

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 AUGUST 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 Charles Howard (Chairman), Cllr Paul Oatway, Cllr James Sheppard (Substitute) and Cllr Philip Whitehead (Substitute)

Also Present:

Cllr Sue Evans

42. **Apologies for Absence**

Apologies for absence were received from Councillor Richard Gamble and Councillor Jerry Kunkler.

Councillor Gamble was substituted by Councillor James Sheppard. Councillor Kunkler was substituted by Councillor Philip Whitehead.

43. **Minutes of the Previous Meeting**

The minutes of the meeting held on 7 August 2014 were presented for consideration, and it was,

Resolved:

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

44. **Declarations of Interest**

Councillor Paul Oatway declared that he had an interest in applications 14/03379/FUL and 14/01766/OUT Land of Rabley Wood View, as a result of personally knowing the applicant. For these items Councillor Oatway exited the room and did not participate in the debate or vote.

Councillor Stewart Dobson declared that he had a pecuniary interest on application 14/03379/FUL and 14/01766/OUT Land of Rabley Wood View, as a result of owning property which adjoined the application site. For these items Councillor Dobson withdrew from the committee and did not participate in the debate or vote.

Cllr Peter Evans declared a non-pecuniary interest in application 14/05287 by virtue of being a member of Devizes Town Council, which had previously considered the application. Cllr Evans declared he had taken no prior involvement in the application and would debate and vote on the matter with an open mind.

45. Chairman's Announcements

There were no announcements.

46. Public Participation and Councillors' Questions

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

47. Planning Applications

The following applications were determined:

48. 14/05287/FUL - Wiltshire Council Depot, Lower Wharf, Devizes

Public participation

Paul Stanford spoke in opposition to the application.

John Girvan spoke in opposition to the application.

Carol Krebs spoke in opposition to the application.

James Mahoney spoke in support of the application.

Kevin Dobson spoke in support of the application.

Mark Bouch spoke in support of the application.

The Planning Officer introduced the application which recommended the application be approved subject to conditions. Key issues were stated to include, principle of the development (including impact on heritage assets), highway matters, amenity issues, ecology, and contamination.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought on whether the area was currently in use as a depot without any vehicular restrictions. The Committee heard that this was correct.

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

The local member, Councillor Sue Evans, spoke in objection to the application. Councillor Evans discussed access, highways, ecology, and the impact on neighbours with specific reference to noise and parking concerns.

A debate followed where the current mixed use status of the area was discussed. The Committee heard that the hours of operation were not proposed

to be changed, as there were currently no restrictions to the use of the depot. The Committee discussed potential issues around the width of the road. Potential noise problems and the frequency of use were questioned. Issues with regards to the use, access, location and history of the turning area were also discussed.

At the conclusion of debate it was,

Resolved:

That the planning permission be GRANTED subject to the following conditions:

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. The depot shall not be first brought into use by the Canoe Club until the turning space has been laid out in accordance with the approved plans. The turning space shall be kept free from any obstructions at all times.

REASON: In the interests of Highway Safety.

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of a written report to be submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. Where remediation is necessary, full details must be 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. All spoil from the digging works for the changing rooms and the new canal slipway shall be removed from the site.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. The development shall be constructed in strict accordance with the recommendations at Section 7 – Mitigation, in the Water Vole Survey, Kennet & Avon Canal, Lower Wharf, Devizes, July 2014 by Chalkhill Environmental Consultants.

REASON: In the interests of protecting protected species.

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

Design and Access Statement – Received 27 May 2014

Site Location Plan – Received 27 May 2014

Existing and Proposed North and West Elevations - Received 27 May 2014

Existing and Proposed East and South Elevations - Received 27 May 2014

Groundworks and Services Layout - Received 27 May 2014

Proposed Changing Room Elevations - Received 27 May 2014

Proposed Kayak Store Elevations - Received 27 May 2014

Canal Access Point – Proposed Section A-A - Received 27 May 2014.

Canal Access Point – Proposed Section B-B and C-C - Received 27 May 2014.

External Lighting Plan - Received 27 May 2014

Revised Traffic Management Plan V3 – Received 24 July 2014

Revised Existing Site Plan – Received 7 August 2014

Revised Proposed Site Plan – Received 7 August 2014

Revised Existing Internal Plan - Received 7 August 2014

Revised Proposed Revised Plan - Received 7 August 2014

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

7. There shall be no use of the site, or deliveries of canoes, by members or non-members of the canoe club on Sunday mornings before 09:00.

REASON: To protect the amenities of residents of nearby properties

Informatives:

1. The applicant is advised to contact Susie Mercer, Business Boating Manager on 07795 027366 in order to ensure that any necessary consents or agreements are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

2. The applicant is advised that 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>

A recess was taken from 6.55pm to 7.00pm.

49. 14/03379/FUL - Land off Rabley Wood View, Marlborough

Public participation

Jayne Baker spoke in objection to the application.

Kevin Light, on behalf of Action River Kennet (ARK), spoke in objection to the application.

Richard Cosker spoke in support of the application.

Will Harley spoke in support of the application.

Cllr Mervyn Hall, speaking on behalf of Marlborough Town Council, spoke in objection to the application.

The Senior Planning Officer introduced the application which recommended that the application be approved subject to conditions. Key issues were stated to include, the principle of the proposed nature park to include the area of casual play space, and whether the proposals would preserve the visual amenities of the area including the scenic quality of the Area of Outstanding Natural Beauty.

Details were provided on items of late correspondence and representation received since production of the report. Included was a letter from Action River Kennet which had been received in objection to plans for drainage and the comments of the Environment Agency who had no objection, subject to the imposition of appropriate conditions.

A site visit by members of the Committee had taken place on 28 August 2014 at 3.00pm.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought on who would manage the site. It was explained that Wiltshire Wildlife Trust would take management responsibility. Questions were asked on why planning applications 14/03379/FUL and 14/01766/OUT were being considered separately. It was explained that application 14/03379/FUL was not a residential application it was a change of use separate to 14/01766/OUT. Questions were asked about the nearby A346 and parking within the layby.

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

A debate followed where the proposed inclusion of a kick-about area within the nature park was discussed, along with conservation and changes to the character of the area. Concerns over the impact of drainage and potential flood levels were also debated.

Clarification was sought on the management position and when it would be signed off. It was explained that this was a condition rather than a legal agreement and that issues of management were not issues for consideration of the Committee.

At the conclusion of debate it was,

Resolved:

That the planning permission be REFUSED for the following reasons:

The creation of the kick-about area in the countryside outside of the Limits of Development for Marlborough defined in the Kennet Local Plan, with the associated levelling and re-seeding required, would have an adverse impact on the character and appearance of the landscape, as it would create a more formal appearance out of keeping with the existing character and appearance of the area as agricultural grassland and former water meadow. This would conflict with policies PD1 (3) and NR6 of the Kennet Local Plan and with paragraph 115 of the NPPF that gives great weight to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty.

A recess was taken from 7.55pm to 8.10pm

50. **14/01766/OUT - Land off Rabley Wood View, Marlborough**

Public participation

Angela Fry spoke in objection to the application.

Jayne Baker spoke in objection to the application.

Richard Cosker spoke in support of the application.

Jeremy Browne spoke in support of the application.

Will Harley spoke in support of the application.

Cllr Mervyn Hall spoke on behalf of Marlborough Town Council.

The Senior Planning Officer introduced the application. As a result of the determination for application 14/03379/FUL, the recommendation for the application was changed to refusal due to a lack of suitable compensatory proposals for the impact upon the character and amenity of the area.

Key issues were stated to include: the principle of the proposed residential development including whether the proposed 'replacement' recreational/nature park land is sufficient to compensate the loss of the existing site for recreational purposes; highway safety; flood risk and drainage; whether the scheme would make adequate provisions for open space, and archaeology.

Details were provided on items of late correspondence and representation received since production of the report.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were asked on what impact was to be had on this application due to the refusal of application 14/03379/FUL. It was explained that there were now no suitable compensatory proposals. Clarification was sought on the legal requirements of maintaining a play area in Rabley Wood if the application was accepted. It was explained that the legal agreements would have to be determined separately.

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

A debate followed where paragraph 74 of the National Planning Framework was discussed, along with the lack of a section 106 agreement to mitigate concerns.

At the conclusion of debate it was,

Resolved:

That the planning permission be REFUSED for the following reasons:

The proposed development is unacceptable because it would result in the loss of an existing open space and recreational area without providing for its replacement in terms of equivalent or better provision in a suitable location. Specifically, the off-site kick-about area would be less suitable

due to its more distant relationship to existing residential development and the lack of oversight from these properties that currently exists. Similar issues of lack of suitability would arise in relation to the proposed equipped play area, where it has not been demonstrated that any replacement equipped play area would enjoy the current open setting that allows for natural surveillance from existing houses and users of the existing recreational area. This raises safeguarding issues for children using the proposed areas as the lack of natural surveillance would mean that most children using it will need to be supervised by adults. This would conflict with that part of paragraph 74 of the NPPF that states that existing open space and recreational land should not be built upon unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality in a suitable location.

The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards education provision in the locality or financial contributions towards the on-going provision and maintenance of open space and recreation provision. The application is therefore contrary to Policies HC30; HC37 and HC34 of the Kennet Local Plan 2011.

The archaeological assessment submitted with the application has indicated some potential for archaeological remains to be impacted by the proposed development. In these circumstances, it is considered necessary for a field evaluation to be carried out to fully assess the potential impact on any heritage asset of archaeological interest, in accordance with paragraph 128 of the NPPF.

51. Urgent items

There were no urgent items.

(Duration of meeting: 6:00pm - 9.00 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

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