

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 28 August 2014

Time: 6.00 pm

Please direct any enquiries on this Agenda to Adam Brown, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718038 or email adam.brown@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Mark Connolly (Vice-Chair)
Cllr Stewart Dobson
Cllr Peter Evans
Cllr Nick Fogg MBE

Cllr Richard Gamble
Cllr Charles Howard (Chairman)
Cllr Jerry Kunkler
Cllr Paul Oatway

Substitutes:

Cllr Liz Bryant
Cllr Terry Chivers
Cllr Ernie Clark
Cllr Dennis Drewett

Cllr Jeff Osborn
Cllr James Sheppard
Cllr Philip Whitehead
Cllr Christopher Williams

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 7 August 2014.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 21 August 2014.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Applications**

To consider and determine the following planning applications:

6a **14/05287/FUL - Wiltshire Council Depot, Lower Wharf, Devizes**
(Pages 11 - 24)

6b **14/03379/FUL - Land off Rabley Wood View, Marlborough** *(Pages 25 - 36)*

6c **14/01766/OUT - Land off Rabley Wood View, Marlborough** *(Pages 37 - 62)*

7 **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 AUGUST 2014 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr Charles Howard (Chairman), Cllr Jerry Kunkler, Cllr Paul Oatway and Cllr Christopher Williams (Substitute)

Also Present:

Cllr Philip Whitehead

35. Apologies for Absence

Apologies for absence were received from Councillor Mark Connolly.

Councillor Connolly was substituted by Councillor Chris Williams.

36. Minutes of the Previous Meeting

The minutes of the meeting held on 5 June 2014 were presented for consideration, and it was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

37. Declarations of Interest

There were no declarations of interest.

38. Chairman's Announcements

There were no announcements.

39. Public Participation and Councillors' Questions

The rules on public participation were noted. There were no questions or statements submitted.

40. **Planning Applications**

The following applications were determined:

40.1 14/02273/FUL Lower End Farm, Long Street, Marston, Devizes, SN10 5SL

Public Participation

Philip Bellew spoke in objection to the application.

Simon Wheeler spoke in support of the application.

Tim Swinburn spoke in support of the application.

Mike White, spoke in support of the application.

Councillor Lucille Packer, spoke on behalf of Marston Parish Council.

The Senior Planning Officer introduced the application which recommended the application be granted. Key issues were stated to include principle of the development, whether the proposal would result in the loss of the best and most versatile agricultural land, the landscape, the cumulative impact of solar farm development in the locality, the historic environment, the use of local transport network, biodiversity, and residential amenity.

Members of the committee then had the opportunity to ask technical questions of the officer. Clarification was sought on what would happen at the end of the 30 years of use. It was explained that the development would revert to its original use or have to be reconsidered for permission if an extension was sought. Questions were asked on the location of access routes and the size of vehicles that would be using them. It was stated that the access routes had plenty of width and that suitable works had been asked to be carried out.

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

The local member, Councillor Richard Gamble, then stated that while he had no specific objections to this proposal, he had concerns over the growing numbers of solar farm developments across the county and the lack of clear planning policy restraints on their development.

A debate followed where the impact of the loss of land on the community was discussed, along with what would happen if the full 30 years was not used. It was explained that within 6 months of non-use the development had to be reverted. Access to the site was discussed, and it was suggested that it should not be an insurmountable problem so long as the conditions requested by the local highway authority and set out in the report were accepted and adhered to.

At the conclusion of debate, it was,

Resolved:

That the 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 approved shall be discontinued and the land restored to its former condition on the expiry of 30 years from the date of this permission or within 6 months of the PV modules ceasing to be used, whichever is the sooner. This shall be carried out in accordance with a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use.

- 3 The substation and inverter housing shall be painted in 14-C-39 Green BS4800 (Holly Green) gelcoat finish.

REASON: In the interests of visual amenity and the character and appearance of the open countryside.

- 4 The proposed security fencing should be rural deer proof fencing, timber post and agricultural galvanised stock netting.

REASON: In the interests of visual amenity and the character and appearance of the open countryside.

- 5 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 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(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.

- 7 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 a Tree & Hedgerow Protection Plan showing the exact position of all trees and hedges and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority.

The protective fencing shall be erected in accordance with the approved details. 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 trees and hedgerows shall be cut down, uprooted or destroyed, nor shall any retained trees 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 practice.

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.

[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 from the completion of the development].

REASON: To enable the Local Planning Authority to ensure the retention of the trees and hedgerows on the site in the interests of visual amenity.

- 8 Construction work on the site shall only take place between the hours of 08.00 and 18:00 on weekdays and between 08.30 and 13:00 on Saturdays, with no work taking place on Sundays or Bank Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 9 Following the installation of the solar farm, there shall be no external lighting/illumination at or on the site unless otherwise approved by the local planning authority following the submission of a separate planning application.

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

- 10 Prior to the start of construction, an Environmental Construction Method Statement shall be submitted to and approved in writing by the LPA. This must include a site drawing indicating all buffer zones and tree root protection zones, with additional annotations e.g. location of badger setts, where any specific precautionary measures are to be implemented. The development shall be implemented in accordance with the approved plan.

REASON: In the interests of safeguarding ecological and biodiversity interests.

- 11 Prior to the bringing into use of the solar farm, an Environmental Management Plan for the operational phase of the project shall be submitted to and approved in writing by the LPA. This is best presented as a site drawing with detailed annotations for management of each habitat or feature to be managed for the benefit of biodiversity. This document will also detail specific enhancements for biodiversity as required by NPPF. The development shall be implemented and operated in accordance with the approved plan.

REASON: In the interests of safeguarding ecological and biodiversity interests.

- 12 A revised Construction Traffic Management Plan shall be submitted and approved in writing by the LPA prior to commencement of development. Key items to be covered in the traffic management plan include:

- Wheel washing facilities and measures to prevent mud and other debris entering highway.
- Full signage details in relation to the construction traffic route, a signage scheme shall be maintained in accordance with scheme and removed at completion of works. The scheme shall include from the A361 junction with Bell Hill in north towards site via Bell Hill,

High Street/ Mill Road / Norney Road and Long Street.

- **Banksman shall be employed for all HGV deliveries from High Street/ Mill Road / Norney Road .**
- **A programme shall be agreed for all HGV deliveries to ensure that there is no stacking on the highway or adjacent network, HGVs shall wait in official registered lorry parks (ie M4). A Delivery and Transport Manager will need to be appointed with this responsibility.**

The development shall be implemented in accordance with the approved plan.

REASON: In the interests of Highway safety

- 13 No development shall commence on site until full construction details of the highway improvements / widening to the High Street / Mill Road junction have been submitted and approved in writing by the LPA. The junction improvements shall be properly consolidated and surfaced. The development shall not be commenced until the access has been constructed in accordance with the approved details. The access shall be maintained as such thereafter.**

REASON: To ensure that the development can be adequately accessed.

- 14 No development shall commence on site until full construction details of the temporary carriageway widening and permanent re-instatement to the Long Street widening have been submitted and approved in writing by the LPA in consultation with the Parish Council prior to any works to the Common taking place. The development shall not be first commenced until the temporary carriageway widening has been constructed in accordance with the approved details. The permanent re-instatement in accordance with approved details shall be carried out within 3 months of the development works being completed or an agreed timeframe.**

REASON: To ensure that the development can be adequately accessed.

- 15 No part of the development shall commence until details of the parking area and turning area have been submitted and approved constructed and laid out in accordance with the approved details. This area shall be maintained and remain available for the duration of the construction period.**

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

- 16 Access to the site for construction traffic shall be via A361, Bell Hill, High Street, Mill Street, Norney Road and Long Street, as outlined in Traffic Management Plan. No alternative route shall be used unless agreed in writing by the local planning authority.**

REASON: In the interests of highway safety

- 17 **No development shall commence until a condition survey of High Street, Mill Street, Long Street and Norney Road carriageways and verges has been undertaken and submitted to the Local Planning Authority for its written approval, together with a programme for undertaking remedial works for any highway damage that is reasonable to attribute to the construction traffic associated with the proposal and identified in a post-works condition survey. The post works surveys shall be undertaken in accordance with a methodology which shall first have been submitted to and approved in writing by the Local Planning Authority. Those remedial works reasonably attributed to the constructed traffic shall be undertaken in accordance with approved programme, or within 3 months of the completion of the construction works, to ensure that as a result of the proposal the existing condition of the highway network is maintained.**

REASON: In the interests of highway safety and to safeguard the local character of the rural roads network in this landscape character area.

- 18 **Prior to the commencement of development hereby permitted a condition survey of the part of the site identified as Long Street Public Right of Way (PROW) which is a Byway open to all Traffic (BOAT), reference: Marston 8, shall be undertaken and submitted to the Local Planning Authority, together with a programme for undertaking remedial works for any damage that is reasonable to attribute to the construction traffic associated with the proposal and identified in a post work condition survey. The post works surveys shall be undertaken in accordance with a methodology which shall first have been submitted to and approved in writing by the Local Planning Authority. Those remedial works reasonably attributed to the constructed traffic shall be undertaken in accordance with approved programme, or within 3 months of the completion of the construction works to ensure that as a result of the proposal the existing condition of the byway is maintained.**

REASON: In the interests of highway safety and to safeguard the local character of the rural roads network in this landscape character area.

INFORMATIVE 1:

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery**
- oils/chemicals and materials**
- the use and routing of heavy plant and vehicles**

- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

All works must be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

In the event of a pollution incident, the site operator must contact the Environment Agency immediately by calling 0800 80 70 60.

INFORMATIVE 2:

Use of road planings (tarmac scalplings) for track construction requires a Use of Waste in Construction exemption (U1) under the Environmental Permitting (England and Wales) Regulations 2010. It allows the use of suitable wastes for small scale construction but does not allow treatment of wastes to be carried out unless covered by a different exemption. For more guidance including permitted types of waste and tonnage please visit:

<http://www.environment-agency.gov.uk/business/sectors/117075.aspx>

INFORMATIVE 3:

The provision of new service cables under public rights of way / highway, will require separate consents under provisions of the New Roads and Street Works Act.

INFORMATIVE 4:

The developer/applicant is advised that this permission does not authorise the diversion, obstruction, or stopping up of any right of way that crosses or adjoins the site. The public rights of way shall be kept free from obstruction during and after the construction period.

INFORMATIVE 5:

A Bond of £10,000 has been requested by the Public Right of Way Team to ensure that the Right of Way is reinstated to its former condition following the completion of construction works.

INFORMATIVE 6:

The applicant is encouraged to enter into discussions with the local community/parish council to potentially agree upon any community benefits this development may accrue for the 25 year period of the permission.

INFORMATIVE 7:

The applicant shall need to confirm in consultation with the highways team the

proposed start date for construction traffic with the aim of avoiding conflict with construction traffic for the Stokes Marsh Farm Solar Farm planning ref: 13/02309/FUL which will use the same route for construction traffic.

40.2 14/06017/FUL Land at The Bottom, Urchfont, Devizes, Wiltshire, SN10 4SF

Public Participation

Brian Toogood, the agent, spoke in support of the application.

Pat Banwell, the applicant, spoke in support of the application.

Councillor David Motram, speaking on behalf of Urchfont Parish Council, spoke in support of the application.

The Senior Planning Officer introduced a report which recommended the application be refused. The key issues were stated to be the principle of development, layout design and visual impact, the impact on highway safety, and the environmental and ecological impact.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the settlement boundary for the proposed development area. It was explained that it was outside of development boundaries, and that whilst there was going to be a review, under the initial plans it was still outside.

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

The local member, Councillor Philip Whitehead, then spoke in support of the application, stating that the land was not agricultural, remote, rural, or unsustainable. It was highlighted that there were houses located all around The Bottom, and that the proposed house design was not out of character.

A debate followed, where it was discussed whether the land should be included within the boundaries in future and whether an exception could be made at this point in time or whether this would set a precedent for development outside settlement boundaries which could have negative impacts across the area and county. Members also debated the officer's recommended reasons for refusal. At the conclusion of debate it was,

Resolved

That planning permission be REFUSED for the following reasons:

- 1. The proposed development would result in the creation of a new residential unit within the countryside outside of the Limits of Development of Urchfont as defined within the Kennet Local Plan. The site is considered to be within an unsustainable location for**

residential development and there are no exceptional circumstances to justify a residential use at the site. As such, the proposal would be contrary to both national and local planning policies, which seek to promote sustainable development and protect the countryside, namely section 4 'Promoting sustainable transport' and 6 'Delivering a wide choice of high quality homes' of the NPPF, saved Policies NR6 'Sustainability & Protection of the Countryside' and HC26 'Housing in the Countryside' of the Kennet Local Plan, and Core Policy Core Policy 1 'Settlement Strategy', Core Policy 2 'Delivery Strategy' and Core Policy 12 'Devizes Community Area' of the draft Wiltshire Core Strategy.

2. The proposed development would be detrimental to the visual amenities of the area in that it would disrupt the unspoilt character of the site by introducing a new modern dwelling, and associated works, into a prominent position. The proposal would erode the rural appearance of the site and have an adverse impact on the character of the landscape. As such, the proposal is contrary to section 11 'Conserving and enhancing the natural environment', saved Policies PD1 'Development & Design' and NR7 'Conserving and Enhancing the Natural Environment' of the Kennet Local Plan, and Core Policy 51 'Landscape', and Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the draft Wiltshire Core Strategy.

41. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 7.30 pm)

The Officer who has produced these minutes is Adam Brown, of Democratic Services, direct line 01225 718038, e-mail adam.brown@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	28 August 2014
Application Number	14/05287/FUL
Site Address	Wiltshire Council Depot, Lower Wharf, Devizes
Proposal	Change of use from Council Services Depot to recreational use for Devizes Canoe Club. Creation of a launching site at canal edge. Conversion and alterations to existing building to include new door and window and Solar PV panels to roof. Erection of a boat store, shower/changing facilities and associated lighting and security fencing
Applicant	Devizes Canoe Club
Town/Parish Council	DEVIZES
Ward	DEVIZES NORTH
Grid Ref	400147 161708
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

This application is called to Committee by Councillor Evans in the interests of debate on access, highways and ecology issues and to consider the impact on neighbouring uses.

1. Purpose of Report

To recommend that the planning committee grant planning permission subject to appropriate conditions.

2. Report Summary

The key issues for consideration are:

- Principle of the development, including impact on heritage assets;
- Highway matters;
- Amenity issues;
- Ecology;
- Contamination

3. Site Description

The depot currently consists of a single storey brick outbuilding that is bounded by Wadworth Brewery, the Canal and a private road. It is accessed from Lower Wharf which is a single lane road off Northgate Street adjacent to the former Assize Courts building that serves residential dwellings in the former Bluemay building and businesses. The Council

currently operates some of its parking vehicle fleet from the depot. The application site is within the Devizes Conservation Area. Two listed buildings are nearby but their settings do not directly relate to the proposed application site.

4. Planning History

Relevant planning permissions include:

K/84/1109	Relocate and enlarge cask washing, racking and store area and construct warehouse (adjacent site)
K/51371/F	Conversion of former Bluemay works to 8 flats (Lower Wharf)
E/2011/1407/FUL	Change of use to residential and community use of the vacant Assize Courts, requiring the remodelling of sections of the SW & NE elevations, and internal stairs. Creation of new window openings, dormers and rooflights. Provision of new upper floors to the Jury and Court Rooms for proposed residential accommodation. (not yet implemented)
E/2012/1118/CAC	Demolition of buildings relating to former garage use of site.

5. The Proposal

The proposal is to change the use of the depot from Council Services to recreational use for Devizes Canoe Club. The proposal also includes the creation of a launching site at the canal edge for canoes/kayaks and alterations to the existing depot building to insert a new door and window and solar panels on the south facing roof slope. The depot building would be used for general storage, kitchen and meeting room. A boat storage building (modular racking within a removable 'cage' structure) and a portacabin for changing room purposes would be erected within the existing fenced compound. Two Council metal containers would be removed from the site. The proposal also includes the erection of six steel 730mm tall collapsible bollards to prevent car parking on private land. The bollards will be operational by key. Within the enclosed area will be 4 car parking spaces and a turning area. The applicants have offered the owner of Canal Forge access to keys to operate the bollards for his own needs.

6. Planning Policy

Kennet Local Plan 2011 – PD1, ED22 and NR4 are relevant policies.
Emerging Core Strategy – Core Policy 12 and the regeneration opportunities at the Wharf and Assize Courts is recognised in paragraph 5.65.

National Planning Policy Framework.

7. Consultations

Devizes Town Council – No objection.

Devizes Area Board – Support.

Wiltshire Council Highways Officer – Following receipt of the revised transport Plan – No objection.

Wiltshire Council Ecology Officer – Following receipt of the Ecology Report – No objection.

Wiltshire Council Environmental Health Officer – Following receipt of the Contamination Report – No objection.

Environment Agency – No objection, subject to an informative relating to pollution prevention during construction.

Wiltshire Council Estates Officer – The depot has been surveyed by the Estates team and can confirm that the proposed buildings will fit in the site, allowing for a 2.2m strip to be reserved for a footpath parallel with the canal.

Wiltshire Council Leisure Officer - Leisure Services supports the planning application as it upgrades sports facilities and offers more opportunities for more people to be active and therefore contributes to Wiltshire Council's desire to make Wiltshire the healthiest County.

Canal and River Trust – No objection subject to informative.

Kennet and Avon Canal Trust - Strongly Support the application.

Trust for Devizes - applauds this development of the canal facilities following the Community Asset Transfer agreed in December 2013. This is seen as a positive move and further develops the recreational use of the historic canal whilst tidying up the canal bank side area making the approach to Devizes a more attractive prospect. As the development progresses we would expect that the planning authority would seek assurances from the users of the revitalised facility, that there is no impediment to the rights-of-way or access along this stretch of the canal side enjoyed by the other property owners; an important requirement to ensure the reinstatement of the tow path walk way on the side of the canal where the launch site is to be placed. Furthermore we would expect the users to be mindful of the difficult access to the adjoining properties and that the owners of these premises will not be impeded by boat trailers or parking which would restrict access to their land and properties.

Wiltshire Police – Support.

British Canoeing – Support.

8. Publicity

The proposal has been advertised via site notice and neighbour notification.

As a result of the publicity, letters of objection and support have been received. These are summarised below. In addition, a petition with 78 signatures has been received. This Petition stated that the Canal River Trust must maintain moorings, a third slipway into the canal is unnecessary, this proposed slipway is unsuitable and will become congested and harm would be caused to the water vole population.

In relation to objections, 43 letters of objection have been received including 7 from one person and two from another. Eighteen letters have been received from residents of Anstie Court (McCarthy and Stone development). The objections can be summarised as follows:

(a) Principle of Development objections:

- The Council should consider the interests of the inhabitants of Lower Wharf and not just a small club.
- This application is made and supported by non Devizes residents and is of zero benefit to Devizes. It will not be of any community benefit.
- There would be a lost mooring space due to this proposal.

(b) Canal use objections:

- Why not continue to use the existing slipways?
- A slipway at the wharf will result in a large number of people, plus canoes and vehicles and friends and family, congregating in a very small area. This is too much to ask of people who live and work in the area. The noise, litter and congestion will be very disruptive and dangerous.
- The waters will be congested with the increase in boat hire

(c) Highways objections:

- Concerned about traffic and noise. 4 car parking spaces is not enough.
- Unsuitable location for a canoe club.
- Access from the main road into Lower Wharf is unsafe.
- Cars are unable to turn around in Lower Wharf. They would then have to back out onto the main road.

(d) Footpath objections:

- Concerned about security to new dwellings on the ground floor of the McCarthy and Stone development (Anstie Court) from the new footpath access across the canal.
- A footpath would completely undermine the electric gates, security cameras and alarm system residents pay service charges for.
- A footpath would harm ground floor privacy to Anstie Court.
- What is wrong with the footpath on the other side of the Canal?
- Oppose any new fence to be built to be built alongside Anstie Court. People will climb and look over.
- A footpath will severely de-value the Anstie Court properties.
- A footpath will destroy the peace and tranquillity of the area.
- The use of the footpath as a cycle path is even more alarming.

(e) Ecology objections:

- Canoes will harm further Vole habitat as the canal is fail along the Lower Wharf.

Three letters have been received from Canal Forge (adjacent the application site).

- In principle no objection to the proposal.
- The 1985 application for a proposed gate and fence across the roadway at Lower Wharf was refused.
- The 1985 application added a condition that a turning bay to allow vehicles to turn should be maintained alongside Canal Forge.
- The Canoe Club proposed to erect bollards which will block off the turning space which will contravene the condition.
- There would be insufficient parking for Canoe Club members. This will result in dangerous reversing and parking on private land.
- A condition should be added to require adequate 'No parking' signs.
- As the footpath to the car park doesn't exist how can they ensure that members walk to the site?
- The Canoe Club suggests that they would off load with 10-15 trailers, this will cause chaos.
- The barriers and chain fence will create a territorial compound zone.
- The barrier will be very unsightly.
- The offer of a key for me to use the drop barrier is unacceptable. I cannot be there at all times to allow out of business hours traffic to turn.
- My business will be harmed if my parking is used by Canoe members.

- A complete access footpath along the canal bank is vital to the success of the proposed scheme.

In relation to support, 36 Letters have been received, making the following points:

- This application is critical to the Club's survival as it has no access to changing facilities, very limited access to toilets at the wharf, an unsuitable launching site at one of the busiest points on the canal and completely inadequate storage.
- The application promotes mixed residential, commercial and leisure use, so any future development will inevitably increase footfall and traffic.
- The level of increased traffic proposed is modest and will have significantly less impact compared to other potential uses of this site.
- The application promotes many of the Council's priorities in terms of tourism and leisure opportunities using the canal and it actively supports the redevelopment of the wharf conservation area.
- The club has been instrumental in working with people of all ages in developing canoeing and kayaking in the local area. They work with a wide range of young people including those at risk of offending and causing anti-social behaviour.
- The club work to high standards in both delivery and their management and have received the National Award of Clubmark in recognition of these practices and their commitment to the local community.
- The Canoe Club has introduced hundreds of local people to the sport and recreation of canoeing, which has real benefits in terms of health and wellbeing for people of all ages.
- The Club cannot continue to function in its present facilities which are just two boat stores and some informal outside boat storage.
- The current facilities do not allow for changing so members have to get undressed in the street.
- This will improve the appearance of the conservation area and will prevent it from falling into disrepair.
- A good working canal is good for tourism and trade.
- Members are usually out of the water by 8pm.
- This is an important canoe club in Southern England. The team members and staff are significant to national events. This also encourages the local community to take part.
- In the last two years, Devizes Canoe Club has achieved the highest number of club entries to the annual internationally recognised Devizes to Westminster Canoe Marathon, in the country. All of these paddlers are from Devizes and the surrounding areas.

9. Planning Considerations

9.1 Principle of Development:

The starting point is the development plan policies that relate to this site. In the Kennet Local Plan, this area is identified in policy ED22 as 'Area B' where development should *'build upon the scale and pattern of existing development and provide for the retention and refurbishment of existing listed buildings and other good quality buildings in the area and improve access to the canal and provide canal based employment opportunities.'*

The supporting text to this policy (paragraph 3.46) indicates that the Council would like to *'promote uses at Lower Wharf that highlight the tourism and leisure opportunities presented by this location adjacent to the canal.'*

This proposal is in line with the thrust of this policy. It provides for the retention and refurbishment of a good quality building (the brick and tiled former depot building) and improves access to the canal for leisure opportunities by providing a launch site for canoes and kayaks for a local community group, as well as providing a base from which the canoe club can operate from.

The site is also within the Devizes Conservation Area, so special regard must be had to the desirability of preserving or enhancing the character or appearance of the area. This proposal secures the retention of the existing depot building and offers the potential to enhance the canal bank in this area and bring it back into a more active use directly related to the use of the canal. The modular building and kayak store are not intrinsically attractive, but will replace the existing steel containers, meaning that any impact is muted and will preserve the character and appearance of the area. The Assize Courts is a Grade II* listed building and the Wadworth's Brewery Grade II listed building, but these small scale works will not adversely affect their settings or character.

The principle of the development is therefore considered acceptable, subject to matters such as highway issues and ecology being suitably dealt with. These are dealt with below.

9.2 Access and Impact on Highway Safety:

The access from Northgate Street onto Lower Wharf is initially wide enough for two cars although it is acknowledged that the road quickly narrows to a single lane. Nonetheless the access is wide enough for two cars to pass each other and the visibility in both directions onto Northgate Street is acceptable.

The use by the Council involves three permanent members of staff based at the depot, with upto 4 additional people at other times. There are currently two Wiltshire Council vehicles based at the site which frequently leave and return to the depot during any given day. When there were meetings the site can get quite busy. The canoe club could have a similar use, although the number of trips on a Saturday or weekends with junior coaching sessions would be more than the normal Monday-Friday operation currently conducted by the Council. Additionally some of the vehicle trips will involve the towing of a trailer but as visibility is good in both directions and Northgate Street being 30mph, it is considered that the access from Lower Wharf onto Northgate Street is acceptable. It is also submitted that the traffic on Lower Wharf would also be acceptable without undue highway safety harm.

Vehicles on Lower Wharf would have to pass Assize Court where the yet to be implemented permission of application E/2011/1407/FUL will have pedestrian access for 6 of the 18 flats off Lower Wharf. This permission expires on 1 May 2015. Whilst it is acknowledged that pedestrians of these 6 flats would have to share the single lane road with vehicles, cars would be travelling fairly slowly at this point and visibility is quite good along the road and therefore Highway safety of the occupants of the 6 flats should be acceptable. Assize Court has no car parking and therefore the Canoe Club will not be in conflict with cars associated with Assize Court.

Further concern has been raised in regards to turning at the end of Lower Wharf and car parking problems that currently exist. There is an informal turning area alongside Canal Forge, which is a business that uses this turning space for its deliveries. It is understood that other vehicles also use this space in which to turn. However, the K/84/1109 application conditioned that a triangular piece of land in front of the former 'Cellar Services Department' should be used as a turning area and no formal turning area was ever allocated between Canal Forge and the Depot. Therefore the owners of the proposed 'turning space' in this application (which is understood to be Wadworths) could in theory erect a barrier without the

need for planning permission to prevent any turning in this space between Canal Forge and the Depot.

However, it is understood that this area of land will be transferred to the Canoe Club which allows for this turning space to be formally allocated, but controlled by the bollards. This turning space will allow for cars with trailers to be able to turn and leave the site in a forward gear, which is encouraged. The applicants have also invited the owner of Canal Forge the option to have a key so he can operate the removable bollards during the working day to allow for any of his business vehicles to arrive and use the turning space. For the avoidance of any doubt, there has never been any formal or conditioned provision of a turning space between the Forge and the Depot. Therefore this proposal to create a new turning space and allow the owner of Canal Forge a key to control its use is considered to be a benefit to highway safety.

The Councils Highway Officer has no objection to the proposal and in these circumstances, refusal on highway grounds would not be justified.

9.3 Impact on Neighbouring Amenity:

The existing Depot is still used by Wiltshire Council and Lower Wharf has vehicular traffic from staff entering and leaving the site as well as Wiltshire Council business vehicle traffic. Furthermore there is also business traffic to Canal Forge that is immediately adjacent to the application site.

The submitted Traffic Management Plan acknowledges that during organised club sessions, the level of activity will be quite high but this would be mitigated during the low levels of traffic in a normal working week. Essentially the difference will be that noise and disturbance will be transferred from weekdays to mostly weekends.

It is important to note that the club will only have 4 on site car parking spaces and will have limited room to tow in and turn any trailers. This is why it is been important for the club to have a large storage building; to allow more members to leave their Canoes on site. The majority of Canoe Club members will have to park in other publically available spaces in the main car parks in the town. The Management Plan has made it clear that outside of the 4 spaces the club will provide itself, no other car parking in Lower Wharf is available. The Management Plan states that there will only be approximately two trailer movements per week and also acknowledges that members will only have 5 minutes to tow in their canoes, turn and leave the site and this will be self enforced. With on-site storage, it is unlikely that there will be excessive trailer movement along Lower Wharf.

Whilst there may be some increased traffic movement at weekends, and pedestrian movement to access the site, it is not considered that this by itself, or the use of the site at weekends, will cause any unacceptable disturbance to residents of Lower Wharf.

9.4 Impact on Ecology:

Following the neighbour consultation responses, the applicants submitted a Phase I Ecology survey to assess the likely impact on Water Voles. The survey identified two burrows within the area to be used for the canoe slipway. However, evidence suggested that one of these burrows are used by rats. The survey also comments that the habitat is unlikely to support a large population of water voles since it lacks a variety of plants to provide a year round source of food. There were also no 'field signs' which would have suggested a high population of water voles present in the area. The Ecology report suggests that these 'field signs' would have been apparent if there was a high water vole population. The Council's

Ecology Officer has no objection to the application and it is therefore considered that no adverse harm would be caused to water voles.

The Ecology Report did not comment on the wider use of the canal for canoes on water voles. It is acknowledged that there would be some instances of canoes hitting the canal bank but it is considered that this would only be in the immediate area around the setting off point and the likelihood of harm to any other un-surveyed water voles burrows would be low.

9.5 Contamination Issues:

The initial consultation response from the Environment Agency raised concerns over the potential for contaminated land from the former gas works that are buried underneath the existing tarmac of the depot. However, the applicants submitted a desk top survey which is to the Environment Agency's satisfaction. The Council's Environmental Protection Officer also has no objection to the proposal.

The desk top survey concludes that in the depot area where the changing room and store will be located some site contamination is very likely. Historically, the most likely method for site decommissioning would have been to leave the gasholder base structurally intact and backfill it. The site would have then been capped with concrete and the surrounding area with macadam over the sub-base. Contamination of the gasholder base is therefore assumed to be at the base of the structure. There is no visible evidence of leakage of tar and other gasworks residues from the below ground structures associated with this site.

The changing room would involve a 150mm concrete slab set into the existing macadam surface. This would involve removal of the existing site cap to a depth of 200mm, blinding and resealing with a new concrete slab. There will therefore be a limited amount of excavation at shallow depth not exceeding 150mm on site before the replacement of concrete over any exposed ground. It is therefore considered that this represents a low and acceptable risk during any digging works and thereafter.

The application also proposes the construction of a launching platform with stepped sides to allow access to the canal. This particular area is outside of the Depot and outside of the footprint of the former gas works site. It is understood that the historic use was from 1827 when coal was delivered to serve the gas works.

The proposal involves excavation of the ground and removal of approximately 50m³ of arisings from the site. Whilst there is no evidence or suggested risk of contaminants arising from gas production at this site there is a possibility of historic coal dust contamination in the soil substrate. The area to the north of the existing roadway (which is subject to water runoff from the roadway) is an uncapped grassy bank that provides a fully permeable surface for rainwater and runoff. As this area has been substantially unchanged since coal deliveries via the canal which ceased almost 100 years ago, it is submitted that the risk of contamination within the 14 metre canal bank that will be excavated to a depth of 1.5 metres to construct the canoe access is very low. Even if there are contaminants the proposed wall and the clay lining of the canal will limit any contamination into the canal. There will be no disturbance to the existing canal lining, as this work has to be carried out in accordance with Canal and Rivers Trust requirements to ensure the integrity of the canal.

In these circumstances, the proposal is considered acceptable in terms of potential contamination issues.

9.6 Implementation of Council Policy for a footpath across Lower Wharf:

The proposal retains a 2.2 metre strip between the timber fence that adjoins the canal and the kayak store for the potential future provision of a footpath, as envisaged in the Kennet Local Plan. This strip will not be included in any asset transfer and will be retained within Wiltshire Council control for the present.

Eighteen neighbour consultation responses have raised concern over the proposed footpath link between Lower Wharf and Devizes Wharf, many of which believe that this application includes the actual footpath across both Wharf's. Firstly this application is not for the footpath, it only provides space for one to be created in front of the application site. Furthermore, the creation of a footpath is dependent on adjacent land becoming available and would be subject to a further planning application for a change of use to public footpath.

Nonetheless, the intention to create a footpath has long been a (formally) Kennet District Council and Wiltshire Council Policy to link Devizes and Lower Wharfs together. These policies have been through extensive public consultation and therefore the merits of the Policy cannot be considered in this application. The issue to consider is to ensure that the option and potential future provision of the footpath is not lost by this proposal.

10. Conclusion

The proposal would provide a long term home for the Canoe Club in a sustainable location within Devizes. The proposal is in accordance with the policies of the Kennet Local Plan and would not result in any unacceptable adverse impacts that would justify refusal of the proposal. Accordingly, planning permission is recommended.

RECOMMENDATION

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. The depot shall not be first brought into use by the Canoe Club until the turning space has been laid out in accordance with the approved plans. The turning space shall be kept free from any obstructions at all times.

REASON: In the interests of Highway Safety.

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of a written report to be submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. Where remediation is necessary, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works

the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. All spoil from the digging works for the changing rooms and the new canal slipway shall be removed from the site.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. The development shall be constructed in strict accordance with the recommendations at Section 7 – Mitigation, in the Water Vole Survey, Kennet & Avon Canal, Lower Wharf, Devizes, July 2014 by Chalkhill Environmental Consultants.

REASON: In the interests of protecting protected species.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement – Received 27 May 2014

Site Location Plan – Received 27 May 2014

Existing and Proposed North and West Elevations - Received 27 May 2014

Existing and Proposed East and South Elevations - Received 27 May 2014

Groundworks and Services Layout - Received 27 May 2014

Proposed Changing Room Elevations - Received 27 May 2014

Proposed Kayak Store Elevations - Received 27 May 2014

Canal Access Point – Proposed Section A-A - Received 27 May 2014.

Canal Access Point – Proposed Section B-B and C-C - Received 27 May 2014.

External Lighting Plan - Received 27 May 2014

Revised Traffic Management Plan V3 – Received 24 July 2014

Revised Existing Site Plan – Received 7 August 2014

Revised Proposed Site Plan – Received 7 August 2014

Revised Existing Internal Plan - Received 7 August 2014

Revised Proposed Revised Plan - Received 7 August 2014

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

Informative

1. The applicant is advised to contact Susie Mercer, Business Boating Manager on 07795 027366 in order to ensure that any necessary consents or agreements are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

2. The applicant is advised that safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery

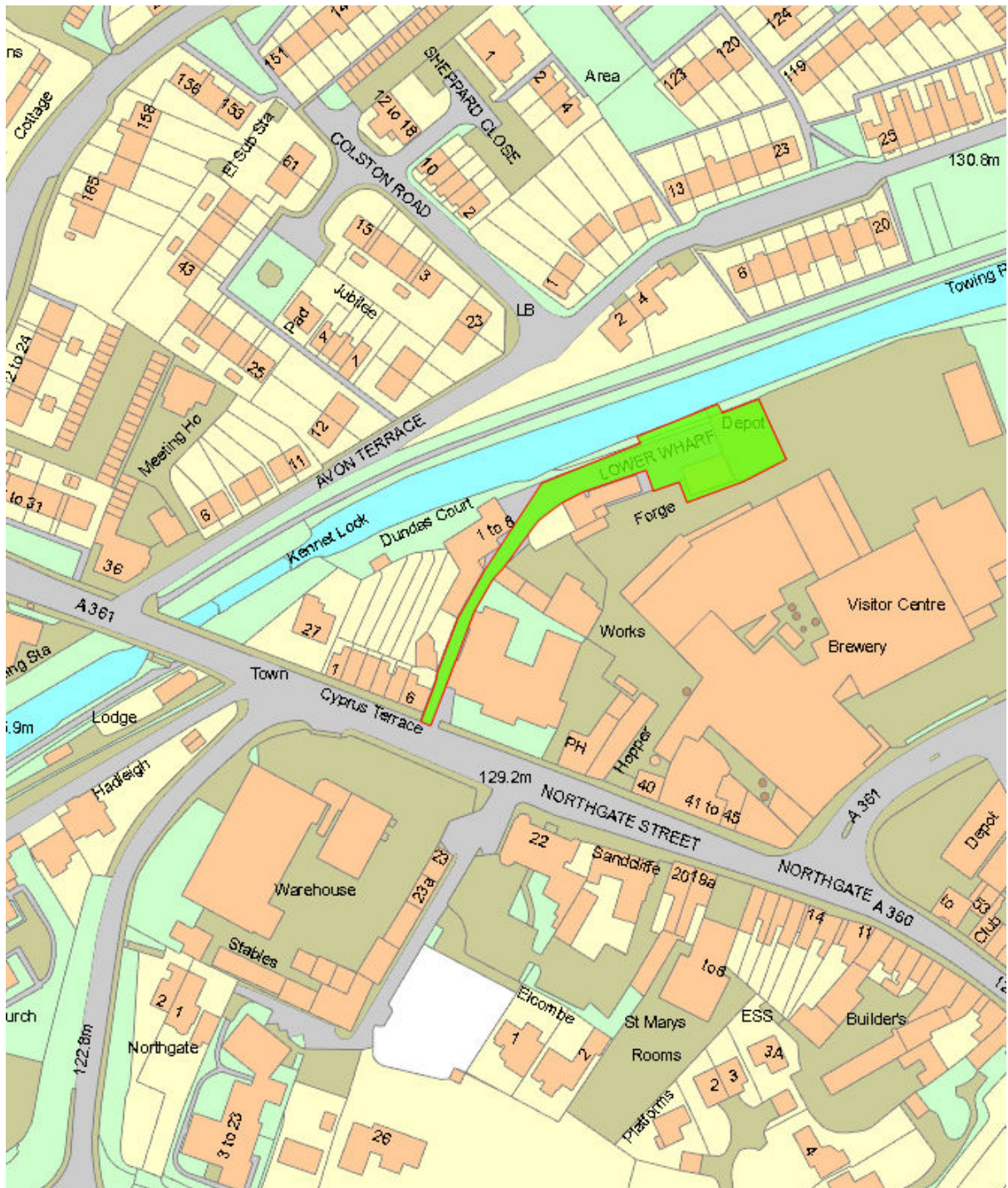
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

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Maps for the Eastern Area Planning Committee

14/05287/FUL - Wiltshire Council Depot Lower Wharf Devizes



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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	28 August 2014
Application Number	14/03379/FUL
Site Address	Land off Rabley Wood View Marlborough
Proposal	Change of use from agricultural land to nature park including compensatory recreational land associated with the residential development of the play area off Rabley Wood View and associated works
Applicant	Manton House Estate
Town/Parish Council	MARLBOROUGH
Ward	MARLBOROUGH EAST
Grid Ref	419074 170079
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been called to Committee at the request of Councillor Stewart Dobson.

1. Purpose of Report

To consider the officer recommendation that the application be approved subject to conditions.

2. Report Summary

The key issues are considered to be;

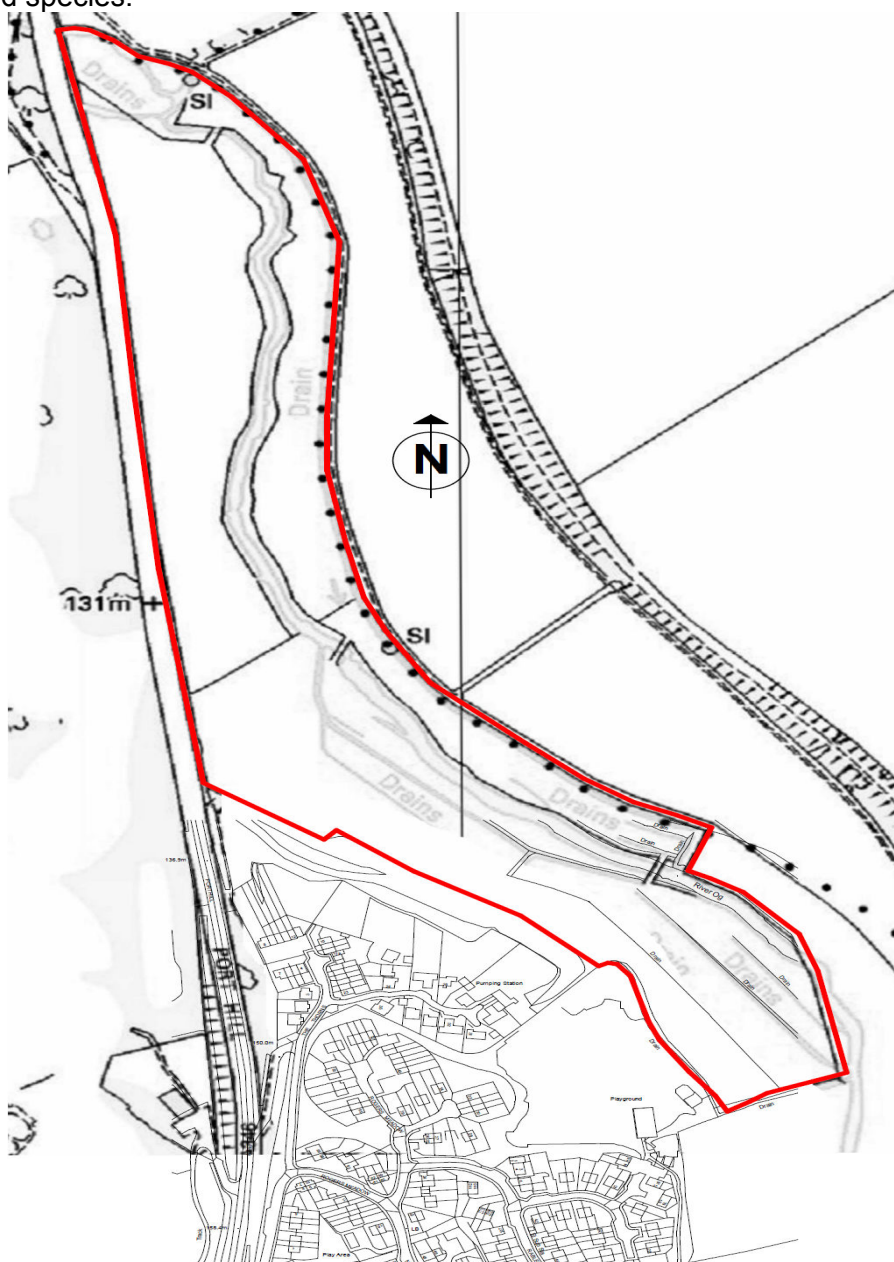
- The principle of the proposed nature park to include the area of casual play space
- Whether the proposals would preserve the visual amenities of the area including the scenic quality of the Area of Outstanding Natural Beauty.
- Whether the proposals would result in any other material harm, including highway safety and flooding.

3. Site Description

The application site lies towards the edge of the market town of Marlborough. The site is accessed by proceeding northwards from Marlborough Town Centre on the A346. Proceed up Herd Street and before Marlborough Golf Club, turn right into North View Place. Turn immediately left into Newby Acre and follow this road around to the right. After this corner, turn left into Rogers Meadow and first right into Rabley Wood View and take the first left turning down to the play area. The site is located to the right (east) of this play area. The site can also be accessed via the A346 when proceeding northwards away from Marlborough, beyond the golf club and just beyond the extent of the town, where the site can be accessed on the right hand side.

The site comprises a 14 hectare parcel of agricultural land which stretches alongside both sides of the River Og, and adjoining the outer edges of residential development on the edge of Marlborough. The land is currently accessible from neighbouring residential development and an adjacent play area. The site stretches northwards to the A346 where there are nearby parking laybys and an agricultural access into the northern part of the site. The intention is to provide a wildlife/nature area which is publicly accessible and allows for biodiversity enhancement. The site also includes an area of land which is proposed as casual play space.

The site slopes gently downwards to the river in the middle. It is laid to grass, and although there are existing improved pastures to the south, this site contains large areas of marshy grasses indicative of the site's low lying topography, adjacent to the river, thus making parts of it waterlogged for months of the year. The higher land towards the west and north contain less wetland species.



Site Location Plan

4. Planning History

14/01766/OUT Residential development and associated works (neighbouring site)

K/13319/D Residential development for 34 dwellings (neighbouring site)

5. The Proposal

The application proposes the change of use of this parcel of land to form a nature park together with associated works to facilitate better access and recreational opportunities. Part of the site at the south is intended to be used as casual play space to include a 'kick about area'. No formalised pitch is proposed.

The agent advises that firm details are not worked up as this may well provide an opportunity for local input and input from the Community Land Trust to help shape the site to their own vision, although a vision has been provided to demonstrate an indicative approach to aid consideration of the proposal. A landscape strategy to enhance biodiversity and provide greater opportunities for wildlife would also be drawn up. Again, indicative proposals are provided to aid consideration.

In addition, the proposed land includes an area intended for casual play. This application for change of use, is submitted in part, to offset the loss of the existing casual space on the adjacent site in favour of permitting residential development on that neighbouring land. The residential application is the subject of the next item on this committee agenda. However, as this is a separate application, it should be considered separately, on its own merits.

6. Planning Policy

Kennet Local Plan - policies PD1 and NR6 of the adopted Kennet Local Plan 2011 are applicable as are Chapters 7, 8 and 11 of the National Planning Policy Framework.

The site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The Council has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of AONB's when determining planning applications.

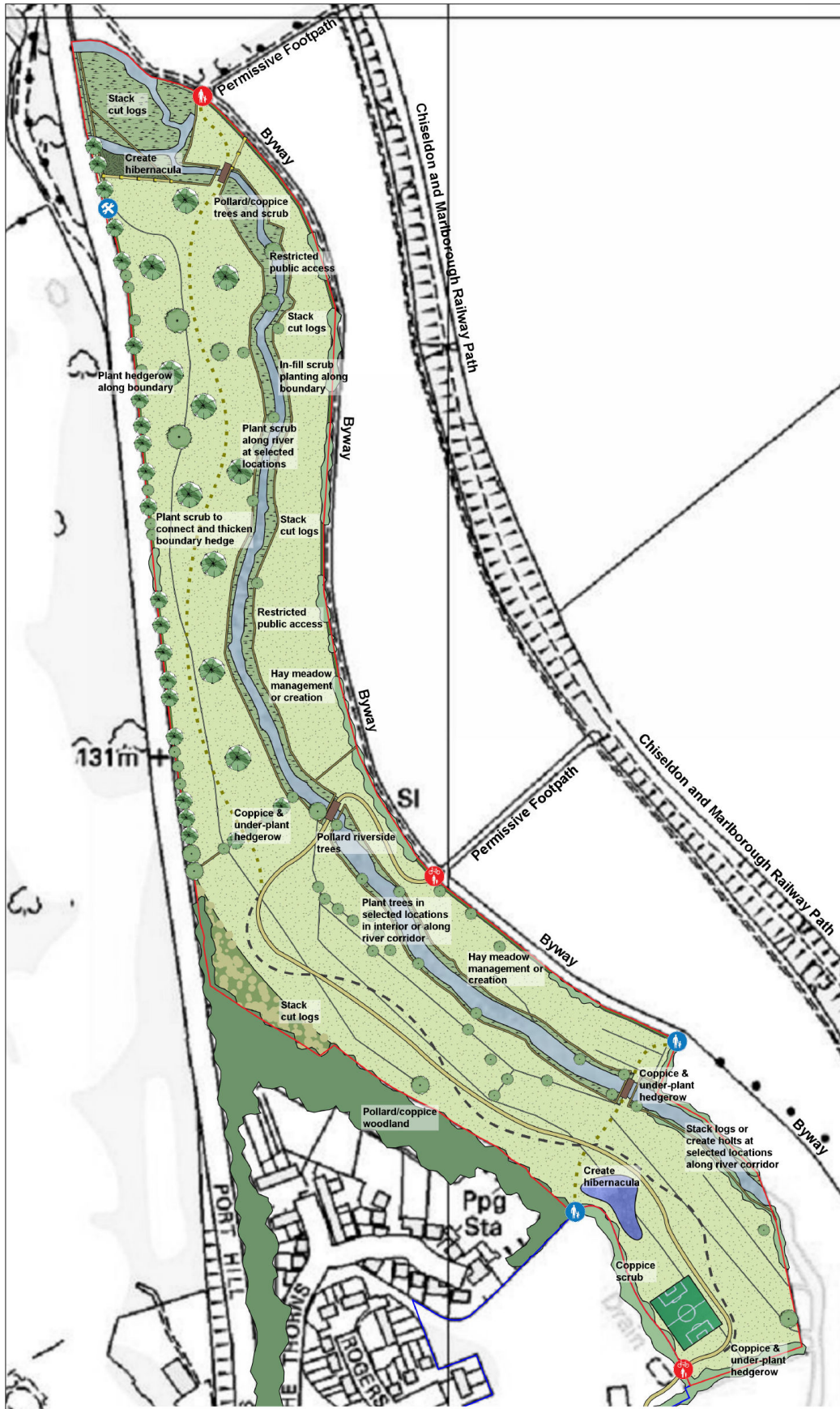
7. Consultations

Marlborough Town Council – Object as compensatory recreation land associated with the residential development is not suitable for recreational use.

Ogbourne St Andrew Parish Council – Object on the grounds of insufficient parking, visitor safety on the main road, maintenance and responsibility, flooding, would prefer site to be left to nature, the proposed site is often under water and not suitable as compensatory open space.

Mildenhall Parish Council – Object.

Natural England – No objection/ no comments, standing advice in relation to ecology and securing biodiversity enhancement.



Proposed indicative layout

Wiltshire Council Ecology - No objection in principle. The grassland is of limited value for farming due to invasive weeds and wet areas of rush pasture, making it difficult to manage with mechanical implements and only available for grazing for part of the year due to waterlogging. The value of the land for biodiversity lies in the riparian ecology around the River Og, which supports a variety of micro habitats and wildlife species, particularly in the areas where there is currently limited access by and therefore disturbance from the public, especially dog walkers and their dogs. In order that pressures on the biodiversity associated with the river habitats are not increased, the most sensitive areas should be protected from human disturbance and from domestic pets so that a safe and secluded corridor for use by commuting wildlife is maintained through the site.

The Vision Strategy Statement for Rabley Wood Nature Park, by WH Landscape Consultancy Ltd., in association with Malford Environmental Consulting, gives a range of management options for the land to accommodate public use of the area while protecting and enhancing the wildlife interest. Implementation of the suggested management options could result in some significant gain for biodiversity. However, there are some issues that will need to be given further consideration and on which I seek clarification. Conditions are recommended to cover these issues in the event Members are minded to grant planning permission.

Wiltshire Council Landscape Officer -This latest full application does not include any additional information than that which was previously submitted to support the Outline housing scheme. I remain to be convinced that the principle of this change of land use is affordable or necessary in the short or longer term.

I support the detail comments provided by Andrew Lord (Planner) from the North Wessex Downs AONB in his previous consultation response in relation to the nature park area (within the housing application), and reiterate that unnecessary urbanising influences should be resisted as far as possible within this Manton Estate Land.

Without a clear demonstration of how this land can be managed sustainably into the future there is a risk that existing landscape character will change through neglect directly resulting from the lack of maintenance. I do not see how the adopting authority would be able to realistically manage this land (in perpetuity) in the ways envisaged.

Wiltshire Council Open Space Officer – No objections. The proposed nature park will provide a wide variety of opportunities for causal and natural play. [Other comments received relate to the suitability of the land as compensatory open space, drainage and management issues which are not for consideration as part of this application, other than to ensure that the site is managed and ancillary works are carried out in a way which promotes biodiversity and respects the landscape. Such controls can be ensured via planning condition]

Wiltshire Council Highways Officer – In response to application 14/04237/OUT, have raised no objections to the principle subject to securing amendments to the maintenance access via planning condition

AONB Officer – (response to 14/01766/OUT also covered the change of use) The North Wessex Downs AONB Unit raise no comments in respect of this development subject to the proposed Nature Park, its future management and ownership being fully controlled by a Section 106 Legal Agreement should the Council be minded to approve this application.

Further to this proposed landscaping, external materials, building heights and details of all external lighting should be agreed by planning condition to ensure the proposed

housing (through the approval of reserved matters process) does not impact on the wider AONB landscape.

The following points are also raised that could be addressed in any future Management Plan for the Nature Reserve:

- Why metal kissing gates not wood?
- We are not sure the sarsen setts idea will work. It seems pleasingly original, local and low-key but won't they simply grow over, making it hard to see them? Why not simply mow paths, or if markers needed use low-level timber posts at intervals to show the way?
- Concerned about sculpture and benches. The odd wooden bench may be OK, provided the base is sensitively done. But sculpture will be an urbanising feature. Perhaps a functional compromise would be good, e.g. carving informal seats / perches from large tree trunks etc. rather than buying in.
- What about BAP priorities for conservation/restoration? There is reference but it all seems somewhat generic.
- The planting advice seems a bit generic too. Species should be chosen principally according to what is there and thereabouts and natural (re)generation should be strongly favoured over new planting.
- Is there an opportunity to establish a population of black poplars, based on those discovered at Stonebridge Meadow? Nationally scarce, very lovely tree, lots of potential for using local stock. For very little money the developer could fund a community-run project to take cuttings and produce saplings?
- Wooden fencing – should use normal post and wire, not post and rail.
- The linear play trail should use existing natural features and obstacles rather than new "equipment".
- The grazing of the land should be confirmed. Cattle would help break up the sward and encourage less dominant species to establish, but whose and where from?
- Cost and management – who will manage it? Who will pay for reseeding, coppicing, pollarding etc.? who will replace broken gates and fences? Accordingly have Action for the River Kennet / Wiltshire Wildlife Trust been consulted as to whether they may wish to manage / own this land?

We do however now have an additional concern as the Brennans of Wiltshire information dated 25th July appears to show the drainage of a far larger area of the water meadow than just the original pitch area.

From the outset we have wanted this area to remain as a Nature Reserve and not simply become well drained sports pitches and an urban parkland environment.

8. Publicity

This application has been publicised by means of extensive neighbour letters, by site notice and through Community Involvement carried out by the agent for the applicant.

A total of 12 representations have been received from neighbours expressing objection to the scheme. Two of these are wholly directed at the separate application for residential development under reference 14/01766/OUT. The points of objection can be briefly summarised as follows;

- Why are cattle grids necessary?
- With the paths become public rights of way?

- The (first) letter from the EA in response to 14/01766/OUT clearly states there would be an increased flood risk
- The site does not benefit from natural surveillance and concerns that this would lead to increased accidents, anti-social behaviour and child abuse
- Creating any play areas near the river is unsafe
- Any drainage work will affect the ability of the field to flood and will increase flood risk.
- The nature Park will be unusable for large parts of the year when it will be waterlogged.
- The upkeep would be huge and unsustainable
- This would not provide a healthy environment for children's play – dog mess and sewerage
- The proposals would compromise the area as a natural wildlife habitat
- No emergency access is included within the proposals
- Concerns over additional traffic movements and junction with A346

9. Planning Considerations

It is important to note that this application is for change of use from agricultural to use as a nature park/casual open space. Therefore, whether the proposed site offers suitable compensatory open space for the neighbouring development (14/01677/OUT) and the costs and responsibilities of management (which for the purposes of this application, would lie with the applicant), are not considerations which are material to the outcome of this application. It is of note that many of the consultee responses and points made by neighbours relate to these specific issues.

It is believed that many locals already utilise the area and the permissive paths for walking, exercising dogs and recreation and the proposed change of use would formalise this arrangement and enable managed public access to be improved, significant opportunities for biodiversity enhancement and casual/natural play. Broad principles, including short and long-term management have been set out within the Vision and Strategy Documents (submitted as part of the consideration of the neighbouring site 14/01766/OUT). Officers do not consider such principles objectionable and although the lack of precise details at this stage has attracted criticism, it is understood that details are not yet finalised as they may well be shaped through community involvement or driven by the objectives of a Community Land Trust who may wish to take on the management of the Nature Park.

The site is visible from a number of public vantage points and is an attractive portion of naturalised marshy field, containing the River Og. The Council's ecologist agrees that the area is of limited agricultural value and that the value of the site lies in the riparian ecology around the river. The principle of this proposed use need not have any profound impact on this riparian character or the appearance of the site. The intention is to provide *'low-key improvements to the site's access and permeability, the protection of existing key habitats and ecological features'* and *'the creation of new habitat through planting and management*

to increase habitat connectivity and enhance the existing landscape and biodiversity'. These elements are not considered contentious in terms of their impact on the wider landscape, or the visual amenities of the area itself. This is provided that any associated works are detailed to ensure that the character of the land is not adversely altered with significant 'urbanising' features which can be carefully controlled via planning condition. In this respect, the criticisms, in terms of the proposed intentions and detailing of ancillary works and planting as set out within the AONB officer's comments are noted and such matters could be covered by the recommended condition. It should also perhaps be clarified at this stage that the intention is not for any formalised sports pitch (as per the indications on the plan) but that an informal kick about area would be formed through gentle and localised levelling, re-seeding and modest drainage works to aid the usability of this part of the field area. This part of the site lies adjacent to improved pasture land and is closest to neighbouring development. It is not considered that the works, once carried out would cause significant harm to biodiversity, the visual amenities of the area or the character of the landscape to outweigh the proposed benefits of both this part of the site and the enhancements to the remainder of the site.

If implemented in the right way, such management as a nature park could provide a significant improvement in terms of the quality and type of ecological habitats and biodiversity gain, as well as enhancing opportunities for engagement with nature, play, walking and cycling and the health benefits associated with this. This is particularly the case in this edge of town location, close to many residences. Whilst it is clear that at some times of the year, when water levels are high, the nature park may not be so accessible and will offer more limited opportunities, it is considered that the benefits of this proposal would outweigh any harm of the limited infrastructure and appearance of such features (pathways, gates etc) which may be required to help facilitate this use. This would comply with policy NR6 of the Kennet Local Plan, which gives priority to the conservation of the character and scenic quality of the landscape, whilst allowing development related to the social well-being of the area and desirable for the enjoyment of its amenities.

Looking at the additional issues raised by neighbours, highway officers do not agree that the proposals would be detrimental to highway safety. Regarding drainage, whilst it is understood that there are concerns about the proposed drainage associated with the proposed casual play area, it should be noted that this is only needed if the site is to be accepted as compensatory casual open space in relation to the adjacent housing scheme (14/01766/OUT). It could be argued that the drainage/ gentle re-levelling and reseeded is not therefore critical to this change of use application (the area could be designated for casual play in its current form). If however, it is considered that this use inevitably relies upon improvements to this parcel of land outlined for casual use, attention is drawn to the adjacent report in respect of the proposed adjacent residential development (14/01766/OUT) and in particular, comments under the consultees section labelled 'Drainage' and 'Planning Considerations' Sections.

Neighbours have also expressed concern over the lack of natural surveillance over the site and its suitability in providing an area to play/ be enjoyed from a pollution and safety perspective. Whilst natural surveillance over areas of play are preferred, these areas are for more informal, naturalised play as one may find in other nature parks areas. It is rare that such fields are overlooked as by their very nature they tend to occupy more undeveloped positions. Similarly, such benefits go hand in hand with the riparian environment and it seems unreasonable to say that no such facilities should be located near any form of water or a main road because of the danger they pose.

10. Conclusion

Although the concerns relating to the suitability of the land as compensatory space and any proposed drainage are understood (including any drainage works, pond, waterlogging), this

is effectively a stand-alone application for the change of use of the area. Final details of ancillary works can be covered via planning conditions to ensure that any facilitating works are considered appropriate to its rural position and would not result in any substantial flood risk. It is not considered that the potential traffic accessing the nature park site would present any severe highway safety risk. At this stage (that is, without this site being required to mitigate the impact of a neighbouring development), the proposed liability of the land and its management would continue to lie with the current owner and therefore it would not constitute a reason for refusing this planning application. The proposal is considered to be in accordance with the development plan policy for the area and with the statutory duty imposed on the Council in relation to conserving and enhancing the natural beauty of the area. The Council's Ecologist has confirmed that subject to conditions, the proposals would not present any significant risk to ecology and in fact could provide a more valuable habitat and greater opportunities for public enjoyment. Consequently, it is considered that, when considered on its own merits, there are no grounds of any substance, upon which it is considered reasonable to withhold planning permission for the change of use of this land.

RECOMMENDATION

- 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 Prior to the first use of the land as a nature park, the maintenance access to the A346 at the northern end of the nature park shall have been improved in relation to its entrance radii, surface and northern visibility in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

- 3 The use hereby permitted shall not be commenced until details of the soft landscaping principles and strategy to be employed have been first submitted to and approved in writing by the local planning authority. Details shall also include any proposed changes to existing trees, shrubs and hedgerows and grassland.

REASON: In the interests of visual amenity.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with the approved details. 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.

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

- 5 Notwithstanding the submitted details none of the following elements shall take place or be installed on the site until details of those elements (including precise dimensions, positioning, numbers, materials, finishes etc) have first been submitted to and approved in writing by the local planning authority;

- any new paths/ cycleways including any resurfacing and/or widening of existing pathways
- bridges
- gates, fences or other boundary treatments/ means of enclosure
- any other hardsurfacing
- play features
- drainage
- any other minor artefacts or structures

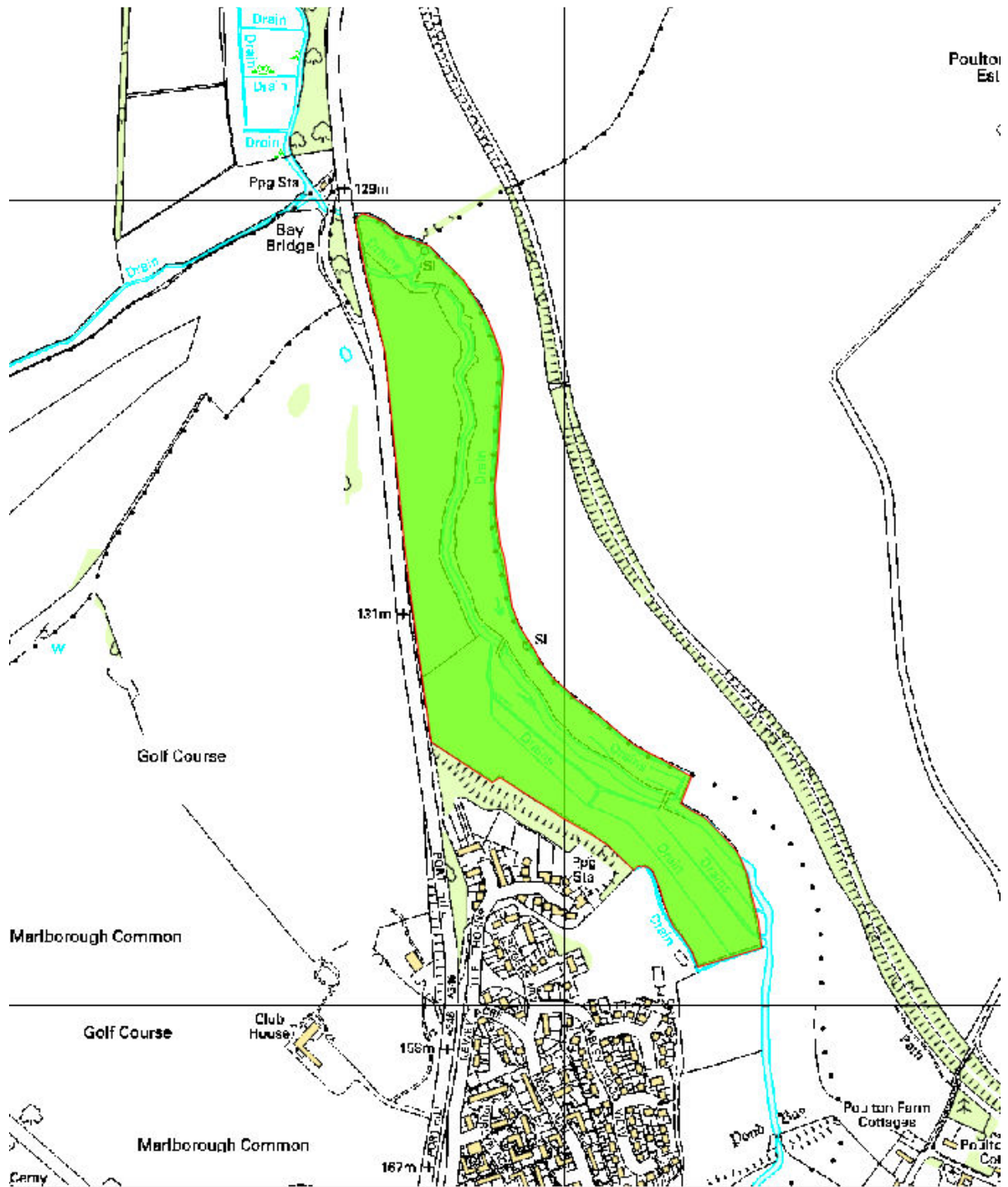
Any such elements shall be carried out/ installed in accordance with the approved details and maintained as such thereafter.

REASON: In the interests of visual amenity.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:

Figures 1-3 inclusive, Site Location Plan 1418-105, Vision and Strategy Statement for Rabley Wood Nature Park and Statement from the agent all received on the 25th March 2014.

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



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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	28 th August 2014
Application Number	14/01766/OUT
Site Address	Land off Rabley Wood View, Marlborough.
Proposal	Residential development and associated works
Applicant	Manton House Estate
Town/Parish Council	MARLBOROUGH
Ward	MARLBOROUGH EAST
Grid Ref	419023 170145
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been called to Committee at the request of Councillor Stewart Dobson.

1. Purpose of Report

To consider the recommendation that the application be approved subject to satisfactory results of the archaeological field evaluation investigations, with conditions, and subject to a new legal agreement which shall include provisions to secure deeds of variation to effectively substitute the existing open space land (covered by two historic Section 52 agreements), with the proposed compensatory open space land proposed.

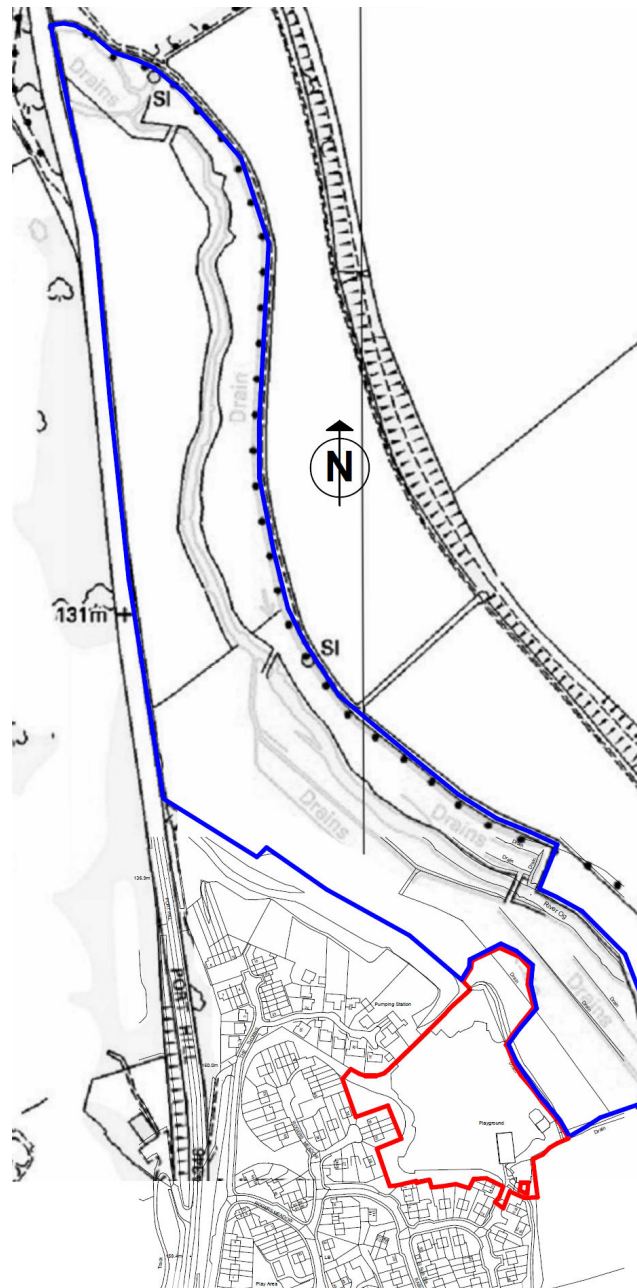
2. Report Summary

The key planning issues are considered to be;

- The principle of the proposed residential development including whether the proposed 'replacement' recreational / nature park land is sufficient to compensate the loss of the existing site for recreational purposes.
- Highway safety
- Flood risk and drainage
- Visual impact including whether the development would compromise the wider landscape designated as the North Wessex Downs Area of Outstanding Natural Beauty
- Contamination
- Ecology
- Residential amenity
- Whether the scheme would make adequate provisions for open space, education, affordable housing needs arising from the development, in line with the Council's policy requirements
- Archaeology
- Infrastructure

3. Site Description

The application site lies towards the edge of the market town of Marlborough. The site is accessed by proceeding northwards from Marlborough Town Centre on the A346. Proceed up Herd Street and before Marlborough Golf Club, turn right into North View Place. Turn immediately left into Newby Acre and follow this road around to the right. After this corner, turn left into Rogers Meadow and first right into Rabley Wood View and take the first left turning down to the play area where the site can be found at the end of the no through road. The existing site is a sloping parcel of land, towards the edge of the town and bounded by residential development on three sides. It is currently mostly laid to grass, with an area of trees towards the south and west edges and a landscaped boundary to the eastern boundary with the open countryside beyond. The site includes an equipped play area for smaller children and other pieces of equipment spread around the edges of the site for older children. The site also includes a set of goalposts.



Site Location Plan

4. Planning History

14/03379/FUL	Change of use from agricultural land to nature park including compensatory recreational land associated with the residential development of the play area off Rabley Wood View
K/13319/D	Residential development for 34 dwellings (adjacent site)
K/16218	Erection of 37 one bedroom flats, 53 two bedroom houses, 16 three bedroom houses, parking and open space.
K/19339	Erection of 115 dwellings and associated works

5. The Proposal

The application proposes the site be utilised for a landscaped residential development, including affordable housing, a play area and open space. The site currently includes an equipped play area, other play equipment, trees and landscaping and a kick about field. An additional area to the northeast of the main site is included within the red line to provide a balancing pond to deal with surface run off and it is intended that this would form a hibernacula for wildlife. This application should be read in conjunction with concurrent application, 14/03379/FUL which is also for determination as the previous item on this agenda. That application proposes the change of use of a separate parcel of land in agricultural use, for a Nature Park including an area for Casual Play. This separate application is offered in addition to the Casual and Equipped Play Areas being offered on site as consideration for the loss of the existing recreation site and to cater for the additional demand as a result of the proposed new dwellings.

The application seeks outline consent only to establish the principle of residential development on this site, with all matters (landscaping, scale, access, layout and appearance) reserved for separate consideration by means of further planning application(s).

6. Planning Policy

The National Planning Policy Framework with particular regard to Chapters 4, 6, 7, 8, 10, 11 & 12.

Kennet Local Plan - policies PD1, HC1, HC5, HC7, HC28, HC29, HC30, HC31, HC34, HC37, HC42, NR6, AT1 and HH1 of the adopted Kennet Local Plan 2011 (HC21, NR10 not saved). Within the Local plan, the site identified for housing lies within the Limits of Development and was *not* identified within the KLP 2011 as a 'protected' recreation site under Policy TR17, but nevertheless, the agent within the submitted planning statement has sought to apply the principles of this policy to the site. Supplementary Planning Guidance: Community Benefits from Planning and the Kennet Landscape Conservation Strategy are also applicable.

The emerging Draft Wiltshire Core Strategy with particular regard to Core Policies 1, 2, 14, 41, 43, 45, 50, 51, 52, 57, 60 and 61. Whilst these policies cannot yet be afforded significant weight, they are a material consideration.

The site is within the North Wessex Downs Area of Outstanding Natural Beauty. (AONB),



Illustrative Site Layout

7. Consultations

Marlborough Town Council – object to the proposals on the grounds of highways issues, an existing deed of variation, wildlife concerns, parking and safety issues and on the basis that the proposed compensatory like for like land is unsuitable.

Mildenhall Parish Council – Object

Wiltshire Council Drainage – The Council’s Drainage Team have commented on the proposed Land Drainage Strategy submitted by the agent and is satisfied with all aspects of the submission bar one upon which he has provided further comments. ‘If we want the pitch to remain dry during all situations then we must consider what happens when the River Og floods out of bank. The Environment Agency flood mapping leads me to assume that the flood water will spread for about 25 to 30 m on each side of the river. At that flood level any of the proposed new drainage lower than that level will be inundated so to ensure that the new drainage can always drain somewhere no excavation should be below the floodplain water level for a 1 in 100 year flood event.’

Officer note: The plans show that the nearest part of the kick about area would be approximately 60 metres from the river and consequently, it is reasonable to conclude that such a drainage system will not be inundated for the vast majority of the time and that the kick about area can be utilised for most of the year.

their intention to agree to such contributions based upon the up to date information at the time of the agreement.

Wiltshire Council Environmental Health –In respect of contaminated land, we have a map which makes reference to a landfill used during the 1930's / 40's in the vicinity of the proposed development. As a consequence of this I would be looking for either a contaminated land condition to be applied to any planning permission granted or for a suitable ground survey to be carried out in advance to basically reassure us all that this landfill is not located at or in the vicinity of the proposed site.

Wiltshire Council Highways – No objection subject to conditions and informatives

The location is considered to be sustainable in transport terms, and the local roads and junctions will cope adequately with the levels of traffic which would be generated, subject to the existing junction of the short Rabley Wood View cul-de-sac with the main Rabley Wood View road being widened slightly at the junction from 4.5m to 5m by reducing the footpath width on the south eastern side, to more easily enable two vehicles to pass in the junction. Construction of the site and the access alterations will lead to damage to the existing highway on the Rabley Wood View cul-de-sac which provides the development access. The cul-de-sac will need to be resurfaced at the conclusion of the development.

The existing dirt path from the north western corner of the site to the Thorns must be made up to a surfaced 2 metre wide path as this will be a desire line for pedestrians. The area is public open space and therefore should be in the same ownership as the rest of the site.

Wiltshire Council Housing – No objection subject to legal agreement to secure adequate provision in accordance with the Council's current approach as per the applicant's submission.

I note a 40% affordable housing contribution equating to a total of 18 on site affordable housing units has been proposed by the applicant, the tenure of which has been split 85%/15% (affordable rent/shared ownership). This proposal would meet a demonstrable need and also takes into account the high level of need for rented accommodation, as well as affordability levels for shared ownership homes in this location. This accords with the Council's current approach towards affordable housing requirements.

Wiltshire Council Landscape Officer – This outline planning application is supported by a Landscape and Visual Impact Assessment, prepared by WH Landscape Consultancy (Nov 2013). In my opinion the proposed residential development could be successfully accommodated within the proposed residential development area without negatively impacting on wider landscape character or visual amenity. Raises the concern that the LVIA does not properly assess the impact of the football pitch and other features and although appreciates that this is an outline application which will require further detail to be agreed is concerned that the application is starting to become confusing; i.e. the Nature Park does not form part of this application but details are provided in support of it; The football pitch and the attenuation pond are not included within the red line residential site application boundary but are presumably essential components of the planning application?

Officer note: the attenuation pond is located within the red line and the Nature Park is the subject of a separate change of use planning application being considered concurrently. The proposed kick about area / casual space is not intended as a formal sports pitch and the approach towards additional features to facilitate its use as a Nature Park can be carefully controlled by planning condition.

Wiltshire Council Open Space Officer – We have carried out an Equipped and Casual Open Space study in order to establish the Equipped and Casual Open Space requirements within the vicinity of the proposed development. The study confirms a reduction in the current local deficit of Equipped Play Space, and an overall increase of Casual Play Space, therefore it is confirmed that the holding objection by Environment Services is lifted.

In summary the findings are as follows:

*NB: Please see attached the calculation sheet, which details the numbers below.

Equipped Play Space:

Within a 240m radius of the current Equipped Play Space located on Rogers Meadow, there are 241 existing dwellings. 241 existing dwellings require 1,791sqm of Equipped Play Space. The current Equipped Play Space at Rogers Meadow is an area of 450sqm, therefore there is a current under provision of Equipped Play Space of 1,341sqm.

With the proposed 46 Dwellings in mind, this would increase dwelling numbers to 287 dwellings, this would mean in order for there to be a fully adequate Equipped Play Space provision level, there should be 2,132sqm of Equipped Play Space.

The development proposals provide an Equipped Play Space of 1,272sqm, although this does not equate to the full provision level required for the amount of dwellings within the 240m threshold. It is not fairly and reasonably related in scale and kind to the development to request 2,132sqm of Equipped Play Space.

With the proposed Equipped Play Space in mind, it reduces the Equipped Play Space deficit to 860sqm, from the previous Equipped Play Space deficit 1,341sqm.

Further, it must be noted that the proposed Equipped Play Space of 1,272sqm is of adequate size to cater for a like for like replacement in terms of area of the existing Equipped Play Space, and to cater for the increased demand from the new development.

In addition, it must also be noted that the proposals detail the creation of a linear play route for older children within the Country Park.

Casual Play Space:

Within a 600m radius of the current Casual Open Space located at Rogers Meadow, there are 789 existing dwellings. 789 existing dwellings require 7,761sqm of Casual Open Space. The existing Rogers Meadow Casual Open Space is an area of 1.15Ha, therefore there is a current overprovision of Casual Open Space of 3,739sqm. It must also be noted that an area of Marlborough Common also lies within a 600m radius of Rogers Meadow.

With the proposed 46 dwellings in mind, this would increase dwelling numbers to 835, therefore in order for there to be a fully adequate Casual Play Space provision level, there would be a requirement of 8,216sqm of Casual Open Space.

The development proposals provide an onsite Casual Open Space of 5,389sqm within the development, which incorporate a grassed area adjoining the Equipped Play Space, the Southern Open Space and Woodland Open Space.

Further, it is also proposed to provide a Casual Play Space in the form of a kick about area to the North East of the development. The kick about area will measure an approximate area of 10,829sqm. (Assuming it is the size of a football field).

Therefore with the above in mind, the total proposed Casual Open Space will be in the region of 16,218sqm, which would mean an over provision of 8,002sqm.

In addition, it is believed from the agent that the 8.31Ha within the Nature Park will also cater for an array of Casual Play opportunities.

The agent has confirmed within the submitted Heads of Terms, that formal sports pitch contributions shall be made in accordance with planning Policy HC24. This is considered acceptable as calculated below

No of Dwellings	Calculation	Required Commuted Payment
46	46 Proposed Dwellings x £530.05 Per Dwelling	£24,403

Wiltshire Council Archaeologist - requires additional field evaluation prior to any grant of planning permission.

Environment Agency – Initially raised concerns about the scheme but further to information submitted on the 18th April 2014, their objection has been withdrawn subject to conditions and informatives.

AONB Officer - The North Wessex Downs AONB Unit raise no comments in respect of this development subject to the proposed Nature Park, its future management and ownership being fully controlled by a Section 106 Legal Agreement should the Council be minded to approve this application.

Sports England – Object to the proposals on the basis the proposals do not meet the standard pitch recommended sizings nor include changing / toilet facilities. [Officer note – it appears this objection is based upon a misunderstanding as to the current arrangements as the existing kick about space is not a formal pitch nor is the proposed replacement intended to be such a formalised pitch](#)

Thames Water – Regarding foul and surface water; No objection subject to Grampian conditions.

In respect of foul water, a condition is required to ensure that there is no discharge of foul or surface water into the public system from the site until an adequate drainage strategy has been agreed and such works have taken place. In relation to water supply, capacity studies are required to determine that supply will be adequate at a suitable connection point.

CPRE - does not object in principle to the development of this site given the shortage of suitable land for necessary housing in Marlborough. However the proposal as currently presented does not adequately deal with a number of significant issues including highway improvements, the need to show safe play areas are available year round (no objection to general principle of proposed compensatory public open space), school place provision, adequate foul and safe water supply. Assurances should be sought or secured via planning conditions.

8. Publicity

This application has been publicised by means of a site notice, neighbour letters and advertisement in the local press. The agent has also undertaken community involvement and has provided a detailed document setting out publicity and setting out comments received and how they have been considered as part of the development proposals. In addition, the agent has continued to monitor progress and consultee responses and has provided an additional statement to assist in addressing concerns raised.

Neighbour representations

A total of 37 representations of objection and 1 of support have been received, some of which provide lengthy and detailed comment. The points raised have been briefly summarised as follows;

Support

- Supports the principle of new development in Marlborough due to the desperate shortage of housing and affordable housing
- The current play area is rarely properly used. It has been subject to anti-social behaviour and is not busy even in the summer months. It seems strange that something that is not appreciated is now so precious when it is going to be changed.
- There is no real wildlife in the field where the houses will be
- The Country Park would encourage wildlife and is a lovely idea
- I do not think there will be a huge problem with the increased traffic. It is quiet especially during the day and 50 homes will not greatly impact. People already believe a roundabout is required at the junction with the A346 but this is due to traffic on the main road.
- I personally believe the objections are mainly due to loss of view and social housing being too close to them.
- The need for housing is so great in Marlborough, it outweighs all of these points of objection

Objections

Legalities

- The existing legal agreement restricts any development on the site without some agreement from the owners of the houses of Rogers Meadow. Without this the land cannot be released
- Also of concern is the fact that WC at present own the land for which outline permission is sought by the Manton Estate with whom they have been in negotiation for approximately 18 months and Wiltshire is the planning authority.
- That the open space is required as part of the development conditions of Rogers Meadow and Rabley Wood and cannot be replicated in view of the importance of its immediate proximity to the houses it serves and does not amount to a suitable alternative.

Highway safety

- Contrary to the traffic survey conducted by RCC, exit from North View Place on to the A346 particularly towards Swindon is difficult, not to mention dangerous.

- The new plan for 46 houses will not ameliorate this situation as the entrance from A346 requires people to turn right across the traffic flow from Swindon to access North View Place and Rogers Meadow
- The whole highway system at this, the only point of access/exit to the whole of the estate, already needs complete revision and is long overdue for improvement on safety grounds.
- In winter the estate roads are never gritted, so an additional 250+ car journeys attempting to negotiate roads which are icy and very steep in parts is surely an increased safety hazard. During icy conditions driving is so difficult throughout Rabley Wood View, Rogers Meadow and The Thorns due to the steep inclines and tight corners that many residents park their cars at the top of the main hill in Newby Acre. This restricts the road to one lane only and the additional cars generated in the area from the proposed new houses would make this situation even more dangerous. This will prevent emergency access.
- The new plan also shows a parking area for 12 cars for people who want to access the "Nature Park" so that will be even more traffic expected on already congested roads on top of the cars associated with the new houses.
- The proposed access road has cars parked all the way up to make it single track. There is also a blind crest which often means one is reversing down the road to let cars and buses etc. through. More houses will only compound this problem. There is no pedestrian crossing at the A346 – the proposals would expose pedestrians from additional risk from the extra traffic and create more pedestrians.
- The Transport Statement is skewed as it was carried out on a Tuesday when traffic levels would have been low and usual parking arrangements were disrupted. No account can be made of low key accidents/ near misses.

Landscaping/ Recreation/ Nature Park

- Woodland and existing hedges on the site should remain as they are- no tree felling should take place to facilitate the development
- The compensatory open space is not "like for like" and is not acceptable. It does not constitute a reasonable alternative as it is a water meadow.
- Use of the proposed "Nature Park" will also be curtailed by the fact that the area regularly floods. It will not be amenable to draining and even if this were tried it would almost certainly flood again the following year. Any drainage could increase flood risk further downstream.
- Once Thames Water cease abstraction from the Kennet in 2016 then the water table will be considerably higher.
- In terms of preservation of the countryside this land should be left as it is to protect all the wild life on the list provided to MTC, particularly as some are protected species

- The proposed new play area on the edge of the proposed development is screened from the houses by a hedge which should not be destroyed, so parents will not be able to see their children as promised but will have to supervise them at all times in order to safeguard them.
- The revised plan shows the hard play area and equipment being moved to the north east side of the plot of land (by the current stile used to access the River Og valley) but tucked away behind all houses. Our current play facilities are surrounded on 3 sides by housing, thereby making it an open and safe environment for young people. The proposal will make it an unsafe environment and more likely for anti-social behaviour such as vandalism and drug abuse.
- The existing legal documents covering previous planning applications (K/82/0144 & K/86/1200) state that the recreation area must be “adjacent to the houses”, so moving it into the water meadow will not meet these criteria. They also state that the area will be “suitable for small children to play within sight of the dwellings”, but as noted above the proposed plan moves both the play area and the “kick about” area away from view of all houses.
- The land being offered has little agricultural value and particular management issues which will not disappear if ownership is passed to the Council, including increasing requirements on water pollution and maintenance of paths exacerbated by regular high water levels. These costs should not be underestimated.
- There are other local green spaces available and no need to take on this considerable liability.
- The existing play area is very well used. It is a very communal area for families of Rabley and surrounding areas to join together and the thought of its loss is terrible.
- The proposed attenuation pond is a significant hazard for children so close to the play areas.

Amenity

- There would be considerable disruption if the scheme comes to fruition, not least because the entrance designated as the access to/from the site would require builder traffic, to use the Rogers Meadow Newby Acre decanting into North View Place, route to reach the A346, whilst the builders would also use the same route in with the resulting emissions and pollution from their HGV's and the noise pollution of their machinery.
- Increased traffic flow will also adversely affect the air quality of the neighbourhood with additional cars causing more traffic delays on the Herd Street area with standing vehicles exacerbating the poor air quality.
- The open space at Roger's Meadow specifically envisaged it as being adjacent to the houses and thus any change would make this less commodious. A similar position can be advanced in respect of Rabley Wood Drive

- Back to back distances between the proposed three terraced houses and The Thorns (31) would result in unacceptable mutual overlooking and significant loss of privacy as would the footpath, contrary to what is stated in the DAS and within the Council's Supplementary Planning Guidance 'Community Benefits from Planning'.
- We are also concerned about boundary fencing.
- Neighbours are not allowed to object to loss of a view and yet 'views out' are quoted as a huge opportunity to be taken advantage of. This is unfair.

Flooding

- The proposed kick around area could not be drained because this is a water meadow (it has been waterlogged from Dec 2013 to March 2014) – the only solution would be to build up the land but this could cause other damage
- Trying to drain this area would increase flood risk further putting properties and wildlife at risk

Drainage and Sewerage

- Drainage in the area is renowned for having past problems. Any contamination of sewerage into the River Og would have severe consequences for both the Rivers Og and Kennet (SSSI). Also the pipe is very close to the children's play area.
- The Og valley sewerage pump has had four replacements in the past 2 years and is operating at 128% capacity. Any future expansion will need a substantial rebuild.
- Marlborough Treatment Plant is currently working at 98% when safe tolerance working level is 75% and this needs to be expanded by 35% to meet future needs. Will the developer contribute to such huge costs?
- We have a pumping station directly adjacent our property, running through our garden and under the current recreation area. We are concerned that the proposal will damage this infrastructure and put property at risk.

Contaminated Land

- No investigation has yet been undertaken. We know that cattle were found to have high levels of heavy metals and the area was used to bury hospital waste including an x-ray machine.

Other issues

- Financial contributions are not sufficient to overcome the cramming in of extra children into schools and their education will suffer
- Will this set a precedent for other development and will this mean that the status of the land as AONB will be lifted?

- Local services are already fully stretched including the single medical practice

9. Planning Considerations

9.1 Principle

The application site lies within the Limits of Development defined for Marlborough as set out within the adopted Kennet Local Plan 2011 and was not identified as a recreation site identified for special protection. This boundary defines where the principle of new development is considered acceptable and sustainable in terms of being accessible to local facilities and services. The National Planning Policy Framework (2012) sets out a strong presumption in favour of permitting 'sustainable' development, a term which encompasses economic, social and environmental roles. It particularly supports the provision of new housing as set out within Para 49, Chapter 6: Providing a Wide Variety of High Quality Homes and this has been subsequently reinforced by Ministerial Statements actively seeking a significant boost in housing land supply in order to help meet growing demand and deal with affordability.

Whilst the Council's position is that it currently has an adequate 5 year Housing Land Supply, it is of note that the Inspector considering the draft Wiltshire Core Strategy considers that overall numbers for the whole Plan area are about 5,000 short for the Plan period and the Council is aware that further sites will need to come forward. Although the draft Wiltshire Core Strategy identifies the accommodation of 600 new homes for the Marlborough Community Area, it should be noted that this is a *minimum* number. The proposed site would make a meaningful contribution to help meet these targets.

The application proposes to make provision for 40% of the proposed housing to be 'affordable housing' in line with the Council's current approach in Marlborough and that the tenure of these units shall reflect local demand. This would be a significant additional benefit, particularly given the high level of affordable housing need in the area. This would need to be secured via a legal agreement.

9.2 Legality of varying the existing Section 52 agreements and whether the proposed open space on offer is sufficient to allow for the loss of some of the current open space

The existing site is currently bound by two separate legal agreements which were secured as part of neighbouring developments back in the 1980's. Together with some additional minor matters, the key to these was to ensure that adequate and suitable provision was made in perpetuity for open space. One of the agreements was later varied to exclude part of the site.

On a procedural point, the variation/ replacement of the existing agreements do not need to take place in advance of the planning permission being issued but will of course need to be executed in advance of any development taking place to avoid any breach. It is therefore prudent that this issue is considered concurrently.

The legal tests for such an application area set out within Section 106(A)(6) of the Town and Country Planning Act 1990. This makes it clear that where an application is made, the authority may determine;

- (a) that the planning obligation shall continue to have effect without modification;
- (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

In essence, it is therefore for Members to decide whether to permit housing on this site and in doing so, whether to accept the release of this land from the agreements in favour of accepting the proposed compensatory open space and additional land on offer. This would need to be secured at the time of the sale of the land and a new or modified agreement entered into by the purchaser but prior to any change of use of the land.

As the main issue in respect of this matter is whether the proposed land on offer as a Nature Park area, Casual Play Space and Equipped Play Space provision is sufficient to offset the loss of the existing kick about casual area and equipped spaces, this is considered below. As is clear from the neighbour representations, it is not simply a question of whether the quantity of land offsets the land lost, but consideration should also be given to quality, convenience and safety.

The table identifies the level of existing provision and compares this with the proposed levels of provision. It is notable that the proposed equipped areas and formal sports pitch contributions meet the Council's requirements set out in Supplementary Planning Guidance 'Community Benefits from Planning' in respect of the replacement of the existing facilities and catering for additional demand created by the proposed new houses.

Type Of POS Provision Level	Existing Provision Level	Proposed Provision Level
Equipped Play Space	450sqm	1,272sqm within the development + 340m linear Play Route within the NP.
Casual Play Space	1.15Ha	5,389sqm within the development + 8.31Ha within the NP.
Formal Sports Area	0sqm	£24,403 Off-Site Contribution (Sought, but not yet agreed)

Turning to the equipped play area, the proposed area would be substantially larger and contain more pieces of equipment than the existing equipped play area. It would need to accord with the Council's current standards and would be new, arguably offering enhanced play opportunities. The current layout plans shows this would be located on the existing recreation field but be relocated towards the northeast corner. In terms of walking distance, some residents would be closer and some would be further away. The main drawback to consider is that the field would not be so overlooked by or quite so convenient to some existing residents although it is currently proposed that several of the new dwellings would overlook the area.

Concerns have been raised in respect of the proximity of the proposed attenuation pond. Officers have considered this issue, however there are no better alternative locations for such a drainage solution and are mindful that such features have been incorporated close to play areas on many other developments without issue. Additional measures (fencing, for

example) could be required at detailed planning stage if this was a concern although the visual impact of such measures and impact on its suitability as a wildlife hibernacula would also need to be weighed up.

With regard to the casual space, the existing space comprises of a rather sloping grassed area, bounded to the east by a 15 metre buffer of vegetation secured as part of a former planning permission, which is proposed to be retained. At the west lies an area of woodland which is also proposed to be retained, whilst an area at the south of the site, currently laid to grass with some trees, would also be retained as casual open space areas. This would involve a net loss of 1.251 hectares of casual open space from the existing site. An area of some 0.5 hectares of casual open space could be retained on site.

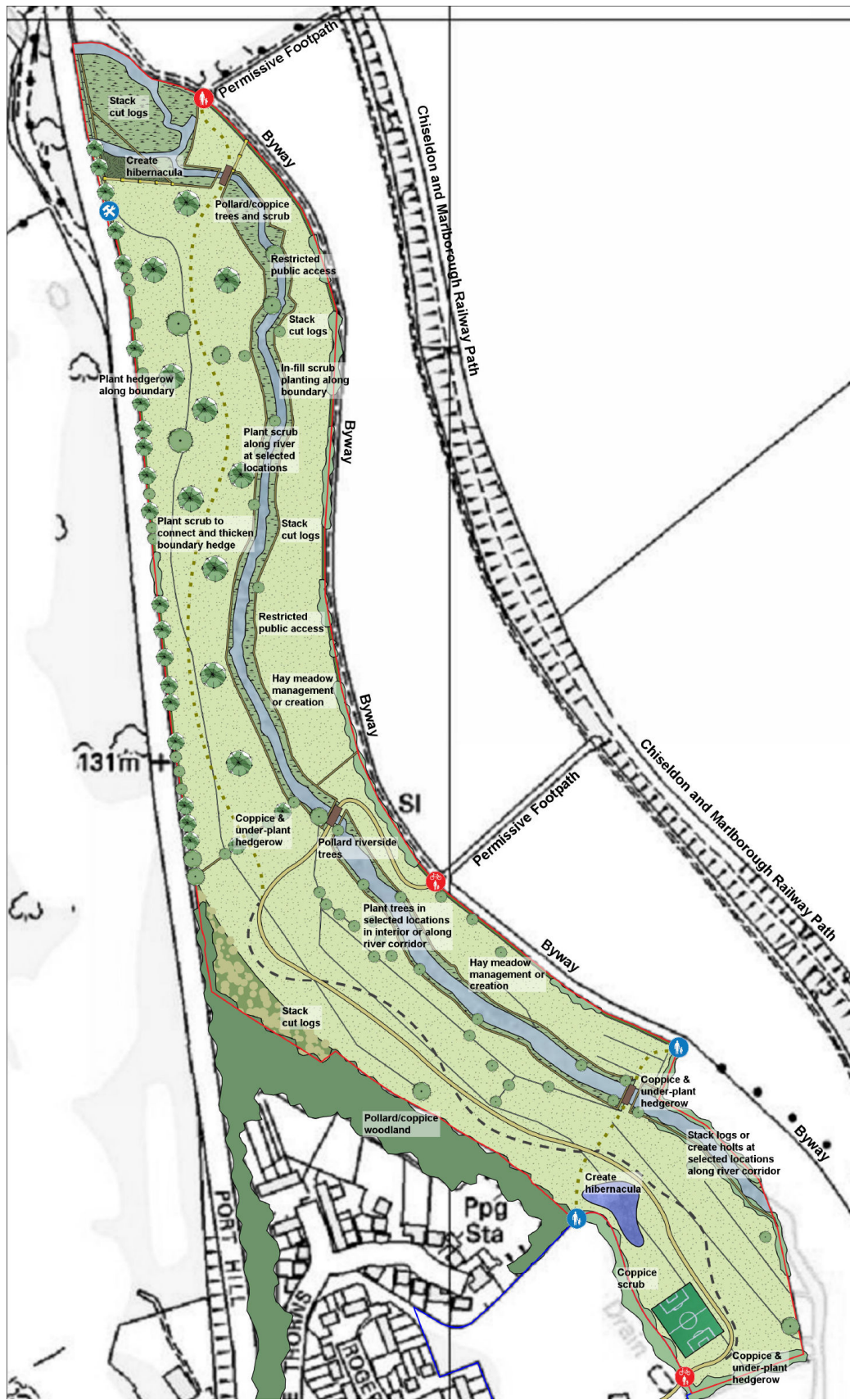
This is proposed to be replaced by an area dedicated for use as casual open space, between the proposed development site and the River Og amounting to same area. It is of note that this land is of a different quality; it is flatter, currently subject to marshy grassland and on lower lying land nearer to the River Og, such that it is likely that this land would be susceptible to flooding at certain times of the year.

The proposals make provisions for this land to be gently levelled, for grassland to be improved and for some drainage to be installed on the proposed replacement kick about area, closest to the development site itself and on the highest land furthest from the river. The Environment Agency Flood Risk Maps indicates that the areas liable to flooding are 25 – 30 metres from the River. The proposed kick about space identified on the plans is shown some 60 metres from the river at its nearest point. It is therefore logical to conclude that the proposed field drainage measures as provided by the agent will be successful in ensuring that the area is usable for the vast majority of the year and this is supported by the agent's drainage engineer in his letter. It is accepted that there may be times when the water levels may inundate the drains after periods of flooding conditions where conditions may not support the use of the field but officers consider it reasonable to conclude that for most of the year, conditions will be sufficient to support the intended use and may well be better than the existing facility.

In addition to the kick about area and casual space, an additional parcel of land amounting to 8.31 hectares of land is intended to be dedicated as a Nature Park. This is the subject of a separate planning application to change the use of this land, in order that it can be tied to the proposed residential development (via legal agreement) in the event that Members are minded to approve planning permission. It includes outline proposals for casual / natural play opportunities and it is intended that the legal agreement would secure access and improvements to the land including the basic infrastructure.

The Council's Open Space Officer has appraised the proposed position against the existing situation and in terms of the demands arising from the numbers of dwellings that would be located within various radii of the existing field (and therefore would likely be reliant upon using the existing open space opportunities). He has concluded that, *'The total proposed Casual Open Space will be in the region of 16,218sqm, which would mean an over provision of 8,002sqm. In addition, it is believed from the agent that the 8.31Ha within the Nature Park will also cater for an array of Casual Play opportunities.'*

Therefore, it is agreed that although the existing obligation continues to serve a useful purpose it is suggested to Members that this purpose would be served equally well if it had effect subject to the modifications specified in the application. That is, if that the area of existing open space the subject of the two agreements was effectively substituted by the proposed open space as set out above. This view is supported by the withdrawal of the initial holding objection from the Council's Open Space team.



Proposed Vision for Nature Park and Casual Open Space on Neighbouring Land

9.3 Private Property Rights

The issue has been raised by some of the objectors that there are 'private' legal rights over the open space land which would prevent the release of this open space land, and its replacement with other land for that purpose. Strictly speaking, this is not a planning matter as private rights are not a material consideration in deciding planning applications.

Anthony Sandell states in his executive summary that '...the transfer of the open space to the Council the operation of S62 of the Law of Property Act 1925 has almost certainly resulted in the transfer to house owners of quasi rights of use of the open space interference with which would be actionable particularly as the Council endorsed the requirement for the location of the open space with regard to its use by children and by being in the proximity of the houses.'

He goes on to say 'Without the agreement of affected house owners the Council are not able to release the existing open space from the obligations to maintain it as such in perpetuity'. The Council's legal officer has responded by stating that she does not agree with this statement. 'The Council 'has endorsed' the open space because it formed part of obligations in two s52 agreements, details of which you have, not because it has granted individual property rights, quasi or otherwise, to individual property owners.'

Those adjoining owners use the land 'by right', ie with the Council's permission, as it is open space and deliberately laid out to be used as such, so that the issue of private rights to use it as such does not arise. If they had used it, when we had not intended them to or had not given permission (this is known 'as of right'), then the position would be different.'

9.4 Residential amenity

The current application seeks outline consent only, with all matters reserved. In your officer's view, the illustrative layout is sufficient to demonstrate that the proposed number of dwellings could likely be accommodated on the site. The proposed layout does incorporate some elements which may not be ideal, such as properties to the north, which face the rear of properties in The Thorns, properties at the eastern edge which are too close to the landscape buffer and some properties which appear may have less than the 50 square metre amenity space as set out in the Council's Supplementary Planning Guidance, Community Benefits from Planning. However, these are matters which cannot be fully assessed until the final layout plans and detailed designs are submitted as part of the necessary 'Reserved Matters' planning applications. In general, the layout is well designed in terms of levels of amenity and it is not considered that this can be a reason to withhold outline planning permission.

9.5 Visual impact including impact on the AONB

The proposed site lies in a gap between two existing housing sites. As such, from wider viewpoints, the proposed development is very much seen as part of the built form of the town and the existing landscape buffer helps to provide a transition between the site and the open countryside beyond. The proposals intend to retain this buffer. The proposed development of housing at the scale indicated could be accommodated within the site both in terms of heights and densities such that the proposed development would appear compatible with the area and acceptable from a visual amenity and landscape perspective. The detailed design matters will need to be considered at Reserved Matters stage.

9.6 Highway safety

Highway officers do not agree with neighbours that the proposals would be detrimental to highway safety. They have carefully considered the junctions, traffic and parking issues as set out above but are satisfied that the site can accommodate the proposed development subject to conditions. Adequate consideration has been made for parking and traffic movements both within the development and to the wider highway network.

Additionally, the proposed location of the development is considered sustainable from a transport stance since it offers various opportunities for walking, cycling and public transport in order to access facilities and services.

The NPPF states at paragraph 32 that consideration should be given to *'improvements (that) can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

The highway officer recommendation includes securing of certain upgrades however highway officers do not consider that the proposal would result in such severe impacts that a refusal of planning permission could be warranted on this basis.

It should be noted that as the layout and access are specified as Reserved Matters, some of the recommended conditions within the highway officer's comments will only become relevant at Reserved Matters stage whilst those included within the recommendation are considered relevant to this outline application in the event Members are minded to grant planning permission.

9.7 Contamination

The Council's Environmental Protection Team, in considering historical maps and anecdotal evidence are satisfied that this matter can be adequately addressed via a planning condition. This would require specialist evaluation of the site and submission and approval of technical reports and remediation (if necessary), prior to construction.

9.8 Provision and Management of Open Space

In the event that Members are minded to accept the proposed areas of open space, including the Nature Park, adequate provision will need to be made for its future provision in perpetuity and maintenance through an appropriately worded legal agreement. Such provisions will also need to include the developer providing the upgrades (gentle levelling, reseeding and drainage) to the kick about area and the infrastructure to the Nature Park (including natural play facilities, paths, cycleways, gateways and bridges).

The Council's Adoptions Team have confirmed they would be amenable to managing the entire site including the Nature Park area, with financial maintenance calculation sheet provided separately. It is understood that the agent is currently exploring other Community Land Trust options with regards to the proposed Nature Park and the Council has confirmed financial sums for maintaining the kick about and casual play areas as well as the equipped and open space areas on site.

Therefore, officers consider that provided such safeguards are put in place to ensure that the open space is delivered and maintained in perpetuity in the form of planning conditions and a planning agreement, the proposed development is acceptable in this respect.

9.9 Archaeology

The Council's archaeologist has requested additional field evaluation prior to any grant of planning permission. Such works would require a license from the landowner and were considered to be locally contentious to undertake at this stage by the agent as they may be seen as being presumptuous. The agent is therefore seeking a resolution for approval subject to a favourable outcome of the upfront field works considered necessary and this seems reasonable in the circumstances.

9.10 Ecology

The applicant has included an Ecological Appraisal as part of the submission and the Council's Ecologist is satisfied there would be very limited impact on wildlife.

9.11 Flooding & Drainage

The Environment Agency initially raised an objection on the grounds of flood risk and expressed concerns about the submitted drainage strategy. However, the agent has subsequently submitted additional information which has satisfied the Agency that the proposed development can be accommodated such that they have withdrawn their objection subject to conditions which include the approval of a detailed scheme for surface water discharge at the required rate to ensure that the risk of flooding is not increased. In respect of drainage relating to the proposed kick about area, please see 'Drainage' comments under the consultee section above.

9.12 Foul and Surface Water Drainage

Having discussed these matters further with Thames Water, it appears that works relating to both upgrading foul sewerage infrastructure and water supply, are likely to be limited to upgrades to the existing pipe networks and modest arrangements which could be readily accommodated within the proposed development and could all be carried out under the permitted development rights of the Statutory Undertaker. The situation is not one in which Thames Water consider they could recommend a refusal of planning permission on this basis, notwithstanding the concerns raised by residents. Consequently, it is concluded by officers that the Grampian conditions as recommended can be reasonably imposed. Such conditions would ensure that the necessary works are carried out prior to any further strain being placed on the existing systems, with costs falling to the developer.

9.13 Contributions for formal sports pitch provision, education, affordable housing.

The agent has included with the submission, heads of terms which confirm that the Council's Policy requirements in terms of securing the necessary contributions towards formal sports pitch provision, education and provision of affordable housing shall be met. Subject to the necessary legal agreement to secure these provisions, these aspects are also considered acceptable.

10. Conclusion

The proposed development is sustainably located, within the Limits of Development and would provide a valuable contribution towards meeting the Council's housing and affordable housing targets, benefitting future occupants. Provisions secured via conditions and legal agreements would ensure that the additional demand placed on local resources could be met through the funding of school places, formal sports pitches etc.

Many of the neighbours who have made representations about the application consider that the existing open space is preferred over that proposed. However, when comparing quantity and considering quality, it is difficult to conclude that the proposed casual and equipped open space provision is inadequate or could not equally well serve the residents of both existing and proposed developments. It should also be noted that limited attention has been given in this report to the potential community and wildlife benefits of the intended Nature Park, as it may well be for the community to input into how this is taken forward. Nonetheless, the dedication of the proposed land for public access formalises its availability for walking and enjoyment and would provide many valuable opportunities for wetland/ river habitats, wildlife, community involvement and play.

Other matters of concern have been fully examined and many of these can be adequately addressed through planning conditions, obligations or at Reserved Matters stage. There are no overriding outstanding issues which Officers consider would warrant a refusal of

permission.

RECOMMENDATION

Approve subject to favourable outcome of archaeological investigations, planning conditions and prior completion of legal agreements (to include the effective variation of the existing two S52 agreements)

- 1 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 The landscaping approved as part of the reserved matters shall be carried out in the first planting and seeding season following the occupation of the dwellings 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.

- 5 The details to be submitted under condition no. 1 of the layout of the development hereby permitted shall show at least one Equipped Area of Play of at least 1,272sqm and Casual Open Space of at least 5,389sqm, and no more than 46 dwellings.

REASON: To clarify the terms of the planning permission and to accord with Policy HC34 of the Kennet Local Plan 2011, in order to ensure adequate open space and green infrastructure.

- 6 No development shall commence on site until the trees on the site to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): Trees in relation to design, demolition and construction - Recommendations, in accordance with the positioning and fencing type as specified in the submitted Tree Survey by WH Landscape Consultancy Ltd. After it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas unless otherwise first agreed in writing by the local planning authority.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 7 Prior to occupation of the 25th dwelling a 2 metre wide footway shall have been provided at the north west corner of the development, between the footways on the development and The Thorns, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing adequate pedestrian access routes for residents of the development.

- 8 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the

commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

- 9 No development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: To ensure that sufficient capacity is made available to cope with the new development to avoid sewage flooding; and in order to avoid adverse environmental impact upon the community.

- 10 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm with an allowance for climate change. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details.

REASON To prevent the increased risk of flooding, both on and off site.

- 11 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

- 12 No development shall be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

- 13 The development hereby permitted shall be carried out in accordance with the following approved plans:

Amended Location Plan received on the 29th May 2014
Archaeological Assessment received on the 17th February 2014
Composite Plan 1418-101 received on the 17th February 2014
Design and Access Statement, Draft Heads of Terms, Ecological Appraisal, Flood

Risk Assessment, Landscape and Visual Impact Assessment, Vision and Strategy Statement, Nature Park Figures 1-3 inclusive and Tree Survey all received on the 17th February 2014 and the submitted Land Drainage Scheme received on the 29th July 2014.

For the avoidance of any doubt, the Illustrative Site Layout Plan submitted on 17th February 2014, the Illustrative Site Sections A-D and site layout as shown/indicated on other composite plans are for illustrative purposes and do not form part of this planning approval.

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

- 14 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

- 15 INFORMATIVE:
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

- 16 INFORMATIVE:
This permission is for outline consent only, with all matters, including access, reserved. The developer should note that in the event the access is to remain as specified in the illustrative layout drawing, the following recommended conditions would be likely;

Prior to first occupation of the development hereby permitted the carriageway at the junction of Rabley Wood View cul-de-sac with the main Rabley Wood View road which is the vehicular access to the site, shall have been widened to 5 metres over a length of 17 metres in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of safe and convenient access to the development.

Prior to occupation of the 40th dwelling the Rabley Wood View cul-de-sac serving existing dwellings 12-19 and its highway turning head (which provides the final access route into the development) shall have been planed off 30mm and resurfaced in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of safe and convenient access to the development.

Prior to first occupation of any of the dwellings hereby approved the access to the site shall have been laid out and constructed as detailed on plan number 3846/100/A, and in accordance with further construction details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of safe and convenient access to the development.

- 17 INFORMATIVE:
In respect of the Reserved Matters submissions, it should also be noted that; Parking must be provided in line with the standards set out in the document LTP3

Car Parking Strategy,

A rumble strip or entrance ramp will be required at the entrance to the shared surface road,

The turning head at the end of the road near plot 20 will need to be larger than on the indicative layout to accommodate refuse vehicle turning,

Road gradients must not exceed 1 in 15 without an early discussion with the highway engineer,

Carriageways must generally be 5.5 metres wide, and footways included segregated footways must be at least 2 metres wide.

18 **INFORMATIVE:**

There are public sewers crossing or close to the development site. In order to protect public sewers and

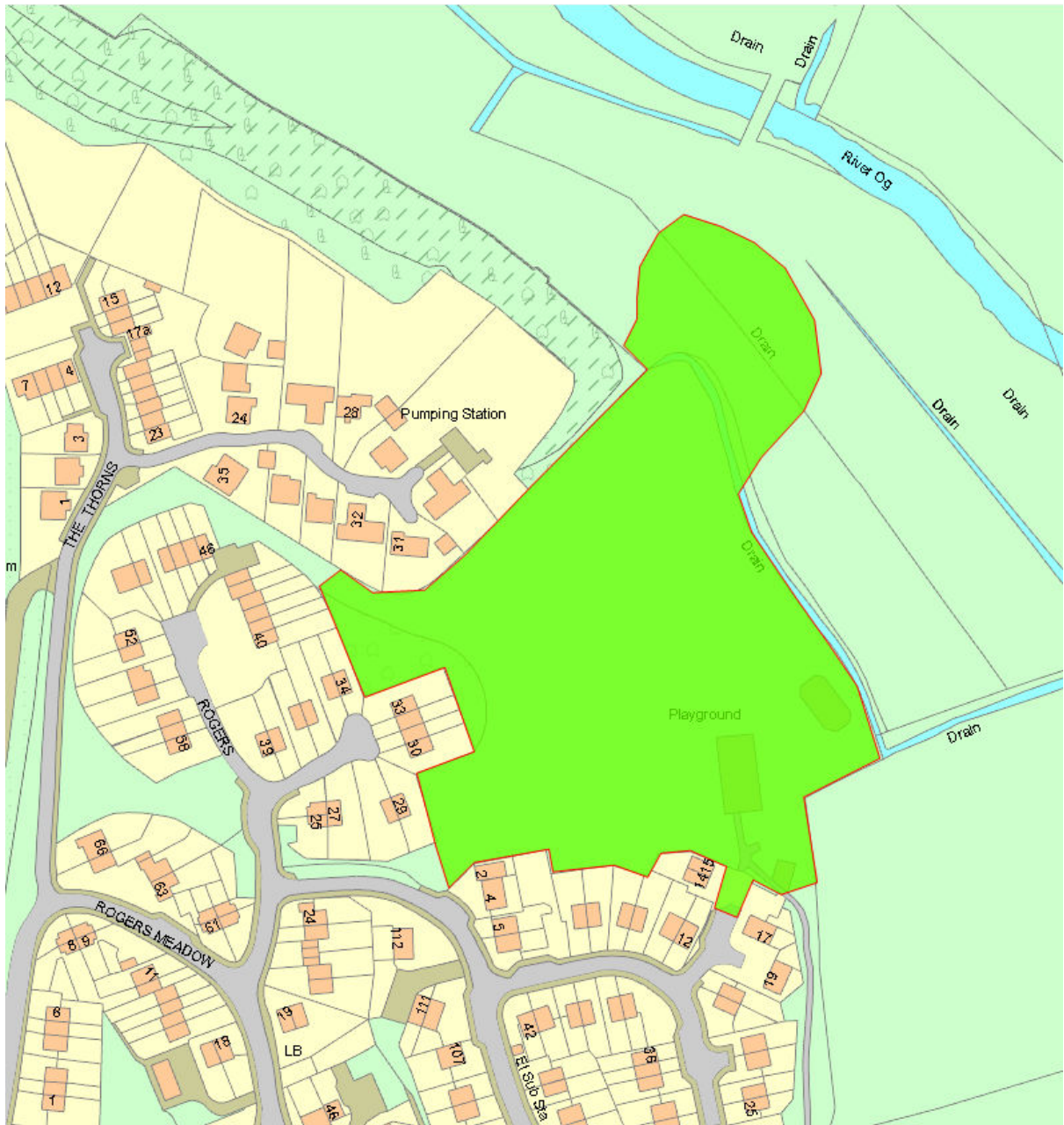
to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer, are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

19 **INFORMATIVE:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

20 **INFORMATIVE:** Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.



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