

## EASTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 JUNE 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

#### Present:

Cllr Peggy Dow, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jemima Milton, Cllr Christopher Newbury (Substitute), Cllr Jeffrey Ody (Substitute) and Cllr Christopher Williams

#### Also Present:

Cllr Stuart Wheeler

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#### 33. Membership

Following full Council on **15 May 2012** it was noted the membership of the Committee had been amended to that as shown on the agenda packs.

The changes were as follows:

Cllr Howard Marshall was removed as a substitute member.  
Cllr Bill Douglas was added as a substitute member.

#### 34. Apologies for Absence

Apologies were received from Cllrs Jane Burton and Nick Fogg.

Cllr Burton was substituted by Cllr Jeff Ody.  
Cllr Fogg was substituted by Cllr Christopher Newbury.

#### 35. Minutes of the Previous Meeting

The minutes of the previous meeting held on **26 April 2012** were presented.

It was,

#### Resolved:

**That subject to the following changes:**

**Minute 29, Paragraph 8: Substitute “Statements in support of” with “Statements in objection to” and,**

**Minute 29, Resolution, line 3: Substitute “but” with “put”,**

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

**36. Declarations of Interest**

Cllr Jeff Ody declared a personal interest in Minute 39(a): *E/2012/0443/FUL – Former Gasholder Site, Land Adjacent to the Wharf, Devizes* – as a member of the Trust for Devizes, who object to the proposal. He stated he was not an officer of the Trust, and had not been instrumental in forming their objection, and would consider the matter with an open mind.

**37. Chairman's Announcements**

There were no announcements.

**38. Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

**39. Planning Applications**

**39.a E/2012/0443/FUL - Former Gasholder Site, Land adjacent to The Wharf, Devizes, Wiltshire - Redevelopment to form 37 Retirement Apartments for Older People including Communal Facilities, Car Parking and Associated Landscaping**

Public Participation

Mr Tony Duck, Trust for Devizes, spoke in objection to the application.  
Mr Matthew Shellum, agent, spoke in support of the application.

The Planning Officer introduced his report which recommended approval. It was highlighted that a similar application (E/11/0057/FUL) had come before the Committee in 2011, been refused, and had then gone to appeal. The scheme had been revised following the Inspector’s decision to dismiss the appeal on the grounds that the eastern block of the development was too tall. The Inspector had considered the potential for noise from the adjacent public house and brewery yard to adversely affect future occupiers of the development but concluded that the mitigation measures being proposed by the applicant were adequate. Officers considered that the revised scheme had addressed the Inspector’s sole concern regarding the height of the eastern block and this should be the focus for the committee’s consideration of the current application.

The Committee then had the opportunity to ask technical questions of the officers. A comparison of the scale with nearby structures was sought, and it was clarified that the overall height of the Eastern block had been reduced by 1.77m, which included a lowering of the ground height for the whole development of 0.5m.

Further questions included the impact on biodiversity for which a financial contribution from the developers was to be arranged, and the status of the land north of the site that was to be set aside in accordance with local policies for future construction of a public footpath. In response to queries, it was established that there was no stipulation of maximum density of dwellings for town centre locations, and that reference to sealed windows in the report would not include habitable room windows with single apertures, but corridors.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The views of the Local Member, Cllr Nigel Carter, were included within the report papers.

A discussion followed, wherein the attractiveness and suitability of the design was raised, including concerns regarding overdevelopment, a lack of open space and impact on local services. The views of the Planning Inspector that parking provision was appropriate and the design complimentary to the area was discussed, as was the overall impact of the development on the conservation area.

After debate, it was,

**Resolved:**

**To defer and delegate to officers to GRANT planning permission, subject to the applicant entering into a S106 legal agreement to safeguard land for the canalside public footpath and to secure a contribution of £152,000 towards affordable housing (£144,000) and ecology mitigation (£8,000).**

**For the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and would also give rise to significant benefits including provision of needed housing for the elderly, an affordable housing contribution, utilisation of a long unused contaminated Brownfield site, economic and environmental benefits as well as potential public paths. In reaching its decision the local planning authority has had regard to the following:**

- a) Policies PD1, HC2, HC5, HC10, HC30, HC34, ED21, AT1, NR3 & NR4 of the Kennet Local Plan 2011;**
- b) Devizes Strategic Brief;**
- c) Devizes Conservation Area Statement;**

- d) Devizes Town Centre Design Code;**
- e) Government policy contained in the National Planning Policy Framework (NPPF);**
- f) Emerging Wiltshire Core Strategy; and**
- g) Draft Devizes Wharf Planning Brief.**

**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 shall be constructed in accordance with the finished floor levels (129.66m AOD) shown on Drawing no. A01-1712-103 received on 5<sup>th</sup> April 2012.**

**REASON:**

**In the interests of visual amenity and the character and appearance of the conservation area.**

- 3. Notwithstanding the submitted details, no development shall commence on site until samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON:**

**In the interests of visual amenity and the character and appearance of the conservation area.**

- 4. No development shall commence on site until details and large scale working drawings of the following have been submitted to and approved in writing by the Local Planning Authority:**

- Eaves and verges**
- Doors and windows (including details of heads, sills, reveals and finishes)**
- Rainwater goods**
- Dormers and balconies (including details of materials and samples if requested)**
- Glazing for the links (including elevations showing clear / tinted / opaque / blanking sections of glass)**
- Wrought iron feature gable ornaments**

**Development shall be carried out in accordance with the approved details.**

**REASON:**

In the interests of visual amenity and the character and appearance of the conservation area.

5. No development shall commence on site until details of all boundary treatments (including elevational drawings, samples of materials, details of copings and brick bond for walls and details of decorative finishes for fencing / railings) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

**REASON:**

In the interests of visual amenity and the character and appearance of the conservation area.

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 buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:**

To ensure a satisfactory landscaped setting for the development and to enhance foraging opportunities for wildlife.

7. No development shall commence on site until a landscape management plan for the area adjacent to the boundary of the canal (including the land identified for the canalside footpath) has been submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the approved details.

**REASON:**

To ensure a satisfactory landscaped setting for the development and to preserve foraging opportunities for wildlife.

8. None of the dwelling units hereby permitted shall be occupied by any person who is less than 60 years of age, except in the case of two persons sharing an apartment, one occupant shall not be less than 60 years of age and the other not less than 55 years of age.

**REASON:**

The application has been considered on the basis of occupation by elderly persons and the Local Planning Authority wishes to consider any future changes to occupation of the building.

9. Development shall be carried out with an archaeological watching brief during construction works, in accordance with the Written Scheme of Investigation for Archaeological Works (CgMs Ref: WB/11443 Dated: April 2012) received on 20<sup>th</sup> April 2012.

**REASON:**

To enable the recording of any matters of archaeological interest.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified;

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**REASON**

To ensure protection of groundwater.

11. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as

identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**REASON**

The site is known to be contaminated and without adequate investigation, risk assessment and remediation it may present an unacceptable risk to controlled waters.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

**REASON**

No site investigation can identify all contamination and any unexpected contamination that is identified will need to properly addressed in order to avoid unacceptable risks to controlled waters.

13. No piling or any other foundation designs using penetrative methods shall be used without the express written consent of the Local Planning Authority. Consent will only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

**REASON**

The site is known to be contaminated and piling may present an unacceptable risk to controlled waters.

14. There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**REASON**

Infiltration of surface water may mobilise contaminants resulting in an unacceptable risk to controlled waters.

15. No part of the development hereby permitted shall be occupied until the surface water drainage system has been constructed in accordance with the details shown on drawing no. 50442-01 Rev E and contained within the submitted Foul and Surface Water Drainage Strategy (April 2012). All surface water arising from the car parking and vehicle turning areas shall pass through an oil interceptor before being discharged into the canal.

**REASON:**

To ensure satisfactory surface water drainage and to prevent pollution of the canal and controlled waters.

**16. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable. The Construction Environmental Management Plan shall include measures:**

- a) To prevent damage to the waterway infrastructure from parked and moving vehicles within close proximity to the canal;**
- b) To prevent pollution of the waterway during the construction phase (including the result of further investigations of the existing drainage on site to ensure that no direct pathways exist leading to the canal which could result in pollution and subsequent loss of water quality;**
- c) To prevent disruption to the use of the adjacent public car park during construction; and**
- d) To avoid negative impacts upon protected species.**

**REASON**

**To prevent pollution of the water environment, harm to protected species and disruption to the adjacent public car park and waterway.**

**17. No part of the development hereby approved shall be first occupied until the parking area (15 spaces) and turning space shown on the approved layout plan (A01-1712-02) has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.**

**REASON:**

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

**18. Before any part of the development hereby permitted is first occupied the new pedestrian access / footway across the public car park (shown between the site entrance and The Wharf on drawing no. A01-1712-102) shall be constructed and the associated alterations to the car park carried out, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.**

**REASON:**

**In the interests of pedestrian safety.**

**19. The development hereby permitted shall not be occupied until three cycle stands have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a manufacturer's specification for the stands and a plan showing their location. The stands shall be retained for use by the residents of the development at all times thereafter.**



**REASON:**

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

20. The ground floor room shown on drawing no. A01-1712-03 as a 'Mobility Scooter Cycle Store' shall be retained for use by residents of the development as a secure store for bicycles and mobility scooters. Facility shall be provided within the room to lock bicycles to a secure part of the building's fabric or a secure bracket / stand provided for the purpose.

**REASON:**

To ensure that satisfactory facilities are provided for secure covered cycle parking and to encourage travel by means other than the private car.

21. Development shall be carried out strictly in accordance with the submitted Habitat Management and Biodiversity Strategy (ref. E0911101051 vs3) received on 5<sup>th</sup> April 2012.

**REASON:**

To compensate for the loss of wildlife habitat on the site.

22. No external lighting shall be erected on the site unless details of that lighting (including a plan showing the locations for individual lights, the type of light appliance, the height and position of fitting, illumination levels and light spillage and details of foundations for any lighting poles/bollards) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:**

To avoid disturbance / harm to bats and in the interests of the amenities of the area.

23. No development shall commence on site 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 approved details.

**REASON**

In the interests of sustainable development and prudent use of natural resources.

24. The buildings hereby permitted shall be designed and constructed to achieve a minimum 10% reduction in CO<sub>2</sub> emissions from energy use by users of the development, when compared against Part L of the Building Regulations (2010). No dwelling shall be occupied until a certificate of compliance has been issued to the Local Planning Authority from the relevant building control body (Local Authority Building Control, NHBC or other Approved Inspector).

**REASON:**

In the interests of reducing CO<sub>2</sub> emissions.

**25. No part of the development hereby permitted shall be occupied until a scheme of acoustic mitigation for occupants of the development (which shall achieve 35dB L<sub>AMAX</sub> internal noise levels) has been implemented in accordance with the submitted details. The scheme shall include:**

- a) Fixing shut of windows on the western elevation (as identified on drawing nos. A01-1712-103 & A01-1712-104).**
- b) The use of automatic vents for the corridors on the west elevation (as identified on drawing nos. A01-1712-103 & A01-1712-104), the vents to default into the shut position.**
- c) The installation of acoustic screens for the balconies closest to Wadworth's yard (as identified on drawing nos. A01-1712-103 & A01-1712-104), in accordance with details to be first agreed in writing by the Local Planning Authority.**
- d) Trickle ventilation and glazing to the specification detailed in the AAD letter of the 22<sup>nd</sup> March 2012 ref. 11296 / ADN002 / JS.**
- e) Acoustic wall / fencing along the western and southern site boundaries which shall be continuous and imperforate to a height shown on the approved plans, to a minimum of 10kg per m<sup>2</sup>, and in accordance with details to be first agreed in writing by the Local Planning Authority.**

**26. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

- (a) Application Form, Design & Access Statement, Foul and Surface Water Drainage Strategy, Habitat Management and Biodiversity Strategy (Ref: E091110151 vs3), Acoustic Design Note (Ref: 11296 / ADN002 / JS Dated 22nd March 2012), Drainage Layout (Drawing nos. 50442-01 Rev E), Topographical Survey (Drawing no. 20/03 209197 Rev A), Tree Constraints Plan (Drawing no. 6871/01), Site Location Plan (Drawing no. A01-1712-101), Site Layout Plan (Drawing no. A01-1712-102) and Elevations/Floorplans (Drawing nos. A01-1712-103, A01-1712-104, A01-1712-105, A01-1712-106, A01-1712-107, A01-1712-108 & A01-1712-110) received on 5th April 2012.**
- (b) Written Scheme of Investigation for Archaeological Works (CgMs Ref: WB/11443 Dated April 2012) and Draft S106 Planning Obligation received on 20th April 2012.**

**39.b E/2012/0362/FUL - 1 Church Street, Little Bedwyn, Marlborough, SN8 3JQ - Erection of New Dwelling, Demolition of Existing Office (resubmission of E/2011/1569/FUL)**

Public Participation

Mr Nick Loweth, local resident, spoke in support of the application.

Mr Mike Fowler, agent, spoke in support of the application.

Mr Spencer Canning, applicant, spoke in support of the application.

The Area Development Manager presented their report which recommended refusal. The key issues were highlighted as being the scale and impact on the landscape and Area of Outstanding Natural Beauty, the site being designated as being outside the village boundary, and the application history consistently determining the location as being unsuitable for further development.

The Committee then had the opportunity to ask technical questions of the officers.

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

The Local Member, Cllr Stuart Wheeler, then spoke in support of the application.

A discussion followed, wherein the screen of trees offered by the applicant was raised, along with the offer to improve 7 acres of land near to the site. The judgement of previous Planning Inspectors was addressed along with the relevant planning policies for small village development.

After debate, it was,

**Resolved:**

**That the application be REFUSED for the following reasons:**

- 1. The site lies beyond the built-up limits of the village and within the countryside, as acknowledged by two previous appeal decisions when permission was similarly refused for residential development on this site. The proposal does not meet any of the criteria set out in policy HC26 of the Kennet Local Plan 2011 that deals with development in this location and would lead to the creation of an unacceptable ribbon development along School Lane. The proposal is also contrary to national planning policy set out in the National Planning Policy Framework.**
- 2. The site is located within the Little Bedwyn Conservation Area and within the North Wessex Downs Area of Outstanding Natural Beauty. National and local planning policy seeks to preserve and**

enhance the character and appearance of the landscape in this location. This proposal would result in the replacement of the existing building with a much larger and bulkier development that because of the conspicuous nature of the site on the hillside, would have a significant adverse impact on the appearance of the landscape and the Conservation Area and would be unacceptably prominent in views from both close to the site and from public roads and rights of way in the vicinity. This would conflict with policies NR6 and PD1 of the Kennet Local Plan and with the Council's statutory duties to preserve the character and appearance of the Conservation Area and to conserve and enhance the natural beauty of the landscape within the AONB.

**39.c E/2012/0465/FUL - Barn at Dursden Lane, Pewsey, SN9 5JN - Conversion of Existing Agricultural Building to Dwelling**

The application was withdrawn prior to the commencement of the meeting.

**40. Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.35 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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