

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	22nd June 2016
Application Number	15/09143/OUT
Site Address	Vale of the White Horse Inn, Station Road, Minety, Wiltshire SN16 9QY
Proposal	Erection of 6no. Dwellings (Resubmission of 14/08912/OUT)
Applicant	Mr Jamie Denman
Town/Parish Council	Minety
Division	Minety – Cllr Berry
Grid Ref	403450 190562
Type of application	Outline Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application is reported to Committee again following a change in material circumstances regarding Section 106 Contributions in respect of Affordable Housing requirements since the matter was considered at NAPC meeting on the 4th May 2016.

1. Purpose of Report

To recommend that authority be delegated to the Area Development Manager to grant permission subject to conditions listed below and the signing of a S106 agreement within 6 months of the date of the Committee resolution.

In the event that the S106 agreement is not signed and sealed within 6 months to delegate authority to the area Development Manager to refuse permission for the reason identified below.

2. Report Summary

The position in respect of consultation undertaken on the application is as follows:-

12 Representations of support

1 representation of objection

The Parish Council support the application proposals.

3. Site Description

The Vale of the White Horse is a public house located on the outskirts of Minety. The public house is set into an embankment with a railway line to the north of the site. Surrounding the property is a large parking area. Onsite there is a large building which is utilised by the squash club. To the south of the site is a substantial pond surrounded by planting. The site is

located on the outskirts of the village and is poorly related to the centre of the village and its amenities; such as the school and playing fields, with no footpath to connect them.

4. Planning History

N/99/00466/COU	Change Of Use And Internal Alterations To Provide Self Contained Dwelling	Approved
N/00/01569/COU	Change Of Use From Public House To Residential Dwelling	Refused Dismissed at Appeal
N/88/00813/FUL	Extension And Alterations To Public House	Approved
N/02/00117/FUL	Erection Of Staff Accommodation Block	Approved
N/02/00118/FUL	Erection Of Conservatory, Porch And Store	Approved
N/04/03502/FUL	Construction Of Sixteen Bed Accommodation Block	Approved
N/11/00984/FUL	Provision Of Additional Accommodation & Associated Works	Withdrawn
N/11/02501/FUL	Provision Of Additional Accommodation And Associated Works (Resubmission Of 11/00984/FUL)	Approved
14/03728/OUT	Erection Of 12 Detached Dwelling & Formation Of 8 Apartments.	Withdrawn
14/08912/OUT	Erection Of 8 Dwellings	Withdrawn
14/08917/FUL	Convert Part Of Bar In Semi-Basement Into 3no. Guest Accommodation Rooms.	Approved

5. The Proposal

The proposed development is for the erection of 6 no. dwellings including 4 x 3 bedroom properties in a short terrace to the rear of the Public House and 2 x 4 bedroom units adjacent to the existing lake. The proposed development aims to provide income to invest in the adjacent public house; to secure its long term future and in that context is advanced as enabling development.

The application is submitted in Outline with approval sought for access, appearance, layout and scale with landscaping reserved for future determination.

The proposals in terms of design, appearance, scale and, to a certain extent, layout have been significantly amended from those previously advanced under application reference 14/08912/OUT.

6. Planning Policy

National Planning Policy Framework

Paragraph 14 – Decision Making

Paragraph 17 - Core Planning Principles

Section 4 – Promoting sustainable transport (Paragraphs 32, 34, 35, 36, 37 & 38)

Section 6 – Delivering a wide choice of high quality homes (Paragraphs 47, 49)

Section 7 – Requiring good design (Paragraphs 63, 64, 65 & 66)

Section 8 – Promoting healthy communities (Paragraphs 73)

Planning Practice Guidance

Wiltshire Core Strategy CP1, CP2, CP13, CP41, CP49, CP57, CP61, CP62

North Wiltshire Local Plan 2011 (Saved Policies)

Policy H4 – Residential Development in the Open Countryside

7. Consultations

The following is a summary of consultation responses submitted in respect of the application as considered at the 4th May 2016 NAPC meeting. There has been no further consultation on the proposals since that date, other than in respect of liaison with the Council's Legal Team, which is referenced in the main body of the report.

Ecology

No Objection following the submission of additional information in response to initial consultation response and subject to the use of a condition requiring the submission of an Ecological Mitigation Plan.

Drainage

No objection subject to conditions requiring submission and approval of drainage details

Rights of Way

No impact on rights of way so no objections or comments to make.

Spatial Planning

No comment further to previous application N/14/08912/OUT. Previous comment:-

Development should be in accordance with the development plan unless there are material considerations to indicate otherwise. The proposal is considered contrary to saved policy H4 of the North Wiltshire Local Plan and CP2 of the Core Strategy for Wiltshire in that it represents new development in the countryside. There is not an urgent need for housing in the area, nor is the application for affordable housing which is recognised as a serious shortcoming of the proposal.

New Housing

Identify an immediate housing need of 34 households seeking affordable housing in the Community Area of Malmesbury. The need for affordable housing has a tenure split of 60% Affordable Rented and 40% Shared Ownership homes.

Core Policies 43 and 45 are applicable; in line with current policy approaches a 40% on-site affordable housing provision will be sought. Following review and liaison off site financial contribution of £114,104.66 sought.

Public Protection

In response to the previous outline planning permission, officers requested an acoustic report to assess both road traffic noise and railway noise.

Neither of these have been assessed or provided in an acoustic report. Therefore, objection to this application is raised. Following discussion with the applicant and the case officer, the Public Protection Team confirmed no objection; subject to a condition requiring submission of a noise assessment.

Education

No objection and given the scale of development proposed education requirements should be addressed through Community Infrastructure Levy.

Trees

No objection in principle to this application in relation to trees. As there are important hedgerows which surround the site on the east, south and western boundaries which incorporate trees, request that a Tree Protection Plan is provided to protect the hedgerow and trees during development. If there is not adequate room for protective fencing, as specified in BS5837:2012, then ground protection should be used. This is addressed by condition.

Estates

Following review of the submitted viability appraisal identified that on the basis of the submitted information (which could have included significant additional detail) the scheme would be viable with the identified Affordable Housing requirement, whilst still providing the required level of funding for the enhancement of the public house.

Wessex Water

No objection, but identified Wessex Water infrastructure could be affected by the proposed development and consultation with them would be required prior to the commencement of development. A standard informative is included in this respect.

Network Rail

No objection, but identified concerns and requirements in respect of protection of Network Rail assets; including the need for protective fencing. This can be dealt with via condition requiring submission and approval of details for boundary treatments.

Minety Parish Council

Supports the application, especially as it will sustain the continuance of a community asset.

Wiltshire Fire & Rescue Service

Raised no objection to the scheme proposals, but identified the need for consideration to be given to emergency vehicle access, fire fighting equipment, fire regulations and the use of domestic sprinkler systems.

8. Publicity

The following is a summary of consultation responses submitted in respect of the application as considered at the 4th May 2016 NAPC meeting. There has been no further public consultation on the proposals since that date.

The application was advertised by neighbour notification, site notice and press advert.

13 representations from members of the public were received in respect of this application

12 representations expressing support for the proposal on the basis that the development will secure the future of the public house as a valued local community facility; and will provide much needed housing for young local residents.

1 letter of objection on the basis that the adjacent road is a very busy HGV route, though there are 30 mph signs very few vehicle take notice. There are no pavements at this end of Station Road; which makes it difficult for pedestrians to access homes/pub etc. Also because of the speed in which vehicles come over the bridge; the access to and from the proposed site could be dangerous. Living on the road it is difficult to exit the property.

9. Planning Considerations

Planning principle

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. The development plan for this area is the Wiltshire Core Strategy (WCS) and limited saved policies in the North Wiltshire Local Plan. The National Planning Policy Framework (NPPF) is an important material consideration. The main policies considered relevant to the consideration of the principle of this development are Core Policy 1, Core Policy 2 and Core Policy 13 of the WCS and the policies of the NPPF.

The principle of the proposal is considered to conflict with the settlement strategy for Wiltshire; in that the development is on the outskirts of a small village, poorly related to the core of the village and in a location where new development is only considered acceptable if it is for small scale infill within the existing built area. Mitigating factors have been presented which identify that the redevelopment of the site will provide funding for the provision of letting rooms onsite.

Consideration has been given to whether the scheme has mitigating factors which outweigh the underlying planning policy objection to the scheme. With regard to supplementing land required for housing development, the WCS has been recently adopted. It is however acknowledged that the Council cannot currently demonstrate a deliverable supply of land of housing for a 5 year period, plus requisite tolerances, although the situation is currently under review in respect of preparation of a new Housing Land Supply Statement for 2016/2017. It is anticipated that this position will therefore change very shortly.

Given this position full weight cannot be given to policies in respect of the scale and distribution of housing under the terms of para 49 of the NPPF. In the determination of planning applications, the most crucial issue to consider is whether or not the proposal accords with the relevant provisions of the development plan (the WCS). If it does not then the question of whether material considerations, including relevant policies in the NPPF, mean that permission should be granted despite conflict with policies arises. In understanding how to interpret paragraph 49 of the NPPF and what weight should be applied to policies within the WCS, the Council has relied on a number of appeal decisions in Wiltshire (Land at Arms Farm, Sutton Benger APP/Y3940/W/15/3028953 & Land to North of Holt Road and Cemetery Lane, Bradford-on-Avon APP/Y3940/W/15/3141340), and a recent court of appeal judgement that specifically examined how to apply and interpret paragraph 49 (C1/2015/0583 Suffolk Coastal District Council and Hopkins Homes Limited and C1/2015/0894 Richborough Estates Partnership LLP vs Cheshire East Borough Council First).

There are a number of important statements and points of clarity provided in the above decisions that are important to framing any discussion on this application and the degree of conflict with the WCS. Particularly relevant are the statements in the court of appeal

decision, paragraphs 42 to 48 ('How is the policy in paragraph 49 of the NPPF to be applied?'), which highlight a number of key points. First, it is up to the decision maker to judge whether a plan policy is or is not a relevant policy for the supply of housing, this can include restrictive policies not necessarily related to housing specifically; however that may have the effect of limiting housing. Furthermore, the appeal court decision confirms that in their view there will be many cases in which restrictive policies are still given sufficient weight to justify the refusal of planning permission, despite their not being up-to-date under the auspices of paragraph 49. In conclusion, the appeal court decision confirms that ultimately it will be up to the decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date', and, that the fundamental purpose of paragraph 49 is not to punish Councils (and by extension local communities), but to provide an incentive to boost housing land supply. In this context, it is important to note that the scale of the proposed development at 6 dwellings is very limited and, in the view of officers, would not significantly boost the supply of land for housing, such that this could be given significant weight in the planning balance.

Importantly, the decision goes on to highlight that paragraphs 14 and 49 of the NPPF do not make 'out of date' housing policies irrelevant to the determination of applications and that the weight given to such policies is not dictated by the NPPF and will vary according to circumstances on a case by case basis. This will also depend on the extent to which relevant policies fall short of providing for the five-year supply of housing land and the action being taken by the local planning authority to address the shortfall. Currently, the shortfall is only 36 homes and there is no indication that rural areas are struggling to deliver housing. The Council has continued to promote development in the Malmesbury Community Area (which covers this site) at sustainable locations and recent committee approvals have seen further housing sites approved, subject to signing of S106 agreements overall and above those minimum indicative targets.

In both of the Wiltshire based appeal decisions the Inspectors considered that weight should be applied to Core Policy 1 of the WCS despite paragraph 49 being engaged and, in fact, in the Sutton Benger appeal the inspector applied full weight to Core Policy 1. However, following the appeal court judgement the Council agrees that Core Policy 1 must be seen and assessed in the context of paragraph 49 and cannot be considered 'up-to-date'. Nevertheless, the Council still believes that Core Policy 1 must carry significant weight in any decision making process; as the fundamental principles of the policy largely align with core planning principles of the NPPF, as set out in paragraph 17. It sets out the overarching spatial strategy for Wiltshire and, as highlighted above, the shortfall in supply is low and there is no evidence of significant unmet demand in the community area. As such, the settlement strategy and Core Policy 1 remains fundamental and relevant to the determination of this application.

Statements in the supporting material to the application identify that the future of the public house is in jeopardy. Funding realised by the proposed development will underwrite investment that can help to support it as a going concern. The applicant has agreed to enter into a Section 106 agreement to tie the residential development to the required enhancements to the public house, thereby ensuring the link between the development proposed and community benefits is identified. The public house is a well valued local community resource and there is significant local support for its retention. There are a limited range of other local community facilities in this location following closures, thereby increasing the importance and value the remaining facilities such as the Public House. When the previous application was considered at the Northern Area Planning Committee meeting this benefit was identified as of significant weight as a community objective. Core Policy 49 identifies strong support for the retention of existing local community facilities and services within rural areas; improved accessibility to local services and the enhancement of a sense

of community are a key aspect of the Spatial Vision of the Plan. Whilst ensuring that adequate infrastructure is in place to support local communities is Strategic Objective 6 of the Core Strategy.

As such the retention of the public house, which will be facilitated by this development proposal and secured by S106 agreement, is a material consideration of significant weight. On balance it is considered that this benefit, alongside other benefits identified below and in the context of the current limited shortfall in the supply of land for housing, is sufficient to outweigh the harm identified.

The above position remains of relevance and importance to the determination of the application following the changed circumstances relating to S106 contributions to Affordable Housing; which are discussed in detail below under the following section of the report.

Planning contributions and CIL

Prior to reporting to Committee on 4th May 2016, an extensive viability appraisal exercise was undertaken between the Council and the applicant team. It was concluded that the scheme proposals would be viable with the identified Affordable Housing off site financial requirement, as referenced in the consultation section (new Housing Team response) above. Further, it was identified that the Affordable Housing contribution would be viable whilst still providing the necessary funding to secure enhancement works to the public house. Following this process of testing assumptions and evidence, the applicant agreed to enter into the requisite S106 agreement/planning obligation to meet this requirement and work on the agreement commenced following the Committee resolution of 4th May 2016.

Subsequent to that and as of 11th May 2016 the Court of Appeal issued its judgement ([2016] EWCA Civ 441) in respect of the Government's challenge to the High Court decision in respect of the West Berkshire and Reading Case [2015] EWHC 2222 (Admin). In summary, members may recall that the Government issued a Written Ministerial Statement and amended the Planning Practice Guidance (PPG) in November 2014 to identify that development of 10 dwellings or less would not be liable to Section 106 "tariff style" Service and Infrastructure requirements, including as is the case here, off site financial contributions to Affordable Housing provision. This amendment to the PPG was challenged in the Courts by West Berkshire and Reading Councils and the court found in their favour. The PPG was subsequently amended to remove this provision, but the Government was given leave to challenge the High Court decision again through the courts. This has led to the recent Court of Appeal judgement which has found in the Government's favour, identifying that it was acceptable for the provision to be included in the PPG. Subsequent to this the PPG has now (19th May 2016) been once again amended to include the provision for 10 dwellings or less to be excluded from "tariff style" S106 requirements for service/ Infrastructure provision. In addition, the PPG has been amended to include the vacant building credit provision also.

The applicant team has subsequently contacted Officers to assert that the previously identified off site affordable housing financial contribution is no longer appropriate or necessary, given these circumstances and the scale of the proposed development at 6 dwellings. Officers have liaised with the Council's Legal Team regarding the situation and requested that work on the S106 agreement be amended accordingly. The Council's Legal Team is in the process of considering the full ramifications of the Court of Appeal judgement and further alteration to the PPG. Interim advice indicates that the Court of Appeal judgement was nuanced and caveated in its findings and not as definitive and clear cut as may be thought on first reading. In particular, the Council's Legal Team highlight that the judgement identifies that the PPG is a material consideration in the determination of applications and forms part of the policy guidance to be weighed in the balance. This therefore needs to be considered alongside up to date and adopted Development Plan

policy; which under national legislation and the guidance of the NPPF has statutory weight as the principle material consideration. Development must be determined in accordance with the adopted development plan, where up to date, and it is for the decision taker to determine the weighting to be attached to all material considerations, including development plan policy and ultimately the content of the PPG and government policy in making that planning judgement. As such, the latest revision to the PPG is not a blanket ban on S106 contributions being sought from all development proposals of 10 dwellings or less.

It is in this context that the section of the report to Committee on 4th May 2016 entitled “**Planning principle**” and reproduced above remains of relevance. At the current time the Development Plan cannot be considered to be up to date and attracting full weight due to the position in respect of the 5 year supply of land for housing and the content of the NPPF in this respect. As such, policies in relation to the supply and distribution of housing cannot be considered to have full weight. In this context, the supply and provision of affordable housing is considered to be affected and, as such, the further amendment to the PPG is a relevant material consideration of weight in this case and at the current time.

Members will also recall that there are other material considerations of significant weight in this instance, including the funding of works of the enhancement of the Public House in order to secure its long term retention and its importance as a local community facility. There are also the broader benefits of the economic contribution that the development itself and the retention and increased use of the public house will bring to the local community. In addition, the boost to the supply of land for housing locally is a consideration of some limited weight, proportionate to the scale of development proposed and the shortfall in the provision of a 5 year supply of land for housing. These matters must also be weighed in the planning balance.

As noted above the S106 agreement will also tie the development of the residential properties to completion of the enhancement works to the public house and, as such, these scheme benefits can be given full weight in the planning balance. No other section 106 requirements have been identified by consultees or officers. This tie between development and enhancement of the public house remains as a requirement and the applicant has confirmed that completion of the S106 agreement in this respect is acceptable.

The development would also be liable for CIL contributions following its adoption and the Council has taken the position that CIL payments are non-negotiable, regardless of the planning merits of a proposal and therefore, CIL is payable. Notwithstanding the above, CIL is separate from the issuing of any planning decision and therefore is not a matter for consideration within the planning balance informing determination of this application.

For the sake of clarity and to fully and appropriately address all material considerations, the following sections of the report to Committee on 4th May 2016 are reproduced here with additional information in respect of highways matters:-

Size, scale and design

It should be noted that in terms of the previous application proposal 14/08912/OUT the officer report to Committee recommended refusal on the basis of poor quality design of the proposed dwellings. There were also concerns in respect of the proposed site layout and quantity of development in this respect.

The applicant team has worked closely and co-operatively with Council officers since the withdrawal of the previous application to address officer’s concerns. It is considered that the scheme proposals both in terms of design character, site layout and the quantum of development are a major improvement on the previous submissions. The proposals are

considered to now accord with development plan requirements as set out in CP57 and the NPPF and no objections or concerns are raised in this respect.

CP41 of the WCS addresses sustainable construction and low carbon energy requirements in new development. Proposed amendments to the Building Regulations regime aimed at addressing such requirements nationally have yet to be introduced and until that time the policy remains of relevance. The requirements of the policy have not yet been addressed but it is considered that this can be dealt with by way of condition.

Impact on residential amenity

The positioning of the units onsite are not considered to be in such close proximity to existing dwellings that they would impact on the living conditions in respect of overlooking and loss of privacy. As set out above, the applicant team has worked closely and proactively with officers to address concerns in respect of the design and layout of the properties. As such, previous concerns in respect of the scheme proposals relating to adequacy of private amenity space have been appropriately and fully addressed and it is now considered that the proposal accord with requirements of CP57 and NPPF para 17 in this respect.

Highways

Highways Officers raised objection to the original proposal due to the lack of parking provision. The amended scheme requires less parking provision and Highways Officers are satisfied that the proposal now provides sufficient spaces for the public house and new dwellings. Officers have raised no concerns in relation to highways safety.

In addition, it has been clarified by Highways officers that it is not considered that the provision of a public footway on the adjacent highway (Station Road) is feasible given site circumstances. These include substantial technical, practical and ownership issues such as:-

On the north side of Station Road the extent of the highway is the kerb - there is no highway verge. The assumption is that the embankment is owned by Network Rail. Because the land is sloping, a structure would be required to support the footway. We agreed that the cost of designing and building a structure (and presumably with a wall or a handrail to stop users falling down the bank) and negotiating with Network Rail would be disproportionate, given the amount of use that such a footway would be likely to accommodate.

On the south side, there is 1m of highway verge and, for the most part, the land is in the ownership of the applicant. The land is sloping and it would need some kind of structure to support the footway. Again, the cost of designing and building a structure (also with a wall or a handrail to stop users falling down the bank) would be substantial. However, third party land would be required at the western end of the property so that pedestrians would be able to cross the road opposite the end of the existing footway where there is sufficient visibility. It was considered that the cost of acquiring the third party land (assuming this were possible) and the design and construction of the footway would be disproportionate, given the small amount of people likely to be using the footway.

In either case, pedestrians will be encouraged to cross the road where visibility is inadequate. Other pedestrians might also be encouraged to continue to walk past the end of the footway and the entrance to the public house across the railway bridge, where there are no pedestrian facilities at all.

As such this is not identified as a reasonable, practical or necessary requirement.

10. Conclusion

It is considered that despite the alterations to the PPG, following the Court of Appeal Judgement, and consequent removal of the affordable housing contribution and alongside conflict with the provisions of the Wiltshire Core Strategy given the location of the proposed development in the open countryside, that there remains sufficient material considerations of significant weight justifying a recommendation for the grant of permission. In short, there remain sufficient benefits arising from the scheme proposals that outweigh the limited harm identified through conflict with policies of the adopted development plan. These benefits include; the contribution to the retention of a valued local community facility and service in terms of the public house. The economic development benefits arising from the construction works that will take place and the additional expenditure in the local community arising from the new population resident in the dwellings and indeed, the increased occupancy at the public house itself. The provision of additional housing adding to the available supply is also a benefit, albeit of limited weight given the scale of development proposed.

The harm arising from conflict with adopted development plan policies for the location and distribution of housing is considered to be limited; given the identified shortfall in the available supply of land for housing below the required 5 years plus contingency, albeit this shortfall is considered to be very limited. In addition, the lack of contribution toward Affordable Housing provision and conflict with the WCS policy CP 43 can only be of limited weight, given that the development plan has been found to be out of date given the absence of a 5 year supply of land for housing. Whilst in these circumstances the Council's adopted policies can still carry some weight dependent upon material circumstances, given the position identified, it is considered that on balance permission should still be granted.

RECOMMENDATION

That authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required enhancement to and retention of the local community facility of the public house and is therefore contrary to Policies CP1 & CP49 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

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. 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 landscaping of 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

GTB-646-10-3D

GTB-646-10-4D

GTB-646-50B

GTB-646-52A

GTB-646-53

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

4. 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

5. 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

6. 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.

7. Prior to the commencement of development details including design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other boundary treatments and means of enclosure shall be have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied

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

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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or 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 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 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or 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.

10. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

11. 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

12. 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 together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

13. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

14. Prior to commencement of development and Ecological Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be in general accordance with Section 6 of the submitted Ecological Appraisal (AD Ecology, dated 26th October, 2015) and include full details of:

- Construction methods for works in or near the pond and retained trees to reduce damage and disturbance to species and habitats
- Details of re-profiling and restoration of the pond margins
- The location and design of all bat and bird roosting / nesting features

The development shall be carried out in full accordance with the approved Ecological Mitigation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of Nature Conservation

15. No development shall commence on site until a noise impact assessment and scheme for protecting the residential properties and their curtilages against noise from both road traffic and railway noise has been submitted to and approved by the Local Planning Authority. Any works that form part of the scheme shall be implemented in full before any permitted dwelling is first occupied.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: In the interests of residential amenity.

16. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837:

2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998:

2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

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

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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

17. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

INFORMATIVES:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

Appendices: None

Background Documents Used in the Preparation of this Report:

NPPF

PPG

Wiltshire Core Strategy

Application Submissions