

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge
Date: Wednesday 6 July 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr Stephen Petty
Cllr Rod Eaton	Cllr Pip Ridout
Cllr Peter Fuller (Chairman)	Cllr Jonathon Seed
Cllr Mark Griffiths	Cllr Roy While (Vice Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Tom James MBE
Cllr Andrew Davis	Cllr Francis Morland
Cllr Russell Hawker	Cllr Helen Osborn
Cllr Malcolm Hewson	Cllr Fleur de Rhe-Philippe
Cllr Keith Humphries	

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 12*)

To approve the minutes of the last meeting held on 15 June 2011 (copy attached.)

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

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 in person no later than 5.50pm on the day of the meeting.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

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 (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 29 June 2011. 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 Applications

To consider and determine the following planning applications:

6.a W/10/01964/OUT (Pages 13 - 28)

Site Location	Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire
Development	Outline application for 307 dwellings (56 dwellings in Area 1B, 55 dwellings in Area 3A, 22 dwellings in Area 3B and 174 dwellings in Area 5C) with all matters reserved
Recommendation	Approval
Division Member	Cllr Mark Griffiths
Town / Parish Council	Melksham Without

6.b W/11/01201/ADV (Pages 29 - 32)

Site Location	Village Green Garage Ham Green Holt Wiltshire BA14 6PX
Development	Two removable flags
Recommendation	Approval
Division Member	Cllr Trevor Carbin
Town / Parish Council	Holt

7. 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

None.

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 JUNE 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman),
Cllr Mark Griffiths, Cllr Malcolm Hewson (Substitute), Cllr Christopher Newbury,
Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Francis Morland

54 Apologies for Absence

Apologies for absence were received from Councillor Knight (substituted by Councillor Malcolm Hewson).

Councillor Mark Griffiths also offered his apologies as he would have to leave the meeting between 6.30 and 7.00 pm.

55 Minutes of the Previous Meeting

The minutes of the meeting held on 25 May 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 25 May 2011.

56 Declarations of Interest

W/11/01190/FUL - 8 Merlin Way, Bowerhill, Wiltshire, SN12 6TJ. Part change of use of existing building from D2 to Nightclub for evening works; proposed single storey side extensions and associated works.

Councillor Steve Petty declared a personal interest as a member of the Melksham Without Parish Council and explained that he had not taken part in

the Parish Council's decision. Councillor Petty gave his assurance that he would consider the application with an open mind.

Councillors Jonathon Seed, Mark Griffiths and Rod Eaton declared a personal interest as members of the Wiltshire Council Licensing Committee which may be asked to consider a licensing application from the same applicant. They gave their assurance that any decision made by the Western Area Planning Committee would have no prejudice on any future Licensing Application.

57 **Chairman's Announcements**

There were no Chairman's Announcements although the Chairman took the opportunity to inform the committee that the planning department had temporarily moved to Shurnhold, Melksham but that the Western Area Planning Committee would still meet in the Council Chamber, Bradley Road, Trowbridge.

58 **Public Participation**

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

59 **Proposed Diversion Of Edington Bridleway 15 (Part) And Keevil 5 (Part)**

The Chairman informed the committee that the objections to the proposed diversion had been withdrawn. He further explained that Rights of Way officers could therefore confirm the Order without need for the matter to be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for confirmation.

Resolved:

To note that the objections to the proposed diversion had been withdrawn and that Rights of Way officers would therefore confirm the Order without need for the matter to be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for confirmation.

60 **Planning Applications**

The Committee considered the following applications:

60.a W/11/01206/FUL

Public Participation:

- Mr Brian Smyth spoke in objection to the application.
- Mr Robert Oglesby spoke in objection to the application.

- Mr Francis Dobbyn, Semington Parish Council representative, spoke in objection to the application.

Officers introduced the report which sought approval.

During the ensuing debate members of the committee, despite sympathy for the applicants' circumstances, could not be satisfied that all the requirements stated in Policy CF12 had been met. It was also established during the debate that the site was located in open country side therefore the committee felt that the application was not compliant with the Development Plan. Members of the committee also felt that it was necessary to give weight to emerging Planning Policies.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reasons:

1. The proposed development conflicts with the following criteria in policy CF12 of the West Wiltshire District Plan 1st alteration in that:

(a) It would result in a potential nuisance to adjoining land uses, including the crematorium;

(b) The site is located in the open countryside and the proposed development encroaches into it, having an adverse impact on the appearance of the area;

(c) The site is not suitable for long-term occupation as it is located on the opposite side of a busy road from the village of Semington and therefore does not provide a safe location with safe access to village facilities for those using the site;

(d) The proposal involves access directly onto the A361, which forms part of the Primary Route Network in Wiltshire and therefore is contrary to Policy T8 of the Wiltshire and Swindon Structure Plan 2016, which seeks to prevent access from new developments directly onto the National Primary route network;

(f) The proposal is located remote from services and employment opportunities and is therefore contrary to the key aims of PPG 13.

2. The proposal conflicts with emerging local and national planning policy in that it is inappropriately located and could prejudice the Gypsy and Traveller Site Allocations Development Plan Document.

Councillor Mark Griffith asked for his abstention from the vote to be recorded as he had not been present when the application was presented and debated.

60.b W/11/01190/FUL

Public Participation:

- Mr Richard Harlow, agent, spoke in support of the application.
- Mr Gary Cooke, applicant, spoke in support of the application.
- Mr Mike Mills, Chairman of Melksham Without Parish Council, relayed the Parish Council's concerns.

Officers introduced the report which sought approval. During the ensuing debate it was agreed that most of the concerns raised could more properly be addressed in consideration of any subsequent application for a premises licence under the provisions of the Licensing Act 2003.

Resolved:

That planning permission be GRANTED

For the following reason:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

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. No development shall take place until a specific noise assessment is carried out with regard to the proposed plant, in this instance a kitchen extract unit. The measurement and assessment shall be made in accordance with BS4142: 1997 and the report must include any attenuation measures, if required. The assessment and mitigation works if necessary shall be submitted to and approved in writing by the local planning authority prior to any works taking place and shall be implemented prior to the extraction unit being brought into use.

REASON: In the interests of amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies E2 and C38.

3. In order to prevent noise break out from the venue the development shall be constructed in accordance with Section 5.1 to 5.3 of the Acoustic Report, Ref 30901.1v1, submitted as part of the application. The noise level of music within the proposed development shall not exceed the levels given in each frequency specified in Table 2 of the report and consequently the SRI values set out in Table 3 must be achieved. The applicant will need to submit written details for approval by the Local Planning Authority (LPA) that all the measures in the above Sections have been implemented prior to the use commencing and the details shall also include post installation acoustic testing showing compliance. If there are any proposed changes to the measures outlined in the report or the figures used (Table 2 and Table 3) they must be agreed in writing by the LPA prior to being implemented. Upon completion of the works forming part of the scheme no alterations to the structure, roof, doors, windows or external facades of the building shall be undertaken without the prior written approval of the LPA.

REASON: In the interests of amenity and in order to define the terms of this permission.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies E2 and C38.

4. The hereby approved development shall not be first brought into use until the access gates have been widened to allow safe pedestrian access onto the existing raised pavements. Details of which shall be submitted to and approved in writing by the local planning authority prior to the works taking place.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

5. No part of the development hereby permitted shall be first brought into use until overflow parking spaces have been provided in accordance with the details previously approved under planning permission W/09/03317/FUL. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

6. No development shall commence on site until a Green Travel Plan (including the provision of a shuttle bus service) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

7. Outside of the building, including the hereby approved "Covered Decking Area" no sound amplifying equipment, loudspeaker or public address system shall be installed/operated or music played.

REASON: In the interests of local amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies E2 and C38.

8. Prior to the hereby approved development first coming into use details of CCTV monitoring of the premises and its curtilage shall be submitted to and approved in writing by the Local Planning Authority, and then subsequently installed in accordance with those approved details.

REASON: In the interests of public safety and the character of the area

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

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

Drawing: AH2010/41 sheet 1 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 2 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 3 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 4 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 5 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 6 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 7 of 7 received on 4 April 2011;

Document: Design and Access Statement received on 4 April 2011; and

Document: Hepworth Acoustics Noise Assessment received on 4 April 2011.

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

Informative(s):

1 The developer will need to obtain a premises licence under the provisions of the Licensing Act 2003 and should contact the Licensing Department.

2 The developer is advised that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds. You should note that the work hereby granted consent does not override the statutory protection afforded to nesting birds and you are advised to seek expert advice if you suspect that the works, including hedge works, would disturb any nesting birds.

60.c W/11/00726/FUL

Public Participation:

- Mr Wyatt Birchall spoke in objection to the application.
- Mr Clive Letchford spoke in objection to the application.
- Mr Roger Smith, agent, spoke in support of the application.

Officers introduced the report which sought approval. During the ensuing debate it was clarified that the existing access created by a previous owner was to an unclassified road and planning permission had not been required; any further dispute over the legality of the access was not a material planning consideration for this application.

Resolved:

That planning permission be GRANTED

For the following reason

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

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. No development shall commence on site until details and samples of the materials to be used for all 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.

POLICY: West Wiltshire District Plan - 1st Alteration policies H1 and C31a.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
LOCATION PLAN - drawing no. 2451-08 received 25.02.2011
SITE PLAN - drawing no. 2451-01 Rev H received 09.05.2011
EXISTING FLOOR PLANS - drawing no. 2451-02 received 25.02.2011
EXISTING ELEVATIONS - drawing no. 2451-03 received 25.02.2011
PROPOSED FLOOR PLANS - drawing no. 2451-04 Rev A received 25.02.2011
PROPOSED ELEVATIONS - drawing no. 2451-05 received 25.02.2011
PLANS FOR PLOTS 6 & 7 - drawing no. 2451-07 received 25.02.2011
GARAGING PLOTS 1 & 2 - drawing no. 2451-10 Rev A received 17.03.2011

GARAGING PLOTS 3, 6 & 7 - drawing no 2451-11 received 25.02.2011
PLANS FOR PLOTS 4 & 5 - drawing no. 2451-12 received 25.02.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the Local Planning Authority.

4. The dwellings and flatted units hereby approved shall only be occupied as single private residential units and shall not be occupied as an HMO (Houses in Multiple Occupation). Before any of the dwellings hereby approved are first occupied, the use of Smallbrook house as an HMO shall permanently cease.

REASON: In the interests of highway safety and in order to define the terms of this permission.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to define the terms of this permission and to ensure that the Local Planning Authority has control over future extensions on this site.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no windows or door openings, other than those hereby approved, shall be added to any of the gables forming plots 4,5,6 and 7 without the express planning permission of the Local Planning Authority.

REASON: In order to define the terms of this permission and in the interests of protecting residential amenity and privacy.

7. The development hereby permitted shall not be brought into use until the recommendations cited within paragraph 5.2 of the submitted bat search and assessment survey (produced by CTM Wildlife dated February 2011) have been implemented on site and that the bat enhancement measures are maintained on site unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: PPS9: Biodiversity and Geological Conservation.

8. The garages hereby approved shall be used solely for the purpose of housing private motor vehicles or other uses incidental to the enjoyment of the dwellings/flatted units and that the garages shall not be converted to habitable accommodation and that no trade or business shall be carried out in or from the garage buildings.

REASON: In order to define the terms of the permission and in the interests of highway safety and local amenity.

POLICY: West Wiltshire District Plan - 1st Alteration policy C38.

9. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

10. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

12. The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Phil Goldsmith and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

13. No part of the development hereby permitted shall be occupied until the access 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: In the interests of highway safety.

14. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY: West Wiltshire District Plan - 1st Alteration policy U2.

15. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

Informative(s):

1. The attention of the applicant is drawn to the contents of the letter from Wessex Water dated 8 March 2011.

61 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.10 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	06.07.2011		
Application Number	W/10/01964/OUT		
Site Address	Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire		
Proposal	Outline application for 307 dwellings (56 dwellings in Area 1B, 55 dwellings in Area 3A, 22 dwellings in Area 3B and 174 dwellings in Area 5C) with all matters reserved		
Applicant	East Melksham Consortium		
Town/Parish Council	Melksham Without		
Electoral Division	Melksham Without North	Unitary Member:	Mark Griffiths
Grid Ref	392138 163580		
Type of application	Outline Plan		
Case Officer	Mr Michael Kilmister	01225 770344 Ext 15228 michael.kilmister@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor M Griffiths has requested that this item be determined by Committee due to:

- * Scale of development
- * Environmental/highway impact
- * Car parking
- * Density

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

Neighbourhood Responses

16 letters of objection received

Parish/Town Council Response

Melksham Without Parish Council object

2. Report Summary

The main issues to consider are:

- Principle of development
- Density increase
- Infrastructure
- Affordable housing

- Drainage and Flood mitigation measures
- Other matters

3. Site Description

The application site lies on the eastern flank of Melksham. The site is bounded to the north by Sandridge Common Road (A3102) and on the south and east by fields under agricultural useage. Snarlton Lane passes through the central area of the site leading to Snarlton Farm to the east of the allocated site.

Clackers Brook flows through the centre of the site in a westerly direction to join the river Avon in Melksham.

Currently around half of the site is under construction as part of the 2008 consented scheme (04/01895/OUTES).

The distributor road which has been constructed partly constructed at either end, at Snowberry Lane in the south and Sandridge Common in the north. It will be built along the eastern boundary of the East of Melksham development site. The road will be subject to 40mph

4. Relevant Planning History

04/01895/OUTES –
05/00225/OUT
08/03471/REM
09/00579/REM
09/02383/REM
10/02167/REM
10/03242/REM
10/03422/REM

5. Proposal

The application has been amended. The applicant originally proposed a hybrid type application on the site consisting of two areas (Area 2B & 5B) being dealt with as full applications and the rest of the specified areas (1B, 3A, 3B, 4A & 5C) as an outline application, with all matters reserved. The proposal at that stage was to increase the overall density of the site by 158 units from 670 to 828 dwellings.

Following lengthy discussions between officers, the agent and the developers of the consortium the proposal has been amended to reduce the number of units being proposed to 101 so that the overall capacity of the site will increase from 670 (approved by 04/01895/OUTES) to 771 dwellings.

This planning application is now an outline application for 307 dwellings in areas 1B, 3A, 3B & 5C with all matters reserved and not a hybrid application as first submitted.

The elements of the application are as follows

Area 1B to increase housing numbers up to 56

Area 3A to have up to 55 dwellings

Area 3B to have up to 22 dwellings

Area 5C to increase housing numbers up to 174 dwellings.

The application seeks a new planning permission covering part of the mixed use urban extension. This will replace the previous permission (04/01895/OUTES) where the two overlap.

The proposal maintains the same infrastructure as already approved and there are no changes to this.

Planning permission 04/01895/OUTES dealt with the provision of a local centre, primary school, sports and recreational facilities together with appropriate infrastructure and public open space.

Accompanying the application were the following documents;

Planning Supporting Statement
Environmental Statement Vol.1
Environmental Statement Vol.2
Environmental Statement Non-Technical Summary
Design and Access Statement (Revision C)
Statement of Community Involvement

6. Planning Policy

Wiltshire Structure Plan 2016

DP2 Infrastructure
DP4 Town and main settlements
DP7 Housing in towns and main settlements
DP8 Affordable Housing
T3 Public Passenger Transport
T5 Cycling and Walking

West Wiltshire District Plan - 1st Alteration 2004

H1 Further housing development in Towns
H2 Affordable Housing
H6 Land east of Melksham
H24 New housing design
C1 The countryside
C9 Rivers
C15 Archaeology
C16 Archaeology
C31A Design
C32 Landscaping
C33 Recycling
C34A Resources
C35 Light pollution
C37 Contamination
C40 Tree planting
T4 New distributor roads
T9 Bus services
T10 Parking
T12 Footpaths and bridleways
T11 Cycleways
U2 Surface water disposal
I1 Resources
I2 The Arts
I3 Disabled access

Leisure & Recreation Development Plan

LP3

LP4
CR3

West Wiltshire District Council (Oct 2004) Land at Clackers Brook, East Melksham Development Brief (SPG)

West Wiltshire District Council (2005) Residential Design Guide (SPG)

PPS1 Delivering sustainable development

PPS3 Housing

PPS4 Planning for Sustainable Economic Growth

PPS5 Planning for the Historic Environment

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPS10 Planning for Sustainable Waste Management

PPS12 Local Spatial Strategies

PPG13 Transportation

PPG17 Planning for Open Space, Sport and Recreation

PPS22 Renewable Energy

PPG24 Planning and Noise

PPS25 Development and Flood Risk

7. Consultations

MELKSHAM WITHOUT PARISH COUNCIL –

Object to this application for the following reasons

1. The proposed development site is on the edge of town, adjacent to open countryside, within view of the Special Landscape Area of Sandridge. It is not an urban or central town site. Snarlton Lane nearby is an old drovers road, with farm cottages.
2. The proposed density increase from 32.5 houses to 39.9 houses per hectare is unacceptable at such a rural location and is not reflected in the established housing nearby.
3. We understand that the new S106 Agreement being advocated is just for houses where density is being increased. However, the existing S106 Agreement has been carefully calculated to meet the needs of all 670 houses on this site. If another 155 dwellings are suddenly added to the development, all the occupants on the site will suffer a shortfall in provision of planning benefits.
4. The existing S106 Agreement was negotiated between the Planning Consortium and local authorities over many months, until all parties were satisfied that it provided a high quality of life and was equitable. If an additional S106 Agreement is now hurriedly put together to meet the tight timescale for another 150 units to be built, the benefits will be compromised and the quality of life for residents will be undermined.
5. There is serious concern that Melksham's school and pre-school provision will be inadequate to cater for children arising from the extra housing. The new Forest and Sandridge Primary School has been designed around having an extra 760 dwellings in total in the area. Similarly the capacity of the new Community Oak School does not take into account this large increase in housing in Melksham.
6. The heavy Oxford Clay site is in an area with a high water table and drainage is poor. You may already be aware of the very serious land flooding which occurred a few months ago when the new road was installed at Sandridge Road. This caused chaos for a short while until emergency drains were installed. To build another 155 houses in these conditions with a changing climate of more rainfall is not responsible planning.
7. It appears that the balancing ponds would need to be dug deeper to take the extra surface run-off. Deep ponds within residential areas are extremely hazardous and attractive to young people.

Families with young children will want to live in housing close to a new primary school and young children who put at risk by deep ponds, especially if they are not properly fenced off.

8. Extra housing will put more pressure upon Melksham's already congested highway infrastructure. Most households now have at least 2 cars and the development site itself does not have space for another 300 parked cars. The A3102 is too busy as it is.

9. Visually the site is prominent when viewed from the nearby Sandridge Hill which has one of the best vistas of open countryside in Wiltsire. There is concern that cramped and tall 3 storey houses should not mar the overall aspect of the site.

10. Prior to this site being allocated it was extremely rich in wildlife, flora and fauna. There has to be a sensitive balance especially where sites join open countryside. Extra housing brings extra stresses upon wildlife. In this location there needs to be gradual lessening of housing where it meets open countryside; not a clumsy urban/country divide.

Should permission be given for the extra housing units the Council is very concerned that:-

- (a) Local Town and Parish Councils should be party to negotiation of the new Section 106 Agreement
- (b) Provision for a second access to new Community Oak School
- (c) Existing hedges and shrubs should be adequately protected and more landscaping should be provided to ensure the green aspect is retained.
- (d) Unobstrusive down-lighting should be used to ensure glare is minimised.
- (e) A sum should be provided towards footpaths and public transport
- (f) The S106 Agreement should be re-negotiated to allow a reasonable period of not less than five years for facilities, e.g. extra shops to be provided on the Local Centre Land.
- (g) A sum should be set aside to provide basic community facilities such as notice boards, litterbins and public seats within the new development

MELKSHAM TOWN COUNCIL

Whilst this application is in the Melksham Without Parish Council area the Town Council make the following comments

The increase in level of density of housing is close to the level which was previously declined by the Town Council and Melksham Without Parish Council.

Infrastructure – It was noted that there has not been any mention of extra infrastructure regarding this application in terms of facilities. Doctors surgeries are already full and it is difficult to get appointments. These extra houses will exacerbate the problem. Also since the original application was approved the local hospital has closed and there is no A & E Department servicing Melksham.

There is also a concern the local comprehensive school may not be able to cope with any extra demand.

Traffic/Transport:

There is concern the extra traffic will have an impact on the current residents of Snowberry Lane

106 Agreement

It was felt as more housing was being proposed there should be an increase in the level of community gain from the Section 106 Agreement.

Internal

SPATIAL PLANNING

The current strategic and local planning policy for Melksham is provided by the Wiltshire and Swindon Structure Plan 2016 and the West Wiltshire District Plan First Alteration (June 2004). The majority of the policies in the Structure Plan and District Plan have been saved until further notice.

A Wiltshire Core Strategy Consultation Document has now been published which includes proposals for updated housing figures for the Melksham Community Area. The Consultation Document proposes that 1,930 dwellings should be provided in Melksham (town) over the plan period from 2006 to 2026. Of these, 309 have already been completed (2006-10) and a further 885 have permission and are expected to be delivered during the plan period. This leaves a remainder of 736 dwellings to be identified. The Consultation Document does not identify a specific site for these 736 dwellings, instead stating that "land for residential development in the Melksham Community Area may consist of a range of sites". The Consultation Document goes on to state that "if required, non strategic sites within the community area will be identified through either a neighbourhood plan or a site allocations development plan document".

The justification for the proposed housing numbers at Melksham (as set out in the Consultation Document) is provided in Topic Paper 17: Housing Requirement Technical Paper. The number of dwellings proposed for Melksham town (1,930) is the same as that proposed in the Wiltshire 2026 consultation in 2009. The figures presented in Wiltshire 2026 for Melksham were derived from the housing figures for West Wiltshire set out in the draft revised Regional Spatial Strategy (RSS) for the South West. The government has since announced its intention to revoke the RSS, and the housing numbers to be provided in each of the settlements in Wiltshire have therefore been reviewed (as set out in Topic Paper 17). Nevertheless, the Wiltshire 2026 proposal for the overall number of dwellings to be provided in Melksham (1,930) has been maintained following this review, because it is still considered an appropriate level of growth for the town.

It is considered that the provision of additional dwellings at this site would reduce the requirement to develop on Greenfield sites elsewhere in Melksham, and there is therefore no spatial planning policy objection to the principle of increasing the density of the development. Delivery of the additional housing will help maintain a 5 year land supply in Wiltshire, in line with national policy in PPS3.

There is no policy objection to the principle of the proposals, providing that:

1. It will be possible to secure an appropriate design of the development, in accordance with existing policy (including Policy H24 of the West Wiltshire District Plan) and in line with emerging policy (such as the proposed Core Policy 39 of the Wiltshire Core Strategy Consultation Document).
2. An appropriate mix of sizes and types of housing will be provided, in accordance with Policy H24 of the West Wiltshire District Plan.
3. Sufficient infrastructure will be provided to support the increased density development, in accordance with Policy DP2 of the Wiltshire and Swindon Structure Plan and Policy I1 of the West Wiltshire District Plan.

It will also be necessary to consider the extent to which the proposals fit with the concept plan presented in the Clackers Brook Development Brief. Consideration should be given to the proposed timetable for improving the carbon performance of new dwellings. It is understood that the level of affordable housing provision has now been agreed.

HIGHWAYS TEAM

Following detailed discussion on the impact of the proposed increase in density, it was concluded that, subject to the completion of a new Section 106 Agreement which will replace the previous Agreement which lies with the development site, there are no highway objections to the proposed increase in housing density. The Section 106 Agreement will provide more flexible use of funds, paid

by the developer, to provide infrastructure improvements within Melksham Town Centre or at other appropriate locations within Melksham, together with some additional enhancement to public transport by the provision of additional bus stops and shelters along the distributor road.

ECOLOGIST

I am broadly satisfied that the overall ecological impacts would be low and could be controlled through condition. Given that the extent of this application is fairly restricted, the only condition I would really require would be a pre-commencement submission of a Construction Environmental Method Statement to protect any ecological features such as remaining hedgerows and Forest Brook.

AFFORDABLE HOUSING

No objection following negotiations between officers and the consortium,

As per housing policy H2, the Council are seeking 30% affordable housing on this site, on a nil subsidy basis, in perpetuity – to be transferred and managed by a Registered Provider, nominated and agreed by the Council. The 30% affordable housing at nil subsidy will comprise 24% on site affordable general needs social rented units and 6% off-site commuted sum. The % mix/split of the affordable housing rented units on site will be as detailed in the original S106 Agreement. The AH should be provided/integrated within the development in clusters of between 5 – 15 units and the on site units need to meet the Homes & Communities Agency Design Quality Standards/Scheme Design Standards.

URBAN DESIGN OFFICER

No Objections subject to the recognition of the indicative nature of these layouts and on the understanding that these are maximum figures.

EDUCATION OFFICER

Following discussions and reviewing the existing s106, it is clear that we are not able to request a further financial contribution for the increase in units. The existing S106 is based on the provision of a primary school and the additional units would not require the provision of a larger school.

ENVIRONMENTAL PROTECTION

No objections to this application however the detailed design of the proposed dwellings affected by road noise from the distributor road and A3102 will be required prior to occupation.

OPEN SPACE

This application represents a significant increase in the dwelling numbers compared to the existing permission, as it stands there is an overprovision of open space on this site. Therefore, I would not wish to seek further provision in association with this application.

CLIMATE CHANGE OFFICER

No objection subject to a planning condition being attached

DRAINAGE OFFICER

Approval for the drainage strategy is agreed in principle and will be given once planning approval is granted.

We require a management plan for the future maintenance of the balancing ponds. This can be conditioned. Also as a condition drainage measures should be carried out to prevent flooding during the construction of this development. Surface water should not be allowed to run off from the site onto highway or onto other surrounding property. This is to reduce potential flood risk during development.

External

ENVIRONMENT AGENCY

No objection subject to appropriate planning conditions being attached

WESSEX WATER

No objection subject to condition being attached.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 28/7/10

Summary of points raised: 16 letters of objection have been received from the occupiers of neighbouring areas. The objections are on the following grounds on the original submission:

Increased traffic on Snowberry Lane

No justification for extra houses

Where are the buyers of the new houses coming from

The land was green fields used for agriculture

Increased burden on infrastructure

Safety risks from HGV's

The doctors, dentists etc are struggling to keep up with patients.

Increased burden on local amenities with increase number of properties

Development overlooking and give us no privacy.

Overlooking

Extra traffic on Snowberry Lane

Safety of children using Snowberry Lane

It was agreed 750 houses was the maximum

Snarlton Lane was to remain untouched and ancient hedgerow preserved. This is not the case.

Developers are saying extra houses needed to pay for amenities. Why build now, wait until situation improves.

More traffic in the area.

Already an extremely large development.

Reduces our privacy

Population will rise by some 450 to 500 residents

Build on unfit land for building as it is marshy in wet weather.

Flooding is a regular thing near the new roundabout.

Concerned about the how large/busy the distributor road will be

Flood risk concerns

9. Planning Considerations

Principle of development

Following discussions between Officers, the agent and developers of the consortium the application has been amended to an outline application for areas 1B, 3A, 3B and 5C with all matters reserved.

The principle of development on this land has already been set by policy H6 of the West Wiltshire district Plan – 1st Alteration 2004 where the site is located within an area identified as a strategic housing allocation. It forms part of an overall site (includes a triangle of land to the west which is not included as part of this application) that was allocated for a total of 750 dwellings together with associated facilities and infrastructure.

Further guidance on the development to the east of Melksham is provided by the Land at Clackers Brook East Melksham Development Brief (Development Brief), which was adopted in October 2004. The Development Brief is a material consideration in the determination of all planning applications submitted in respect of the East Melksham allocation.

In 2005 West Wiltshire District Council Planning Committee resolved to grant outline planning permission (04/01895/OUTES) for the development of the site for a comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road, subject to a S106 being signed. Planning permission was subsequently granted on 6th August 2008.

The implementation of that planning permission has commenced following the approval of conditions and some of the reserved matters schemes for that development as shown below.

House Builders	Site	No of dwellings	Approved REM/Revised Outline Applications
BDW	1A	68	10/00579/REM
BDW	1B	56	Revised Outline
Bloor	2A	50	09/02383/REM
Bloor	2B	65	10/02167/REM
Bloor	3A	55	Revised Outline
Bloor	3B	22	Revised Outline
BDW	4A	50	10/03422/REM
BDW	4B	49	10/01790/REM
Persimmon	5A	114	08/03471/REM
Persimmon	5B	68	10/03242/REM
Persimmon	5C	174	Revised Outline
Total		771	

The current application seeks a new planning permission covering part of the mixed use urban extension. This will replace the previous permission where the two overlap. The proposal maintains the same infrastructure as already approved and there are no changes to this. The proposal seeks to increase the housing numbers within some of the areas (1B, 3A, 3B and 5C) designated for development, so that the overall capacity of the site will be increased by 101 from 670 permitted by 04/01895/OUTES to 771 dwellings.

Density

The desire to promote the efficient use of land is set out in national planning policy (PPS3) and in the Structure Plan (policy DP7)

National Planning Policy Statement 3 (PPS 3): Housing has recently been revised by CLG to remove the reference to a national indicative minimum density of 30 dwellings per hectare. In a letter to chief planning officers dated 15 June 2010 CLG explains that this change emphasises "that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves

the best location and types of development in their areas". However, PPS 3 does still state that "using land efficiently is a key consideration in planning for housing" (paragraph 45).

Policy DP7 (Housing in Towns and Main Settlements) states that "higher density housing and mixed-use schemes should be provided, particularly in appropriate locations close to main public transport routes, town and other centres".

The Urban design Officer states that it is not simply a case of having smaller houses; the number of houses can dramatically alter the layout and character of a housing development. With additional housing units there are additional cars to be accommodated, higher traffic levels, less available space between buildings, less amenity space and greater pressures on the public realm. As a general rule the higher the density the more imaginative and demanding the design requirements

Looking at each of the areas designated for development in turn, Area 1B proposes up to 56 units with all matters reserved. The site though has permission for 48 units under the previous permission W/09/00579/REM which allowed 116 dwellings to be built within areas 1A & 1B. (68 units and 48 units respectively). Officers need to consider whether the site can accommodate a proposed increase from 48 to 56, an increase of 8. The indicative layout shows that a satisfactory layout can be achieved with the positioning of some units and parking etc, but has demonstrated that the increase in units can be accommodated.. These issues can be addressed through the reserved matters process.

Area 3A proposes up to 55 units with all matters reserved. The number of units would be equivalent to that which could have been submitted as part of any reserved matters application in connection with the original permission 04/01895/OUTES. The indicative layout shows that with detailed positioning of buildings and parking a satisfactory layout can be achieved. Officers consider that this number of units can be achieved in compliance with the principles of the adopted Development Brief and the Urban Design Strategy.

Area 3B proposes up to 22 units with all matters reserved. Again the number proposed would be equivalent to that which could have been submitted as part of any reserved matters application in connection with permission 04/01895/OUTES. The indicative layout shows that with detailed positioning of buildings and parking a satisfactory layout can be achieved and again it is considered that this number of units can be achieved in compliance with the principles of the adopted Development Brief and the Urban Design Strategy.

Area 5C proposes up to 174 dwellings with all matters reserved. Under 04/01895/OUTES and the development brief the concept plan approved by that permission indicated that the density for Area 5C would equate to 145 dwellings. The increase to 174 of the proposal means an average density across this whole area of 43dph. The indicative layout shows a high density core surrounded by a medium density area and low density towards the edges of the development, which is in compliance with the principles of the adopted Development Brief and the approved Urban Design Strategy. The Urban Design Officer considers that a satisfactory layout can be achieved with the detailed layout of buildings, roads and parking. Officers consider that up to 174 units can be achieved and these detailed issues can be dealt with through the reserved matters submissions.

The revocation of the RSS and the removal of the national indicative minimum density have resulted in little guidance being available as to a suitable density for this development. However, it is considered that the provision of additional dwellings at this site would reduce the requirement to develop on Greenfield Sites elsewhere in Melksham, and there is therefore no spatial planning policy objection to the principle of increasing the density of the development. Spatial Planning have stated that the delivery of the additional housing will help maintain a 5 year land supply in Wiltshire, in line with national policy in PPS3.

Officers consider the principle of increasing the density of the development as acceptable.

Infrastructure

Policy DP2 of the Structure Plan is particularly relevant to this case. Policy DP2 (Infrastructure) states that "development should not proceed unless the infrastructure, services and amenities made necessary by the development can be provided at the appropriate time".

Policy I1 (implementation) of the District Plan is concerned with the provision of new infrastructure, social recreational and community facilities to support development, and states that "provision should be commensurate with the scale and nature of the individual development".

It is considered by officers that adequate social infrastructure is provided by permission 04/01895/OUTES by way of the provision of a school, Community Centre, sports facilities and retail provision with the possibility of a doctor's or dental surgery as part of the local centre provision

The data provided in the developer's transport statement identifies that, because a greater number of dwellings is proposed, there will be smaller dwellings with a lesser number of bedrooms. Total bedroom numbers will also not increase, and traffic generation will similarly not increase as smaller properties tend to generate lower numbers of vehicular trips per day. Highway Officers whilst sympathetic of these views, consider that the likely traffic generation will increase, but that this increase will be marginal. Therefore, on the basis of the agreed approach, additional public transport facilities along the distributor road, coupled with index linked rises in the previous financial contributions which will be provided more flexibly, will mitigate the increased dwelling numbers.

Highway Officers have no objection to the proposals subject to the necessary legal agreement.

The Education and Open Space Officer have no objection to the proposal and have commented that sufficient provision has been made under permission 04/01895/OUTES.

Affordable housing

Policy H2 of the District Plan states that the Council will "seek to achieve up to 30% affordable housing provision" but that "the precise scale of provision will be negotiated on a site by site basis, after taking into account need site conditions and the economics of the position.

Officers of the New Housing Team were pleased that the consortium confirmed its intention to meet the Council's policy requirements and that the current hybrid application will deliver the required pro-rata increase in affordable housing to ensure 30% AH at nil subsidy is applied to the revised total number of dwellings proposed in the new outline application. Therefore, there is no objection.

Drainage and Flood mitigation measures

There is no objection from the Environment Agency to the proposal or from Wessex Water subject to appropriate conditions and informatives.

The Council's Drainage Officer also has no objection subject to appropriate conditions

Other matters

The Senior Climate Change Officer has no objection to the proposal subject to an appropriate condition regarding the submission of a Sustainable Energy Statement.

The Senior Ecologist is satisfied that the overall impacts would be low and can be controlled by condition. Therefore the officer has no objection to the proposal.

The Environmental Protection Officer following amendments to the scheme now has no objection to the proposal. The detailed design of the proposed dwellings can be dealt with through the reserved matters submissions.

Conclusion

The proposals are in accordance with Policy and the Development Brief. The current application relates only to the principle of the development and the design of the proposed dwellings and their layout will be considered at detailed design stage (Reserved Matters application).

Recommendation:

That the Area Development Manager be authorised to grant permission on completion of a Legal Agreement to secure the following:

- i) Affordable housing**
- ii) Public Transport contribution**
- iii) Public transport improvements including new bus stops and shelters along the distributor road and Snowberry Lane**
- iv) Highway works contribution to include a more flexible use of funds in Melksham town centre or elsewhere within Melksham to discourage traffic from using the town centre.**
- v) Compliance with the two existing s.106 agreements dated 6 August 2008 in so far as they relate to the application proposal**

For the following reason(s):

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 4 The number of dwellings to be constructed pursuant to this permission within Area 1B as indicated on the approved plan number CDP01 Rev L (Combined Development Plan) shall be no more than 56 dwellings.
- 5 The number of dwellings to be constructed pursuant to this permission within Area 3A as indicated on the approved plan number CDP01 Rev L (Combined Development Plan) shall be no more than 55 dwellings.

- 6 The number of dwellings to be constructed pursuant to this permission within Area 3B as indicated on the approved plan number CDP01 Rev L (Combined Development Plan) shall be no more than 22 dwellings.
- 7 The number of dwellings to be constructed pursuant to this permission within Area 5C as indicated on the approved plan number CDP01 Rev L (Combined Development Plan) shall be no more than 174 dwellings.
- 8 No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

REASON: To ensure that existing hedges of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C40.

- 9 No development on any area of the site shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority in relation to that phase and those works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32

- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall in relation to each area of the site be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development of that phase, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32

- 11 No development approved by this permission shall be commenced until a Construction Environmental Method Statement incorporating measures to protect any ecological features such as remaining hedgerows and Forest Brook is submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

REASON: To prevent to ecological features

Planning Policy Statement 9: Biodiversity and Geological Conservation

- 12 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

Planning Policy Statement 25: Development and Flood Risk

- 13 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

Planning Policy Statement 25: Development and Flood Risk

- 14 No development approved by this permission shall commence until a foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the Local Planning Authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

Planning Policy Statement 25: Development and Flood Risk

- 15 No materials shall be burnt on site at any time on any phase of the development during the building and construction works.

REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38

- 16 Building and construction work on the development hereby permitted shall not take place outside 07.30 hours to 18.00 hours, Monday to Friday, and 08.00 hours to 13.00 hours on Saturday, and at no time on Sundays and Bank Holidays unless the Local Planning Authority gives written approval to any variation.

REASON: To protect the amenity of the occupiers of nearby dwellings.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C36

- 17 No development approved by this permission shall commence until details of the management plan for the future maintenance of the balancing ponds shall be submitted to and approved in writing by the Local Planning Authority. The balancing pond shall be subsequently maintained in accordance with the approved details thereafter.

REASONS: In the interests of flood prevention

Planning Policy Statement 25: Development and Flood Risk

- 18 The development of any particular area of the site shall not be commenced until surface water drainage works have been carried out and completed in relation to that area in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

- 19 Before any development is commenced on any area of the site, including site works or storage of any description, all trees to be retained on that area of the site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered.

Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

Informative(s):

- 1 An Energy Statement to be submitted to the Climate Officer detailing how relevant building regulations/CfSH targets will be met, what options have been considered and what consideration has been given to site wide energy solutions such as district heating. The statement should also provide details about the viability and deliverability of proposals.
- 2 Foul and surface water manhole covers should be marked to enable easy recognition; convention is red for foul and blue for surface water. This is to enable water pollution incidents to be more readily traced.

Appendices:	
Background Documents Used in the Preparation of this Report:	

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	06.07.2011		
Application Number	W/11/01201/ADV		
Site Address	Village Green Garage Ham Green Holt Wiltshire BA14 6PX		
Proposal	Two removable flags		
Applicant	Village Green Garage		
Town/Parish Council	Holt		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	385924 161687		
Type of application	Advertisement		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 15297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Carbin has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area

1. Purpose of Report

To consider the above application and to recommend that advertisement consent be granted.

Neighbourhood Responses

1 letter of support received. 1 letter of objection received. Comments relate to:

- Contrary to circular 03/2007
- Setting and Amenity of Listed Building
- Harm character of area

Holt Parish Council Response

Oppose as it is considered inappropriate to fly commercial flags in a sensitive conservation area.

2. Report Summary

The main issues to consider are:

- Amenity
- Highway Safety

3. Site Description

The application site contains a single storey car garage set within the Conservation Area and in the setting of 2 Grade II Listed Buildings. The building is single storey with a forecourt in front. The building faces onto the village green with the Listed Buildings located on either side of the application site.

4. Relevant Planning History

W/11/00636/FUL – Replace front elevation with glass sliding doors and timber cladding, timber clad side of showroom – Permission 14.04.2011

00/00285/ADV – Fascia showroom sign – Consent 20.03.2000

99/01771/FUL – Alterations and improvements to garage showroom façade – Permission 17.01.2000

5. Proposal

The application seeks advertisement consent for the erection of two flag poles in the forecourt of the garage. One of the flag poles would be located at the front of the site half a metre from the road. The other flag pole would be located on the side of the site 1.5 metres from the road. The flag poles would be removable and fixed into place under the tyres of the cars on show. The poles would be 4 metres in height with a flag advertising the garage. The flags would be white with the garage logo.

6. Planning Policy

Government Guidance
PPG19 Outdoor Advertisement Control

West Wiltshire District Plan First Alteration 2004
C24 Advertisements

7. Consultations

Holt Parish Council

Oppose as it is considered inappropriate to fly commercial flags in a sensitive conservation area.

Highways

No highway objection

Conservation Officer

Revise detail of application to black metal flag poles.

The application was advertised by site notice/press notice /neighbour notification.
Expiry date: 13 May 2011

Summary of points raised:

1 letter of support received. 1 letter of objection received. Comments relate to:

- Contrary to circular 03/2007
- Setting and Amenity of Listed Building
- Harm character of area

9. Planning Considerations

Amenity

The proposed flag poles and flags would not harm the amenity of the area. The poles would not harm the character of the Conservation area or the setting of the neighbouring grade II listed building due to the poles being removable and being painted black. This is a historic colour which would respect the historic character of the area and is therefore considered to be acceptable. A condition has been attached to this recommendation to ensure that the flag poles are black in colour and not white as originally proposed.

Highways

The Councils Highway Authority have commented that the proposed flag poles would not have an adverse affect on the highway.

Having regard to public safety the proposed poles would not harm the safety of the public due to their position within the site and are therefore considered to be acceptable.

Conclusion

The proposal complies with policy and advertisement consent should be granted subject to conditions.

Recommendation: Consent

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 Notwithstanding the submitted details the proposed flag poles shall be painted black and shall be maintain as such thereafter.

REASON: To define the terms of this consent

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan received on 6 April 2011
Site Location received on 31 March 2011
Existing Forecourt Plan received on 6 April 2011
Proposed Forecourt Plan received on 31 March 2011
Full Forecourt Plan Proposed received on 31 March 2011

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Appendices:	
Background Documents Used in the Preparation of this Report:	