio Holder for Heritage, Arts and Tourism. Due to that position he was also a Trustee of the Wiltshire Historic Buildings Trust. He declared he would consider the application on its merits with an open mind as he debated and voted on the item.

Councillor Richard Gamble also declared a non-pecuniary interest in application 18/03223/FUL by virtue of his previous position as Portfolio Holder for Education and Skills, during this tenure, the developer, McCarthy & Stone had offered to provide turning circles for buses at the Braeside outdoor education centre on the site. He declared he would consider the application on its merits with an open mind as he debated and voted on the item.

Both Councillor Mark Connolly and Councillor Christopher Williams declared a non-pecuniary interest in application 18/03223/FUL by virtue of the fact the builder was known to them. They declared they would consider the application on its merits with an open mind as they debated and voted on the item.

35. **Chairman's Announcements**

There were no announcements.

36. **Public Participation**

The rules on public participation were noted.

37. **Planning Appeals and Updates**

The report on completed and pending appeals was presented for consideration. The Chairman noted that the Committee had previously voted to refuse application 17/05767/FUL, however it was allowed on appeal.

**Resolved:**

**To note the update.**

38. **Planning Applications**

The following planning applications were considered.

39. **18/04676/FUL - Land rear of Perrys Cottage, 29 Andover Road, Ludgershall, Wiltshire SP11 9LU**

**Public Participation**

Mr Bob Edwards, on behalf of the applicant, spoke in support of the application.  
Mr Aaron Smith, agent, spoke in support of the application.  
Cllr Owen White, Chair of Planning for Ludgershall Town Council spoke in support of the application.  
Cllr Christopher Williams, unitary division member for Ludgershall and Perham Down, spoke in support of the application.

Georgina Wright, Senior Conservation/Planning Officer presented a report which recommended that permission be refused for the erection of a dwelling with access and parking (following the withdrawal of 18/01573/FUL).

Key issues were stated to include the following:

This was a full application proposing the subdivision of the plot and the development of most of the existing garden with an additional two storey dwelling. The current property on the site, Perry's Cottage, was grade II listed for its historic significance. The Conservation Officer objected to the application

on the grounds that less than significant harm would be caused by the subdivision of the plot reducing the visual and physical separation of the cottage from its neighbours.

An update was provided to the Committee containing clarification relating to the heritage assessment of the application. The application had been accompanied by a Heritage Statement produced by Forum Heritage Services. This concluded that 'the setting of the listed building has been obliterated to such an extent that no further harm may be done'. After due consideration, the Conservation Officer's assessment was contrary to the applicant's heritage adviser. It was considered that the proposed severance and development of the plot would adversely affect the setting of the Grade II listed cottage, reducing its visual and physical separation from its neighbours. It was also likely to reduce its desirability/use and maintenance in the long term and therefore would result in less than substantial harm to the significance of the heritage asset. Therefore the recommendation was to refuse the application.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on some of the photographs of the site regarding the positioning of the new dwelling. It was clarified that the new dwelling would face the shops adjacent to the site and would be situated 2m from the boundary fence.

Members of the public then had the opportunity to present their view to the committee as detailed above. During public statements Ludgershall Town Council and Councillor Christopher Williams, unitary division member for Ludgershall and Perham Down, highlighted that Perry's Cottage was owned by Ludgershall Town Council. It was stated that monies raised by the sale of the land would be used to renovate and maintain Perry's Cottage. Perry's Cottage would be rented out, therefore the application provided community benefit.

In response to public statements the officer stated that these details were not provided with the application, which was made by an independent person rather than Ludgershall Town Council, and therefore had not been taken into consideration.

A debate followed, whereby many members stated they felt that the damage to the site had already occurred due to the encroachment of many tall, modern buildings around the site. Therefore the addition of the new dwelling may enhance the appearance of the site, as the roofline, being slightly higher than that of the cottage, formed a 'visual bridge' between the cottage and surrounding buildings.

Other issues raised included the community benefit to be derived from the monies raised by sale of the land to a developer being used for the maintenance and upkeep of Perry's Cottage. It was also stated that the heritage asset would be enhanced as a result of the application as monies raised would go to the maintenance and upkeep of Perry's Cottage.

Councillor Christopher Williams proposed a motion to grant planning permission, against officer recommendation, with conditions being delegated to planning officers. This was seconded by Councillor Paul Oatway. At the conclusion of the debate it was;

**Resolved:**

**To GRANT planning permission, with conditions to be delegated to planning officers.**

**Reason:**

**Paragraph 134 of the NPPF states that harm may be acceptable where there are clearly defined and achievable public benefits, and where those benefits could not be achieved by less harmful means, either at this site or elsewhere. The Committee stated that any harm caused to the heritage asset was outweighed by the community (public) benefit the application would bring. The Committee also stated that Core Policy 58 of the Wiltshire Local Development Framework applied as the heritage asset, Perry's Cottage, would be enhanced by maintenance undertaken with monies raised.**

40. **18/03223/FUL - Browfort Campus, Bath Road, Devizes, Wiltshire SN10 2AP**

**Public Participation:**

Maggie Hemmings, Services and Development Manager for Vision West of England, spoke in objection to the application.

Alan Whetherley, Site Advisor for Vision West of England, spoke in objection to the application.

Carla Fulgoni, agent, spoke in support of the application.

Andy Geddes, Devizes Town Council, spoke in objection to the application.

Cllr Sue Evans, unitary division member for Devizes North spoke in objection to the application.

Morgan Jones, Senior Conservation/Planning Officer presented a report which recommended that permission be granted, subject to conditions, for the erection of six age exclusive chalet bungalows with car parking.

The main issues to be considered were:

The site is the former headquarters of Kennet District Council and was within the limits of development for Devizes. Planning permission had previously been granted in 2016 to demolish existing buildings on the site and build 55 assisted living apartments. That development was nearing completion. The current proposal was for 6 age exclusive bungalows on the same site. Policy H3 of the Devizes Area Neighbourhood Plan (DANP) allocated the site for 60 dwellings, so the combined applications adhered to the development plan. The proposed bungalows would match the apartments in style. Access would be provided using existing routes within the site and the scheme would not result in overdevelopment.

Details were provided of late correspondence received since the publication of the Committee report, including a heritage statement and comments on the Conservation Officer's observations from David Beardmore, Architect. The officer highlighted that no new issues were raised in this correspondence.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the number of dwellings on the site. The proposed scheme would take the number of dwellings to 61, when the DANP had allocated the site for 60 dwellings. The officer explained that the figure was a guide and as such the extra dwelling did not present any significant planning issues.

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

In response to public statements the officer stated that although there may be some loss of light on site, when planning standards were applied there would be no justifiable reason to refuse planning permission. It was felt that it would be unreasonable to expect the developers to change the layout of the site when they were using existing infrastructure. Regarding concerns raised about traffic on site, especially for users of Wiltshire Sight, a charity supporting blind and visually impaired people, the officer stated that traffic would be significantly reduced on site as compared to when the site was a functioning office complex. Heavy vehicles would reduce once the build was complete.

Councillor Mark Connolly proposed a motion to grant planning permission, with conditions, as per the officer recommendation. This was seconded by Councillor Paul Oatway.

A debate followed whereby concerns were raised by members about the number of dwellings going over that proposed by the DANP. However, others felt that this did not constitute overdevelopment, as the proposed scheme would mean the site was only 1 dwelling over the number stated in the DANP and 55 of these were apartments.

There were also concerns raised over the comparison of traffic on site when it was an office complex versus that associated with the proposed scheme, given that the office closed many years ago. In response others stated they did not feel that 6 extra dwellings would raise traffic levels significantly.

Other issues raised included the concerns raised by Wiltshire Sight and the feeling that these had not been properly addressed.

It was also stated that accommodation of the type proposed was needed.

At the conclusion of the 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 following approved plans and documents:
  - Document. Design and Access Statement (ref 16.001 / April 2018) by HGP Architects, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_001 Site Location Plan, received 11.05.18
  - Drawing. SO\_2529\_03\_AC\_005 Site Location Plan, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_002 Existing Site Survey, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_010 Proposed Site Layout - Roof, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_011 Proposed Site Layout – Ground, received 06.04.18;
  - Drawing. SO\_2529\_03\_AC\_020 Rev A Bungalow Plans & Elevations, received 11.05.18
  - Drawing. SO-2529-02-LA-001 Rev B General Arrangement Plan - Wider Site, received 06.04.18;
  - Drawing. SO-2529-02-LA-003 Rev A Planting Plan - Wider Site, received 06.04.18;
  - Drawing. 9988-KC-XX-YTREE-TPP01Rev0 Tree Protection Plan, received 06.04.18;
  - Drawing. 9988-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan, received 06.04.18;
  - Document. Arboricultural Method Statement (ref: 9988-KC-XX-YTREEMethodStatement-Rev0) by Keen Consultants, received 29.05.18
  - Drawing. 034.0094.005.A Individual Access Visibility Splays, received 12.06.18;
  - Drawing. 034.0094.004.D Bungalow Tracking, received 12.06.18;

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

3. 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 buildings 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.

4. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the tree protective fencing as shown on the approved Tree Protection Plan and in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been erected.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

**REASON:** In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (ref: 9988-KC-XX-YTREE-MethodStatement-Rev0) by Keen Consultants.

**REASON:** In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

6. No railings, fences, gates, walls, bollards or other means of enclosure shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish 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 safeguard the character and appearance of the area and the setting of The Cedars.

7. 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 gates, walls, fences or other means of enclosure, other than those approved under condition 6 of this permission, shall be erected or placed anywhere on the site on the approved plans.

**REASON:** To safeguard the character and appearance of the area and the setting of The Cedars.

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), 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 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.



9. No development above the damp-proof course level of the dwellings hereby permitted shall be carried out 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.

10. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The visibility splay for each property shall be 2.4m x 27m to the centre of the access, as shown on drawing no. 034.0094.005.A, with no obstruction above 600mm. The areas shall be maintained for those purposes at all times thereafter.

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

**11. INFORMATIVE TO APPLICANT:**

The Council's Environmental Health Officer (Environmental Control & Protection) recommends that:

1. In terms of noise audible at any site boundary, the hours of construction should be restricted to the following times:-

Mondays - Fridays 07:30 – 18:00hrs

Saturdays 08:00 – 13:00hrs

Not at all on Sundays or Bank and Public Holidays

2. No burning shall take place on site during the construction phase.

**12. INFORMATIVE TO APPLICANT:**

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

**13. 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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

41. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.20 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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