

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	01/04/2015
<b>Application Number</b>	11/02514/FUL and 11/03731/LBC
<b>Site Address</b>	Scarrott's Yard, adjacent to 6 Old Court, Royal Wootton Bassett
<b>Proposal</b>	Erection of Three Terraced Dwellings Including Garage Accommodation and Associated Works (Resubmission of 11/01514/FUL)
<b>Applicant</b>	Mr and Mrs Scarrott
<b>Town/Parish Council</b>	Royal Wootton Bassett
<b>Division</b>	Wootton Bassett South – Cllr Chris Hurst
<b>Grid Ref</b>	406977 182408
<b>Type of application</b>	Full and Listed Building Consent
<b>Case Officer</b>	Lee Burman

### **Reason for the application being considered by Committee**

The application was considered by Committee on 14 March 2012, at which time Members resolved to delegate authority to Officers 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 national and local planning policy 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.

### **1. Purpose of Report**

Recommend that permission be granted without preparation of a Section 106 agreement and subject to conditions.

### **Planning Policy**

National Planning Policy Framework paras 14, 17, 128, 129, 131, 132, 133.

Planning Practice Guidance

Wiltshire Core Strategy CP57 CP58 CP61 CP61

### **Planning Considerations**

Principle of Development

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 determined by Committee 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 Matters

At the time of its initial consideration by Committee, the scheme attracted a financial contribution of £17,400 towards old Court Play Area and Local Park. Albeit the officer report noted that this did not take into account the existing accommodation at the site. 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 1,000m<sup>2</sup>, 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**

### **RECOMMENDATION**

**Approve both applications subject to conditions as follows:-**

11/02514/FUL

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 an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:

- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
- b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
- c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written

agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

3. Notwithstanding the approved drawings, no development/works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

(1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).

(2) Full details of the new roofs, including sections, eaves & verge details at 1:5.

(3) Full details of the new chimneys, including elevations at no less than 1:5.

(4) Full details of the new service routes, flues, vents and mechanical extracts, including exit points.

Items 1 to 4 shall be completed prior to the commencement of any works. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

4. No development/works shall commence on site until a sample panel for the brickwork, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

5. No development/works 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, the character and appearance of the area and the Listed Building.

6. No development/works shall commence on site until a sample panel of the render to be used on the external walls has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

7. 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), 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.

8. The dwellings hereby permitted shall not be occupied at any time other than by members of the Scarrott family in association with the use of the adjacent yard, known as Scarrotts Yard.

REASON: The dwellings are sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit dwellings in conjunction within the retained business use of the yard in which the dwellings are located.

9. The car ports hereby permitted shall not be converted to a garage. There shall be no erection of doors/gates or lockable device against the car port.

REASON: to ensure that adequate car parking is provided at the site in the interest of highway safety.

10. 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 carports 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.

11. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Dwg no: 2011-11-1, 2, 3A, 4A, 5 and 6 dated 25 July 2011

REASON: To ensure that the development is implemented as approved.

**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's attention is drawn to the contents of the attached letter from Wessex Water received 3 August 2011.

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.

In respect of 11/03731/LBC

To APPROVE Subject to the following conditions:

1.The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2.The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans:

Dwg no: 2011-11-1, 2, 3A, 4A, 5 dated 25 July 2011  
2011-11-6 6 dated 31 October 2011

REASON: To ensure that the development is implemented as approved.

3. Notwithstanding the approved drawings, no development/works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

(1) Full details of the design, colour and materials for all new external doors, windows, dormers, stairs, gates and railings including cills, reveals and setback details for doors and windows shown on elevations at a scale of no less than 1: 5 (1:10 doors & gates) and sections to at a scale of no less than 1:2 (1:5 doors & gates).

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REASON: In the interests of preserving the character and appearance of the conservation area and Listed Building.

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the development is carried out. Development shall be carried out in accordance with the approved sample.

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

**Appendices:**

Committee Report 14/3/12

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

Application Files

Committee Report 14/3/12

Minutes of the Meeting 14/3/15

**APPENDIX A COMMITTEE REPORT 14/3/12.**

