

## EASTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 1 NOVEMBER 2012 IN THE WESSEX ROOM CORN EXCHANGE DEVIZES SN10 1HS.

#### **Present:**

Cllr Liz Bryant (Substitute), Cllr Jane Burton, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jerry Kunkler (Substitute) and Cllr Christopher Williams

#### **Also Present:**

Cllr Mark Connolly and Cllr Stuart Wheeler

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#### 62. **Apologies for Absence**

Apologies were received from Cllrs Jemima Milton, Laura Mayes and Peggy Dow.

Cllr Milton was substituted by Cllr Jerry Kunkler.

Cllr Mayes was substituted by Cllr Liz Bryant.

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

The minutes of the meeting held on **11 October 2012** were presented. It was,

#### **Resolved:**

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

#### 64. **Declarations of Interest**

Cllr Nick Fogg declared a non-pecuniary interest in Application E/2012/0786/FUL - *Burbage Wharf, Burbage, Marlborough, SN8 3BJ* - by virtue of being acquainted with the partner of the applicant. He declared this would not affect him considering the application on its merits, and would debate and vote with an open mind.

#### 65. **Chairman's Announcements**

There no announcements.

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

The Committee noted the rules on public participation.

There were no questions or statements submitted.

67. **Planning Applications**

The Committee considered the following applications, with reference to the late list of representations, attached to these minutes.

**67.a E/2012/0361/OUT: Land at Zouch Manor, Tidworth**

Public Participation

Mr Ben Bathurst spoke in objection to the application.

The Planning Officer introduced the report, which recommended approval, and drew attention to the late correspondence received including an amendment to condition 5 and the full details of the planning obligations as set out within the current draft of the S106.

It was stressed that apart from the issues of access, all other details for the site were reserved for a future application, meaning specifics relating to scale, design, landscaping and other issues, would be determined at a future date. The main issues to consider therefore included the principle of the development, and the details of the access arrangements. Attention was drawn to the views of council officers contained in the report.

The Committee then had the opportunity to ask technical questions of the officers. The visibility of the site and Zouch Manor in particular was raised, along with details of ownership of the Manor, surrounded by the application site, by the Ministry of Defence, and initial details of the proposed dwellings.

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

The Local Member, Cllr Mark Connolly, then addressed the Committee, supporting the principle of the application, but suggesting further conditions to mitigate local concerns.

A debate followed, where the level of affordable housing provision that could viably be sought through an s.106 legal agreement was discussed, along with details on permitted construction times at the site and acceptable heights for properties depending on their relationship to nearby, existing residential properties.

The suitability of the proposed access arrangements was raised, and it was confirmed a condition had been suggested to ensure the primary access was

completed first, and used for construction traffic thereafter. Details on recreational space were also sought.

At the conclusion of debate, it was,

**Resolved:**

**That subject to the applicant entering into a s.106 legal agreement to secure:**

- **The provision of 25% affordable housing on site;**
- **The provision of on-site recreational space;**
- **Financial contributions towards primary & secondary education, a new community centre, highway infrastructure improvements and public transport, sports pitches, waste & recycling bins for the development, and the Wessex Stone Curlew Project.**

**That Planning Permission be GRANTED for the following reason:**

**The residential development would be acceptable in principle, falling within the boundaries of a main settlement, and the proposed density of development would make effective use of the land whilst being able to respond to the key characteristics of the site and surrounding area. Subject to conditions, the proposed means of access to the site would be acceptable in highway safety terms and the development would not have a significant effect upon the highway network.**

**The indicative layout demonstrates a generally acceptable townscape and relationship with neighbouring dwellings subject to the further approval of detailed matters relating to scale, design and landscaping. Subject to conditions there would be no significant adverse impacts in terms of ecology, the environment, archaeology or public health. An appropriate level of affordable housing would be provided on site, having regard to viability considerations, and appropriate provision has been secured towards off-site recreational open space and other necessary community infrastructure improvements.**

**The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to saved policies PD1, HC1, HC5, HC7, HC28, HC19, HC30, HC31, HC34, HC37, HC42, AT1, AT9, AT10, NR4, HH1 of the Kennet Local Plan and the NPPF.**

**And subject to the following conditions:**

- 1) **Approval of the details of the Scale and Appearance of the buildings, Layout and Landscaping of the site (hereinafter called 'the reserved matters') shall be**

obtained from the Local Planning Authority in writing before any development is commenced.

**REASON:** This permission is in outline only and is granted under 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 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the Scale and Appearance of the buildings, Layout and Landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**REASON:** This permission is in outline only and is granted under 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 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 3) Application for approval 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:** This permission is in outline only and is granted under 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 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 4) 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.

**REASON:** This permission is in outline only and is granted under 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 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application form
- Application site plan (Drg. No. TID/PA/SLP/01 Rev. E) Feb 2012
- Indicative Masterplan (Drg. No. H.0277\_07B) 27.01.12
- Primary Site Access (Drg. No. H406/3 Rev. B) February 2012
- Secondary Site Access (Drg. No. H406/4 Rev. E) February 2012
- Tertiary Site Access (Drg. No. H406/5 Rev. A) March 2012

- Proposed Foul Water Connection Points (Drg. No. TID/PA/FWC/01) Feb 2012
- Planning Supporting Statement (Pegasus Planning) 06.03.12
- Design & Access Statement (Pegasus Planning) March 2012
- Landscape Appraisal (MHP Design) 23.02.12
- Heritage Statement (CgMs Consulting) March 2012
- Ecological Assessment (Ecology Solutions Ltd) March 2012
- Geotechnical Design Report (Wilson Associates) 17.11.11
- Flood Risk Assessment & Drainage Strategy (Phoenix Design) March 2012
- Transport Assessment (PFA Consulting) 02.03.12
- Site Waste Minimisation Statement (Pegasus Urban Design) 05.03.12

**REASON:** For the avoidance of doubt.

- 5) 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.

**Policy:** PD1

- 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'. Before the fence is erected its type and position shall be approved by the Local Planning Authority in writing and 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 area(s) unless otherwise 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.

**Policy:** PD1

- 7) No development shall commence within the Root Protection Area of any retained trees (as shown within drawing number 28.38.01, Tree King Consulting – December 2011) until details of the existing and proposed service routes (including drainage, sewerage, water, gas, electricity and telecommunications) and details of any other proposed construction works within the Root Protection Area have been submitted to and approved by the Local Planning Authority together with a method statement demonstrating how the trees will not be adversely affected by the proposed works. All works within the Root Protection Areas shall be carried out in accordance with the agreed details.

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

**Policy:** PD1

- 8) No works shall be carried out which will obstruct the route of North Tidworth footpath no.2 until an official Footpath Diversion Order has been obtained.

**REASON:** To ensure that the legal route of North Tidworth footpath is not obstructed, and adequate provision is made for its diversion if necessary.

**Policy:** PD1, HC7

- 9) No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

**REASON:** In the interests of road safety and reducing vehicular traffic to the development.

**Policy:** PD1

- 10) The details approved pursuant to Condition 2 shall ensure that the layout of the road from the approved tertiary access (Nepaul Road) is of a type, width and layout that will accommodate a minimum of four on-street parking spaces.

**REASON:** In the interests of highway safety and to replace the spaces lost at the end of the existing highway by its extension into the site.

**Policy:** PD1

- 11) Within 3 weeks of the commencement of the development the Advance Direction Sign at the site entrance from Pennings Road shall have been relocated using the same or similar new traffic sign posts to a new position as detailed on drawing H406/3 Rev B dated February 2012.

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

**Policy: PD1**

- 12) The primary access point onto the A338 shall be formed and made ready for use prior to the other site access points, and shall be used as the primary access for construction traffic and contractors' vehicles.**

**REASON: In the interests of highways safety and residential amenity.**

**Policy: PD1**

- 13) Construction traffic and contractors' vehicles shall not access or egress the site via Zouch Farm Road, unless otherwise agreed in writing with the Local Planning Authority.**

**REASON: In the interests of highways safety and residential amenity.**

**Policy: PD1**

- 14) No development shall commence on site until full details of the land contamination remedial works (as indicated by the Wilson Associates Geotechnical Design Report reference 3399/2) have been submitted to the Local Planning Authority and approved in writing. The remedial works shall be 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 residential use of the site.**

**Policy: PD1**

- 15) No development shall commence on site until details of the finished floor levels of the dwellings, to be set no lower than 110m above Ordnance Datum in accordance with the approved Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design Partnership Limited (March 2012), have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.**

**REASON: To reduce the risk of flooding to the proposed development and future occupants.**

**Policy: NPPF (Chapter 10)**

- 16) No development shall commence on site until a detailed surface water drainage scheme for the site, based upon the principles contained within the Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design Partnership Limited (March 2012), demonstrating sustainable drainage principles and an**

assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details shall also include specification of how the scheme shall be managed and maintained in perpetuity after completion.

**REASON:** To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

**Policy:** NPPF (Chapter 10)

- 17) No development shall commence on site until a detailed foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details on the layout and build standard of individual drains and their connection points, and a 'scheme of works' for the works associated with the 'RAM' pumping station, including details of a construction programme and timetable for implementation. The foul drainage scheme shall be constructed in accordance with the approved details and timetable for implementation.

**REASON:** To ensure that proper provision is made for sewerage of the site and that in the interests of public health and to protect the environment the development does not increase the risk of sewer flooding to downstream property.

**Policy:** PD1

- 18) No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, 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.

**REASON:** To prevent pollution of the water environment.

**Policy:** PD1

- 19) 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 ensure that a minimum of Code for Sustainable Homes level 3 is achieved for all new dwellings in respect of water efficiency measures. The scheme shall be implemented in accordance with the agreed details before the first occupation of the development.

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

**Policy:** PD1

20) No development shall commence on site until an Ecological Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include a timetable for implementation and the following biodiversity enhancement measures: areas to be planted with species-rich grassland and native woody planting; provisions for nesting birds, bats and invertebrates; and management of the River Bourne corridor to secure enhancement of habitats for riparian and other corridor species. The approved Plan shall be carried out in accordance with the agreed details.

**REASON:** In the interests of biodiversity.

**Policy:** NR4, NPPF (Chapter 11)

21) No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

**REASON:** To enable the recording of any matters of archaeological interest.

**Policy:** HH1

22) No development shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of those buildings at the former Zouch Farm complex identified as being of historic interest within the submitted Heritage Statement (CgMs, March 2012). This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

**REASON:** To secure the proper recording of heritage assets.

**Policy:** PD1, NPPF (Chapter 12)

23) No demolition or construction works shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

**REASON:** In the interests of neighbouring amenity.

**Policy:** PD1

**INFORMATIVES:**

1) **Condition 2 – Layout and impact upon setting of Thatchwell Cottage**

Although the enhancement of the existing hedge to Bourne (Thatchwell) Cottage is welcomed (as illustrated within the MHP Landscape Plan) it is considered that, for

the final scheme to be acceptable in terms of the setting of this listed building, amendments will be required to the orientation and location of the nearest proposed dwelling (as illustrated within the Indicative Masterplan). For further advice please contact the Council's Conservation Officer (Helen Garside, tel: 01380 734878).

**2) Condition 2 – Layout and impact upon amenities of existing neighbouring properties**

Should the housing layout of the final scheme be generally based upon the Indicative Masterplan, it is considered that for the scheme to be acceptable a greater degree of physical separation will be necessary between the following proposed and existing buildings: the proposed terrace of three dwellings to the south of 11-14 Monks Close; the proposed terrace of five dwellings and associated parking area to the east of 1 Chestnut, Nepal Road; and the proposed detached dwelling to the north of 15-19 Chandlers Court. In relation to the 11-14 Monks Close relationship, a more satisfactory layout would involve the omission/relocation of the northernmost terraced unit.

**3) Condition 2 – Scale and impact upon amenities of existing neighbouring properties**

It would be expected that any 3 story buildings be situated away from the site boundaries and existing neighbouring property.

**4) Condition 16 - Surface water drainage**

The Environment Agency expect to see the following details when discharging the surface water drainage condition:

- A clearly labelled drainage layout plan showing the pipe networks and (where appropriate) any attenuation ponds, soakaways, drainage storage tanks etc. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes;
- A manhole schedule;
- Model runs to demonstrate that the critical storm duration is being used;
- Confirmation of the agreed discharge rate (where appropriate), with any flow control devices indicated on the plan with the rate of discharge stated;
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event including climate change allowance; • If there is any surcharge and flooding from the system up to the design event, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site;
- A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25;
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- Specification of how the scheme will be maintained and managed after completion.

5) **Existing surface water drainage systems**

There must be no interruption to the existing surface water drainage systems of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively throughout all phases of construction, and that riverbank (riparian) owners upstream and downstream of the site are not adversely affected.

6) **Water Resources Act 1991 and the Land Drainage Byelaws**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed permanent or temporary works or structures in, under, over or within 8 metres of the top of the bank of the River Bourne, designated a 'main river' at this location. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483351.

We are reliant on the accuracy and completeness of the FRA in undertaking our review, and can take no responsibility for incorrect/inadequate data or interpretation made by the authors. Our response does not constitute approval of those details or calculations nor do they constitute our consent or approval that may be required under any other statutory provision, byelaw, order or regulation. The responsibility for the FRA and proposal details and calculations remains with the developer or his agents. Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and our response does not absolve the developer of his responsibility to ensure a safe development.

7) **Condition 18 - Pollution prevention during construction**

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 compound
- 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>.

8) **Condition 19 - Water efficiency measures**

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. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications. Applicants are advised to refer to the following for further guidance:

<http://www.environment-agency.gov.uk/homeandleisure/drought/138319.aspx>  
<http://www.savewatersavemoney.co.uk/>

9) **Public right of way**

The developer should be informed that the rights of public footpath users must be safeguarded and that temporary closure of the public footpaths crossing of the site is likely to be required during construction.

10) **Parking standards**

The submitted Transport Assessment refers to the Council's superseded maximum parking standards at section 5.8. The applicants should be informed that the current minimum residential parking standards will be applied to any reserved matters application for detailed layout including the requirement for visitor parking at the rate of at least 1 space per 5 dwellings.

11) **Access to the rear of Zouch Manor**

It is expected that the final layout of the site would make provision for an alternative vehicular access to the north-east of Zouch Manor.

**67.b E/2012/0786/FUL: Burbage Wharf, Burbage, Marlborough, SN8 3BJ**

**Public Participation**

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

Mr Ian Booth, applicant, spoke in support of the application.

Mr Mike Vardy, Burbage Parish Council, spoke in support of the application.

The Area Development Manager introduced a report which recommended refusal. The key issues included the principle of the development, the impact upon the listed building, visual amenity and the Area of Outstanding Natural Beauty (AONB), Highways safety and the lack of recreation space and affordable housing.

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 debate followed, where the current state of the site was raised, along with its location in the open countryside. The impact upon the listed building and the AONB from the application designs was discussed, along with the lack of pedestrian access for the site, and the relevant aspects of local, Wiltshire and national planning policy were raised in assessing the suitability of the site.

After discussion, it was,

**Resolved:**

That planning permission be **REFUSED** for the following reasons:

1. The proposed development occupies a countryside location which is remote from services and employment opportunities, and with poor facilities for pedestrians to safely and conveniently access the site, would be unsustainable in that it would increase the need to travel, especially by private car. This would be contrary to policies HC26 and PD1 of the adopted Kennet Local Plan 2011, policy DP1 of the Wiltshire and Swindon Structure Plan 2016 and Chapters 6 and 7 of the National Planning Policy Framework.
2. The A346 Class I road, from which the proposed development would take access, is busy, winding without pedestrian facilities, only subject to the national speed limit, and is therefore inadequate and inappropriate to provide safe and convenient pedestrian access to and from the site. This is contrary to policy PD1 of the adopted Kennet Local Plan 2011 and Chapters 6 & 8 of the National Planning Policy Framework.
3. The scale, layout and design of the proposed development would fail to preserve or enhance the setting of heritage assets, the character or quality of the North Wessex Downs Area of Outstanding Natural Beauty and the setting and appearance of the Kennet and Avon Canal. Consequently, the proposal is contrary to policies PD1, NR6 and NR7 of the adopted Kennet Local Plan 2011 and Chapters 7, 11 and 12 of the National Planning Policy Framework.
4. The proposal fails to make adequate provision for affordable homes in this area of housing need. The proposal is therefore contrary to policy HC32 of the adopted Kennet Local Plan 2011 and Chapters 6 & 8 of the National Planning Policy Framework.
5. The proposal fails to make adequate provision for children's recreation. This is contrary to policy HC35 of the adopted Kennet Local Plan 2011 and Chapter 8 of the National Planning Policy Framework.

68. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 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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