

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 AUGUST 2014 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr Charles Howard (Chairman),
Cllr Jerry Kunkler, Cllr Paul Oatway and Cllr Christopher Williams (Substitute)

Also Present:

Cllr Philip Whitehead

35. Apologies for Absence

Apologies for absence were received from Councillor Mark Connolly.

Councillor Connolly was substituted by Councillor Chris Williams.

36. Minutes of the Previous Meeting

The minutes of the meeting held on 5 June 2014 were presented for consideration, and it was,

Resolved:

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

37. Declarations of Interest

There were no declarations of interest.

38. Chairman's Announcements

There were no announcements.

39. Public Participation and Councillors' Questions

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

40. Planning Applications

The following applications were determined:

40.1 14/02273/FUL Lower End Farm, Long Street, Marston, Devizes, SN10 5SL

Public Participation

Philip Bellew spoke in objection to the application.

Simon Wheeler spoke in support of the application.

Tim Swinburn spoke in support of the application.

Mike White, spoke in support of the application.

Councillor Lucille Packer, spoke on behalf of Marston Parish Council.

The Senior Planning Officer introduced the application which recommended the application be granted. Key issues were stated to include principle of the development, whether the proposal would result in the loss of the best and most versatile agricultural land, the landscape, the cumulative impact of solar farm development in the locality, the historic environment, the use of local transport network, biodiversity, and residential amenity.

Members of the committee then had the opportunity to ask technical questions of the officer. Clarification was sought on what would happen at the end of the 30 years of use. It was explained that the development would revert to its original use or have to be reconsidered for permission if an extension was sought. Questions were asked on the location of access routes and the size of vehicles that would be using them. It was stated that the access routes had plenty of width and that suitable works had been asked to be carried out.

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

The local member, Councillor Richard Gamble, then stated that while he had no specific objections to this proposal, he had concerns over the growing numbers of solar farm developments across the county and the lack of clear planning policy restraints on their development.

A debate followed where the impact of the loss of land on the community was discussed, along with what would happen if the full 30 years was not used. It was explained that within 6 months of non-use the development had to be reverted. Access to the site was discussed, and it was suggested that it should not be an insurmountable problem so long as the conditions requested by the local highway authority and set out in the report were accepted and adhered to.

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 development hereby approved shall be discontinued and the land restored to its former condition on the expiry of 30 years from the date of this permission or within 6 months of the PV modules ceasing to be used, whichever is the sooner. This shall be carried out in accordance with a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.**

REASON: In the interests of amenity and the circumstances of the use.

- 3 The substation and inverter housing shall be painted in 14-C-39 Green BS4800 (Holly Green) gelcoat finish.**

REASON: In the interests of visual amenity and the character and appearance of the open countryside.

- 4 The proposed security fencing should be rural deer proof fencing, timber post and agricultural galvanised stock netting.**

REASON: In the interests of visual amenity and the character and appearance of the open countryside.

- 5 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.**

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 6 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 building(s) 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.

- 7 No demolition, site clearance or development shall commence on site; and no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree & Hedgerow Protection Plan showing the exact position of all trees and hedges and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority.

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained trees and hedgerows shall be cut down, uprooted or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the from the completion of the development].

REASON: To enable the Local Planning Authority to ensure the retention of the trees and hedgerows on the site in the interests of visual amenity.

- 8 Construction work on the site shall only take place between the hours of 08.00 and 18:00 on weekdays and between 08.30 and 13:00 on Saturdays, with no work taking place on Sundays or Bank Holidays.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 9 Following the installation of the solar farm, there shall be no external lighting/illumination at or on the site unless otherwise approved by the local planning authority following the submission of a separate planning application.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

- 10 Prior to the start of construction, an Environmental Construction Method Statement shall be submitted to and approved in writing by the LPA. This must include a site drawing indicating all buffer zones and tree root protection zones, with additional annotations e.g. location of badger setts, where any specific precautionary measures are to be implemented. The development shall be implemented in accordance with the approved plan.**

REASON: In the interests of safeguarding ecological and biodiversity interests.

- 11 Prior to the bringing into use of the solar farm, an Environmental Management Plan for the operational phase of the project shall be submitted to and approved in writing by the LPA. This is best presented as a site drawing with detailed annotations for management of each habitat or feature to be managed for the benefit of biodiversity. This document will also detail specific enhancements for biodiversity as required by NPPF. The development shall be implemented and operated in accordance with the approved plan.**

REASON: In the interests of safeguarding ecological and biodiversity interests.

- 12 A revised Construction Traffic Management Plan shall be submitted and approved in writing by the LPA prior to commencement of development. Key items to be covered in the traffic management plan include:**

- Wheel washing facilities and measures to prevent mud and other debris entering highway.**
- Full signage details in relation to the construction traffic route, a signage scheme shall be maintained in accordance with scheme and removed at completion of works. The scheme shall include from the A361 junction with Bell Hill in north towards site via Bell Hill,**

- High Street/ Mill Road / Norney Road and Long Street.**
- **Banksman shall be employed for all HGV deliveries from High Street/ Mill Road / Norney Road .**
 - **A programme shall be agreed for all HGV deliveries to ensure that there is no stacking on the highway or adjacent network, HGVs shall wait in official registered lorry parks (ie M4). A Delivery and Transport Manager will need to be appointed with this responsibility.**

The development shall be implemented in accordance with the approved plan.

REASON: In the interests of Highway safety

- 13 No development shall commence on site until full construction details of the highway improvements / widening to the High Street / Mill Road junction have been submitted and approved in writing by the LPA. The junction improvements shall be properly consolidated and surfaced. The development shall not be commenced until the access has been constructed in accordance with the approved details. The access shall be maintained as such thereafter.**

REASON: To ensure that the development can be adequately accessed.

- 14 No development shall commence on site until full construction details of the temporary carriageway widening and permanent re-instatement to the Long Street widening have been submitted and approved in writing by the LPA in consultation with the Parish Council prior to any works to the Common taking place. The development shall not be first commenced until the temporary carriageway widening has been constructed in accordance with the approved details. The permanent re-instatement in accordance with approved details shall be carried out within 3 months of the development works being completed or an agreed timeframe.**
- REASON: To ensure that the development can be adequately accessed.**

- 15 No part of the development shall commence until details of the parking area and turning area have been submitted and approved constructed and laid out in accordance with the approved details. This area shall be maintained and remain available for the duration of the construction period.**

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

- 16 Access to the site for construction traffic shall be via A361, Bell Hill, High Street, Mill Street, Norney Road and Long Street, as outlined in Traffic Management Plan. No alternative route shall be used unless agreed in writing by the local planning authority.**

REASON: In the interests of highway safety

- 17 **No development shall commence until a condition survey of High Street, Mill Street, Long Street and Norney Road carriageways and verges has been undertaken and submitted to the Local Planning Authority for its written approval, together with a programme for undertaking remedial works for any highway damage that is reasonable to attribute to the construction traffic associated with the proposal and identified in a post-works condition survey. The post works surveys shall be undertaken in accordance with a methodology which shall first have been submitted to and approved in writing by the Local Planning Authority. Those remedial works reasonably attributed to the constructed traffic shall be undertaken in accordance with approved programme, or within 3 months of the completion of the construction works, to ensure that as a result of the proposal the existing condition of the highway network is maintained.**

REASON: In the interests of highway safety and to safeguard the local character of the rural roads network in this landscape character area.

- 18 **Prior to the commencement of development hereby permitted a condition survey of the part of the site identified as Long Street Public Right of Way (PROW) which is a Byway open to all Traffic (BOAT), reference: Marston 8, shall be undertaken and submitted to the Local Planning Authority, together with a programme for undertaking remedial works for any damage that is reasonable to attribute to the construction traffic associated with the proposal and identified in a post work condition survey. The post works surveys shall be undertaken in accordance with a methodology which shall first have been submitted to and approved in writing by the Local Planning Authority. Those remedial works reasonably attributed to the constructed traffic shall be undertaken in accordance with approved programme, or within 3 months of the completion of the construction works to ensure that as a result of the proposal the existing condition of the byway is maintained.**

REASON: In the interests of highway safety and to safeguard the local character of the rural roads network in this landscape character area.

INFORMATIVE 1:

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

All works must be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

In the event of a pollution incident, the site operator must contact the Environment Agency immediately by calling 0800 80 70 60.

INFORMATIVE 2:

Use of road planings (tarmac scalplings) for track construction requires a Use of Waste in Construction exemption (U1) under the Environmental Permitting (England and Wales) Regulations 2010. It allows the use of suitable wastes for small scale construction but does not allow treatment of wastes to be carried out unless covered by a different exemption. For more guidance including permitted types of waste and tonnage please visit:

<http://www.environment-agency.gov.uk/business/sectors/117075.aspx>

INFORMATIVE 3:

The provision of new service cables under public rights of way / highway, will require separate consents under provisions of the New Roads and Street Works Act.

INFORMATIVE 4:

The developer/applicant is advised that this permission does not authorise the diversion, obstruction, or stopping up of any right of way that crosses or adjoins the site. The public rights of way shall be kept free from obstruction during and after the construction period.

INFORMATIVE 5:

A Bond of £10,000 has been requested by the Public Right of Way Team to ensure that the Right of Way is reinstated to its former condition following the completion of construction works.

INFORMATIVE 6:

The applicant is encouraged to enter into discussions with the local community/parish council to potentially agree upon any community benefits this development may accrue for the 25 year period of the permission.

INFORMATIVE 7:

The applicant shall need to confirm in consultation with the highways team the

proposed start date for construction traffic with the aim of avoiding conflict with construction traffic for the Stokes Marsh Farm Solar Farm planning ref: 13/02309/FUL which will use the same route for construction traffic.

40.2 14/06017/FUL Land at The Bottom, Urchfont, Devizes, Wiltshire, SN10 4SF

Public Participation

Brian Toogood, the agent, spoke in support of the application.

Pat Banwell, the applicant, spoke in support of the application.

Councillor David Motram, speaking on behalf of Urchfont Parish Council, spoke in support of the application.

The Senior Planning Officer introduced a report which recommended the application be refused. The key issues were stated to be the principle of development, layout design and visual impact, the impact on highway safety, and the environmental and ecological impact.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on the settlement boundary for the proposed development area. It was explained that it was outside of development boundaries, and that whilst there was going to be a review, under the initial plans it was still outside.

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

The local member, Councillor Philip Whitehead, then spoke in support of the application, stating that the land was not agricultural, remote, rural, or unsustainable. It was highlighted that there were houses located all around The Bottom, and that the proposed house design was not out of character.

A debate followed, where it was discussed whether the land should be included within the boundaries in future and whether an exception could be made at this point in time or whether this would set a precedent for development outside settlement boundaries which could have negative impacts across the area and county. Members also debated the officer's recommended reasons for refusal. At the conclusion of debate it was,

Resolved

That planning permission be REFUSED for the following reasons:

- 1. The proposed development would result in the creation of a new residential unit within the countryside outside of the Limits of Development of Urchfont as defined within the Kennet Local Plan. The site is considered to be within an unsustainable location for**

residential development and there are no exceptional circumstances to justify a residential use at the site. As such, the proposal would be contrary to both national and local planning policies, which seek to promote sustainable development and protect the countryside, namely section 4 'Promoting sustainable transport' and 6 'Delivering a wide choice of high quality homes' of the NPPF, saved Policies NR6 'Sustainability & Protection of the Countryside' and HC26 'Housing in the Countryside' of the Kennet Local Plan, and Core Policy Core Policy 1 'Settlement Strategy', Core Policy 2 'Delivery Strategy' and Core Policy 12 'Devizes Community Area' of the draft Wiltshire Core Strategy.

2. The proposed development would be detrimental to the visual amenities of the area in that it would disrupt the unspoilt character of the site by introducing a new modern dwelling, and associated works, into a prominent position. The proposal would erode the rural appearance of the site and have an adverse impact on the character of the landscape. As such, the proposal is contrary to section 11 'Conserving and enhancing the natural environment', saved Policies PD1 'Development & Design' and NR7 'Conserving and Enhancing the Natural Environment' of the Kennet Local Plan, and Core Policy 51 'Landscape', and Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the draft Wiltshire Core Strategy.

41. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 7.30 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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