

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	1 April 2015
Application Number	N/13/01296/FUL
Site Address	Land Adjacent to Sedgewick House Old Hardenhuish Road Chippenham Wiltshire SN14 6HH
Proposal	Erection of 2 Detached Dwellings
Applicant	Mr Robert Stacey
Town/Parish Council	CHIPPENHAM
Division	CHIPPENHAM CEPEN PARK AND REDLANDS- Cllr Nina Phillips
Grid Ref	390569 174390
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was considered by Committee on 16 July 2014, at which time Members resolved to delegate authority to the Area Development Manager to approve the application subject to conditions and completion of a Section 106 legal agreement. However since that time changes to the Planning Practice Guidance relating to planning contributions warrant reconsideration of the application.

In addition there have been changes to local planning policy and national planning practice guidance since that time. As such the original report to Committee is included at Appendix A and this all remains relevant except in respect of sections dealing with the Principle of development and S106 contributions.

Purpose of Report

To consider the above application and to recommend that planning permission be approved subject to conditions

Planning Policy

Since the previous report to Committee the Council has adopted the Wiltshire Core Strategy (January 2015). Policies CP50, CP57, CP60 & CP61.

In addition the Government has published and adopted national Planning Practice Guidance.

Planning Considerations

The site is within the framework boundary and the principle of residential development is not objectionable in principle subject to relevant criteria being satisfied contained in Policy CP57 of the Wiltshire Core Strategy Adopted January 2015.

Given the assessments undertaken previously as set out in the earlier report to Committee contained at Appendix A and as determined by Committee Members it is considered that there is no in principle conflict with the adopted WCS policies or requirements of the NPPF paras 14, 17, 128, 129, 131, 132, 133.

Section 106 agreement

At the time of its initial consideration by Committee, the scheme attracted a financial contribution of £11,640 to be used to the upgrade of facilities at Stainers Way, Chippenham. As of 28 November 2014 however, the national Planning Practice Guidance (PPG) stipulates that such contributions should not be sought for developments of fewer than 10 units and 1,000m², except in Areas of Outstanding Natural Beauty or designated 'Rural Areas'. The Guidance is a material planning consideration and as such it is not considered reasonable to pursue the contribution in this instance given that the proposal is for 3 dwellings of a combined floorspace of less than 1000 sq m. The recommendation is amended accordingly.

Conclusion

It is considered that the proposed design, impact on the neighbours, the impact on the wider area, the proposed access and parking arrangements, and ecology and flood risk issues would be satisfactory with appropriate conditions attached to the permission. Accordingly, the application complies with Wiltshire Core Strategy policies CP50, CP57, CP60 & CP61 and the relevant provisions of the NPPF and PPG.

RECOMMENDATION

Approve 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 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.

3. 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:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;

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

4. 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.

5. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) 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: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

6. The existing hedge between Nos 12 and 14 Bythebrook and the application site shall not be removed and shall be retained at a height of at least 3:00 metres. Should any section of the hedge be removed or die it shall be replaced with appropriate planting during the next planting season.

REASON: To preserve the visual amenity and privacy of the development.

7. Prior to the commencement of development details of any proposed retaining walls to be built on the site shall be submitted to and approved in writing by the local planning authority and implemented and maintained strictly in accordance with the approved plans.

REASON: To safeguard the visual amenity of the area and in the interests of highways safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

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

REASON: In the interests of highway safety.

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

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

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk assessment dated September 2012 by PBA and the following mitigation measures detailed in the FRA:

1. Finished floor levels are set no lower than 68.25 above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

12. No development shall commence on site until details of the works for the disposal of

sewerage 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: To ensure that the proposal is provided with a satisfactory means of drainage.

13. The mitigation measures in paragraphs 5.4 and 5.6 of the approved Ecological Assessment prepared by BSG Ecology and received 8th May 2013 shall be carried out in full prior to the first occupation of the development and/or in accordance with the timetable detailed in the Ecological assessment.

REASON: To mitigate against the loss of existing biodiversity and natural habitats.

14. No development shall be undertaken within 8 metres of the bank of the Hardenhuish brook which would restrict access for the purposes of maintenance by the water authority.

REASON: To safeguard access for maintenance of the watercourse.

15. 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 adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

16. Prior to the occupation of the development the proposed dwellings an area from which refuse bins can be collected shall be agreed in writing by the local planning authority.

REASON: In the interests of public and visual amenity.

17. Notwithstanding the submitted plans planning permission is not granted by this decision for the erection of gates at the proposed entrance to the site at Bythebrook.

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

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

Site Location plan

P538-01-01

Tree Survey

T12/0128/p/0014; T12/0128/p/01-0001 through T12/0128/p/01-000113

P538-01-03

P538-01-04

P538-01-05

P538-01-06

P538-01-07

P538-01-10

P538-01-13

P538-01-14

Design and Access Statement

All dated 22/5/13

P538-01-02A

P538-01-09A

P538-01-08A

All Dated 09/10/13

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

INFORMATIVES:-

- 1 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.
- 2 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.
- 3 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.

Appendices:

Committee Report 16/7/14

Background Documents Used in the Preparation of this Report:

Application File

Committee Report 16/7/14

Minutes of the Meeting 16/7/14

APPENDIX A REPORT TO COMMITTEE 16/7/14

