

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;

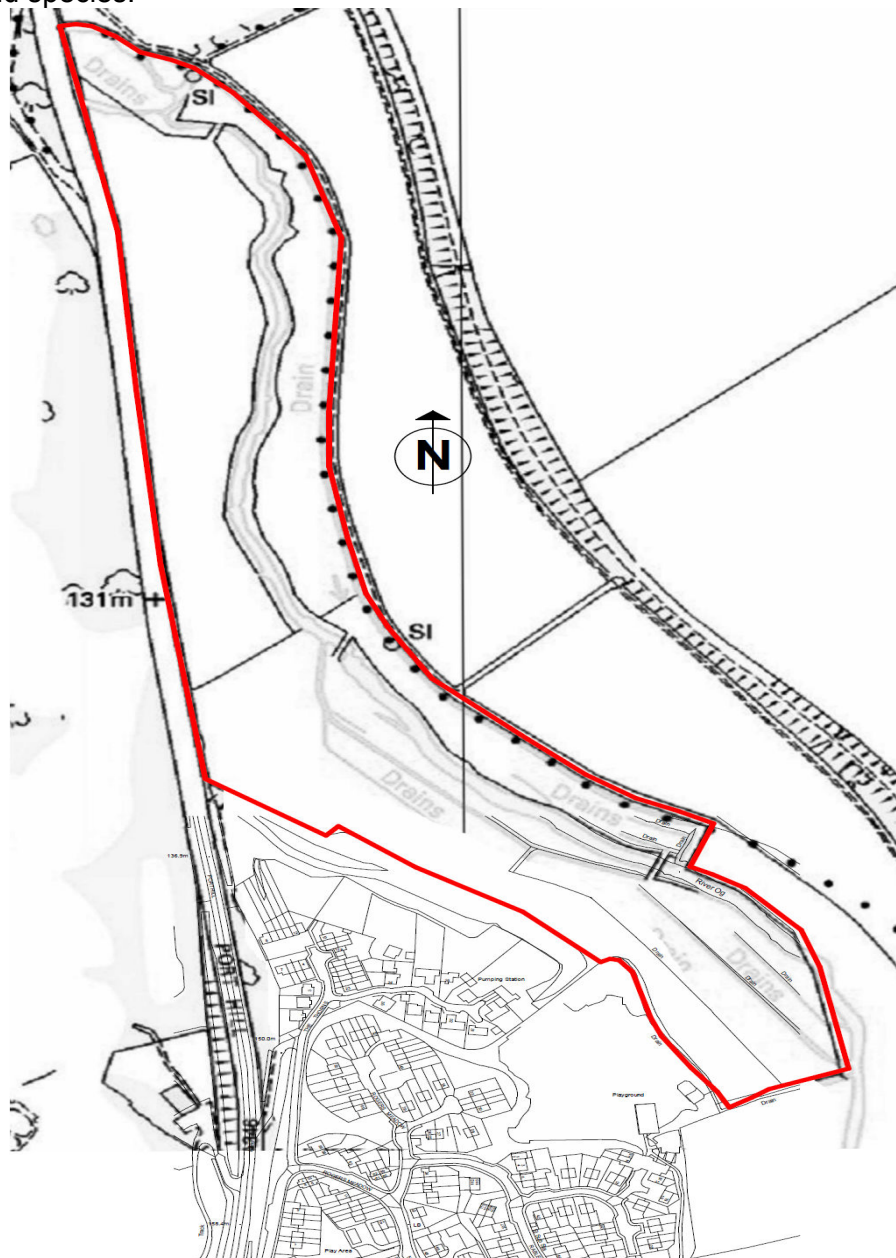
- The principle of the proposed nature park to include the area of casual play space
- Whether the proposals would preserve the visual amenities of the area including the scenic quality of the Area of Outstanding Natural Beauty.
- Whether the proposals would result in any other material harm, including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