

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 20 FEBRUARY 2014 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

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 and Cllr Paul Oatway

Also Present:

Cllr Stuart Wheeler

1. **Apologies for Absence**

There were no apologies received.

2. **Minutes of the Previous Meeting**

The Minutes of the previous meeting held 5 December 2013 were presented. It was;

Resolved:

To approve and sign the minutes of the meeting held 5 December 2013, as a true and accurate record.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Chairman's Announcements**

The Chairman outlined the procedures for the meeting. There were no further announcements

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

The Chairman outlined the procedure for public participation. No questions had been submitted from the public or Councillors.

6. **Rights of Way Items**

7. **The Wiltshire Council Collingbourne Kingston 1B (part) & 33 and Chute 3 (part) Rights of Way Modification Order 2013**

Public Participation

No members of the public registered to speak on this application.

Sally Madgwick, Rights of Way Officer (RWO), outlined the officer's report which recommended the Modification Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that the Order be confirmed as made.

The RWO outlined the description of the existing route and the proposed changes, focusing in particular on the classification of the route as a restricted by-way. The RWO stated that the application must be considered by the inspectorate even if there is only a single anonymous objection. The RWO proceeded to outline the evidence in support and objection to the order, and detailed the implications of the order with regard to economic and environmental impact.

Members were presented with an opportunity to ask technical question for the application and these focused on the use of the lane as a restricted by-way and limitations on motor traffic users. Questions on access for other land owners were asked and clarification sought on the nature and relevance of the objections received.

Members of the public were given the opportunity to address the Committee as detailed above.

Cllr Howard spoke as the local member for the application and spoke in support of the Officers recommendation.

The Committee then entered debate on the order, and raised the possibility of the land owner installing bollards to limit the usage of the restricted by-way. It was confirmed that this would not be lawful given the current legislation, but that proposals to change the law may allow for the installation of a cattle gate. The Committee decided against amending the recommendation with any conditions and, at the end of the debate, the Committee:

Resolved:

To forward the Wiltshire Council Collingbourne Kingston 1B (part) & 33 and Chute 3 (part) Rights of Way Modification Order to the Secretary of State for Environment, Food and Rural Affairs for determination, with the recommendation that the Order be confirmed as made.

To place on record the commendation of the Rights of Way Team for their work in producing such a substantial report.

8. Planning Applications

9. 13/06529/OUT - Land East of High Street Burbage Wilts

Public Participation

Mr Glen Godwin spoke in support of the application.

Mr Steve Colling Burbage Parish Council, spoke in support of the application.

Local member Cllr Stuart Wheeler spoke in support of the application.

The Area Development Manager outlined the report which recommended the application be granted planning permission. The Area Development Manager outlined the late item that had been received which detailed late representations received from the applicant. The Area Development Manager outlined the details of the site, noting that the site comprised of an L-shaped parcel of land approximately 2.5h in size with the High Street located on its western side, and that part of the proposed development was situated outside of the Burbage specified limits of development. The Area Development Manager also outlined existing access routes across the site including a footpath running north to south.

The key planning policy considerations were noted as being: Kennet Local Plan 2011: HC26 Housing in the countryside and HC34: Recreation provision on large developments. Policy NR7 states that where developments are outside the Limits of Development, the council will seek to protect and enhance the character and quality of the environment. The Committee also gave weight to the emerging Core Strategy although this was not formally considered in the decision as the document is yet to be formally adopted by the council.

The Area Development Manager outlined the consultations that had been undertaken, and noted that no objections had been received. As a result of discussions with consultees and the Parish Council, the applicant had agreed to reduce the number of dwellings on the site.

The Committee were then invited to ask technical questions of the application. Particular focus was afforded to the impact of the development on the highstreet

and the impact of increased traffic flow as a result of the proposed development.

Members of the public (above) were then invited to speak on the application.

Local Member Cllr Stuart Wheeler spoke in support of the application stating that the area has been unkempt for a long time and that it was the most suitable place for additional housing to be built within the village. Cllr Wheeler stated the importance of affordable homes with good access, and it was clarified that 40% of the dwellings would be classified affordable housing, and would not negatively impact on the high street. Cllr Wheeler noted the importance of a section 106 agreement in providing the necessary contributions that would be required as a result of any development to the site.

Members then entered into debate on the application, and the main concerns were summarised as being: the traffic increase and developer contributions to the local school under a s106 agreement to enable the village to accommodate the increase in numbers.

Resolved:

To GRANT planning permission for the application subject to the completion of a Section 106 and/or other legal agreement to secure:

- 1) 40% affordable housing;**
- 2) Educational Contributions;**
- 3) Open space contributions;**
- 4) Transfer of land and associated maintenance payment around Seymour Pond to Parish Council.**

And subject to the following conditions:

- 1 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.

- 2 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;

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.

- 3** 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.

- 4** **INFORMATIVE TO APPLICANT:**
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].

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

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

- 6** No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients,

drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 7 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 500mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 8 No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of vehicles, in accordance with current standards, together with a vehicular access thereto, has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

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

- 9 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 by the Local Planning Authority.

- 10 No development shall commence until a foul water drainage strategy 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.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

- 11 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, in accordance with the Flood Risk Assessment (PFA Consulting, Ref: P576, dated 22/08/2013), 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 scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

- 12 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating

pollution prevention measures, has been submitted to and approved 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.

- 13 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 prudent use of natural resources.

- 14 INFORMATIVE TO APPLICANT:
An appropriate submitted scheme to discharge the above condition will include a water usage calculator showing how the development will aim not to exceed a usage level of 105 litres per person per day.**

- 15 INFORMATIVE TO APPLICANT:
There should be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions should be made to ensure that all existing drainage systems continue to operate effectively.**

- 16 INFORMATIVE TO APPLICANT:
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>.**

- 17 INFORMATIVE TO APPLICANT: The reserved matters application should be accompanied by updated ecological survey reports, a site drawing showing ecological enhancement features and an ecological management plan.**

- 18 The development hereby permitted shall be carried out in accordance with the following approved plans: P.0796_04, P.0796_07C and P576/2A**

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

9.a 13/05630/FUL - Fiddlers Cottage, Urchfont, SN10 4RG (THIS APPLICATION HAS NOW BEEN WITHDRAWN)

This application was withdrawn by the applicant.

10. 13/05650/LBC - Fiddlers Cottage Urchfont SN10 4RG (THIS APPLICATION HAS NOW BEEN WITHDRAWN)

This application was withdrawn by the applicant.

11. Planning Enforcement Update - Untidy site at Rum Jungle, Snails Lane, Devizes, Wiltshire SN10 1DB

The Area Development Manager outlined the Planning Enforcement report which provided a summary of enforcement action taken on Rum Jungle, Snails Lane, Devizes. Members commented on the good work of the Enforcement Team, and it was noted that a local land charge has been put on the land in order to recover the costs incurred when the site is sold in future.

Resolved:

To note the report from the Planning Enforcement Team.

12. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 6.45 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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