

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	16 th July 2014
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
Ward	CHIPPENHAM CEPEN PARK AND REDLANDS
Grid Ref	390569 174390
Type of application	Full Planning
Case Officer	Mandy Fyfe

Reason for the application being considered by Committee

This application has been called into Committee by Cllr Nina Phillips for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Impact on amenities and privacy to dwellings in Bythebrook
- Design – bulk, height, general appearance, layout
- Environmental/highway impact
- Car Parking (use) and noise issues
- Drainage issues
- Access
- Impact on wildlife

1.Purpose of Report

To consider the above application and to recommend that subject to all parties entering into a legal agreement under S106 of The Act, then the decision be delegated to the Area Development Manager to GRANT planning permission, subject to conditions

Chippenham Town Council have objected due to the poor access and notifying the Council that this application has been called in by the Local member. There have been 20 letters of objection.

2. Report Summary

The main issues in considering the application are:

- Principle of development Policies C3, H3 of the adopted North Wiltshire Local Plan 2011
- Impact on the character and appearance of the area
- Affect on the privacy and amenity of existing neighbours and potential occupants
- Impact upon Flood Plain
- Affect on highway safety
- S106 contributions

3. Site Description

The application site consists of a large slightly sloped land to the west of the secluded rear garden behind Sedgewick House which is surrounded by mature trees and hedgerows and has an area of 0.2ha. There are a number of immature shrubs spaced out in the centre of the garden. Sedgewick is a modern detached house set back from Old Hardenhuish Road via a driveway and includes a garage to the side. Alongside the eastern side of both the application site and the side of Sedgewick are a number of trees protected by Tree Preservation Orders and a 'main river' known as Hardenhuish Brook which runs along the entire eastern boundary getting very close to the boundary fence in places.

To the west of the application site is the estate of Bythebrook which includes a tarmaced driveway leading down to No 10 and 11. Beyond this is a close boarded fence that runs along the western boundary of the application site and forms the boundary with No 12 Bythebrook to the east of the driveway. No 11 has its side garden facing onto the application site and No 12 has its rear garden facing onto the application site. It should also be noted that this estate is on higher ground than the application site which is some 1.35m lower than the tarmac driveway. It would appear from historical maps that this raised ground level forming the western boundary of the applicant's garden is original suggesting that the ground to the east was originally purely floodplain.

4. Planning History

80/00314/OL Erection of detached dwelling with integral garage (Permit)

81/01338/D Erection of detached dwelling with integral garage (Permit)

87/02935/F Erection of garage extension (Permit)

89/02456/F Extension to form swimming pool wing (Permit)

94/02196/TPO Tree felling and surgery – 4No standard Oaks and 1 No

standard ash to be planted to replace the felled trees(Permit)

03/00483/FUL Extension to garage (Permit)

5. The Proposal

The proposal is to construct 2 No chalet style dwellings with dormer windows to the first floor. Detached garages are proposed for each unit. The dwelling would be constructed to a Level 4 Sustainable Design Code with measures to enhance aspects such as water and energy use, materials, waste disposal, ecological features etc. The layout provides for a vehicular access to be created between No 11 and 12 Bythebrook to form an enclosed turning area leading off to drives and the garages to the north and south. Due to the changes in levels between the higher land of the housing estate compared to Sedgewick's garden, it is proposed to increase the ground levels nearest the western end of the site.

The scheme shows that the eastern side of the proposed dwellings would be supported on a 0.75m high stilt arrangement using a 'pin piling' technique with voids underneath to allow for any flood water displacement in accordance with the submitted Flood Risk Assessment. There would also be a 0.75m high retaining wall between the eastern corners of the proposed dwelling which would support the inert material referred to above on which the turning area would stand.

The footprints of the plots are different, so that Plot 1 would have a footprint of 121m² and with the first floor accommodation of 83m² would give a overall floor area of 204m². It would have an eaves height of between 2.5m and 3.2m depending on the slope which is higher to the west than the east and a ridge height of between 7.15m and 7.65m. The accommodation proposed would provide a porch leading towards a large hallway with a study, dining room, breakfast room, kitchen, wet room and utility room. Beyond the hallway would be a large living room of some 24m² internal measurements. At first floor there would be 3 No bedrooms with individual ensuites plus a family bathroom with a gallery landing. The garage would have a floor area of 42m² and eaves of 2.5m and a ridge of 5.9m respectively and be sited to the north of the house.

Plot 2 on the other hand would only have a floor area of 153m² comprising of a footprint of 84.2m² and a first floor of 68.9m². It would have an eaves height of between 2.45m to 5.3m and a ridge of between 6.35m and 7.9m to the projecting gable. The accommodation would provide a central doorway between the kitchen and dining room. Off the hallway would also be a utility, wet room and living room. At first floor would be three bedrooms and a family bathroom. The garage would be sited to the south of the house and have a floor area of 33m². It would have an eaves height of 2.45m and a ridge of 5.5m

6. Planning Policy

National Planning Policy Framework (NPPF)

Para.14 - 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.'

Para.53 - 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

Para.100 - 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

North Wiltshire Local Plan Policies (2011):

C3 - Development Control Policy

NE10 - Managing Nature Conservation Features

NE11 -Conserving Biodiversity

NE14 - Trees, Site Features and the Control of New Development

H3 - Residential Development within Framework Boundaries

CF3 - Provision of Open Space

7. Consultations

Chippenham Town Council: Recommend refusal due to poor access. It should be noted that the Ward Councillor has called in this application.

Highways Team: I note that there have been local objections raised on the grounds of highways and access. I do not consider that this proposal will create significant highway issues that would warrant a highway refusal in this location. I recommend no highway objection be raised subject to conditions.

Public Open Space Team: This site would either have to provide onsite amenity land or as it generates an Open Space requirement of less than 0.2H, it would be more appropriate for a contribution to improve local existing amenity land and/or play. 2 X 3 bed dwellings generate a need for 0.0132Ha of Open Space which equates to an Off Site Contribution of £11,640 to be used to the upgrade of facilities at Stainers Way Chippenham.

Archaeology: No issues relating to archaeological remains in this area

Ecology: The site is a small orchard forming part of a residential garden of Sedgewick. This area would not meet the criteria of a "Traditional Orchard" BAP habitat type to which policies NE10 and NE11 would be relevant. The adjacent watercourse 'Hardenhuish Brook' and associated riparian woodland habitats would qualify as BAP habitats NE10, NE11 and NE14 are relevant requiring their protection and possibly enhancement. It is important that the riparian corridor be protected from physical damaged e.g. bankside vegetation, pollution e.g. construction run-off, disturbance of wildlife and damage to protected species habitats e.g. water vole burrows. The extent of the proposed root protection areas will help to provide a buffer between construction activities and the brook, while the retention of the adjoining hedgerow and fence will also help to reduce the disturbance during the construction phase. While the development would impact onto the urban wildlife corridor, the impacts are considered to be of insufficient magnitude to trigger or uphold a reason for refusal. I therefore have no objection on ecological grounds.

Trees and landscape: (Original comments): Insufficient information has been submitted to make a detailed response so that it would appear that at least part of each slab level for each plot would be inside the root protection area as indicated on the submitted drawings and that taken with the raising of the ground levels would result in potential root compaction

and damage to the canopy the majority of the trees along this bank in the long term. Request that revised plans are submitted with a new tree survey and a cross section through the site to clarify where the ground will be raised with regard to the root protection areas as this is not clear on submitted drawings.

Additional comments – 1: It is noted that the two dwellings would be constructed on pile due to the change in levels. I have no objection to the pile construction but care should be taken to avoid damaging any root plates of trees on site. Where piling is to be installed near trees, the smallest practical pile diameter should be used, as this reduces the possibility of striking major tree roots and reduces the size of the rig required to sink the piles. The pile type should be selected bearing in mind the need to protect the soil and adjacent tree roots from the potentially toxic effects of uncured concrete e.g. a sleeved bore pile or screw pile. In addition not all the trees on the site have been plotted and we will need a plan showing the position of all the protective fencing too.

Additional comments – 2: Plans are still unclear and there is an objection from a neighbour about the removal of 38m of hedgerow including both walnut trees all the way from the proposed entrance to the far western boundary

Additional comments – 3: The property benefits from two separate Tree Preservation Orders; one was made in 1973 and the second one in 1989. As a result there is a need to submit a new full tree survey showing the full root protection areas of the protected trees.

Council's Land Drainage Engineer: (*Original comments*): It is clear that the site is plumb in the centre of the flood risk area generated by the Hardenhuish Brook. Building in this area will be tricky in that any proposed property will require a finished floor level well above the flood risk level that will be supplied by the Environment Agency. The Hardenhuish Brook is classed as a 'Main River' and the EA will no doubt require some form of flood compensation works to offset the loss of the floodplain caused by the proposed dwelling construction.

Additional comments -1: the proposed dwellings will be built in an area reserved for floodwaters, which means that for any building here, a volume earmarked for flooding will be unavailable and hence in any given future flood, the water level will be marginally higher. The most common way to maintain the status quo is to dig a hole in the flood plain with an equal volume to that which is being used by the proposed construction so that the flood risk remains unchanged and if the finished floor level of the proposed dwellings is above the flood level, this prevents flooding of their properties too.

Additional comments – 2: Putting the buildings on pile would make the development a degree better than if the building was just raised above the 1:100 year flood event level. The inert fill material will have a volume just like a soakaway filled with a stone material. Normally in these cases there is a requirement to have a 30% flood void ratio, so if the fill material occupies 1m³; 30% or 0.3 cubic metres would be available for flood water and 70% will not be available. So if your fill material occupies 10m³, some 7 cubic metres will need compensation measures.

Additional comments – 3: I have no further comments to make because the proposed flood compensation works are not required here as the flood waters will use the garage and space below the proposed floor levels, so there is no objection to the proposed application on drainage grounds.

Environment Agency (*Original comments*): We are satisfied that the hydraulic model undertaken is fit for purpose and the proposed finished floor levels (68.25mAOD) are set at an acceptable elevation. The modelled 100 and 1000 year floor outlines in the FRA report should be representative from the information submitted. We can take no responsibility for incorrect data or interpretation made by the authors. Accordingly we have no objection in principle to the application subject to a conditions and informatives.

Wessex Water (*Original comments*): Public sewers are shown on record plans within the land identified for the proposed development. It appears that the development proposals will affect existing public sewers as building over a public sewer will not be permitted (without agreement) from Wessex Water under Building Regulations.

No building will be permitted within the statutory easement width of 3m from the pipeline without agreement.

Where development proposals affect a public water main or sewer, it may be possible to divert by agreement with Wessex Water and diverting a water main/public sewer will be subject to satisfactory engineering proposals and a legal agreement under S185 of the Water Industry Act 1991.

Additional comments – 1: Wessex Water will require the applicant to submit a formal application and detailed drawings to consider further with a view to entering into a legal agreement. The issues are:

- a) The diversion may not be possible due to the potential differences in levels between the two foul systems;
- b) The foul sewers are between 1 and 2m deep and the storm sewer by the water course is shown only to be at 0.5m deep and at 225mm diameter have minimal cover.
- c) The diversion as shown would not be acceptable as the angle of the sewer from the rear to the manhole at front is tighter than 90 degrees thus is actually directing flow across the main line which could lead to blockages
- d) We have received no prior notification of the filling works and these are of major concern to Wessex Water with regards to protection of the existing sewers through the site and therefore we will need details as we will require protection and replacement in a more robust material than currently exists.

These arrangements should be agreed in principle prior to a formal application to satisfy any planning requirements.

Wessex water have had further discussions with the agent and have confirmed that a practical and acceptable solution has been found to protect the sewer asset at the site.

8. Publicity

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

23 letters of letters of objection (including several from the same occupiers) and 1 of support received

Summary of key relevant points raised:

- Access width is shown on plans as being 3.45m wide, when there is only 2.6m in reality as the deeds to neighbour's property show the boundary to fall to south east of pavement edge and therefore the extra 0.85m is on neighbours land, so the access route is too narrow for scheme. Bythebrook has clearly defined footways which would have to be removed for access to the proposed construction. The width of the footway is 1.89m at the narrowest point. The width of the highway is wider but the access to the proposed construction is no way wide enough compared to the highway let alone 2No footpaths. Consider that it would sheer folly to run an access point from existing road without widening the area and adding footways given the close proximity of the boundaries either side and to allow a large lorry to access and turn around within the site so as to exit in a forward gear
- Proposed 'access road' is not a road, but a shared drive for No 10 & No 11 who both own this drive and each have a legal right of way over the portion owned by the other. We have not given the applicant access to this portion of the drive to access the site. Consider that the highway authority have not taken this into account in their consultation response as neighbour does maintain this land as it owned by them too and no permission will be given for access here
- Consider that it is not fair that a house in a cul-de-sac now has prospect of a driveway outside.
- Concern about the slope of the drive which tends to get icy in winter towards the proposed scheme and foliage to one side that would reduce visibility resulting in hazard for both pedestrians and vehicles.
- This corner of the cul-de-sac is used for turning of lorries as it is the only suitable turning point such as refuse lorries
- Use of gates within the site will mean that lorries etc will be forced to reverse up narrow driveway
- Certificate of ownership signed on 7th May 2013 is incomplete as part of the land belongs to No 10 and no notice has been served.
- Lack of Parking for the private housing will cause additional hazard to proposed entrance.
- Lack of neighbour notification for Nos 7, 8, 9 and 21 Bythebrook
- Increase in traffic movements in estate
- Loss of wildlife habitat if trees or hedge backing onto site is removed as part of the scheme and would request that legally binding covenant be imposed retaining the hedgerow behind Nos 12 -14 at a level between 2.7m to 3.6m high
- Submitted plans do not include extensions that have been added onto adjoining neighbours properties and so the garden room in No 12 would be affected by loss of light
- Loss of privacy and nuisance as the garden of No 12 has been levelled and is 1m higher than the adjoining development, so the 2m fence is now only 1m high. The scheme will mean that driveway would need to be sloped to the original level, otherwise there is concerns over visibility into property resulting in loss of privacy and car lights causing a nuisance.
- Great concern about the size of trucks to be used to deliver the aggregate to raise the ground levels would not be acceptable past our driveway
- Wessex Water have two easements across neighbours properties which cannot be built on without permission and these strips of land extend under development site, but it does not appear that applicant has gained permission to build over them
- Increase amount of traffic exiting onto Bristol Road
- The Policy Framework sets out a list of criteria which deal with sustainability in including an obligation to take account of all material facts when making a decision as sustainability does not over ride all other relevant factors.
- In Paragraph 53 of the Framework, it states that policies should be provided to resist inappropriate development of residential gardens

- Design of dwellings would not integrate with existing estate houses in terms of design or materials and makes no effort to establish a sense of place that already exists in the Bybrook estate. Effectively this is just an 'add-on' at the end of a shared drive with gates and walls to separate them from the open plan estate, so request that this element is removed from the scheme.
- Due to the overall size of the chalet dwellings, there will be an overbearing issue and because the land is lower the dwellings should be lower too, to eliminate any overlooking to the houses and gardens of Bythebrook.
- Footprint of Plot 1 appears twice the size of the adjacent properties in Bythebrook, so how can the scheme enhance the surroundings in terms of design and materials used, so this should be reduced
- Lack of space for the storage of bins is due to the existing layout the bins for No 12 have to be sited in front of No 10, therefore this scheme would make the situation worse increasing the number of bins as well as restricting visibility.
- Applicants have not discussed the proposals with neighbours as required by the Framework under Paragraph 66.
- Very concerned about the proposed rumble strip as this will result in noise disturbance to adjoining properties.
- Request that electric gates are removed as not in keeping with area and will cause noise disturbance
- Request that the gravel is replaced with tarmac to match that of Bythebrook and to reduce noise disturbance
- Suggest that access is gained via Old Hardenhuish Lane instead of through Bythebrook as there appears to be sufficient land and this would increase the privacy and security for the new dwellings
- Development will cause noise and light pollution to surrounding estate and wildlife
- Construction work would result in chaos to estate

1 letter of support on the following grounds:

- No 11 have a covenant on their deeds which allows for a right of way at all times for purposes over the Accessway which serves any other part of the estate or any land adjoining the estate.
- No 11 consider that their neighbour's calculations are incorrect and that there is a width of 2.93m to 3.2m of access owned by them and thus legally permitted to grant access for the site.
- When residential development was first considered in 1991, highways took the view that a maximum of 40 dwellings at Bythebrook, so a further two dwellings would be acceptable and the development would also retain the cul-de-sac too.

9. Planning Considerations

Principle

The proposed dwellings would be Code Level 4 in terms of Design Sustainability and located within the framework boundary of the settlement with reasonable access to public transport. Hence the proposals are sustainable within the terms of the National Planning Policy Framework. In addition, although gardens are no longer viewed as 'brownfield land' in policy terms, it is considered that there are no overriding site specific objections to the development for the reasons set out below. Whilst the proposed development would be the first near the brook in this area, there are no policies in the Local Plan to retain urban green areas and in any case the site is a private garden and not public open space. Accordingly, it is considered therefore that there is no objection in principle.

Design

The design of the proposed houses is certainly different from the existing estate. However it is considered on balance to be acceptable, and being in a location that is not overly prominent it would not adversely affect the character of the wider area. It is considered that the design is on balance satisfactory subject to the imposition of suitable conditions including relating to the external finishes. A condition can be imposed seeking details of the electric gates proposed.

Impact on Neighbours

It is not considered that the windows of the proposed dwellings would cause problems in terms of privacy or overlooking to existing properties.

Concerns have been raised regarding potential disturbance to No.12 caused by the proposed access. There would be very little extra traffic in the vicinity of the existing dwellings and there are other similarly located private lanes nearby. The rumble strip has since been omitted from the scheme and gravel now replaced by brick paviours.

With regard to overbearing impact, whilst the windows of the rear single storey extension of 12 Bythebrook would be approximately 12 metres from the side of the proposed house on Plot 2, the proposed slab level would be approximately one metre lower than No.12, and the proposed dwellings would be only one and half storey high. It is considered therefore that on balance there would not be an overbearing impact and or unacceptable loss of light. As a further precaution a condition can be attached requiring the existing hedge to be retained at a minimum height of 3 metres in order to preserve the visual amenity and privacy of the rear gardens.

It is accepted that construction traffic and works have the potential to cause temporary disruption and disturbance to residents and therefore it is proposed to attach a planning condition requiring the submission and approval of a Construction Management Plan which in particular specifies that all construction traffic access and exit the site only via the entrance to Sedgewick House and that limits are placed on working hours.

Regarding refuse bins, the plans show that they would be stored within the site out of view of existing residents and only placed outside the site on collection days. An area from which collection would be undertaken can be agreed by attaching a planning condition. This arrangement would be no different from other properties within the area.

Impact on Surrounding Area

It is considered that the application site is well screened and with suitable conditions to protect and retain existing trees and hedgerows, the proposed development would have limited visual impact on the surrounding area.

Highways issues

The Highway Officer has raised no objection to the application subject to imposing conditions. Account has been taken therefore of the impact on highway and pedestrian safety and congestion within the adjoining estate. It should be noted that there are other private lanes providing access to houses nearby on the estate. Construction traffic can be limited to gaining access only via the entrance to Sedgewick by means of attaching a planning condition.

A proposed rumble strip has been omitted from the scheme and gravel has been replaced by brick paviours

Impact on Trees

The scheme has been negotiated that there would be no development within the defined root protection areas of the retained trees. In any event, all footings would be pin piled with a ring beam above which would allow for root expansion and avoid compression issues. The hedgerow between Plot 1 and 11 Bythebrook, including the Walnut trees, would be transferred into the ownership of 11 Bythebrook and is not part of the application site. Regarding the trees along the bank of the brook, 7 are protected by Tree Preservation Order 134. Any works proposed to the protected trees would be subject to a separate consent.

Nevertheless, it is considered that by attaching conditions requiring tree protection for the retained trees during the construction process and additional planting and landscaping subsequently there would no long term impact on the visual character of the area.

Ecology

The Council's Ecologist has raised no objection in principle to the proposed development, and whilst the application site is within a wildlife corridor next to the Hardenhuish Brook, it is considered that adequate mitigation for any impact on local wildlife can be achieved by attaching suitable conditions to the permission.

Flood Risk and drainage issues

The Environment Agency raised no objection provided construction is undertaken in accordance with the submitted Flood Risk Assessment and the prescribed finished floor levels. The Agency states that the application site is within a Flood Zone 3a) area where this more vulnerable form of development should only be permitted if the Exceptions Test is passed. It is considered that the proposed development passes the Exception Test because it provides wider sustainability benefits such as convenient access to shops and public services without reliance on car journeys being located close to public transport and within a main settlement. In addition, it is considered that there no need for a Sequential Test because the applicant is a private householder not a major residential developer and so would not have reasonable access to alternative development sites, against which the flood risks of this site could be compared.

The Council's Drainage Officer has commented that the amount of flood compensation is acceptable because of the proposed voids under the houses. It is considered therefore that there is no objection on flood risk or drainage grounds subject to attaching a condition requiring the prior approval of the proposed surface water and foul sewage drains.

Wessex water have also confirmed that they have accepted a proposal from the applicants which would provide suitable protection over the sewer in the vicinity. The applicants will need to formalise this through a separate agreement with Wessex water (outside the planning process)

Section 106 agreement

The applicants have indicated that they are content to enter into a legal agreement to secure the off site contribution of £11,640 to be used to the upgrade of facilities at Stainers Way, Chippenham.

Rights of access and covenants

The question of access rights over land not in the applicant's ownership and other covenants are civil matters and not a planning consideration. The residents objecting on this issue are clearly fully aware of the proposed development and the applicant has made counter claims regarding his rights of access, it is not within the Council's remit to adjudicate in these matters. Should Planning permission be granted it does not override any ownership, private rights or covenants. An informative may be added regarding third party rights over land.

10. 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 Local Plan Policies C3, H3, NE10, NE11, NE14 and CF3. The applicant has agreed in principle to prepare a unilateral undertaking to pay the required planning gain contribution.

RECOMMENDATION

Subject to all parties entering into a legal agreement under S106 of The Act, then the decision be delegated to the Area Development Manager to GRANT planning permission, 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) 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;
- (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.

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.

Informatives

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

Background Documents Used in the Preparation of this Report: