

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	23/04/08
Application Number	08/00338/FUL
Site Address	Land at Lanes End, Gastard, Corsham
Proposal	Erection of 11 Dwellings (Re-submission of 07/02740/FUL)
Applicant	Hannick Homes
Town/Parish Council	Corsham
Grid Ref	388497 168430
Type of application	Full Application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

This application proposes the erection of 11 dwellings, which will be a mix of 1 bed flats, 2-bedroom and 3-bedroom houses. The site lies within the framework boundary of the village and therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Affect on the residential amenity of existing properties
- Design and scale of the development
- Impact on traffic and parking in the local area
- Policies H6, CF3 and C2 - Contributions in respect of Affordable Housing, Open Space and Education

Officer Recommendation

Subject to:

1. The receipt of revised drawings and the satisfactory comments of Wiltshire County Council as Highway Authority (and the imposition of any conditions considered necessary as a result)

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) Five of the units to be transferred to a Registered Social Landlord as affordable housing.
- (ii) To secure the financial contribution in respect of open space provision

Following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT planning permission subject to conditions.

Contact Officer	Alison Grogan	01249 706671	agrogan@northwilts.gov.uk
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Proposal and Site Description

The application proposes a residential development of 11 units, to include two 1-bed flats, five 2-bed houses and four 3-bed houses, laid-out as a terrace and semi-detached and detached properties. It is proposed that five of the units will be affordable housing and this will be discussed in further detail later in the report.

The site is within the framework boundary for the village of Gastard, and is close-to, but not within, the Conservation Area. The site forms part of the Travis Perkins site yard, but is separated from the yard by the access to the working Mile Elm stone mine which runs along the eastern boundary of the site. It appears that the site is currently being used as outside storage for the builders' merchants.

The site gently slopes from the rear of the site down towards the road. There is a large lay-by along the frontage, which is used for customer parking and there are residential properties to the north and west of the site.

Lanes End is a 'C' class road, which is fairly narrow. There is only a footpath on the opposite side of the road along the first part of the lane (opposite the church), which comes to an end before the site.

Planning History

The site has a very long history of planning applications and detailed below are those that are relevant to this particular application.

Application number	Proposal	Decision
84/00138/OL	Outline 10 Dwellings	Permission
87/01175/OL	Outline for Residential Development	Permission
90/01019/OL	Outline for Residential Development	Permission
90/01592/OL	Renewal of Outline for Residential Development	Permission
95/00298/D	Details of 30 Dwellings relating to 93/01019/OL	Refused
95/01263/D	Details of 12 Dwellings relating to 93/01019/OL	Permission
01/02609/LAC	Extend life of Mine from December 2003 to May 2010	Observation
02/02612/FUL	Alterations to Access	Permission
07/02740/FUL	Erection of Eleven Dwelling	Refused

Consultations

Corsham Town Council objects on the following grounds:

The application be refused for the following reasons; the proposed development is contrary to policies C3 (sub-paragraphs i, ii, iii and vii) and H3 (sub-paragraph ii) of the North Wiltshire Local Plan. Corsham Town Council recommends that a site visit is undertaken

Wiltshire County Council Highways - Submitted detailed comments, which will be discussed in detail later in this report.

In summary:

- Raised some concerns regarding the loss of the lay-by used for customer parking for Travis Perkins and the S52 Agreement in respect of the Elmpark Mine which requires the provision of two parking spaces on that lay-by.
- The internal layout of the site is generally satisfactory, however, the flank garden wall to Plot 2 should be continued back in a straight line to provide visibility for the adjacent parking spaces.

- Whilst a satisfactory internal layout can be achieved, the lay-by must be amended to comply with the requirements of the S52 Agreement. The applicant will also need to demonstrate that a satisfactory kerb alignment can be provided which allows manoeuvring to and from the lay-by whilst not prejudicing the development site access

In view of the fact that there are no planning requirements for retention of the lay-by, it is therefore considered that there are insufficient grounds to sustain a highway recommendation for refusal. Therefore subject to amendments identified there is no highway objection to the application subject to conditions.

Environmental Health – In conclusion mitigation is needed to prevent noise and dust problems at the site. The 2m boundary fence and the need for fresh air ventilation on certain plots and acoustic glazing should be adopted. There are concerns over the possibility of further land gas and further monitoring is required during any works. A post remediation validation report will be required in regard to possible contamination. Raise no objection subject to conditions.

Wessex Water - Raised no objection, but recommended that the developer agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure

Corsham Civic Society – Object to the inclusion of a type ‘C’ building (3 storey), which is totally unacceptable in this country location. Concern also expressed at the means of access/egress to the site, and the very limited pavement provision around the development. As usual there are too many dwellings proposed and not enough amenity space on site.

Wiltshire Wildlife Trust – No objection as the applicant has provided the necessary ecological assessment and survey, however, recommend conditions

Representations

Letters of Summary of key points raised:

- Removal of the lay-by, which has been in constant use by the public for more than 21 years, so has become part of the public highway, Section 31 of the Highways Act refers. The opinion of a Q.C. has been sought regarding the public right of way and legal action may be taken.
 - Impact on the character of the area and the adjacent Conservation Area, site greatly overdeveloped and not in keeping with surrounding properties or the area, this edge of village location is not consistent with density applied for at almost 46 units per hectare ;
 - The 1.0 to 1.3m footway opposite the site referred to in the Highway Report does not exist;
 - The 3.2m wide parking area is used by church goers and used by large farm vehicles as a passing point, the loss of the lay-by will force people to park on the narrow lane forcing vehicles to mount the footpath on the north side of the road, the lay-by is in constant use by large HGV and agricultural vehicles, safety of pedestrians and children will be compromised;
 - Application granted to re-open the mine was on the basis of a legal agreement stating that the mine could operate or dwellings be erected but not both;
 - Articulated vehicles accessing the stone quarry and the Travis Perkins site have no option but to side swipe and mount the parking area, the boundary wall of the property opposite has frequently been demolished, the loss of the lay-by will block Lanes End more often and longer;
 - Several applications in the area for new dwellings have been refused on sustainability and highway issues, an appeal for two dwellings in 2004 stated that the proposal would be harmful to the character and appearance of the area and to the setting of the Listed St. John the Baptist Church;
 - Proposal involves the removal of trees subject to a Tree Preservation Order;
- objection have been received from thirteen separate households

- Proposed dwellings are of little architectural merit, roman roof tiles and Victorian doors are not suitable and the use of render particularly on the front elevation is not appropriate;
- Noise and dust from the mine;
- Overlooking and loss of privacy
- Plots 5 and 6 will need deep footings and we will require a written undertaking that there will be no damage to our conifer hedge as this is vital for our privacy;
- Understand that there is a condition for the original builder's yard that the lay-by must remain;
- Bats from the mine have colonised the trees on the site;
- Two storey dwellings so close to the road will appear to be much taller, two and a half storey dwellings would appear overbearing;
- Frontage properties should be set further back in line with the bungalow Elm Park;
- Increased traffic on a country lane;
- Proposal would have a negative impact on the setting of the nearby listed church.

Planning Considerations

Principle of Development

The site lies within the defined settlement framework for Gastard. Policy H3 is a permissive policy in such locations, providing that a number of criteria are satisfied. Generally, the proposal is considered to be in accordance with this policy in that it is previously developed land and the proposal exceeds the minimum density of 30 dwellings per hectare. The only proviso of this policy that requires a judgement to be made is whether the proposal is for "small scale or limited development in villages...". The site measures 0.24 hectares and the scheme therefore represents a development of 45 dwellings per hectare. Whilst this is a fairly high density for a village location, the proposed units are relatively small and there will be a proportion of affordable units. This will complement the existing housing stock in the village and satisfy a need for affordable housing within Gastard.

It is considered that the principle of residential development on this site complies with Policy H3 of the adopted Local Plan, however, the ultimate acceptability of the submitted scheme should be assessed against the criteria laid out in Policy C3, together with the acceptability of the developer contributions.

Reference has been made to a legal agreement and to a condition on a previous planning application that the site could be developed for residential or for mining activities but not both. However, it should be noted that the previous application for residential development was for the whole site therefore replacing the existing builders' yard entirely. The access to the Elm Park Mine would be through the middle of the residential development therefore it is clear that the re-opening of the mine would seriously conflict with the residential use of the site and therefore both uses could not exist together. The current application is for only part of the site and Environmental Health Officers have been consulted.

Impact on Amenity

The properties fronting onto Lanes End will be situated close to the road but given the distance and situation of dwellings opposite it is not considered that there will be an overriding issue of overlooking. Plots 5 and 6 have rooms in the roofspace and are higher than the other dwellings on the site, and a section has been provided showing the relationship between plots 5 and 6 with No. 17 Velley Hill. Whilst the proposed dwellings on these plots will be slightly higher they are only marginally so, a single storey garage is proposed closest to the boundary and there will be a distance of 15.5 metres between No. 17 Velley Hill and the two storey gable of plot 5. Additionally, there is a conifer hedge along this boundary under the ownership of the neighbour, whilst concern has been raised regarding possible damage to this hedge during construction works this would be a civil matter between the two parties and not a planning matter.

Design and Scale of Development

The proposed dwellings will be constructed from rubble stone to the front elevations with roughcast render to the sides and rear under natural clay double roman tiles. They are of a simple design with a canopy porch over the front door.

The layout follows a strong street frontage with a pair of semi-detached properties to one side of the access and a terrace to the other, with four dwellings and a parking area to the rear set out in a cul-de-sac. The existing lay-by will be removed and a stone wall and footpath will run along the frontage with Lanes End.

The properties are two-storey, although plots 5 and 6 to the rear of the site have rooms with dormer windows in the roof space, and at 9 metres to the ridge, these properties are approximately 0.5 metres higher than the other proposed dwellings on the site.

Whilst concerns have been raised by local residents regarding the design and proposed materials, there is a mixture of properties of varying age and style in the vicinity of the site and it is considered that the proposed houses will generally blend well with the surrounding properties.

Highways, Access and Parking

The previous application submitted under reference 07/02740/FUL was refused for three reasons, two of which were on the advice of the Highway Authority, and are as follows:

“2. The proposed development would result in the loss of a parking lay-by, used by visitors and delivery vehicles to Travis Perkins, and would encourage such vehicles to park on the highway at the inconvenience and detriment to all users of Lanes End. The adverse impact on the highway would be contrary to Policy C3 of the North Wiltshire Local Plan 2011.

3. The Local Highway Authority, in adopting the Wiltshire County Council publication 'Residential Road Design', have established standards for the layout of new streets. The proposed access road does not conform to those standards and is not, therefore, considered adequate to serve the development proposed. The proposal does not comply with Policy C3 of the North Wiltshire Local Plan 2011.”

This new application shows some modifications to the layout of the site, parking is now provided to the rear of plot 2 with turning space within the road. With regard to the loss of the lay-by it appears that this is private land, whilst a planning application in 1981 refers to this lay-by, there was no condition imposed to ensure that it was retained in conjunction with the builders' yard. There is a Section 52 Agreement from 1990 which requires the provision of two parking spaces on that lay-by, however, this would be a legal matter rather than a planning issue and the granting of planning permission would not override any separate legal issues. It is also acknowledged that local residents may legally challenge whether the lay-by has become a right of way through usage of over 20 years, but again this would not be a planning matter.

With regard to the current application, Highways have responded to the consultation with detailed comments and for the avoidance of doubt or ambiguity these are detailed in full below:

“There is a lay-by fronting the Travis Perkins site which is used for visitor parking and, whilst visiting the site, I noticed that large delivery vehicles use the lay-by to park prior to entering Travis Perkins. The lay-by is of adequate length to easily accommodate an articulated vehicle of 15m in length plus a smaller vehicle. It has also been brought to my attention that the lay-by is used by church goers on a Sunday morning and for general parking by residents, presumably at times when Travis Perkins is closed. The lay-by also acts as a passing place to allow large vehicles such as tractors to pass each other.

The date of provision of the lay-by is not known. However a planning application and permission relating to the builders merchants from 1981 refers to the lay-by as providing parking in

association with that use. In addition a S52 Agreement dated 20 July 1990 in respect of Elmpark Mine requires the provision of two parking spaces on that lay-by.

The proposal includes a shortened lay-by of approximately 10m; this is inadequate to allow the larger vehicles to pull in without obstructing the existing access. In my view it also fails to comply with the requirements of the S52 Agreement which requires the provision of two spaces each 6m long (together with adequate manoeuvring space) I note that you have formed the view that the removal of the lay-by does not constitute a breach of the 1981 permission..

I am concerned that the absence of the off-street parking provision will result in vehicles parking on the highway. Lanes End is not of adequate width to allow for casual parking and I would not want to encourage vehicles, particularly large delivery vehicles, parking on the highway. However it is for Travis Perkins to ensure that adequate parking and servicing space is provided for their business such that the highway is not obstructed.

Although it might be possible to retain the lay-by across the whole of the site frontage, this would introduce further problems. Any parked vehicles would obstruct visibility for vehicles emerging from the site. Further it is probable that the properties fronting the lay-by would treat the area as their personal; parking, thus preventing its existing use

The internal layout of the parking arrangement is generally satisfactory. However the flank garden wall to plot 2 should be continued back in a straight line to provided visibility for the adjacent parking space.

Whilst a satisfactory internal layout can be achieved, the lay-by must be amended to comply with the requirements of the S52 Agreement. The applicant will also need to demonstrate that a satisfactory kerb alignment can be provided which allows manoeuvring to and from the lay-by whilst not prejudicing the development site access.

The matter of the status of the lay-by and any acquired rights of use is not a planning consideration. It is however a matter which could prevent the development being undertaken in its present form should permission be granted. At present I do not consider that sufficient evidence exists to satisfy the requirements of S31 Highways Act bearing in mind the signing of the S52 Agreement in 1990 which clearly identified the land as being in private ownership.

In view of the foregoing and the fact that there are no planning requirements for retention of the lay-by I consider that there are insufficient grounds to sustain a highway recommendation of refusal.

Therefore subject to the amendments identified above there is no highway objection to this application subject to conditions being attached to any permission granted."

In response to these comments, a revised plan has been submitted and further comments from Highways in relation to this plan will be reported in the Additional Information

Affordable Housing

Policy H6 requires that an element of affordable housing should be provided on site of around 50% in village locations, the adopted SPD states that where an odd number of dwellings are proposed, a flat rate contribution of £26,000 will be sought

The application was submitted with a financial appraisal undertaken by Dreweatt Neate which concluded that the profit margins associated with the site were below the normal acceptable developer's profit of 12.5% or 15% on costs and therefore was unable to support any contributions beyond the affordable housing provision and public open space. The developer has proposed the following mix of affordable units:

2 x 2-bed house for rent
1 x 1-bed flat for rent
1 x 2-bed house for intermediate housing
1 x 1-bed flat for intermediate housing

Policy H6 and the Affordable Housing SPD acknowledge that there should be some flexibility as there may be particular site costs associated with the development which would justify a negotiated reduction in provision. The submitted appraisal did not indicate that there were any exceptional costs other than piled foundations and the diversion of the high voltage electricity line. Therefore, the Council requested that the appraisal report was assessed by an independent source to further consider the financial viability of the development. This was undertaken by Atwell Martin and further concluded that the development project was unable to support contributions beyond the affordable housing provision and public open space contribution. In light of the above, Housing have agreed to the above terms.

One of the reasons for refusal on the previous application was:

“1. The Unilateral Undertaking submitted with the application is not acceptable to the Local Planning Authority as it fails to adequately meet the Council's affordable housing requirements in accordance with Policy H6 of the North Wiltshire Local Plan 2011 and the adopted Affordable Housing Supplementary Planning Document.”

It was considered that the wording on the Unilateral Agreement that accompanied the previous application would not adequately secure the affordable housing on this site. Following discussions and negotiations since the previous refusal the applicant has agreed to a S106 Legal Agreement based on the model in the Affordable Housing SPD, using our standard clauses to ensure delivery.

Public Open Space

The applicant has indicated that they would be willing to make a financial contribution towards public open space in accordance with policy CF3 and this is to be included on the S106 Agreement to secure the affordable housing.

Education

A financial assessment submitted with the application from Dreweatt Neate indicated that the site could not support contributions other than the 5 affordable units and the public open space financial contribution. As stated earlier, the Council requested that the appraisal report was assessed by an independent source to further consider the financial viability of the development. This was undertaken by Atwell Martin and further concluded that the development project was unable to support contributions beyond the affordable housing provision and the open space contribution. On the basis of this information it was considered that the Education contribution would not be pursued. However, the following comments were received from Wiltshire County Council in response to the consultation:

“Our assessment of the likely need for school places arising from it shows a requirement for 2 places each at primary and secondary school level. This is based upon 8 qualifying properties - excluding the 2 x one bed units and applying our standard 30% discount to the remaining 3 x 2 bed plus sized affordable units.

The designated area schools are Neston Primary and Corsham Secondary - neither can accommodate these additional pupils within current capacities and future forecasts. Neston is at capacity and Corsham will be full from September 09 onwards.

WCC therefore requires a developer contribution secured by way of a S106 agreement, as follows:

Primary = 2 x places at £10777 each (07/08 cost multiplier applicable to agreements signed up until 31 March 2008 after which an updated figure will apply)
secondary = 2 x places at £16467 each (caveat on multiplier as above)

As this is a full planning submission, I do not expect there to be any change in the housing mix or numbers and so there will be no need to make a re-assessment of need at a later time.”

Protected Species

The application was submitted with an ecological assessment and survey and Wiltshire Wildlife Trust have raised no objection to the application subject to conditions. An email from the District Ecologist requests a condition that the recommendations of the Ecological Scoping Report be implemented. It is also suggested that a reptile survey is undertaken prior to making the planning decision.

The agent has been informed of the comments of the District Ecologist.

Trees

A Tree Preservation Order (TPO) was served on this site during last summer but six months has now lapsed and the TPO has not been confirmed. The decision not to confirm the TPO was due to the unsuitable conditions in which some of the trees are growing and the poor condition of the trees themselves.

The Landscape Planning Officer has raised no issues or concerns regarding the submitted Arboriculture Report.

Conclusion

The proposed development is considered to be acceptable in terms of scale, design and layout.

The applicant has agreed to a S106 based on the NWDC model to secure the affordable housing and the public open space contributions. Two separate appraisals on the financial viability of the scheme concluded that site could not support any further contributions.

On the basis that there are no planning requirements for retention of the lay-by, WCC consider that there are insufficient grounds to sustain a highway recommendation for refusal. A Section 52 Agreement in 1990 requires the provision of two parking spaces on that lay-by, however, this would be a legal matter rather than a planning issue and the granting of planning permission would not override the Agreement. It is also acknowledged that local residents may legally challenge whether the lay-by has become a right of way through usage of over 20 years, but again this would not be a planning matter.

Subject to the completion of the Legal Agreement and the satisfactory comments from the Highways Authority on the revised plans, the proposal is considered to be acceptable

Recommendation and Proposed Conditions/Informatives

Subject to:

The receipt of revised drawings and the satisfactory comments of Wiltshire County Council as Highway Authority (and the imposition of any conditions considered necessary as a result)

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) Five of the units to be transferred to a Registered Social Landlord as affordable housing.
- (ii) To secure the financial contribution in respect of open space provision

Following completion of which the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT planning permission subject to 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 Section 91 of the Town and Country Planning Act 1990

2 The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3 Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity

4 Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels;
- (4) finished levels across the site;
- (5) the means of surface water disposal;

The development shall be carried out in accordance with the details so approved.

Items 1 to 5 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

2. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: To safeguard the amenities and character of the area and in the interests of highway safety.

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity

4. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels;
- (4) finished levels across the site;
- (5) the means of surface water disposal;

The development shall be carried out in accordance with the details so approved.

Items 1 to 5 shall be completed prior to the use or occupation of the development.

Reason: In the interests of amenity and satisfactory layout.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: To safeguard the amenities and character of the area and in the interests of highway safety.

7. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety

8. The proposed roads, including footpaths and turning space where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

9. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

10. The development shall be carried out in accordance with the recommendations of the Ecological Scoping Note

Reason: To safeguard protected species in the interests of nature conservation.

11. Prior to the commencement of the development hereby permitted, details of a close boarded acoustic fence along the boundary of the site to help mitigate potential problems from noise and dust, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: In the interests of the amenity of the area and future occupiers.

12. The development hereby approved shall not begin until a scheme to mitigate potential problems from noise and dust to certain plots, including silenced fresh air ventilation and acoustic glazing, has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved

Reason: In the interests of the amenity of the area and future occupiers.

13. No development shall take place until a scheme to deal with the contamination of the site has been submitted to, and approved in writing, by the local planning authority. The scheme shall include:

- (a) site investigation and risk assessment works for chemical contamination;
- (b) works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environment setting, as identified by the site investigation and risk assessment works;
- (c) remediation validation works.

The works shall be carried out in accordance with the details so approved before the dwellings are first occupied.

Reason: To ensure that the site is decontaminated in an appropriate manner.

14. No development shall commence until the Local Planning Authority has first approved in writing details of a programme of monitoring of land gas during works at the site. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that the site is decontaminated in an appropriate manner.

INFORMATIVES:

1. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:-C3, C2, H3, H6, CF3

2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

- a. Plan Ref: Site Location Plan, 373.11B, 373.12B373.13A373.14, C115/81A received by the LPA on the 12th February 2008 and revised drawing 373.10E received by the LPA on the 7th April 2008.

3. The applicant's attention is drawn to the contents of the attached letter from Wessex Water received on the 27th February 2008.
4. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take our own independent advice with regard to the requirements of the Party Wall Act, 1996

5. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

Reason for Decision

The proposed development by reason of its scale, design and layout is considered to be in accordance with Policies H3 and C3 of the North Wiltshire Local Plan 2011.

Appendices: None

Background Documents Used in the Preparation of this Report: 1.20 2.02 2.04 2.24 3.02 3.06 4.02 4.04 4.05 4.07 4.09