

# AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 7 March 2018  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Christopher Newbury (Chairman)	Cllr Peter Fuller
Cllr Jonathon Seed (Vice-Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

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## Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

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## **Recording and Broadcasting Information**

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 11 January 2018.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 28 February 2018** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 2 March 2018**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

### 6 **Planning Appeals and Updates** *(Pages 15 - 18)*

To receive details of completed and pending appeals and other updates as appropriate.

### 7 **Planning Applications**

To consider and determine the following planning applications.

7a **17/05669/FUL - Former West Wiltshire District Council Office site, Bradley Road, Trowbridge, BA14 0RD** *(Pages 19 - 36)*

7b **17/04647/VAR - Land Between 1a Mill House & 1 Lower Road, Bratton, Westbury, BA13 4RG** *(Pages 37 - 48)*

7c **17/05359/FUL - Land at Boreham Road, Rear of 10 Rock Lane, Warminster, BA12 9JZ** *(Pages 49 - 64)*

### 8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

## **Part II**

***Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed***

## **WESTERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JANUARY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Pip Ridout and Cllr Gordon King (Substitute)

#### **Also Present:**

Cllr David Halik and Cllr Fleur de Rhé-Philippe

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#### **113 Apologies**

Apologies for absence were received from Cllr Stewart Palmen who was substituted by Cllr Gordon King.

#### **114 Minutes of the Previous Meeting**

The minutes of the meeting held on 13 December 2017 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 13 December 2017**

#### **115 Declarations of Interest**

There were no declarations of interest.

#### **116 Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### **117 Public Participation**

There were no questions received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

**118 Planning Appeals and Updates**

The Planning Appeals Update Report was received.

**Resolved**

**To note the Planning Appeals Update Report for 1 December to the 21 December 2017.**

**119 Planning Applications**

The Committee considered the following applications:

**120 17/04730/VAR: Land West of Norrington Lane, Broughton Gifford, Norrington Common, SN12 8LR**

**Public Participation**

Clive Taylor spoke in objection to the application.

William Monk spoke in objection to the application.

Dorothy Treasure spoke in objection to the application.

Peter Maclaren, agent, spoke in support of the application.

Cllr Martin Freeman, Broughton Gifford Parish Council, spoke in objection to the application.

James Taylor, senior planning officer, introduced the report which recommended approval be granted for minor material amendment to planning permission W/12/02072/FUL (varying conditions 4 and 10) to facilitate the "as built" plans of the solar park.

Matters highlighted included: the scale and visual impact of the as built development on the open countryside, conservation area, including the common, and heritage assets such as the grade II listed Gifford Hall, over and above the consented scheme; how the as built plans compared to the permitted scheme; the information gathered from the site visit including the views of the site in the context of other features in the area including the heritage asset; how planting and fencing had been implemented; the comparison with nearby permitted schemes; the views submitted by the public, including Mr Gerber; that the officer's report concluded that the proposals addressed previous reasons for refusal on the variation application from 2014, including replacement of metal fencing and omission of CCTV proposals; and that furthermore, that the as built scheme did not cause any substantial harm over the consented scheme.

Mr Wilmott, Head of Development Management, summarised additional issues for note including: how the difference in the scheme impacted, or otherwise, on the ability to appreciate the listed building in its setting; that whilst there was a recognition that whilst retrospective applications are not often welcome, that the application had be assessed as to whether the changes result in additional

harm to that permitted, and that the officers view was that it did not and that approval should be sought.

Members of the Committee had the opportunity to ask technical questions of the officer.

The local division member, Councillor Philip Alford, then spoke in objection to the application.

The meeting adjourned to consider the written objections submitted by Mr Gerber during the site visit. There were no additional questions from the committee arising from the additional information.

Councillor Philip Alford proposed, subsequently seconded by Councillor Ernie Clark, that the application be refused on the basis that the application had a detrimental impact on the setting of the grade ii listed building, did not preserve or enhance the setting of the heritage asset, did not protect the landscape, and due to the cumulative negative affect on the landscape.

Councillor Jonathon Seed spoke in the debate and stated that having read the officers report, and having visited the site, he was satisfied that the amendments to the previously permitted plans did not demonstrated significant additional harm and therefore he could not support refusal. Councillor Peter Fuller similarly spoke against the refusal.

Councillor Ernie Clark spoke in support of refusal citing the impact on the heritage asset.

Councillor Alford was given an opportunity to respond to the issues raised in the debate.

At the conclusion of the debate, the motion was lost.

Admin note: As requested, the votes of Councillors Philip Alford and Ernie Clark were recorded for refusal.

Councillor Jonathon Seed proposed, subsequently seconded by Councillor Andrew Davies, that permission be granted subject to the conditions outlined in the officer's report.

At the conclusion of debate, it was;

**Resolved:**

**To approve planning permissions subject to the following conditions.**

- 1. The development hereby approved shall be discontinued and the land restored to its former condition on or before 31 December 2039 in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL; 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; and in the interests of consistency with W/12/02072/FUL.

2. In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL, within six months of the cessation of the generation of energy from the site.

**REASON:** In the interests of amenity and the circumstances of the use; and in the interests of consistency with W/12/02072/FUL.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the hereby approved plans:
  - 1295/2575 (Revision V5) - Location Plan by aardvark, dated 20 Feb 14;
  - 001-9-5575 SHT 1 of 1 - Substation general arrangement by Ormazabal, dated 23/01/14;
  - B2281200-L-14 Rev 3 - Landscape Mitigation Plan by Jacobs, dated 03/11/2017;
  - HESR FRAME 3 Version 1 by Power Electronics, dated 3/06/2013;
  - Sheet 1 - Track detail 1 by prosolia, dated 04/14;
  - 150641- Detail Doors Locks by prosolia, dated 10/12;
  - DXX70 - Detail Fibergate GRP by prosolia, dated 02/14;
  - JG16-350/XSEC2D/01 Rev 0 - Cross Section by Jacobs, dated Nov 16; JG16-350/Topo3D/01 Rev D - As built Plan by Jacobs, dated Nov 17; Proposed fence design V1 by Lightsource, dated 25.07.17;
  - B2281200-JAC-SKT-D-00001 Rev 1.0 by Jacobs, dated Aug 17 (within Jacobs Memorandum dated 28 November 2017);
  - Drawing: 1295/2576 (Revision V2) - Existing Site Plan;
  - Drawing: 1285/2580 (Revision V1) – Topographic Survey; Drawing: 1295/2559 (Revision V3) – Footpath Site Plan; and
  - Drawing: 1295/2585 (Revision V1) – Indicative interpretation board specification details.

**REASON:** To define the terms of this permission.



4. The development shall be maintained in accordance with the hereby approved Landscape and Ecological Enhancement Plan – Addendum dated 29 August 2017; and the Landscape and Ecological Enhancement Plan dated October 2013 approved under the discharge of conditions against W/12/02072/FUL.

**REASON:** To ensure a satisfactory landscaped setting for the development, the protection of existing important landscape features; the protection and enhancement of biodiversity interests and in the interests of consistency with W/12/02072/FUL.

5. Within 4 months of the grant of this approval the drainage works identified at paragraph 3.6 of the “As Built Surface Water Drainage System” Memorandum by Jacobs, dated 28 November 2017 and detailed on drawing reference B2281200-JAC-SKT-D-00001 Rev 1.0 by Jacobs, dated Aug 17 at Appendix C shall have been carried out as hereby approved. The surface water drainage system shall be maintained through the lifetime of the development as per the provisions of this document.

**REASON:** To minimise flood risk by ensuring the satisfactory management of surface water from the site through its lifetime; and in the interests of consistency with W/12/02072/FUL.

Admin note: As requested, the votes of Councillors Philip Alford and Ernie Clark were recorded against permission.

121 **17/06733/FUL: The Meadow, Crockerton, BA12 7DU**

Public Participation

Barry Pirie, applicant, spoke in support of the application.

Cllr Richard Baxter, Longbridge Deverill Parish Council, spoke in objection to the application.

Steven Vellance, planning officer, introduced the report which recommended approval be granted for the change of use of existing buildings and part of site to a nursery school, to include proposed works to existing buildings.

Matters highlighted included: that the application had been called in by the local member on grounds including car parking; the location of the site and the existing uses on the land; the support for the proposals from officers responsible for child care provision; the proposed elevations of the proposals and the site entrance for the new access; the existing boundary treatments and vegetation on the site; and the views of the highways officers.

Members of the Committee had the opportunity to ask technical questions of the officer, including clarification of the existing planning permissions on adjacent land.

The local division member, Councillor Fleur De Rhe-Philipe, then spoke in relation to the application stating that whilst she understood the objections of the parish council, she considered that the matters raised had been mitigated against successfully.

Upon the proposal of Councillor Jonathon Seed, seconded by Councillor Ernie Clark, at the conclusion of debate, it was unanimously;

### **Resolved**

**To Approve the planning application 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 permitted shall be carried out in accordance with the following approved plans: Drawing 10203-P01 Rev B - Existing Location Plan received on 03.11.2017; Drawing 10203-P02 Existing Elevations received on 03.08.2017; Drawing 10203-P03 Existing floor Plans received on 03.08.2017; Drawing 10203-P04 Rev B Proposed Block Plan received on 03.11.2017; Drawing 10203-P05 Proposed elevations received on 03.08.2017; Drawing 10203-P06 Proposed floor Plan received on 03.08.2017; Drawing 10203-P07 Existing site plan received on 03.08.2017; Drawing 10203-P08 Proposed Site (Land Identification) Plan received on 26.09.2017**

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

**3. The development hereby approved shall not be brought into use (in relation to the conversion and extension to the stable building) until a scheme for the discharge of foul water has been submitted to, approved in writing by the Local Planning Authority, and completed.**

**REASON: To ensure that the development can be adequately drained.**

**NOTE: If the applicant proposes to use an existing system, the applicant is hereby required to confirm that it is adequate and has the necessary capacity to accommodate the proposed increased use.**

**4. The development hereby approved shall not be brought into use (in relation to the conversion and extension to the stable building) 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 and location of top ground water level to ensure that the base of any soakaway is at least**

**1m of unsaturated soil above the agreed top water level of ground water taking into account seasonal variations, has been submitted to, approved in writing by the Local Planning Authority, and completed.**

**REASON: To ensure that the development can be adequately drained.**

**5. No part of the development hereby approved shall be brought into use until the access, drop off area and parking spaces have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes at all times for the lifetime of the development.**

**REASON: In the interests of highway safety.**

**6. No part of the development hereby approved (in relation to the conversion and extension to the stable building) shall commence until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

**7. No part of the development hereby approved (in relation to the conversion and extension to the stable building) shall be brought into use until the access has been widened, the existing gates have been permanently removed and the visibility improvement works along the western site boundary (as illustrated on plan drawing 10203-PO4 Rev B) have been completed to achieve improved visibility from a point measured 2.4m back into the access measured from the carriageway edge, to a point measured 210m to the nearside carriageway edge in a northerly direction. The visibility splay thus provided shall thereafter be maintained.**

**REASON: In the interests of highway safety.**

**8. The maximum number of children at the nursery shall be 24, as stated within the accompanying Design and Access Statement.**

**REASON: To define the terms of the permission and the interests of highway safety and because this permission is granted having regard to the particular circumstances advanced in support of the application.**

**9. The development shall be carried out in strict accordance with the measures stipulated in the Discussion and Conclusions section of the approved Extended Phase 1 Ecological Survey Report (produced by Stark Ecology Ltd and dated November, 2017) with respect of the need to time the works during the winter and outside of the nesting birds season (which is March to August inclusive).**

**REASON:** To ensure appropriate mitigation for nesting birds, and to ensure compliance with wildlife legislation, Core Policy 50 of the Wiltshire Core Strategy and the NPPF.

**10. No part of the development hereby approved (in relation to the conversion and extension to the stable building) shall commence until the exact details of the ecological enhancement and mitigation measures for bats and birds as recommended in the Discussion and Conclusions section of the approved Extended Phase 1 Ecological Survey Report have been submitted to and approved in writing by the Local Planning Authority. Details must include the number, specification and location of the features to be incorporated within the development and this shall also be shown on a site plan. Thereafter, the ecological enhancement measures for roosting bats and nesting birds shall be installed in accordance with the approved details and plan.**

**REASON:** To ensure appropriate compensation for nesting birds and enhancement for bats in accordance with Core Policy 50 of the Wiltshire Core Strategy and the NPPF.

**11. No new external lighting shall be installed at the application site without prior written approval from the local planning authority. Any plans for new lighting must be submitted to the local planning authority for consideration and approval and must include details of mitigation measures to minimise the potential for impacts on foraging and commuting bats at the site. Thereafter, new lighting must be installed and operated in strict accordance with the approved lighting plan.**

**REASON:** To ensure appropriate mitigation for bats, and to ensure compliance with wildlife legislation and Core Policy 50 of the Wiltshire Core Strategy.

**12. Notwithstanding the provisions enshrined within The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification) the development hereby approved shall be used as a nursery school falling within use class D1 and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

**REASON:** The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case and site location.

**Informatives:**

**Pursuant to conditions 3 and 4, the surface water and foul water discharge treatment needs to satisfy Environment Agency guidelines. Non domestic supplies required for firefighting or commercial use would require a separate assessment with network modelling subject to design requirements. The applicant should make contact with Wessex Water to agree new water connections.**

**122 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.46 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

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**Wiltshire Council**  
**Western Area Planning Committee**  
**7<sup>th</sup> March 2018**

There are no Planning Appeals Received between 26/01/2018 and 23/02/2018

Planning Appeals Decided between 26/01/2018 and 23/02/2018

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Decision</b>	<b>Decision Date</b>	<b>Costs Awarded?</b>
16/12279/OUT	Land South of Blind Lane, Southwick Trowbridge Wiltshire, BA14 9PJ	SOUTHWICK	Outline application for the development of up to 100no. residential dwellings, together with open space, sustainable urban drainage, vehicular and pedestrian access, landscaping and related infrastructure and engineering works. (Outline application relating to access)	DEL	Inquiry	Refuse	Withdrawn	12/02/2018	None
17/06187/FUL	White Horse Equestrian Centre Long River Farm Newtown, Westbury Wiltshire, BA13 3ED	WESTBURY	Demolition and removal of dutch barn and erection of new dwelling	DEL	Written Reps	Refuse	Dismissed	09/02/2018	None

## **The legal duty to state the reasons for making decisions on planning applications**

A recent Court case (Dover District Council v CPRE Kent – December 2017<sup>1</sup>) has set out more clearly the need for Councils to give reasons for their decisions when making planning decisions. Whilst this has been well known in relation to refusals of planning permission, the judgment adds more clarity as to what is required when decisions are taken to approve applications, and particularly when the decision is to approve an application against officer recommendation. This note looks at the implications of that court decision.

### **1. Refusal of applications and the addition of conditions**

It has long been the case that local planning authorities must give reasons for refusing permission or imposing conditions. This is because there is a statutory right of appeal against the refusal or the imposition of conditions. Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that the authority in their decision notice must 'state clearly and precisely their full reasons'.

Members will be aware that in both delegated and committee reports, reasons for refusal are clearly set out by officers, and where members wish to refuse an application against officer recommendation, officers will prompt them for 'clear and precise' planning reasons. There is nothing new in this aspect. Members will also be aware that when officers are issuing delegated approvals, or recommending applications to committee for approval, the reasons for any conditions to be attached are identified in the decision notice or committee report.

### **2. Approval of planning applications**

In relation to delegated decisions, there is a duty to produce a written record of the decision 'along with the reasons for that decision' and 'details of alternative options, if any, considered or rejected' (regulation 7, Openness of Local Government Bodies Regulations 2014). The Council complies with this requirement in relation to planning applications by issuing a decision notice and preparing a separate delegated report. Both of these are then uploaded to the Council's web site so that any interested person can discover both the decision on the application and the reasons that the decision has been made. The judgment re-affirms that what is required is an adequate explanation of the ultimate decision.

In relation to committee decisions, where an application is recommended for approval by officers, the judgment makes it clear that if the recommendation is accepted by members, no further reasons are normally needed, as the Planning Officer's Report will set out the relevant background material and policies before making a reasoned conclusion and it will be clear what has been decided and why.

The Judgment breaks new ground by providing greater clarity on what is required in the circumstances where members of a planning committee choose to grant planning

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<sup>1</sup> <https://www.supremecourt.uk/cases/uksc-2016-0188.html>



permission when this has not been the course recommended by officers in the Planning Officers Report.

In short, the Judgment makes it clear that there is a principle of 'fairness' that needs to be applied, so that those who may be opposed to the decision can understand the planning reasons why members have arrived at their decision. There is no question that members are of course entitled to depart from their officers recommendation for good reasons, but the judgment makes clear that these reasons need to be 'capable of articulation and open to public scrutiny'. The Judgment cites an extract from 'The Lawyers in Local Government Model Council Planning Code and Protocol (2013 update)' as giving the following 'useful advice':

*'Do make sure if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge'*

A further paragraph of the Code is cited that offers the following advice:

*'Do come to your decision only after due consideration of all the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse'*

The underlying purpose of the judgment is to ensure that members can demonstrate that when granting permission they have properly understood the key issues and reached a rational conclusion on them on relevant planning grounds. The Judgment notes that this is particularly important in circumstances where they are doing so in the face of substantial public opposition and against the advice of officers for projects involving major departures from the development plan or other policies of recognised importance. This enables those opposing the decision to understand how members have arrived at their decision.

### **3. Practical Implications of the Judgment**

The judgment re-affirms that the Council's existing practices and procedures are suitable to meet the legal duties imposed on it in relation to decision making on planning applications. The two key points are that where significant new information is provided shortly before a decision is due to be made, it is appropriate for members to ask for it to be explained, or if they consider that more time is required for themselves or officers to assess and understand it, to consider deferring a decision to provide suitable time. Secondly, when approving applications against officer recommendation, particularly those that are in sensitive areas or are controversial, the reasons why members consider that the harm identified can either be suitably mitigated or the reasons why a departure from policy is justified must be explained and recorded to demonstrate to those opposing the development how the Council has reached a rational conclusion. Members need to engage with the recommendations of the officer and explain the reasons for departure from those recommendations. If no rational explanation on planning grounds is recorded, any such decision could be at risk of challenge in the Courts.

Mike Wilmott: Head of Development Management

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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	07.03.2018
<b>Application Number</b>	17/05669/FUL
<b>Site Address</b>	Former West Wiltshire District Council Office site, Bradley Road, Trowbridge, Wiltshire BA14 0RD
<b>Proposal</b>	Erection of 79 dwellings and associated works (following the demolition of existing buildings)
<b>Applicant</b>	Newland Homes
<b>Town/Parish Council</b>	TROWBRIDGE
<b>Electoral Division</b>	TROWBRIDGE DRYNHAM – (Cllr Graham Payne)
<b>Grid Ref</b>	385336 156347
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Eileen Medlin

### Reason for the application being considered by Committee

The application has been called to the area planning committee by Cllr Payne for the following reasons:

- The loss of mature trees that are the subject to a Tree Preservation Order;
- Overdevelopment of the site. 82 dwellings are too many to be built along/off an access road that serves the existing pre-school nursery;
- The loss of the original hedgerow along the boundary with Halfords.
- Poor highway provision including a questionable secondary vehicular access to be formed off Wiltshire Drive.
- Insufficient car parking space provision on site for residents and their visitors in an area with widespread parking restrictions.
- Loss of amenity to neighbours.

The committee call in was maintained following receipt and consultation of revised plan drawings which reduced the housing quantum to 79, removed the second access and retained more of the original trees on the boundary with Halfords as well as other changes.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

### 2. Report Summary

The key determining planning issues for this application are considered to be as follows:

- The principle of development
- Urban design matters and impacts on trees
- Residential amenity impacts
- Highways and Parking matters
- Housing and Affordable Housing

- Ecology matters
- Education provision

### 3. Site Description

The application site is located on the corner of Bradley Road and Wiltshire Drive within the settlement boundary of Trowbridge. The area around the site is predominantly residential with the exception of the Halfords and B&Q retail warehouses located to the south

The site is that of the former 1970s built West Wiltshire District Council offices which was demolished in 2013/14 as well as the Trowbridge Driving Test Centre which still occupies the site, although this building is vacant. An existing day nursery is accessed through the site. The following aerial view illustrates the site extent and its immediate environs (looking south).



A number of trees on the site are the subject of a Tree Preservation Order. There are ten individual TPOs covered by the order reference W/08/00033/MIXED T1 to T10; and two group TPOs covered by the order: W/08/00033/MIXED G1 and G2.

59 trees and the groups of trees (including the above) are identified and appraised by a Tree Survey submitted in support of the application.

The application site is owned by the Council and has been the subject of site marketing. The site purchase has been subject to separate discussions held with the Council's Estates team. The applicant served notice on the Council as part of the application submission process.

#### 4. Planning History

W/13/01018/DEM - Demolition of former Wiltshire Council Offices and Caretakers house – Approved 31/05/2013

#### 5. The Proposal

This negotiated and revised detailed application seeks to erect 79 two-storey dwellings (some of which would have accommodation provided in the roof). 57 would be open market units comprising 7 x 1 bed, 5 x 2 bed, 28 x 3 bed and 17 x 4 bed; and 22 affordable units comprising 4 x 1 bed units, 10 x 2 bed units, 7 x 3 bed units and 1 x 4 bed unit and includes both shared ownership and affordable rented units. The proposed development would utilise the existing access with modifications and maintain vehicular and pedestrian access through the site to the neighbouring nursery. The proposal includes a number of areas of open space around the retained protected trees on site. The plan insert below illustrates the proposed layout.



#### 6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this proposal:

CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP28 (Trowbridge Central Areas of Opportunity), CP29 (Trowbridge Area Strategy), CP35 (Existing employment land), CP36 (Economic regeneration), CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP45 (Meeting Wiltshire’s housing needs), CP46 (Meeting the needs of Wiltshire’s vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP55 (Air Quality), CP56 (Contaminated Land), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

## Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved. Those which are relevant to this application include: Policy U1a (Foul Drainage/sewerage treatment), I2 (Arts), and Policy I3 (Access for everyone)

The following are also material to the assessment of this application:

- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Leisure and Recreation Development Plan Document
- Wiltshire Council's Transport Plan and Car Parking Strategy
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire CiL Charging Schedule (May 2015); CiL Obligations SPD (May 2015); CiL 123 List (Sep 2016) and CiL Instalments Policy (May 2015)
- The National Planning Policy Framework 2012 (NPPF) and National Planning Practice Guidance (NPPG)

## **7. Summary of consultation responses**

Trowbridge Town Council – No objection

Trowbridge Civic Society – Supportive subject to some suggested amendments

Wiltshire Council Spatial Planning Team - Supportive

Wiltshire Council Urban Design Officer – Supportive

Wiltshire Council Highways Officer – Supportive

Wiltshire Council Education Team – Objects due to lack of primary school places in Trowbridge

Wiltshire Council Open Space Team – No objections. Financial contributions are required for off-site play provision and sports pitch provision – which need to be secured by s106.

Wiltshire Council Environmental Health /Public Protection Team – No objection subject to conditions

Wiltshire Council Affordable Housing Team – Supportive subject to the affordable housing provision being secured by s106

Wiltshire Council Drainage Team – Supportive subject to conditions

Wiltshire Council Waste Collection Team – Supportive subject to a s106 contribution

Wiltshire Council Tree Officer – Support subject to conditions

Wiltshire Council Archaeologist – Support subject to conditions

Wiltshire Council Arts Officer – Public art should be integrated into the development

Dorset and Wiltshire Fire and Rescue Service– Requested use of conditions to secure water supply for fire-fighting.

## **8. Publicity**

The application was advertised by site notice and by neighbour notification letter on the 28/06/2017 and again on the 07/12/2017 following receipt of revised plans. Third party representations were received from 14 neighbouring residential occupiers who raised the following summarised concerns:

Adverse impact on the character and appearance of the area

Cramped form of development

Loss of trees

Loss of green spaces

Over development of the site

No open spaces for play or recreation

No play ground

Building line too close to Bradley Road

Footpath along Halfords boundary should be retained  
Development should be reduced to 55  
Access to nursery unsafe  
Second site access unsafe  
Increased transport on existing access unsafe  
Inaccurate traffic surveys  
Traffic will increase  
Existing and proposed bus stops not shown  
Insufficient and inconvenient parking provision  
Residents will park on surrounding streets  
Enforcement of parking provision to ensure it is provided and made available for use  
Loss of privacy  
Impact on infrastructure such as school places.

Notwithstanding the concerns summarised above none of the letters received objected to the principle of developing this brownfield site for housing with many either expressing support or an acceptance that the site should be developed for housing subject to addressing the concerns summarised above.

## **9. Planning Considerations**

9.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

**9.2 Principle of Development** - The application site is a 'previously developed' brownfield site within the settlement boundary of Trowbridge and as such, the principle of redeveloping the site for housing would be in accordance with the settlement and delivery strategies as set by Core Policies 1 and 2 of the Core Strategy.

Both the former West Wiltshire District Council offices and the Driving Test Centre are considered to have been 'sui generis' uses (i.e. buildings that do not fall within a particular planning land use class, and instead are classed as being a use of their own kind). This being the case, the proposed development does not need to satisfy or be tested against the criteria set out within Core Policy 35 which specifically seeks to protect land or buildings currently or last used for activities falling within use classes B1, B2 and B8 (which comprise business, general industrial and storage and distribution uses).

In terms of the former West Wiltshire District Council office use, officers have had regard to the following court ruling: London Residuary Body v Secretary of state for the Environment [1988] JPL 637 (CA) which found that London's County Hall did not fall within an office use class, as its 'office use' was incidental to the wider local government function; and, with this in mind, officers argue that the demolished former West Wiltshire District Council local government headquarters existed and functioned beyond that of an office and a sui generis land use would be most appropriate in terms of appreciating the historic land use planning classification.

In terms of development principle, residential development would be entirely consistent with the prevailing residential character of the area and the site regeneration is supported by Core Policy 28 (Trowbridge Central Area of Opportunity) and Core Policy 36 (Economic Regeneration).

The proposal would also make a valuable contribution towards meeting and bolstering the housing land supply and satisfying housing needs, including the much needed 22 extra affordable housing units.

Therefore it is duly argued that the principle of residential development is acceptable.

**9.3 Urban Design and Trees** - There are a number of constraints affecting this site in the form of a number of trees (including protected trees); a through road that serves the existing nursery located to the southeast of the site boundary; the western, northern and partial eastern site boundary abuts public highway as well as being a close neighbour to residential properties and the Halfords/B&Q retail warehouses.

Core Policy 57 requires a high standard of design in all new developments and sets a number of criteria against which new development proposals should be assessed against. In terms of urban design, it is submitted that the negotiated revised housing layout is underpinned by good urban design principles with the retention of the best trees that would establish focal points within the development. The Council's urban designer is supportive of the scheme and officers accept the proposed mix of house types, boundary treatments, parking provision and elevational treatment and materials and consider it to be policy compliant.

It is considered that the proposal represents a high quality, attractive form of development responding to both the constraints and opportunities of the site and would be in accordance with Core Policy 57 and the NPPF in terms of design.

There are a number of TPOs on the site which include a row of 19 Norway Maples (T20 – T39) situated along the site boundary with Halfords, a group TPO of 5 trees (T55 to T59) to the west of the site access on Wiltshire Drive and 10 individual trees within the site (5 along Bradley Road (T42,T43,T44,T47 and T48), 4 along Wiltshire Drive (T01, T02, T03 and T06), and 1 in the middle of the site (T17).

It is proposed to remove 39 trees and 3 tree groups which would include 12 trees from the group TPO on the boundary with Halfords, 3 from the group TPO to the west of the site access and 3 of the individual TPO'd trees.

The Council's tree officer has taken an active involvement in the negotiated revisions and after meeting with the applicant's arboricultural consultant on site and inspecting the trees, he raises no objection to the proposed development and comments positively on the relationship of the proposed development with the retained trees. The loss of trees including TPO trees has been justified and carefully negotiated and agreed with the council's tree officer.

The proposal would retain every category A tree on the site, but the scheme would result in the loss of 9 category B trees with the remainder of those being lost being either Category C or unclassified.

Some of the trees which provide screening along the boundary with Halfords are of poor physiological form and their life expectancy under current growing conditions and surrounding land use pressures, are significantly limited; and with this in mind, officers agree that it is reasonable and appropriate to allow the removal of those trees with the least amount of long term potential so that any gaps created along the southern site boundary can be planted with more suitable species able to adapt to the local environment. The compensatory replacement tree species proposed would include Field Maple, Brewers Spruce and Wild Cherry. These replacement trees once established would be subject to a new TPO.

Of the five protected trees along the Bradley Road frontage of the site, two would be removed because of their poor condition.

A single tree protected by TPO (T02) would be removed on the northern Wiltshire Drive site frontage to lengthen the lifespan and advantage of the retained protected tree (T03). The group TPO to the west of the vehicular access would retain the best 2 trees (T58 and T59) and remove the remainder of trees in this group to improve the growing conditions for the retained trees.



The protected Oak tree located in the centre of the site would form a key focal point for the scheme and the proposed houses would have an acceptable relationship with this retained tree. The other retained TPO's are also integrated into the design of the layout and are located in landscaped areas on the site boundary with Bradley Road and Wiltshire Drive.

Other trees on the site not subject of a TPO would be removed to facilitate the development but again their loss would be compensated for through replacement planting as part of a robust landscape scheme which includes the planting of over 100 trees, shrubs and hedges – which the insert plan illustrates:



The application is supported by a robust and acceptable landscaping scheme. The site redevelopment would be appropriate in terms of density which would be consistent with the prevailing character and would constitute as an efficient use of the previously developed land and contribute greatly to the town's sustainable growth and housing delivery with sufficient compensatory provision on site to mitigate the amount of tree loss.

**9.4 Residential Amenity Impacts** - The development proposals would be compatible in terms of respecting the immediate prevailing character and land uses; and, the development would not result in substantive harm to residential amenity. The neighbouring occupiers who would be most affected by the development, would be the properties on Wiltshire Drive facing onto the north eastern corner of the site and those on Elcombe Close which share a boundary with the site. Numbers 4, 6, 8, 10 and 12 Wiltshire Drive face directly onto the site. With the exception of No 12, these properties would continue to have an unobstructed outlook over an area of open space. The rear garden of Plot 59 would partially obscure the view from No 12. However, it is considered that this would not have an unacceptable impact on the amenities of the occupiers

of No 12 who would still enjoy a pleasant outlook with a 10m separation between their front elevation and the rear fence of Plot 59.

No 6 Elcombe Close shares a rear and side boundary with the development site and No 5 Elcombe Close shares a rear boundary. With regards the side boundary of No. 6 Elcome Close, proposed plots 54 to 59 are all in excess of 10m to the boundary which is considered to be an acceptable relationship. The proposed flats over garages (FOGs) would have habitable room windows that would face in the direction of the rear gardens of Nos 5 and 6. The front elevation of the flats would be 13m from the boundary of the site but there would be over 25m window to window separation at first floor level. This relationship is acceptable and there would be no conflict with Core Policy 57 in terms of residential impacts.

The other nearest neighbouring occupiers are separated from the site by Wiltshire Drive and Bradley Road and at these locations, the development proposal would not have an adverse impact on existing residential amenity.

The residential amenity of future occupants within the site has been considered in terms of appraising the effects of the existing road network and the neighbouring retail warehousing. A noise report was submitted with the application which concluded that acceptable levels of amenity could be achieved subject to implementation of mitigation measures. These measures largely relate to insulation measures to the fabric of the buildings and the siting of walls. These measures can be adequately secured by planning condition.

On the basis of the above, the proposed development would ensure adequate levels of amenity for existing and future occupiers in accordance with Core Policy 57 of the Wiltshire Core Strategy and paragraph 17 of the NPPF.

**Parking/highways** – The development proposal would retain the existing vehicular point of access with modifications to reduce the radius. The access and internal road layout are considered to be well planned and would provide adequate manoeuvring for service vehicles as well as retaining a safe pedestrian and vehicular access to the nursery site. In regards the nursery site, developer contributions should be secured by a s106 should a TRO be needed to prevent on street parking at the junction to the nursery access.

The proposed residential parking scheme would be in line with the Council's parking strategy as required by Core Policy 64. Public transport and pedestrian improvements are considered necessary to make the development acceptable. A new bus shelter on Wiltshire Drive and pedestrian improvements around the site need to be secured as part of any permission. A Travel Plan to encourage sustainable means of travel should also be secured by condition or by s106 agreement.

The increase in traffic resulting from the development would not result in unacceptable pressure on the surrounding road network or pose a risk to highway safety.

Overall the proposal is considered to be in accordance with Core Policies 60, 61, 62, 63 and 64.

**Housing** – The proposed delivery of 79 dwellings at this brownfield urban location would make a valuable contribution towards meeting the indicative housing target for Trowbridge and bolster the rolling Council's 5 year housing land supply provision. This site lies within the 30% affordable housing zone and as such Core Policy 43 (CP43) requires affordable housing provision of at least 30% net. However, this policy must be appraised alongside the application of a vacant building credit which applies to the site due to the presence of the vacant Driving Test Centre facility. Through applying the vacant building credit and holding discussions with the Council's affordable housing team, the affordable housing provision requirement is 22 (as opposed to 24).

Based on local housing need evidence, 14 affordable rented units are required and should comprise 4 x 1bed (2 person apartments); 6 x 2bed (4 person houses), 3 x 3bed houses and 1 x 4bed house; and, the remaining A/H units shall constitute 9 shared ownership units taking the form of 6 x 2bed (4 person houses) and 3 x 3bed (5 person houses).

The affordable housing proposed on site is in line with this requirement and are pepper potted throughout the site and are indistinguishable from the market housing all of which has the support of the Council's housing team.

Core Policy 45 (CP45) requires a mix of housing types in line with the SHMA. It is considered that the proposed mix of units is in accordance with policy. Core Policy 46 (CP46) also requires developers to demonstrate how their proposals respond to the needs of an ageing population through features such as Lifetime Home Standards.

The proposed mix aligns with the SHMA and includes the provision of 2 wheelchair adaptable ground floor units. The affordable housing provision requirements would need to be secured via S106.

**Ecology** - Core Policy 50 advises that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. An Extended Phase 1 Ecological Survey was submitted with the application and the mitigation measures proposed in the Survey can be secured by condition. A licence from Natural England would be required prior to the demolition of the former Driving Test Centre due to the presence of Bat Roosts within the building. The Ecology Survey advises that these are common species of Bat. The survey also found nesting swallows. Mitigation is proposed in the form of native planting as part of the landscaping scheme and Bird and Bat boxes would be provided across the development which can be secured as part of any consent.

**Education** – Whilst it is duly noted that the education team have lodged an objection to this application, it must be balanced against the benefits of the scheme. The 79 units proposed would generate a need for 20 primary school places and the applicants are willing to pay a financial contribution of just under £351k to fund the additional pupil product this development would generate. Although there is some capacity at Holbrook School a contribution towards primary school places in Trowbridge is considered necessary to address the capacity issues in the town as a whole. Financial contributions amounting to £326k is required for secondary school provision and £153k for early year's/nursery provision.

**Other Matters** – Conditions would be necessary to ensure this development is acceptable in planning terms in respect of archaeology, land drainage, waste and recycling provision and land contamination to ensure satisfactory development of the site; and a s106 to secure the necessary obligations it generates in the form of affordable housing, education, waste and recycling, public open space, play space and off-site highway improvements.

#### **10. S106 Developer Obligations and Infrastructure Benefits**

Based on the 79 residential units proposed the following s106 contributions have been requested and agreed by the applicant:

Affordable Housing – 22 units (13 affordable rented (including 2 wheelchair adaptable units) and 9 shared ownership units);  
Primary School Places - £350,900.00 developer contribution;  
Secondary School Places - £326,424.00 developer contribution;  
Early Years - £153,171.00 developer contribution;  
Waste - £7,189 developer contribution;  
On-site public open space – 2759.31m<sup>2</sup> on-site provision;

Off-site play space – £20,415.18 developer contribution to upgrade play space in the vicinity of the development;  
Off-site sports pitch contribution - £18,644 developer contribution to upgrade the playing pitch surface at Woodmarsh;  
A developer contribution of £6000 should a traffic regulation order (TRO) be needed to prevent on street parking at the junction to the nursery access;  
A Travel Plan; and,  
Off-site highway infrastructure comprising provision of a Bus Shelter and pedestrian improvements.

The development would also generate a CIL payment of approximately £300,000 and of this sum, 45k (15%) would be re-directed to the Trowbridge Town Council. In addition, the scheme would generate a New Homes Bonus paid to the Council – to be calculated on the Council tax receipts at a future date.

**11. Conclusion (The Planning Balance)** The proposal represents a sustainable form of development on a brown field site in a central location and would contribute 79 dwellings to the council's housing land supply including 22 affordable units. The layout and form of development is considered to be of a high quality and the proposal is policy compliant in all other regards. Whilst there is a shortage of primary school places it is considered that this would not justify the refusal of the application.

**RECOMMENDATION** – It is recommended that the committee delegates authority to the head of development management to grant full planning permission subject to the planning conditions and informatives listed below following the completion of a s106 agreement to cover the developer obligations as summarised within section 10 above, and;  
To delegate authority to the head of development management to refuse the application, if the s106 is not completed.

**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. No development shall commence within the area indicated (proposed development site) until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

NOTE: The work should be conducted by a professional archaeological contractor to which there will be a financial burden for the applicant.

3. No development shall commence on site until a scheme for the discharge of foul water from the site, and abandonment of existing sewers within site not being re-used, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

4. 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 and appropriate attenuation measures, limiting the runoff to a maximum of 47.7 l/s and relevant permission for diversion of existing storm sewers, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall not be first occupied until surface water drainage, including diversions of existing storm sewers has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and

approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

**Step (iii) Implementation of Approved Remediation Scheme:**

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

**Step (iv) Reporting of Unexpected Contamination:**

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 step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

**Step (v) Verification of remedial works:**

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

**Step (vi) Long Term Monitoring and Maintenance:**

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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.

6. No development shall commence on site until details of the estate roads, footways, footpaths, cycle bollards, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in

accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

7. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43m in both directions from the centre of the access in accordance with the approved plans 'External Works Layout' (1 of 3) 750-141-1 Rev B received on the 15th February 2018. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - h) measures for the protection of the natural environment.
  - i) hours of construction, including deliveries;

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

REASON: 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.

9. No development shall commence on site until a waste audit regarding the construction of the site (part a – g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to the grant of planning permission.

10. No development shall commence on site above ground floor slab level until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

11. All demolition, site clearance and development works shall be carried out in strict accordance with the approved details contained in the Arboricultural Report containing: Arboricultural Constraints, Arboricultural Impact Assessment (AIA), Tree Protection and Arboricultural Method Statement prepared by Silverback Arboricultural Consultancy and received by the council on 8<sup>th</sup> December 2017.

The Tree Protection Fencing shown on Tree Protection Plan Phase 1 included in the above report shall remain in place until a full 'No-Dig' specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

12. No dwelling shall be occupied until the means of site/plot enclosures as shown on the approved plans have been provided in accordance with the approved plans.

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

13. No dwelling shall be occupied until the associated car parking spaces outlined on the approved plans and Parking Allocation schedule (750-106 Rev C received 16<sup>th</sup> February 2018) have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

14. No dwelling shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have been submitted to and approved in writing by the local planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to the grant of planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies.

15. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with 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.

16. No dwelling shall be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved plans thereafter.



REASON: To ensure adequate facilities are in place upon occupation of the development

17. No dwelling shall be first occupied until the cycle parking facilities as shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

18. No dwelling shall be first occupied until the works comprised in the scheme for mitigating the effects of noise for that dwelling as set out in the Noise Impact Assessment prepared by Matrix Acoustic Design Consultants received by the council on the 16<sup>th</sup> February 2018 have been completed.

REASON: To minimise the disturbance which that could otherwise be caused to incoming occupiers by noise from the nearby noise sources.

19. No dwelling shall be first occupied until the mitigation measures set out in The Extended Phase 1 Ecology Report prepared by Stark Ecology received by the Council on the 7<sup>th</sup> December 2017 are implemented. The mitigation measures shall be retained on site thereafter.

REASON: To ensure adequate ecological mitigation for the development for foraging and roosting bats and nesting sparrows.

20. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained in accordance with the 10 Year Maintenance Programme prepared by Peter Quinn Associates, received by the Council on the 20<sup>th</sup> December 2017. 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.

21. 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), no garage hereby approved which is required to satisfy on-plot parking standards (as identified Parking Allocation schedule - 750-106 Rev C received 16<sup>th</sup> February 2018) shall be converted to ancillary habitable accommodation without first obtaining planning permission.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety and to ensure there is adequate car parking provision.

NOTE: Future PD rights to convert garaging into additional ancillary habitable accommodation would still apply to plots that can accommodate the requisite parking

provision on-site. This condition would only apply for plots/properties that rely on the garaging for off-street car parking

22. The development hereby permitted shall be carried out in accordance with the approved plans contained within the plan list schedule set out in the letter received from PlanningSphere and dated 22 February 2018.

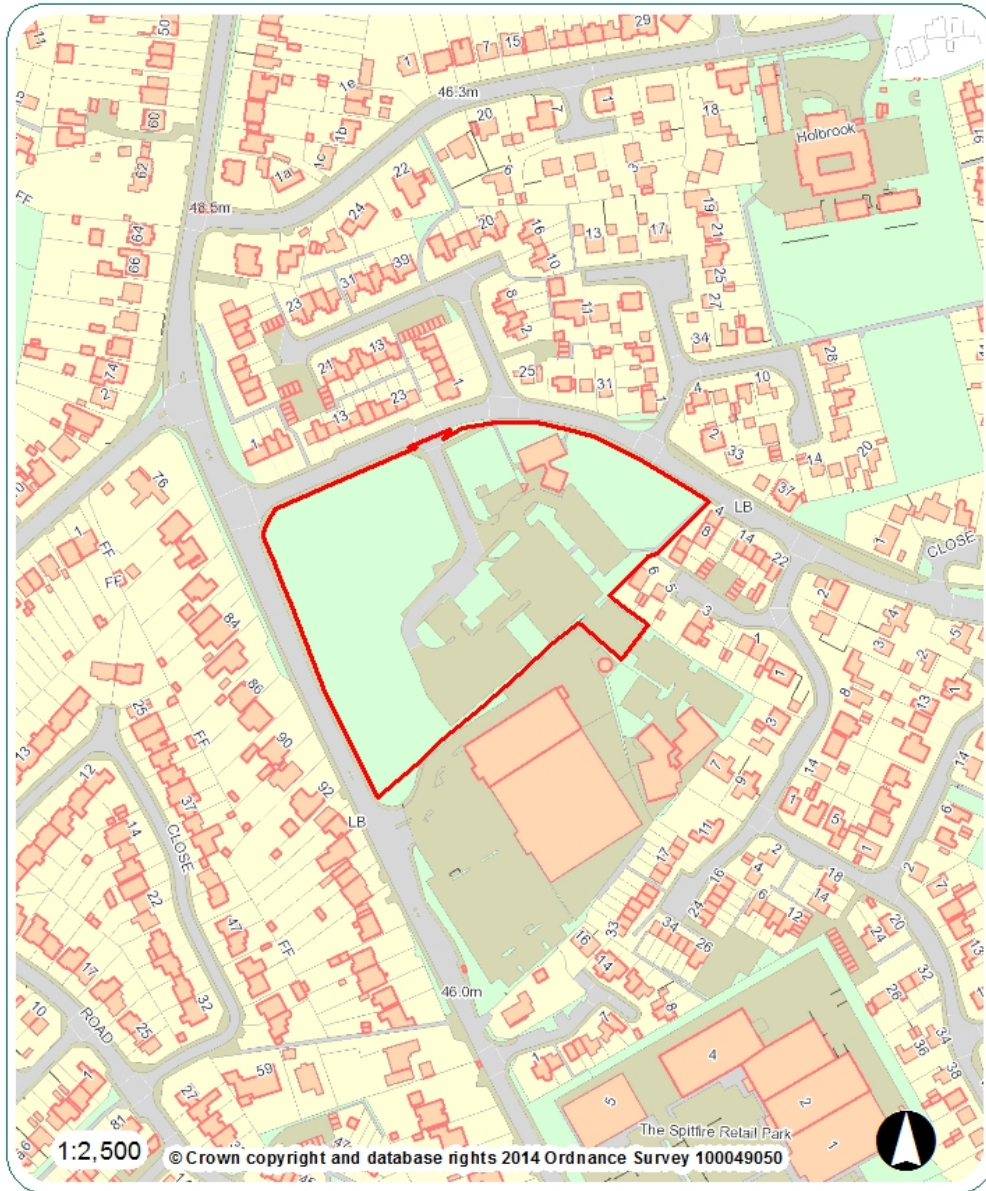
REASON: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVES:**

1. This permission shall be read in conjunction with an agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).
2. Bats have been found roosting in the former Driving Test Centre and a licence from Natural England is required before its demolition. Please note that this consent does not override the statutory protection afforded to any such species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) which implements EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not.
3. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

17/05669/FUL

Ex West Wiltshire District Council Offices  
Bradley Road  
Trowbridge  
Wiltshire  
BA14 0RD



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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No.

<b>Date of Meeting</b>	7 March 2018
<b>Application Number</b>	17/04647/VAR
<b>Site Address</b>	Land Between 1a Mill House & 1 Lower Road, Bratton, Westbury BA13 4RG
<b>Proposal</b>	Variation of condition 14 of planning permission W/12/02101/S73 to allow for alterations and additions to approved dwelling
<b>Applicant</b>	Miss Lavinia Broom
<b>Town/Parish Council</b>	BRATTON
<b>Electoral Division</b>	ETHANDUNE – Councillor Jerry Wickham
<b>Grid Ref</b>	391722 152578
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steven Vellance

### **Reason for the application being considered by Committee:**

The application is brought to committee at the request of Councillor Jerry Wickham for the consideration of significant inaccuracies between the submitted plans and the dwelling which is under construction, the size of which is considered too large for the plot and has an overbearing impact of adjoining properties affecting their amenity space.

#### **1. Purpose of Report.**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

#### **2. Report Summary.**

This report assesses the principle of development as well as appraising the design and neighbouring impacts of the 'as built' house and the proposed modifications which materially deviate from what was previously approved. This report also appraises the effect of the development on heritage assets and flood risk.

Neighbourhood responses: 11 third parties submitted 31 representations in total.

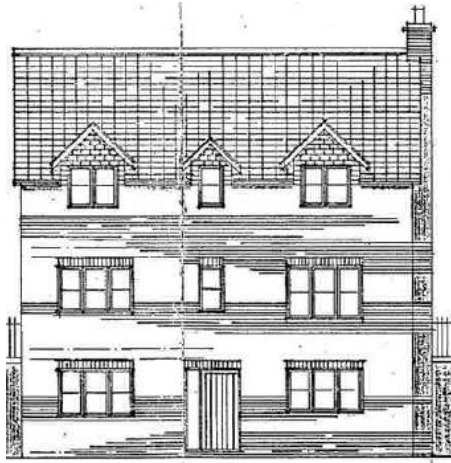
Bratton Parish Council: Objects to the application for the reasons summarised in section 7.

#### **3. Site Description.**

The application site forms part of land associated to No.1a Lower Road, Bratton, which is a designated large village within the Westbury Community Area. The site is located within the Bratton Conservation Area and lies several metres below the level of Lower Road (located to the immediate west). The site slopes in an eastern direction towards the watercourse located beyond the application site. Vehicular access is already in place serving 1 & 1a Lower Road.

#### **4. Planning History**

W/04/02456/FUL - Two and a half storey detached dwelling house with integral garage – Application Withdrawn - 26.01.2005.



The insert elevation above relates to the withdrawn W/04/02456/FUL application

W/06/01395/FUL - Two storey detached dwelling using a shared access - Permission 26.10.2007

W/09/03408/S73 - Two storey detached dwelling using a shared access (extension of time) - Permission 07.01.2010

W/12/02101/S73 - Application to replace extant planning permission reference 09/03408/S73 in order to extend time limit for implementation (2 storey detached dwelling using a shared access) - Permission 16.01.2013

### 5. The Proposal.

This application seeks to vary condition 14 (the approved plans list condition) of approved planning permission ref: W/12/02101/S73 to retrospectively allow material alterations and additions made to and proposed for the partially constructed dwellinghouse, the form of which is complete on land at 1a Lower Road, Bratton. The plan insert below illustrates what was approved in January 2013 under application w/12/02101/S73.

### W/12/02101/S73 Approved Plan



The more detailed inserts below illustrate the material difference between what was previously approved and what has been constructed on site – with respect to the southern elevation:



**The 2013 approved plan**



**The house that is under construction**

The material differences between what was previously approved and what has been constructed on site comprise: excavating an extra 1m of ground to position the slab of the dwelling 4m below the public road level compared to the consented 3 metres. The insert image above right illustrates the road level (depicted by a horizontal line to the far left of the image at about eaves level) and the former sloping ground level which is illustrated as cutting across the southern facing elevation has been removed. As a consequence of the excavation and setting the foundations at a lower level than what was previously planned, the resulting ridge level is some 0.7m lower than what was approved in 2013. The roof massing is also reduced compared to what was approved in 2013 by virtue of it being 0.3m smaller (the eaves-ridge measures 3.6m rather than 3.9m). The 2013 approved wall head dormers have been deleted and have been replaced by windows formed in the walls instead. The 2013 approved plans clearly related to a 4-bed house of two-storeys. The house that has been constructed has 2.5 storeys with a fifth bedroom and en-suite to be formed in the roof space that would be served by eastern and western gable windows and high-level rooflights in the southern and northern roof planes. The modifications made to the form of the dwelling are illustrated by the following insert of the southern elevation plan which officers have created by overlaying the previously approved plan over the as built/proposed plan elevation drawing. The red outline represents the form, size and position of the 2013 approved house with the more detailed elevation behind it representing the proposal.



Section and proposed amendments in detail. The plan below illustrates all the as built/proposed elevations of the new dwelling.



## 6. Local Planning Policy.

Wiltshire Core Strategy (WCS) CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements; CP32: Westbury Community Area; CP45: Meeting Wiltshire's housing needs, CP57: Ensuring High Quality Design and Place Shaping; CP58: Ensuring the Conservation of the Historic Environment; and CP67: Flood Risk.

Wiltshire Local Transport Plan 2011- 2026 – Car Parking Strategy

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations.

## 7. Summary of consultation responses.

**Bratton Parish Council:** 1<sup>st</sup> consultation response: The Parish Council objected for the following reasons:

- The amended dwelling is significantly larger than what was previously approved
- The development is out of proportion to the area and is over development of the site
- Loss of amenity to neighbouring properties with overshadowing and loss of outlook
- The submitted plans do not reflect the unauthorised work

2<sup>nd</sup> consultation response received: The Parish Council reaffirmed its objections arguing that the development has taken place contrary to the planning permission previously granted and the application details do not accord with what has been constructed.

**Wiltshire Council's Conservation Officer:** No objections (refer to section 9.6 of this report)

**Wiltshire Council's Highway Officer:** No objections, subject to conditions.

**Natural England:** No objections.

**Wiltshire Council's Building Control:** The dwelling has building warrant approval - signed off by the Council. The drainage connections connect to the existing drainage system.

**Wessex Water:** No objections. A planning informative is necessary to address separate land drainage consent matters

**Wiltshire Council's Land Drainage Officer:** No objections, subject to a planning informative advising the applicant that separate land drainage consent is required for operational development works within 8 metres of a watercourse and private system discharge.



**Environment Agency:** No objections although recommended that the house should have flood proofing measures. (Note added: This application falls outside the EA's statutory remit).

## **8. Publicity**

The application was advertised by site notice and neighbour notification letters. The site was visited by the case officer on several occasions in addition to the inspections made by the Council's building control team. Three separate public consultation exercises were completed between June and October 2017 which resulted in 31 representations being received from 11 third parties raising the following concerns:

- The development is three storeys and is significantly different to the previous approved house.
- The foundations are lower and the ridge height has increased to create a two-storey dwelling.
- The submitted plans do not accurately illustrate the house under construction.
- The building should be demolished and the applicant should stick with the original plans.
- The plot is overdeveloped.
- The driveway is steeper and concerns are raised about car parking, visibility and subsidence.
- The revised house is out of character, intrusive and harmful to the Conservation Area.
- The applicant's needs should not outweigh the harm to the Conservation Area
- There are more windows than what was previously allowed.
- The position of the chimney has changed.
- The proposed roof lights are inappropriate.
- The development would have a detrimental impact on neighbouring amenity
- There is insufficient car parking, access and visibility splays
- Concerns about subsidence, road restrictions and earth banking and boundaries.
- A variation application is not an appropriate submission.
- If approved, it would set a precedent for unauthorised developments.
- Further details should be sought
- Impact on neighbouring amenity
- The 2005 application for a 2.5 storey dwelling was withdrawn as officers considered it to be inappropriate.
- Possible risk of flooding as the building is set lower into the site.
- The datum levels need to be checked.
- Why didn't the Council monitor the build.
- There has been a disregard for planning rules and regulations. The application should reported to committee for the members to refuse and should be demolished and re-built to original plans
- Concerns raised about inadequacy of neighbour notification timeframes.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

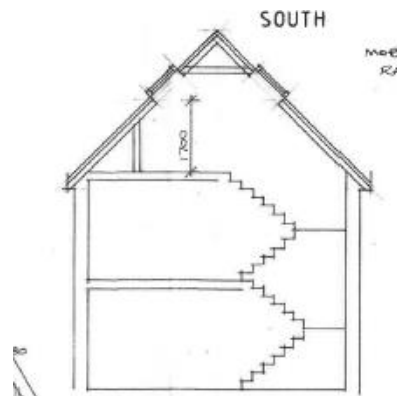
**9.1 The Principle of Development** - The application site is located within the village of Bratton on land between 1a Mill House and 1 Lower Road which is served by an existing vehicular access which connects with the main highway of Lower Road. The site already benefits from planning permission for a new dwelling (granted under application W/12/02101/S73 – which was a variation application itself that granted the applicant an extension of time to construct a 2-storey dwellinghouse originally granted under application ref: W/06/01395/FUL. The principle of erecting a dwellinghouse at this site is therefore well established. The site location is within the established village boundary development limits and on the basis of the above, officers remain in support of the principle of the erecting a dwellinghouse at this site. It is also noteworthy to mention that the 'as built' house benefits from building warrant approval, which includes the surface water drainage.

**9.1.1** It is acknowledged that the Parish Council and third parties have objected to the new house that is well advanced in terms of its construction and numerous concerns have been raised on matters which the following sections will duly appraise:



**9.2 Design and Neighbouring Impacts** – By referencing the above hybrid plan drawing insert which overlays the previously approved dwelling (shown in red) over what has been built (in grey), it is submitted that the unauthorised dwelling is still principally a two-storey building, but it albeit with an extra (fifth) bedroom and an en-suite formed within the roof space. Unlike the previously consented scheme this retrospective application does not seek consent for wall head dormers. Instead, following the additional 1m site excavation that lowered the slab and foundations, the first floor windows are now at a lower level compared to the approved dwelling. This is clearly evident when comparing the window positions against the ‘fixed’ datum level formed by the adjacent road. The house position has not materially changed on the site, and as a consequence, the first floor north facing windows would lead to a reduced level of overlooking across the neighbouring garden associated to No.1. Under the 2013 application the wall head dormer windows illustrated below would serve two bedrooms.

The proposed dwelling seeks to have two upper floor windows serving bedrooms, albeit smaller units than what was previously approved. In addition, to serve the aforementioned fifth bedroom and en-suite, two rooflights are proposed for the northern (and southern roof plane). The rooflights would be positioned at a level and angle that would not lead to substantive neighbouring overlooking harm, as the following section illustrates:



The position of the roof lights would preclude substantive overlooking of No. 1’s neighbouring garden. By virtue of the 54 metre separation distance involved between No. 1 and the proposed dwelling and taking into account with the height of the roof lights being 1.7 metres above the

floor level, combined with their upward angle of view, officers are fully satisfied that there would be no demonstrable window-window privacy conflicts. No substantive concerns are raised about the proposed relocated chimney stack.



**Approved 2013 Northern Elevation Plan**



**Proposed/As Built Northern Elevation Plan**

**9.2.1** On the southern elevation, the inserts below identify a similar range of material changes as outlined in para 9.2. No substantive design or neighbouring concerns are raised in relation to the southern elevation. The adjoining property is owned and controlled by the applicant and the window-window separation distances are no different to what was approved in 2013; and it would be entirely unreasonable to introduce this as a reason for refusal now.

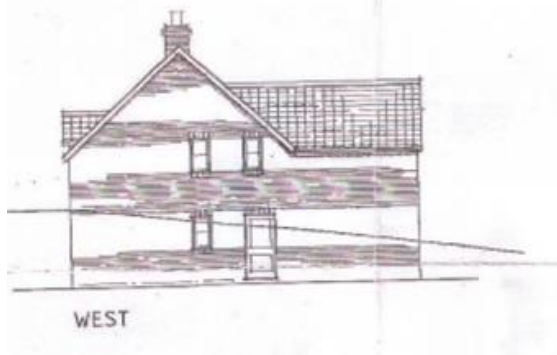


**Approved 2013 Southern Elevation Plan**



**Proposed/As Built Southern Elevation Plan**

**9.2.2** The proposed eastern and western gable elevations both include additional upper floor windows that would serve an en-suite and the fifth bedroom. These high level windows would however face non-residential land; and as such, no concern is raised.



**WEST**



**WEST**



**2013 Approved West and East Elevations**



**Proposed West and East As Built Elevations**

**9.2.3** Core Policy 57 of the WCS requires new development to have “regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy...” For the reasons set out above and as illustrated in plan drawing form, officers are of the opinion that the as built/proposed dwelling would not result in harming neighbouring interests, including privacy and amenity; and consequently, it is considered to accord with CP57.

#### **9.4 Highways/Parking**

The Council’s Highways do not raise any objections as the scheme makes provision for three off road car parking spaces. The application accords with the Council’s policies and car parking strategy.

#### **9.5 Flood/Drainage**

Wessex Water, the Environment Agency and the Council’s building control and drainage team were all consulted on this application and no objections are raised following the confirmation that the as built dwellinghouse has gained building warrant approval for drainage matters.

#### **9.6 Conservation Matters**

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (s66). In addition Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas. *Paragraph 132 of the NPPF furthermore states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. ... Significance can be harmed or lost through ... development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*

**9.6.1** *Wiltshire Strategy Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets. Core Policy 57 states that: “A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings”.*

**9.6.2** This site is approximately 60 metres from the nearest listed building. However, the intervening buildings are such that this site and proposal does not have a direct effect on the

settings of those listed buildings. This site is within the Conservation Area and this is an important heritage asset within the village and the one most affected by this development. The character of the Conservation Area at this point is one of transition between the village and the countryside to the east. The Conservation Area extends to the east of the application site up the side of the treed valley, which provides a strong sense of enclosure. It is this view of the treed valley that any house on the site would partially interrupt.

**9.6.3** It is acknowledged that the site already benefits from planning permission for a dwelling and the principle of constructing one dwellinghouse on the site is well established. This application seeks to vary the previous permission to regularise what has been constructed and to gain consent for a materially different house. Having carefully reviewed the submitted plans as well as the overlay elevation plan which is included in para 9.1.1, the 'as-built' house has an increased walling massing however, the proposed house has less visual impact than the previous approved dwelling through the recognition it sits lower down into the site (following additional site excavation) with the resulting ridge height lower than what was previously consented.

**9.6.4** As a consequence, the 'as-built' house has a reduced/lower impact on the Conservation Area than the previous permitted house. The as-built house results in less of an interruption to the view of the other (east) side of the valley from this part of Lower Road. The as-permitted house would have been higher and therefore more prominent in this sensitive location.

**9.6.5** Moreover, whilst inspecting the site and its immediate environs, the conservation officer noted that the house has been built with interesting, bespoke brick detailing at the eaves and around the chimney, which make a positive contribution to the Conservation Area. With reference to the above points it is considered that the as-built house does not result in harm to the Conservation Area as the building sits down within its site and still allows views across the valley to the trees beyond. Due to its interesting detailing and overall lower height than the as-permitted design, the as-built house is the preferable option within this Conservation Area.

**9.7 Other Matters:** Land and slab level have been included and notated on submitted revised/corrected plan drawings and these have been checked on site by planning and building control officers and officers are satisfied they are accurate. Officers acknowledge the neighbouring concerns raised about the adequacy of the retaining walls at the site (these being located to the west and east of the dwelling), relating to the driveway and private garden land. In response to this, a site inspection was carried out by the Council's building control surveyor who checked the retaining structures and confirmed that they were performing their functions. Should things subsequently change on site and the retaining walls become compromised, this would be a civil matter for the relevant parties to resolve.

**10. Conclusion (The Planning Balance)** On the basis of the above, officers conclude that the proposed development accords with the relevant national and local plan policies and planning permission is recommended.

**RECOMMENDATION:** Approve subject to the following conditions.

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed site location and block plan received on 24.01.2018; Proposed elevations and section received on 12.02.2018; Proposed floor plans received on 22.08.2017.  
REASON: For the avoidance of doubt and in the interests of proper planning.
- 2 No part of the development hereby approved shall be first occupied until the parking and turning area shown on the approved plans has been laid out in accordance with

the approved details. This area shall be maintained and remain available for this use at all times thereafter. The access area shall be formed of a properly consolidated surface (not loose stone or gravel).

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

- 3 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north and south elevations.

REASON: In the interests of residential amenity and privacy.

- 4 The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage to the north from the centre of the access has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. In addition, a visibility splay being provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the point on the edge of the carriageway 25 metres to the south. These areas shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

**PLANNING INFORMATIVES:**

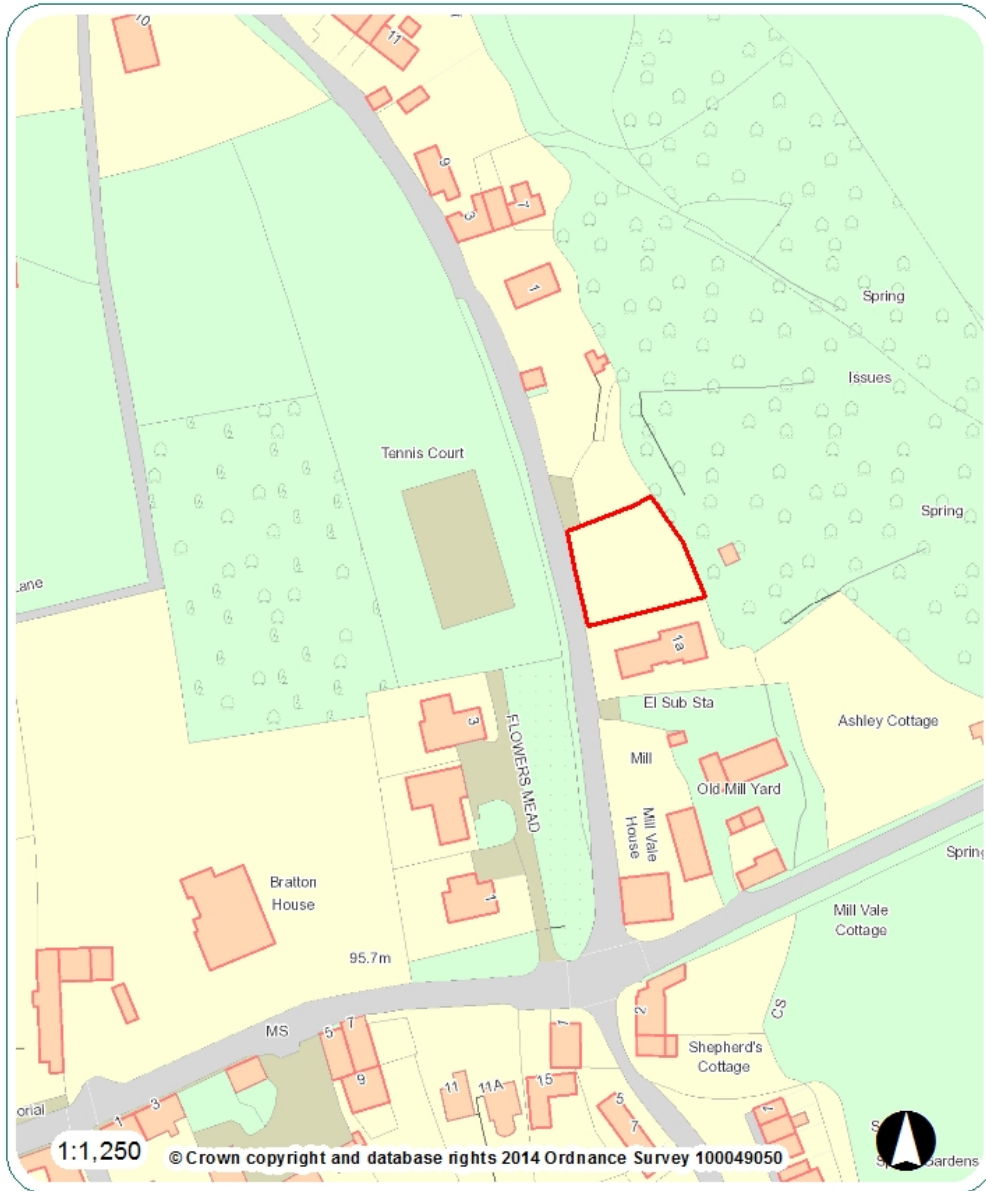
1. The applicant is advised that separate land drainage consent is required for any operational development works within 8 metres of the watercourse.

2. Whilst it is acknowledged that the dwellinghouse is not on flood zone 2 or 3 land, the applicant is nevertheless advised to incorporate flood proofing measures respecting the proximity to the watercourse and flood zones 2 and 3.

3. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

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17/04647/VAR  
Land Between 1a Mill House & 1 Lower Road  
Bratton  
Westbury  
Wiltshire  
BA13 4RG



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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	07/03/2018
<b>Application Number</b>	17/05359/FUL
<b>Site Address</b>	Land at Boreham Road, Rear of 10 Rock Lane, Warminster BA12 9JZ
<b>Proposal</b>	Erection of a Dwelling
<b>Applicant</b>	Mr John Rittey
<b>Town/Parish Council</b>	Warminster
<b>Electoral Division</b>	Warminster East – Cllr Andrew Davis
<b>Grid Ref</b>	388621 144482
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Katie Yeoman

### **Reason for the application being considered by Committee:**

Cllr Andrew Davis requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Davis for members to consider are as follows:

- The scale, design, bulk, height and general appearance of the development;
- The visual impact upon the surrounding area;
- The impacts it would have on neighbouring amenity;
- The impacts it would have on highways safety.

### **1. Purpose of Report**

The purpose of this report is to assess the merits of the application proposal against the policies of the development plan and other material considerations and to recommend that the application be approved.

### **2. Report Summary**

The main issues to consider with this application are:

- The principle of the development
- Design, siting and scale
- Impact on the surrounding area including the neighbouring conservation area and its setting
- Impact on neighbour amenity
- Impact on highways safety and parking provision
- Drainage matters
- Impact on ecology and trees

### **3. Site Description**

The application site relates to the garden ground associated to an unlisted residential property at No. 12 Rock Lane, Warminster and extends to some 683sq.m. The rectangular parcel of garden land is bordered by garden ground associated to neighbouring properties at No's 2, 8 10 Rock Lane. The boundaries of the site are formed by well-established hedging and trees. The site is not within the Conservation Area, although it is within 50m and fronts onto Boreham Road. The application site is illustrated on the site location plan on the following page.



As illustrated on the map and site photo below, the application site includes a number of trees which are subject to five individual Tree Preservation Orders (TPO) and one group TPO.



Map extract showing position of trees protected by TPOs (green hatched area) and Conservation Area (green shaded area).

#### 4. Planning History

The following planning history relates to the application site:

W/93/01328/TPO - Felling of 4 Cherry trees - Approved.

W/96/00598/TPO - Felling/crown reduction of Sycamore/Common Ash forming boundary to Boreham Road - Approved.

W/06/01928/TPO - Works to Ash, Sycamore, Tulip, Lime, Scots Pine and Maple trees – Approved 31.07.2006

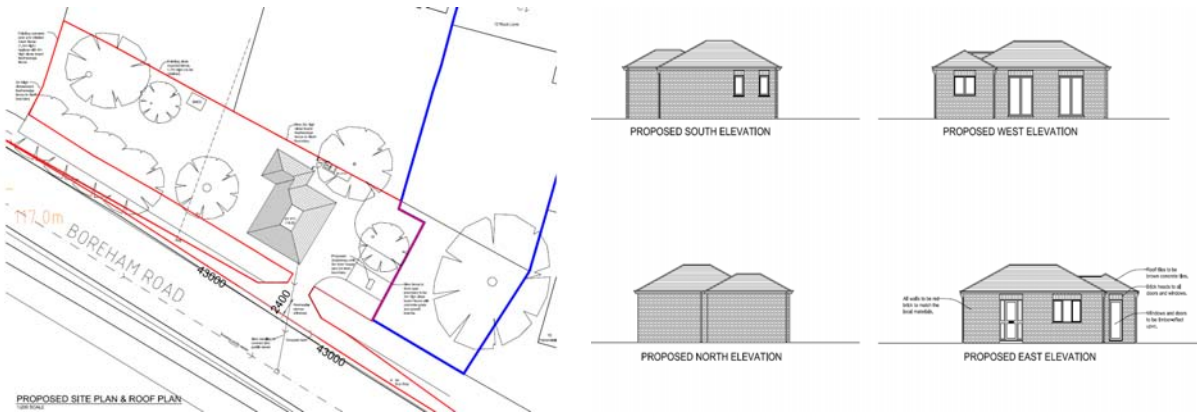
15/04364/PREAPP – 1.5 storey dwelling – Officer response dated 01.06.2015

#### 5. The Proposal

This application seeks full planning permission for the erection of a single storey detached, two bedroom dwelling and the creation of a new vehicular permeable access served off Boreham Road which would be created by removing a section of the existing boundary hedgerow and bank as illustrated on the plans below. It should be noted that the hedgerow is

not covered by a hedgerow retention notice (under Hedgerows Regulations 1997) therefore its removal does not require planning approval from the local planning authority.

Revised plans were submitted on 15/12/2017 modifying the height, design and siting of the proposed dwelling including alterations to the proposed parking provision and pedestrian and vehicle access. The proposed dwelling would be constructed of red brickwork under a brown concrete tiled roof



The insert plan below illustrates how the applicant proposes to site the dwelling and create the access whilst retaining the trees protected by TPO.



>



**View of application site from Boreham Road**

## **6. Planning Policy**

Local Context: Wiltshire Core Strategy (development plan) - CP1, CP2, CP3, CP31, CP43, CP45, CP57, CP58, CP60, CP61, CP62, CP64, CP67

'Saved' Policy U1a of the West Wiltshire District Plan 1st Alteration (2004)

The 'made' Warminster Neighbourhood Plan

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3) - PS6

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document

Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

National Context: National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Planning (Listed Building and Conservation Areas) Act 1990 - Section 72: General duties as respects Conservation Areas in exercise of planning functions

## **7. Summary of Consultation Responses:**

Warminster Town Council (comments based on the revised plans submitted on 15/12/2017:

Objects on the basis that the site is near to a local school which has expanded and there are many parking pressures and highway issues. Additional concern was raised about the loss of the existing hedge, damage to trees and wildlife for a development that would be out of keeping for the area.

Council's Highways Officer (comments based on the revised plans submitted on 15/12/2017:

No objections subject to conditions relative to access, parking, visibility splays, siting of any gates, a scheme for the discharge of surface water from the site and necessary licences from the Highways Authority.

Council's Ecologist (comments based on the revised plans submitted on 15/12/2017): No objections.

Council's Archaeologist: No objections. The Wiltshire and Swindon Historic Environment Record shows that there are no heritage assets within the area of the proposed development. In line with the National Planning Policy Framework, in consideration of the likely significance of the heritage asset and scale of impact, that no archaeological investigation is required in relation to this application.

Council's Drainage engineer (comments based on the revised plans submitted on 15/12/2017): The submitted plans indicate the use of permeable paving and a soakaway. A planning condition should be imposed to secure the exact details. The proposed connection to the main sewer for foul water would be subject to separate approval from the sewerage undertaker. There is therefore no requirement for a planning condition.

Wessex Water (comments based on the revised plans submitted on 15/12/2017): No objection. New water supply and waste water connections would be required. No surface water connections will be permitted to the foul sewer system.

Council's Arboricultural and Landscape Officer (comments based on the revised plans submitted on 15/12/2017): No objections. Following a site meeting held with the applicant and his arboricultural consultant, and submission of revised plans, the development would have a much reduced impact on the retained and protected trees.

Public Consultation: The public notification exercise comprised advertisement by site notice and neighbour notifications. In total, 18 letters of objection have been received in relation to the original and revised plans submitted and in summary, the following comments were raised:

- The owners of No. 8 and No. 10 Rock Lane have a right of access over the application site to inspect/maintain existing utilities and services. The development would build across these services making it difficult to access these services.
- Concerns regarding the future marketing/ selling of neighbouring properties and the loss of property values.
- The planning permission for the houses on Rock Lane included a condition that vehicle access would be via Rock Lane and hence the reason no access is available from Boreham Road.
- Concerns regarding the loss of outlook, loss of privacy, loss of light, overshadowing and increased sense of enclosure to No. 10.
- The proposed scheme is directly in front of No. 10 Rock Lane and the property is orientated with all public rooms facing the proposed development including the property's front door.
- The proposed scheme would remain inconsistent with adjoining properties and would be likely to trigger a number of other planning requests for equivalent direct vehicular access on to Boreham Road (98/00732/REF, 98/00870REF, 07/02484FUL).
- The design, bulk, height and general appearance of the scheme is not in character with the neighbouring properties or wider area or proportionate to the plot.
- The application site borders the main entrance to the town and the proposed dwelling and loss of hedgerow and bank will have a significant impact on the character of the area.
- The visual impact of this scheme is significant when viewed from the existing properties along Rock Lane and from Boreham Road.
- Whilst reducing the scale of the proposed scheme may mitigate the visual impact to existing properties on Rock Lane, it does nothing to mitigate the visual impact on

Boreham Road, the loss of existing bank and hedgerow and the potential effect of proposed direct vehicular access.

- The application site address has been misrepresented as land on Boreham Road however, the site is part of Rock Lane and forms garden land.
- There is a bus stop in close proximity to where the access would be made.
- The proposed vehicular access onto Boreham Road poses highways safety concerns.
- Due to the high level of on street parking along Boreham Road at certain times, vehicle's exiting the site would have poor visibility and would pose a danger.
- The proposed vehicular access is in close proximity to a school and church where there is already significant congestion at peak times.
- Concerns with regards to loss of and damage to the existing trees (which are subject to Tree Preservation Orders) on site.
- Concerns with the loss of the hedgerow and impacts on wildlife.
- The proposed dwelling would be subject to road noise.

One letter of support was also received raising the following comments:

- Attractive design.
- The development would positively contribute to the area.
- One house on this site is acceptable.

## **9. Planning Considerations**

9.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.2 The Principle of Development: The application site is located within the development limits of Warminster which is defined as a market town by CP1 of the Wiltshire Core Strategy. CP1 states that development at markets towns has *"the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities"*.

9.2.1 CP2 of the Core Strategy seeks to deliver development in Wiltshire in the most sustainable manner and goes on to state that: *"within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages."*

9.2.2 CP31 details that further housing is required in this Community Area and the strategy is to increase the level of employment, town centre retail and service provision, along with residential development, as part of sustainable growth.

9.2.3 The 'made' Warminster Neighbourhood Plan forms part of the Development Plan for Wiltshire and the policies in the Plan must be given full weight when assessing planning applications that affect land covered by the Plan. In terms of residential development, Policy E5 requires development to respect the local character to ensure the conservation and enhancement of the built and natural environment.

9.2.4 The NPPF is also a material consideration and this details the presumption in favour of sustainable development.

9.3 Design, Siting and Scale: Adopted WCS CP57 states that development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality and must, amongst others, relate positively to its landscape setting and the existing pattern of development and respond positively to the existing townscape and landscape features in terms of building layouts, built form, mass and scale to effectively integrate the building into its setting.

9.3.1 In terms of layout, the proposed dwelling would be set within a reasonable sized plot and would provide an adequate level of outdoor amenity space. Although the dwelling would occupy most of the width of the site, adequate separation distances to the neighbouring properties would be maintained and the development would not overdevelop the site.

9.3.2 Officers raise no concerns about the proposed height and scale, elevational design and hipped roof form, which officers submit would adequately assimilate with the existing built environs and would not appear visually discordant. Furthermore, the use of brown concrete roofs tiles and red brickwork are well established building materials used on neighbouring properties.

9.3.3 For the above reasons, it is considered that the design and siting of the proposed dwelling would be acceptable and would accord with Core Policy 57 of the WCS and policy E5 of the Neighbourhood Plan.

9.4 Impact on the Surrounding Area including the Impact on the Neighbouring Conservation Area and its Setting: The application site is located approximately 50m from the boundary of the Warminster Conservation Area therefore careful consideration must be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in the exercise of any functions, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

9.4.1 Paragraph 129-132 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected including any contribution made by their setting and consider the impact of the proposed development on its significance. Paragraphs 133 and 134 require local authorities to make an assessment as to whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

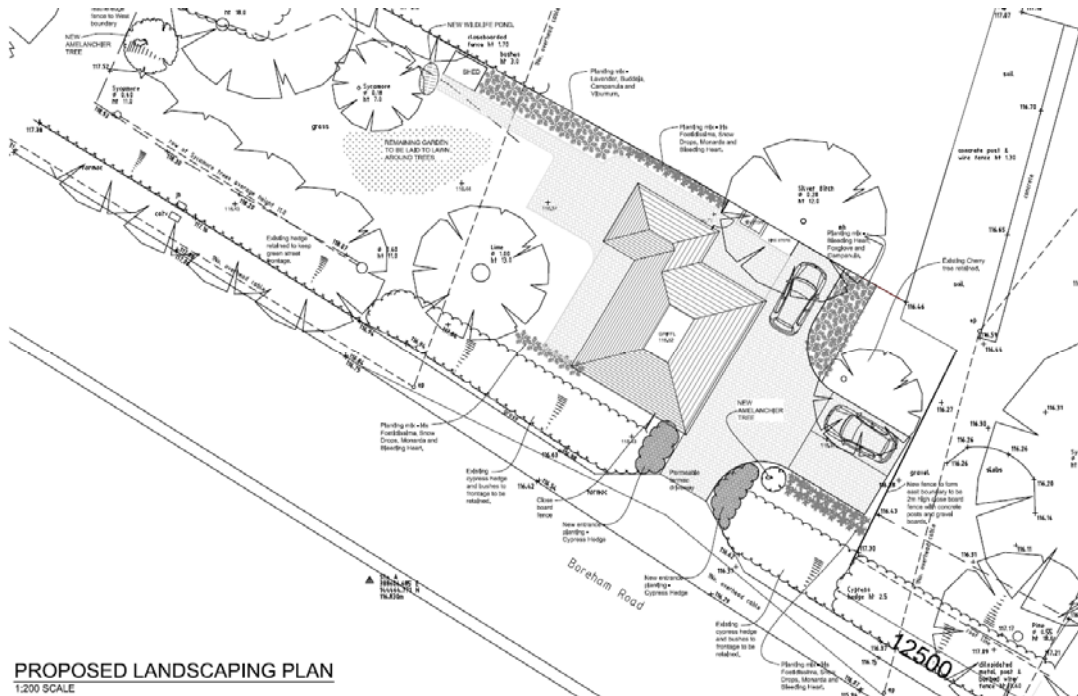
9.4.2 This part of the Conservation Area includes one of the main arterial roads serving Warminster and several properties lining Boreham Road, with some dating back to the early 19<sup>th</sup> century including a number of Grade II listed buildings. These buildings are interspersed with more recent development, set at varying distances from the public highway. The road is bordered by brick and stone walls and mature boundary hedgerows and trees that contribute to the character and significance of this part of the Conservation Area.

9.4.3 The application site (identified in the insert map on the following page) lies on the outskirts of the Conservation Area and forms part of the gateway into the town and Conservation Area. The application site and land immediately to the west are characterised by mainly two storey residential properties with the exception of No. 15 Heronslade – the chalet bungalow property located to the immediate south east of the application site. This property and the rest of the Heronslade cul-de-sac are positioned closer to Boreham Road compared to the Rock Lane properties. The southern boundary of these properties is well enclosed by a mature boundary hedgerow fronting Boreham Road.



Map extract showing existing building patterns along Boreham Road

9.4.4 The proposed development would employ a similar dwelling-plot relationship to the Heronslade properties and would follow and respect the building pattern set by the properties located to the east of the application site. In terms of CP57 and CP58, officers have concluded that the proposed dwelling would not have a detrimental impact on the character and appearance of the street scene. Furthermore, with the proposed dwelling being a modest single storey that would be set behind the well-established boundary hedgerow (save for the new access creation), officers submit that the dwelling would be sufficiently screened from public view thereby lessening its harm on the street scene.



9.4.5 Unlike the historically refused development at No. 2 Rock Lane, this development proposal does not involve loss of an embankment. The development would involve the partial removal of the boundary hedgerow and creation of a new vehicle access, but officers submit that this would not harm the setting of the Conservation Area. The majority of the existing Cypress hedge and protected trees would be retained that would continue to address the



street scene and Conservation Area. Even if the loss of the hedgerow was to be considered to have a degree of harm to the Conservation Area, it would be levelled at marginal 'less than substantial' harm in terms of applying the NPPF test.

9.4.6 In cases whereby a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, paragraph 134 of the NPPF requires the decision maker to weigh the degree of harm against the public benefits the proposed development would deliver, which includes securing a viable use. In this particular case, the if the committee were to decide that the loss of part of the hedgerow would have a minor level of harm, officers submit that this would be outweighed by the public benefits delivered by the creation of one 2-bed dwelling in support of policies CP1, CP2 and CP31.

9.4.7 Should members of the committee be minded to heighten the level of harm created by the partial loss of the hedge, due cognisance should be given to the fact that the removal of the hedgerow does not require permission from the Local Planning Authority; and this could be done separate to the deliberation of the application. In approving the application, the LPA would have scope to secure a landscaping and hedgerow retention plan – which is included and clearly notated on the landscape plan reproduced above.

9.5 Impact on Neighbour Amenity: CP57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development has regard to the compatibility of adjoining buildings and uses.

9.5.1 Taking into account the modest height and scale of the proposed dwelling, the relationship with the nearest neighbouring properties and the sun's path travelling from east to west, the development would not significantly reduce the amount of sunlight and daylight enjoyed by the neighbour's principal garden areas and habitable rooms. For these reasons, it is also considered that the development would not have an overbearing or harmful domineering effect on the outlook of the neighbouring properties or the principal garden areas.

9.5.2 The proposed windows to the north, east and west elevations of the dwelling, being at ground floor level and facing the proposed intervening 2.0m high boundary treatments, would not result in harmful overlooking or loss of privacy to the neighbours. The proposed boundary treatments, as detailed on the plans submitted, can be secured by planning condition.

9.5.3 The proposed windows to the south elevation would face the public highway and therefore no unreasonable overlooking or loss of privacy would occur.

9.5.4 For the reasons above, it is considered that there would be no significant demonstrable harm to the neighbour amenity and the development proposal is compliant with Policy CP57 of the Wiltshire Core Strategy.

9.6 Impact on Highway Safety and Parking Provision: The application was referred to the Council's highways team as part of the consultation exercise and subject to the imposition of planning conditions, no objections are raised. In accordance with the Local Transport Plan 2011-2026 Car Parking Strategy (LTP3), a minimum of two parking spaces are required for a 2-bed dwelling. As detailed on the plans submitted, two parking spaces measuring 4.8m x 2.4m would be provided to meet this standard.

9.6.1 Based on the visibility splays shown on the proposed block plan being provided with no obstruction to visibility at or above a height of 600mm, the highways officer raised no objections. The proposed vehicle access, for drivers exiting the application site, would provide adequate visibility and there would be no detrimental impact on highways safety and the provisions set out within CP61, CP64 and NPPF para 32 would be satisfied.

9.6.2 Concerns have been raised that the bus stop is in close proximity to the application site and as identified on the proposed site plan, this would impede visibility when exiting the site. A planning condition is therefore considered necessary to burden the applicant to obtain separate consent and re-locate the bus-stop to ensure the new access has appropriate visibility at or above a height of 600mm above the nearside carriageway level.

9.7 Drainage Matters: Adopted WCS CP67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground, unless site or environmental conditions make these measures unsuitable. The proposed site plan indicates that a soakaway would be used to dispose of surface water to the application site. However, no exact details have been provided. This could be adequately resolved by imposing a pre-commencement condition on any permission to ensure that the soakaway system is designed and suitable to adequately deal with the surface water run off.

9.7.1 Saved policy U1a of the West Wiltshire District Plan 1st Alteration (2004) states that development shall be permitted where adequate foul drainage, sewerage and sewage treatment facilities are available or where suitable arrangements are made for their provision. In sewered areas new development is expected to connect to mains drainage. All new sewers would need to be formed following the adoptable standards set by Wessex Water. The completed application forms states that foul sewage would be disposed of via the main sewer and the proposed site plan shows the existing main sewer and its connection to the proposed dwelling. Officers are satisfied that the application details comply with adopted WCS CP67 and saved policy U1a of the West Wiltshire District Plan 1st Alteration (2004) as well as the NPPF.

9.8 Impact on Ecology and Trees: The application was referred to the Council's ecologist as part of the consultation exercise respecting the proposed loss of hedgerow bordering Boreham Road. Following extensive discussions and a site inspection by the Council's Landscape and Arboricultural officer and his reported conclusions, the ecologist raised no objections. There is no conflict with the Core Strategy or the NPPF in terms of ecology.

9.8.1 Following officer negotiations, the proposed dwelling has been reduced in size thereby increasing the distance between the dwelling and root protections areas of the protected lime tree and silver birch tree. Subject to the imposition of conditions, the Council's landscape & arboricultural officer is satisfied that the development would not result in harming the protected trees.

9.9 Other Material Considerations: Concerns have been raised by the neighbours at No. 8 and 10 that there is a right of access across the application site to inspect/ maintain services and utilities. However, a right of access is a private civil matter, and this cannot influence the determination of this application.

9.9.1 Third parties have also raised concern about potential future problems with marketing and selling their properties and loss of property values if the proposed dwelling is approved and built. These concerns are also not material planning considerations and therefore cannot be taken into account as part of the determination of this application.

9.9.2 The local concerns raised about a precedent being set in the surrounding area is duly noted. However, every application must be judged on its own merits and against the relevant planning policies in place at the time.

9.9.3 Although the development does not trigger any s106 obligations, it is a development that would be CiL liable. The amount payable is calculated should planning permission be granted, following receipt of a CiL liability form. Should members be minded to grant permission, an

informative should be imposed informing the developers that CIL payments are required prior to any on-site commencement.

## **10. Conclusion (The Planning Balance)**

For the reasons set out above, this proposal is considered to comply with national and local plan policies having due regard to the visual impact on the immediate local context and the wider area, including the effects on the Conservation Area. Furthermore, officers consider that the proposal would not cause harm to the amenities enjoyed by the occupiers of the neighbouring properties; and, the development would not result in highway safety conflicts. Officers therefore recommend that planning permission should be granted subject to the following planning conditions and informatives.

### **RECOMMENDATION: Approve subject to the following:**

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 permitted shall be carried out in accordance with the following approved plans: Location plan – received on 15/12/2017; Existing and proposed sections - received on 15/12/2017; Existing and proposed street scene - received on 15/12/2017; Proposed site plan and roof plan - received on 15/12/2017; Parking Plan Space 1 - received on 15/12/2017; Parking Plan Space 2 - received on 15/12/2017; Proposed elevations - received on 15/12/2017; Proposed floor plans - received on 15/12/2017; Proposed landscaping plan - received on 15/12/2017; 3D view from Boreham Road - received on 15/12/2017; 3D south west view - received on 15/12/2017; 3D south east view - received on 15/12/2017; Birds eye view from north east - received on 15/12/2017; North west birds eye view - received on 15/12/2017; Tree survey – drawing no. 16 – dated 05/01/2016; Tree protection plan – drawing no. 17 – dated 20/02/2018; Topographical survey – drawing no. 1 – dated April 2017

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

3. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. All hard landscaping shall 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.

5. The existing boundary hedgerow to the southern boundary of the application site shall be retained in accordance with the approved landscaping plan (proposed landscaping

plan – received on 15/12/2017) and maintained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. The development hereby permitted shall not be first occupied until visibility splays have been provided on both its sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The splays shall be kept free of obstruction above a height of 600mm at all times.

REASON: In the interests of highway safety.

NOTE: This condition requires the applicant to obtain separate consent from the Council's highway Authority to re-locate the bus-stop. Planning informative no.2 refers.

8. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

9. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

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

10. 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, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

#### **PLANNING INFORMATIVES**

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire

Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

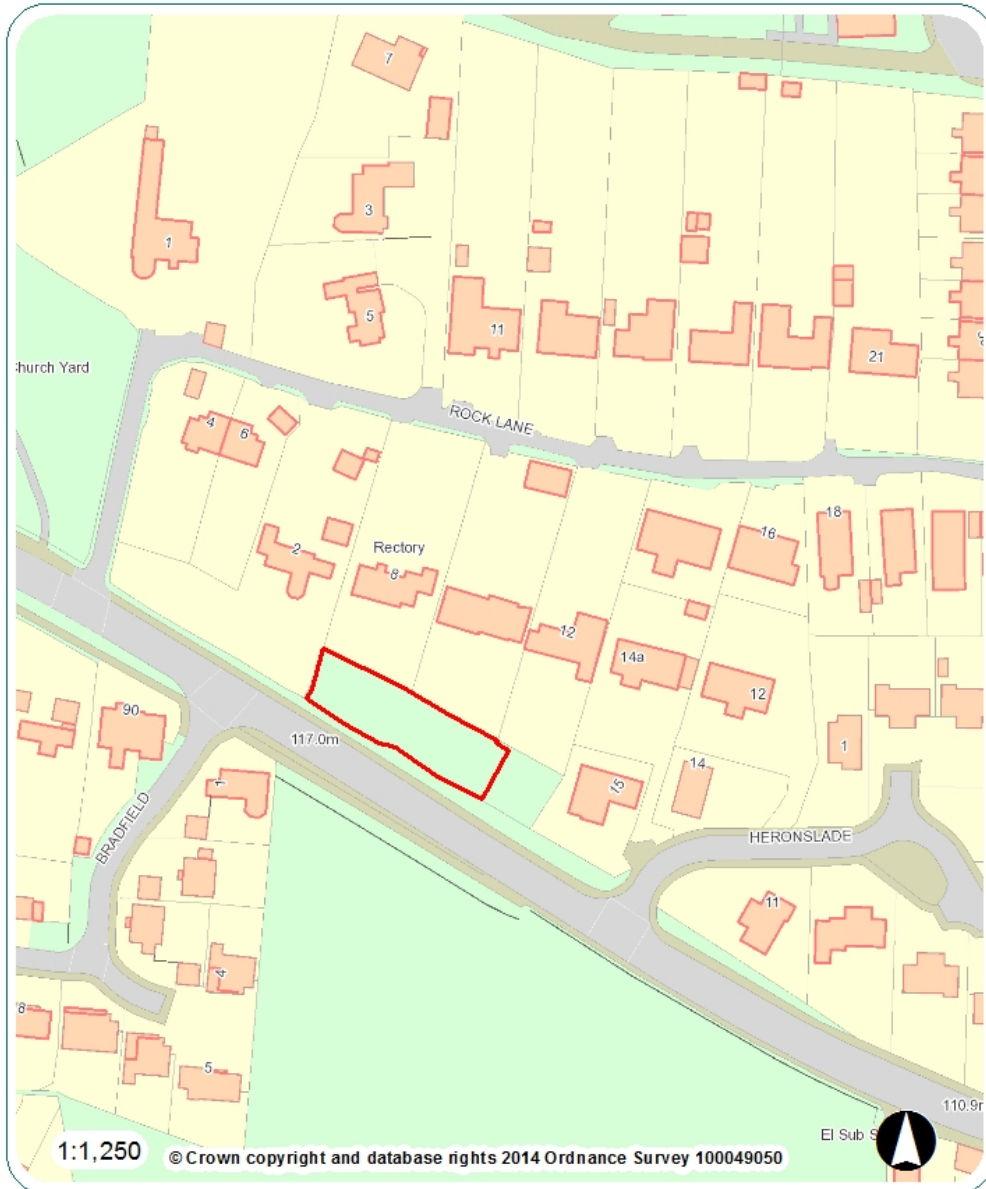
2. The proposal comprises a proposed alteration to the public highway. The applicant is advised that a separate license is required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Contact should be made with the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

3. No works should take place that would result in harming nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by the Wildlife and Countryside Act 1981 (as amended). If birds are nesting within the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between September and February. Further advice on the above can be sought from the Council Ecologists.

4. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species and/or a suspected protected species is encountered during the works you should stop works immediately if applicable, and seek the advice of a suitably qualified and experienced ecological consultant who will advise of the appropriate course of action and consider whether a licence is required from Natural England prior to re-commencing/commencing works.

5. The applicant is advised that new water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web pages at the following website [www.wessexwater.co.uk](http://www.wessexwater.co.uk) Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

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