

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JUNE 2015 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr Paul Oatway and Cllr Anna Cuthbert (Substitute)

38. Apologies for Absence

Apologies were received from:

Cllr Jerry Kunkler

Cllr Kunkler was substituted by Cllr Anna Cuthbert

39. Minutes of the Previous Meeting

Resolved

To approve and sign as a true and correct record the minutes of the meeting held on 4 June 2015.

40. Declarations of Interest

Cllr Mark Connolly declared a non-pecuniary interest in item 7a: 14/04237/OUT - Whistledown, Upavon, Pewsey SN9 6EF. Cllr Connolly previously worked in the same area as the applicant's daughter. Cllr Connolly stated that he did not know the applicant's daughter on a personal level and would participate in the item with an open mind.

41. Chairman's Announcements

There were no announcements.

42. Public Participation and Councillors' Questions

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

43. **Planning Appeals**

None.

44. **Planning Applications**

45. **14/04237/OUT - Whistledown, Upavon, Pewsey SN9 6EF - Change of use from existing agricultural land, including former chicken farm, demolition of existing bungalow and outline permission for the erection of up to 45 dwellings, landscaping, access and associated works.**

Public Participation:

Richard Edmunds spoke in objection to the application.

Mr Prothero spoke in objection to the application.

July Swanborough spoke in objection to the application.

Rob O'Carroll spoke in support of the application.

Mike Parr spoke in support of the application.

Paul Cowen spoke in support of the application on behalf of Upavon Parish Council.

The Senior Planning Officer introduced the item which recommended that permission be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement.

Items of late correspondence were reported. Revised consultation responses from the Technical Officer and the Play and Leisure Strategy Officer were noted. The off-site recreation contribution was confirmed to be £61537 not £67230 as specified in the officer's report. It was advised that this would be used towards the upgrading of the former school's playing field.

Key issues were noted as including the principle of residential development on land outside of the defined settlement boundary, its visual impact and the highway safety implications. It was confirmed that landscaping was originally a matter for approval but that this had now been withdrawn.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed that the no condition had been recommended to prevent the 12 bungalows detailed in the application from being increased in size. It was further confirmed that the existing footpath would be maintained and that there would be a route through the estate to connect with the proposed cycle/pedestrian path. It was also confirmed that existing trees on the boundary were not protected and since landscaping was not a matter for approval there was no current information on the quality of the trees. It was clarified that a condition to ensure that there would be enough CIL money for school places could not be imposed. It was also confirmed that maintenance of the wall between the cemetery and the housing development could not be conditioned

as it was not within the applicant's ownership/control. It would therefore be a civil matter for resolution by the respective landowners.

It was clarified that affordable housing would typically be allocated to local people first through a cascade system and ensured through a clause in the S106 agreement. Offers of affordable housing were usually extended to those at the top of the housing list downwards. The ordering of this list usually placed local people at the top of the list.

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

A debate followed which focused primarily on whether the proposed construction of 12 bungalows on the agricultural land would be acceptable. It was noted that the redevelopment of the chicken farm could be beneficial in visual terms. This was discussed in the context of policies in the Wiltshire Core Strategy and the National Planning Policy Framework. It was noted that the site was outside of the defined settlement boundary and that it had not been identified through a neighbourhood plan or the draft Site Allocation Development Plan Document. It was queried whether it had been adequately demonstrated that it was necessary to develop the agricultural land. The issues of affordable housing, the classification of the agricultural land, previously developed land, highway safety, landscaping and the protection of trees on the site boundary were considered. Core Policies 2, 18, and 43 in the Wiltshire Core Strategy were referenced. It was noted that the affordable housing should be offered to local people and that this should be negotiated at the S106 stage if possible. Discussion also took place regarding whether the bungalows could be turned into houses at a later date.

Resolved

That planning permission be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement to secure:

- **40% affordable housing;**
- **Open space contributions (of £61,587);**
- **Enhancements to existing public rights of way;**
- **Provision of a shared foot/cycle way.**

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 external appearance of the development;
- (c)** 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 The scheme pursuant to the reserved matters application shall include the following:

- a)** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than private spaces;
- b)** A design specification for the upgrading of footpath UPAV6. The specification shall be designed in discussion with the local planning authority;
- c)** A comprehensive road traffic noise assessment and a scheme of acoustic insulation for the purposes of preventing the ingress of road traffic noise. The scheme of acoustic insulation shall include details of acoustic glazing and ventilation systems;
- d)** Details of slab levels and surrounding ground levels (existing and proposed);
- e)** A tree survey report including details of trees to be retained; and
- f)** A fully detailed landscaping scheme including mitigation measures.

REASON: The submission of these details will be necessary to enable the reserved matters submission to be fully assessed.

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 (excluding demolition) until details and 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: Insufficient detail has been supplied as part of the application and this is necessary in order to fully assess the visual impact of the proposed development. The detail of the materials are therefore required to be agreed with the Local Planning Authority before development commences (except for demolition) in order to ensure that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

7 No part of the development hereby permitted shall be first occupied 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 part of the development hereby permitted shall be first occupied until sufficient space for the parking of vehicles, in accordance with current standards, together with a vehicular access thereto, have been provided in accordance with details that have been 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 (excluding demolition) 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 shall be carried out and all of the following steps shall be 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 on site (excluding demoltion) until a foul water drainage strategy has been submitted to and approved in writing by the local planning authority. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing. The scheme shall subsequently be implemented in accordance with the approved details and to a timetable agreed in writing by the local planning authority.

REASON: Insufficient detail has been supplied as part of the application and greater detail is necessary in order 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 properties. The detail of the drainage strategy is therefore required to be agreed with the Local

Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

11 All works shall be carried out in accordance with the recommendations set out in the Baseline Ecological Survey and Baseline Bat Survey, Upavon Chicken Farm, Upavon (Elizabeth McKay, November 2013) unless otherwise agreed in writing by the local planning authority.

REASON: In order to preserve and enhance the opportunities for protected species and in the interests of creating a sustainable form of development.

12 No external lighting shall be installed on site unless otherwise approved in writing by the local planning authority. Approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities and character of the area and to minimise unnecessary light spillage above and outside the development site and to maintain dark flight corridors within this area in the interests of biodiversity.

13 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment, including pollution prevention.**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: This information was not submitted with the application and due to the close proximity of residential properties and being within the open countryside, is necessary to minimise detrimental effects on the

neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

14 The residential units shall achieve Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: In the interest of sustainable development and to ensure compliance with Core Policy 41 of the Wiltshire Core Strategy 2015.

15 No development shall commence on site (excluding demolition) 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, has been submitted to and approved in writing by the local planning authority. No surface water drainage or storm drainage will be allowed to connect to existing adjacent highway drainage systems. 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: Insufficient detail has been supplied as part of the application and greater detail is necessary in order to prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system. The detail of the surface water drainage is therefore required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

16 No development shall commence on site (excluding demolition) 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: Insufficient detail has been supplied as part of the application and greater detail is necessary in the interests of sustainable development and climate change adaptation. The detail of the scheme for water efficiency is therefore required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

17 No construction or demolition works shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

18 No burning of waste materials shall take place on the application site during the demolition and construction phases.

REASON: In the interests of residential amenity.

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

- a) Application Form
- b) Baseline Ecological Survey & Baseline Bat Survey - November 2013
- c) Statement of Community Involvement - April 2014 (DPDS Ref: CP/C11719)
- d) Landscape & Visual Appraisal - April 2014
- e) NPPF: Flood Risk Assessment (SHF.10653.001.R.001.A)
- f) Topographic Survey (SHF.1063.001.R.001.A)
- g) Transport Statement - 16th April 2014
- h) Revised Design and Access Statement Mar 2014 (rcvd 20/5/2014)
- i) Site Plan - C11719.14.050
- j) Location Plan C11719/11/01
- k) Illustrative Masterplan Rev I (23/1/15) C11719.14.720
- l) Illustrative Masterplan with Bungalow Units Rev C11719.14.950 (13/1/15)
- m) Cycle Link Plan C11719.15.950

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

20 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].

21 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.

22 INFORMATIVE TO APPLICANT:

Safeguards should be put in place 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.environmentagency.gov.uk/business/topics/pollution/39083.aspx>.

23 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.

24 INFORMATIVE TO APPLICANT:

The final masterplan must include direct links to footpath UPAV6 from the cul-de-sacs as shown on plan C11719.14.721, revision I.

25 INFORMATIVE TO APPLICANT:

Surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.

26 INFORMATIVE TO APPLICANT:

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

27 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority.

Should you require further information with regards to CIL please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions to the bungalows hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

46. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.20 pm)

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

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