

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	04 October 2017
Application Number	17/05672/FUL
Site Address	Land to West of Forest Lane, Forest Lane, Chippenham, Wiltshire, SN15 3PX
Proposal	Erection of 6no. residential units including landscaping, highways layout and related works.
Applicant	MacNiven Quays Ltd
Town/Parish Council	Chippenham
Electoral Division	Chippenham Pewsham – Cllr Clare Cape
Grid Ref	392980 172141
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Clare Cape who would like the Committee to consider the concerns raised by Chippenham Town Council and local residents.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and completion of a S106 legal agreement within three 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 originally 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 stopping up of the highway to ensure a safe access and parking arrangement for the site and is therefore contrary to Policies CP3, CP61 & CP62, CP64 of the Wiltshire Core Strategy Adopted January 2015

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Impact on highway safety
- Impact on the residential amenity of local residents

Chippenham Town Council object to the proposed development. 35 letters have been received objecting to the proposed development and 0 letters of support were received

3. Site Description

The site is located at the end of Forest Lane in Chippenham, which is a no-through-road to vehicular traffic. There is pedestrian access through the whole site via Forest Lane and Lodge Road.

The only existing building within the applicant's ownership but beyond the application boundary is a nursing home to the east, which benefits from consent to extend, ref 13/03489/FUL, which further to discharge of all conditions could be implemented.

The surrounding area is predominantly residential, with a number of commercial properties including shops and a pub with car parking to the south. There is a children's centre located to the south of the site, as well as a gym and a church to the north.

Residential gardens back onto the western boundary, with existing foliage acting as a visual barrier between the application site and neighbouring properties. Across the site there are isolated trees and hedgerows enhancing the sense of enclosure.

4. Planning History

13/03489/FUL	Extension to Provide Additional Bedrooms and Communal Areas
N/09/01626/FUL	Partial Demolition of Existing Care Home. Ground and First Floor Extensions and Alterations.
N/10/01559/FUL	Partial Demolition of Existing Care Home, Ground and First Floor Extensions, Access and Car Parking Alterations
17/01110/VAR	Application to remove Conditions 7 & 9 relating to stopping up of public highway and tree preservation order requirements and to vary Condition 8 in respect of parking layout and hard and soft landscaping on previously approved 13/03489/FUL
17/05671/VAR	Variation of Condition 8 of 13/03489/FUL relating to approved plans concerning proposed Landscaping, Highways & Parking

None of the above applications relate directly to the application site

5. The Proposal

The planning application seeks consent for the construction of 6 residential dwellings, including landscaping, parking and associated highway works.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 10- Spatial Strategy for the Chippenham Community Area
Core Policy 41- Sustainable Construction and Low Carbon Construction
Core Policy 50- Biodiversity and Geodiversity
Core Policy 57- Ensuring high quality design and place shaping
Core Policy 61-Transport and Development
Core Policy 63-Transport Strategies
Core Policy 64- Demand Management

Appendix D
Appendix E
Appendix G

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7, 14 & 17)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)

Chapter 8- Promoting healthy communities (Paragraph 75)

Chapter 4- Promoting sustainable transport (Paragraph 32)

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

7. Summary of consultation responses

Chippenham Town Council- Chippenham Town Council does not support this application and recommends refusal, raising the following points in accordance with core policy 57,iii:

- The design of the units is not in keeping with the character of the area
- There will be a loss of an open space
- The wildlife habitat will be seriously impacted
- The design of the units is overbearing in relation to the existing homes in the area
- The 2 x three storey properties are out of keeping with the other properties, not just in the adjacent development but across the whole Pewsham development
- The site will impact on a well-used pedestrian access way
- There are concerns about drainage issues in the area
- Former applications have not been fully adhered to in relation to replanting of trees

Drainage- The care home planning approved is for a discharge of 5 l/s – not the 6 l/s as this submission states

The area for this site is greenfield thus greenfield discharge rate to be used for post development thus indicated flow rate is not currently acceptable and would not obtain LDC.

Revised plans have been submitted resolving the initial comments and is acceptable subject to conditions.

Highways- No objection subject to conditions and s106 agreement for stopping up of the highway

Tree Officer- No objection subject to conditions

Archaeology- No objection

Rights of way team- The applicant applied to us for a legal order to extinguish the part of footpath CHIP17 that ran across this land. The extinguishment has now been confirmed, so no concerns.

8. Publicity

The application was advertised by neighbour letter, site notices and press advert.

The application has generated over 35 letters of objection and 0 letters of support. A summary of the comments is set out below:

- Congestion from cars
- Noise disturbance and pollution during construction
- Density of development too high
- Loss of open space
- Loss of privacy
- Public right of way must be retained
- Limited access to shops and services
- Drainage issues
- Waste collection issues
- Insufficient parking
- Design of housing is out of keeping
- Harm to Local wildlife
- Some of the land is not in the applicants ownership

9. Planning Considerations

Principle of development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Calne Community Area.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

The site is located within the urban area of Chippenham therefore the principle of residential development in this location is acceptable subject to the suitability of the highways matters, layout, landscaping, appearance and scale of the development.

Stopping up of the Highway

Many of the concerns raised by local residents relate to the use of this lane for pedestrians and many believe that the application will result in Forest Lane being blocked and pedestrians will be prohibited from using it. This is incorrect, access for pedestrians along this lane will not change and the access will not be blocked. Should planning permission be granted for the proposed development the use of it by local residents as a link between Wood Lane and Lodge Road will remain.

It is understood that the confusion has arisen due to the applicant's request to stop up some of the highway. The submitted drawings appear to show some of the land in the to be used in the development in classified as highway, though. Allocated parking and built development is not acceptable on the highway. It is understood that the applicant may own the land, but highway rights exist on the land and the land is maintainable by the highway

authority and that is why stopping up of the highway is required. The highway to stopped up is land adjacent to the hard standing know as Green Lane.

The development does therefore not conflict with CP61 or CP63 of the Core Strategy or the NPPF.

Drainage

The Council's drainage team originally objected to the proposed drainage solution. Revised plans have been received and these have overcome the council's concerns. Subject to conditions officers are satisfied that the development will not have an adverse impact on drainage within the locality and is therefore in accordance with the NPPF and CP67 of the Core Strategy.

Highway

Alterations to the approved plans and additional details have been provided to overcome the initial concerns relating to the parking arrangement on site and visibility from these spaces but this has now been resolved.

Some local residents have expressed concerns with regards to the level of parking provided and questioned whether the proposal meets the Council's parking requirements.

The Council's adopted Car Parking Strategy does allow for tandem parking. Taking into consideration the submitted information, officers are satisfied that the proposal does accord with the Council's parking standards. To ensure that communal parking is not allocated to private households these will be within the adopted highway.

Impact on Residential Amenity

The application has been submitted in full. The layout of the development is therefore fixed. The submitted layout clearly demonstrates that the proposal will not result in adverse residential amenities for existing or future occupants of the existing/proposed dwellings.

Taking into consideration the existing character of the area and other surrounding residential developments it is considered that the proposal will not have a significant adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight daylight or privacy. It is acknowledged that there will be an impact on some properties' outlook but the separation between existing and proposed dwellings (rear wall to rear wall varies between 31.5m & 19m) would be sufficient to ensure that there will not be a conflict with CP57 and the NPPF. Furthermore there is already mutual overlooking of many of the properties and it is considered that the proposal will not result in any greater harm than the current situation.

Local residents have also expressed concerns relating to noise during the construction phase. This is an inevitable and an unfortunate consequence of any development. However, to minimise and reduce any possible harm residential amenities during the construction phase a construction management plan will be required by way of a planning condition.

Character and appearance of the area

Though the dwelling would be of a modern design and appearance, the proposed dwellings would be of traditional proportions both vertically and horizontally and their fenestration would have a strong vertical emphasis. At second floor level this would include windows, which would be consistent with the modest sized windows on other properties within the

locality. Similarly, the proposed pitched roofs would pick up on the design characteristics within varied designs of the surrounding locality.

Overall the proposed dwellings would respect the topography of the street, the character of the area, and would improve the visual character of the area. It is recognised that some of the buildings in the immediate area are uninspiring and in some instances have a negative impact on the character and appearance of the Area. However as with all buildings, whether traditional or contemporary, the success with which they blend in with and make a positive contribution to the street scene is dependent on the quality of the design and the precise nature and quality of the materials used.

In this instance the scheme is considered to be high quality, Though the dwellings are unashamedly modern, it is based on the form of a traditional two/three store dwelling, it is considered that the design and materials proposed responds to local character and reflects the identity of local surroundings. It is accepted that the materials are not characteristic of the area by CP57 of the CS and Para 63 of the NPPF states:

In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Provided the development is constructed in accordance with the approved plans it would make a positive contribution to the character and appearance of the Area including long distance views. This enhancement is a positive aspect of the development, this is a matter that weighs in favour of the development and it is considered that the development would comply with the National Planning Policy Framework and Core Strategy policy CP57.

It is acknowledged that the loss of this green area is not ideal. However, it is not public open space or a village green and could therefore be enclosed at any time without the need for planning permission. The loss of this green area would result in minor adverse visual effects, particularly for nearby residents and people using public footpaths. To this extent the proposal would have minor harm and this is a matter that weighs against the proposal. Taking into consideration the above this harm is not considered to be significant enough to warrant a reason for refusal.

The NPPF indicates that good design is fundamental to using land efficiently. For the reasons set out above the development is considered to be acceptable and to accord with Core Policy CP57 and CP51.

Amenity Space & Density

Concerns have been raised by local residents with regards to the level of private amenity space provided and that the density is too high and out of keeping with the character of the area. Though the use of densities is not always helpful it is considered that a density comparison and a plot analysis for the locality would be useful. In this instance the surrounding streets have densities ranging between 33 and 50 dwellings per ha whereas the application site has a density of 40 dwellings per ha.

It is acknowledged that the proposed rear gardens are modest but taking into consideration the fact that there is no national or local requirement for minimum garden sizes the rear garden areas and density of development is, on balance acceptable and in accordance with CP57 of the CS.

Land Ownership

Some local residents have raised concerns regarding land ownership and that the application site contains land not in the applicant's ownership. The matter of land ownership is not a planning matter to be resolved within the planning application process, it is for the parties concerned to seek a resolution, ultimately through the courts if necessary.

10. Conclusion

The application site is located within the urban area of Chippenham and sustainably located in relation to Chippenham's facilities, local services and employment opportunities. It is considered that the scheme will have an overall minor adverse landscape impact due to the loss of this green area of land which is a matter that weighs against the proposal.

Taken in the context of the presumption in favour of sustainable development and the fact that this is not a designated or important landscape as defined by the NPPF and CS and in terms of the planning balance, however, these considerations are outweighed by the benefits of development, which include improvements to surface water drainage, the delivery of housing. All other matters have been sufficiently addressed, with technical details capable of resolution by planning condition. On balance, therefore, it is considered that the proposal is acceptable in planning terms and in accordance with the Core Strategy and NPPF.

RECOMMENDATION

GRANT planning permission, subject to conditions and completion of a S106 legal agreement within three 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 originally 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 stopping up of the highway to ensure a safe access and parking arrangement for the site and is therefore contrary to Policies CP3, CP61 & CP62, CP64 of the Wiltshire Core Strategy Adopted January 2015

- 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 of the wall and roof materials to be used on the development 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

- 3 All soft landscaping comprised in the approved details of landscaping as shown on plan number 6133/ ASP2.0 Revision E 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.

- 4 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 the protective fencing has been 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. 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;

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.

REASON: To ensure that the trees are protected during the construction phase of development and to protect the character and appearance of the area.

- 5 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces for that dwelling 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.

- 6 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 to, or extensions or enlargements of 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 enlargements.

- 7 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces for that dwelling 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.

- 8 No dwelling shall be occupied until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

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

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

- 10 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 11 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.

12 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 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.

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

P102 Revision A

P103

P104 Revision B

P105

P106 Revision C

P107

P110

P111

P112

P000 Revision A Received 01/09/2017

P001 Revision A Received 01/09/2017

P101 Revision H Received 01/09/2017

P113 Revision A Received 01/09/2017

M379/7 Revision B Received 01/09/2017

W01604-150 P04 Received 01/09/2017

6133/ ASP2.0 Revision E Received 01/09/2017

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

14 INFORMATIVE TO APPLICANT:

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.

15 INFORMATIVE TO APPLICANT:

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.

16 INFORMATIVE TO APPLICANT:

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.

17 INFORMATIVE TO APPLICANT:

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.