

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 AUGUST 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 Nick Fogg MBE, Cllr Richard Gamble, Cllr Jerry Kunkler and Cllr Paul Oatway

Also Present:

Adam Brown, Mike Wilmott, Cllr Laura Mayes and Cllr Jemima Milton

47. Apologies for Absence

There were no apologies for absence.

48. Minutes of the Previous Meeting

Resolved

To approve and sign as a true and correct record the minutes of the meeting held on 25 June 2015.

49. Declarations of Interest

There were no declarations of interest.

50. Chairman's Announcements

There were no announcements.

51. Public Participation and Councillors' Questions

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

52. Planning Appeals

None.

53. **Planning Applications**

54. **15/01388/OUT - Land at Quakers Road Devizes - Outline planning application for residential development of up to 123 dwellings together with associated open space, landscaping, parking and access. Access to be taken from existing site access onto Quakers Road**

Public Participation

Margaret Taylor spoke in objection to the application.

Ross Hudson spoke in objection to the application.

Rebecca McAllister spoke in support of the application.

Cllr Judy Rose spoke in objection to the application on behalf of Devizes Town Council's Neighbourhood Plan Steering Group.

Cllr Chris Callow spoke in objection to the application on behalf of Roundway Parish Council.

The Area Development Manager 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 including the provision of 37 affordable homes, contributions towards surface upgrades of the Kennet & Avon canal towpath and towards surface upgrades of the Quakers Walk footpath.

An item of late correspondence was circulated. The item was an update from the Education Team at Wiltshire Council containing the most recent data regarding birth rates in Devizes. Birth rates in Devizes were dropping, and there was no recognised need to expand Trinity Primary School. As a result of this the application would no longer be required to contribute towards an expansion of Trinity Primary School within the Section 106 agreement.

Key issues were noted as including whether the proposal represents a sustainable form of development for which planning permission ought to be granted.

Members of the Committee then had the opportunity to ask technical questions of the officer. Potential issues resulting from sewage problems were noted as being addressed through a condition which would prevent development from commencing until a scheme was put in place to address this.

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

The unitary division member, Cllr Laura Mayes, then spoke to the application. Concern was expressed over a lack of green space within the proposed development, and it was noted that the play area was included within the buffer zone. Traffic was explained as being an issue, with particular reference to London Road.

A debate followed where Core Policy 2 was considered. Concern over the impact on traffic was discussed with note to London Road junction. It was noted that the report assumed a 10% increase in journey times at peak hours during evenings, although the impact was noted as reduced when compared with the traffic anticipated from developments already granted permission on the site. The possible inclusion of an informative which would urge another look at traffic issues in the area was considered.

The impact of the Devizes Neighbourhood Plan and its relation to possible development on the site was discussed.

At the conclusion of the debate it was;

Resolved

To delegate outline planning permission to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement covering:

- **An upgrade of the surface of the canal towpath.**
- **An upgrade to the surface of the Quakers Walk footpath.**
- **The provision of 37 affordable homes.**
- **The submission of a Full Travel Plan based on the submitted outline Travel Plan, with the provision to households of green travel vouchers.**
- **The provision of the required 744 sqm of equipped play space and the payment of a maintenance commuted sum for the maintenance of the equipped play space and on-site open space.**

and subject to the conditions set out below:

Members also urged that the traffic management and issues at London Road be looked at again.

- 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.

Any reserved matters application pertaining to layout shall include the details of the access to the Rugby Club, as shown on the Illustrative Masterplan (Rev 003), dated January 2015 and shall make provision for a 35 metre buffer zone with Quakers Walk.

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

Site Location February 2015; Site Boundary February 2015; Development Framework Revision 005 January 2015.

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

- 6. No development shall commence on site until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should include details of:

- a) Habitat creation and management measures along Quaker's Walk;
- b) Mitigation measures for reptiles;
- c) Monitoring for Annex II bat species;
- d) Enhancements for Wiltshire BAP habitats/species.

For clarity, these details should be represented on a site drawing.

All development shall be carried out in accordance with the approved Ecological Management Plan.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of mitigating the impact of development upon protected species and enhancing the local ecology of the area.

- 7. No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures together with precautionary timings and working practices to prevent adverse impacts to sensitive habitats and species, 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to prevent pollution of the water environment and to prevent adverse impacts to sensitive habitats and species.

- 8. No external lighting shall be installed without the prior approval of the local planning authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and it shall not thereafter be modified unless agreed beforehand in writing by the local planning authority.**

REASON: To prevent disturbance to bats which are protected species under law.

- 9. No development shall commence on site 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 location of construction compound(s) and positions for site office(s);**
- e) the erection and maintenance of any security hoarding/fencing;**
- 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;**
- h) hours of construction, including deliveries;**
- i) Wheel washing facilities.**

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to minimise detrimental effects to 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.

10. 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 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 and the protection of existing important landscape features.

11. No development shall commence on site until details of protective fencing for the trees along Quakers Walk have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with British Standard 5837 (2012): 'Trees in Relation to Design, Demolition and Construction - Recommendations' and the information shall include details of the type of fencing to be used and its position. Once the fencing has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising or lowering of ground levels, shall be allowed within the protected area(s).

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

12. The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.

- 13.** No development shall commence on site until details of existing and proposed ground levels across the site (including within the Quakers Walk buffer zone), proposed slab levels and details of spoil disposal 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of visual amenity.

- 14.** Prior to occupation of the 30th dwelling a 3 metre wide shared use cycleway shall have been provided and made available for use, connecting to the existing shared use path in front of 65B Quakers Road, running parallel to Quakers Walk, and connecting at its south western end to Quakers Walk, as indicated in outline on the Development Framework plan January 2015.

REASON: In the interests of sustainability and accessibility.

- 15.** No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 plus if a discharge to the canal is proposed details of the Canal & River Trust approval and details of ownership of detention ponds, and maintenance regimes, has been submitted to and approved in writing by the Local Planning Authority. Any scheme proposing drainage ponds in the 35 metre buffer zone shall demonstrate how their construction and use is compatible with the purpose of the buffer zone to provide an informal and safe landscaped area. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

- 16.** No development shall commence on site until a scheme for the discharge of foul water from the site, 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: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

17. 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 climate change adaptation.

18. 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 water efficiency 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.

19. INFORMATIVE TO APPLICANT: There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

20. 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:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

21. INFORMATIVE TO APPLICANT:

The reserved matters application(s) should take into account the comments of the Council's Urban Design officer which are viewable on the Council's website.

55. **15/04373/FUL - Land at Gunsite Road, East Kennett, Wiltshire, SN8 1QF - Retention of use of stables as reception area for clay pigeon shooting. Use of the land for clay pigeon shooting for up to 28 days in any one calendar year. Retention of associated clay pigeon paraphernalia.**

Public Participation

David Snape, representing East Kennett, spoke in objection to the application.
John Peck spoke in support of the application.
Stella Goodwin spoke in support of the application.

The Senior Planning Officer introduced the item which recommended that the application be granted planning permission subject to conditions.

An item of late correspondence was circulated. The item was a response from the application's agent to late representation from the Parish Council. The response was read out to the Committee and those present.

Key issues were noted as including the consideration of the applicant's fall-back position, issues of noise and safety, and the issue of setting.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was clarified that the figure of 28 days came from government legislation which allows landowners to use land for temporary events up to 28 days each calendar year. It was explained that the fall-back position meant that if the application was refused the applicant could still use the land for shooting for up to 28 days per year. The definition of recreational shooting was noted as shooting for non-agricultural purposes.

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

The unitary division member, Cllr Jemima Milton, spoke to the application. The issue of noise from gunshots reverberating through the bowl-shaped landscape in East Kennett was noted. Cllr Milton explained that a way to ensure shooting only took place once a month was necessary. Concern as expressed over the amount of shells discharged per shoot, as one figure estimated it to be 10,000.

A debate followed where the number of days a year the site would be used for shooting, and the number shots fired per shoot was discussed. The fall-back position for the applicant was considered along with possible conversation between the Public Protection Officer, the applicant, and the community. The site's location near a world heritage site was also considered.

At the conclusion of debate it was;

Resolved

To grant planning permission subject to the following conditions:

- 1. The land edged in red on drawing No. SC 1096 - 02 Location Plan shall not be used for shooting for more than 28 days in any 1 calendar year - the calendar year running from the 1st January to the 31st December. For the avoidance of doubt, the number of days used for shooting in the calendar year 2015 shall not exceed 28.**

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents and people enjoying the nearby recreational routes in the AONB.

- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no recreational shooting on the land edged in blue on drawing No. SC 1096 - 02 Location Plan.**

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents.

- 3. The landowner shall maintain an up-to-date register of all the shooting that takes at the site, and shall make such information available at all reasonable times to the Local Planning Authority.**

REASON: To ensure the use of the site for shooting purposes does not exceed the permitted 28 days.

- 4. The development hereby permitted shall be carried out in accordance with the following approved plans:**

Plan Ref: Application Form, Design and Access Statement, Site Plan and Building Plan. Plan Ref: SC 1096 - 02 Location Plan.

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

56. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 8.00 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

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