

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>15 July 2015</b>
<b>Application Number</b>	<b>14/12070/FUL</b>
<b>Site Address</b>	<b>The Park, High Street, Sutton Benger, Wiltshire SN15 4RQ</b>
<b>Proposal</b>	<b>Residential Development Comprising 13 Dwellings, with Associated Gardens, Parking, Drainage &amp; Landscaping</b>
<b>Applicant</b>	<b>Redrow Homes (South West) Ltd</b>
<b>Town/Parish Council</b>	<b>Sutton Benger</b>
<b>Division</b>	<b>Kington – Cllr Howard Greenman</b>
<b>Grid Ref</b>	<b>394353 178724</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Lee Burman</b>

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

The Application was called in for Committee determination by Cllr Greenman to consider the scale of the proposed development, impact on existing resources and compliance with the Wiltshire Core Strategy.

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

To recommend that authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement and conditions.

### **2. Report Summary**

Sutton Benger Parish Council objects to the proposals. 11 Letters of Objection have been received from neighbouring residents, 1 letter of support and 4 letters making general comments.

The main issues for consideration are:-

Principle of Development Including Loss of Employment Land  
Impact on the character and appearance of the locality and Conservation Area/Heritage Assets  
Design Character and Site layout  
Drainage  
Affordable Housing Provision  
Section 106  
Highways & Parking

### **3. Site Description**

The site is the remaining part of the former Chicken Factory located at the centre of the village off of the High Street. The larger part of the site has been redeveloped for residential purposes and this is almost complete. The site lies adjacent to existing residential properties fronting the High Street and is accessed from the same. To the east lies existing residential development and the new residential development now taking place at the former Hazlewood Farm. To the north is a stream leading to the River Avon beyond which lies open agricultural land. There are mature trees along this stream and a right of way runs through the land to the north. To the west are some existing properties and open land, a large bund with planting was erected along this western site boundary to screen the former factory from neighbouring properties. To the south west is situated the locally listed building of 20 High Street and this falls within the Conservation Area of the Village, which adjoins the application site.

### **4. Planning History**

N/11/02286/OUT Residential Development of up to 63 Dwellings, 1,700 SQM of employment Floorspace, Public Open Space, Vehicular Access and Other Related Development. Approved.

N/12/04072/REM Residential Development of 63 Dwellings, Infrastructure, Public Open Space and Landscaping. Approved.

N/13/01511/S73 Variation of Condition 3 of 11/02286/OUT to facilitate the submission of phased Reserved Matters applications. Awaiting S106 Deed of Variation completion

### **5. The Proposal**

This Application for Full Planning Permission seeks consent for residential development comprising 13 dwellings, with associated gardens, Parking, Drainage and Landscaping on land formerly known as the Chicken Factory site within Sutton Benger. The application relates to land with consent for Employment/Commercial use and which was formerly part of an allocation for mixed use re-development of the site. The residential element of that allocation has already been implemented by the applicant.

The application proposals have been revised several times in response to the consultation responses received in respect of the application submission proposals. Alterations were made to the form and layout of the proposed affordable housing element of the scheme. Alterations have also been made to the design character of the residential dwellings proposed. Additional information submissions have also been made.

The site area of the application is 0.5 hectares and the development proposal is an urban development scheme, as such the proposal falls within Schedule 2 of the Environmental Impact Assessment Regulations 2011 as an Environmental Impacts Assessment development. In this instance it is not considered that the development proposed is especially complex or significant in scale. In addition the site is not subject to any National, European or International environmental designations or constraints and is not considered especially sensitive cumulatively or individually in

relation to environmental considerations such as Ecology, Drainage, Heritage Assets etc. The site is also a previously developed site allocated for development within an adopted Development Plan (NWLP 2011). It is therefore the Council's formal assessment under Screening Opinion requirements defined in the regulations that an Environmental Impact Assessment is not required in relation to this development proposal.

## **6. Planning Policy**

National Planning Policy Framework (NPPF) – Paras 14, 17, 19, 20, 21, 22, 34, 35, 39, 49, 50, 56, 57, 60, 61, 63, 96, 100, 103, 109, 118, 128, 129, 131, 132, 134, 135

Planning Practice Guidance

Wiltshire Core Strategy (WCS) Adopted January 2015 CP1, CP2, CP3, CP10, CP34, CP35, CP41, CP43, CP50, CP51, CP52, CP57, CP58, CP60, CP61, CP67

North Wiltshire Local Plan (NWLP) Saved Policies H4

## **7. Consultations**

**Highways** – Objections raised in respect of the access to units 92 – 95 as inadequate and requiring revision. Inadequate detail to confirm Wiltshire Council Parking standards are met. Following the submission of revised plans no objection is raised subject to use of conditions.

**Spatial Plans** - The site is located within the settlement boundary of Sutton Benger, designated as a large village in the Wiltshire Core Strategy Core Policy 10. It forms part of a larger site (former Chicken Factory Site) allocated in the WCS and previously allocated in the North Wiltshire Local Plan 2011.

According to CP1 and CP2, there is a presumption in favour of sustainable development within the limits of development for large villages – the original mixed use scheme supported this principle. A change of use from employment to housing will provide more housing in the village; however it will remove any prospect of new local employment opportunities in the village which were identified to be delivered as part of the redevelopment of the site in accordance with policy H4 of the NWLP. 13 homes is greater than the “about 10 homes” indicated as an appropriate scale of growth at large villages in the WCS but this needs to be seen in the context of the history of the site.

There is a lack of available suitable employment land in Wiltshire. Locations near to the M4 are likely to be attractive and if readily available employment land is not available there is the risk that employers could look elsewhere. Concerns have been raised by other officers about the marketing report submitted as part of the application. It is considered that it remains the case that there is a reasonable prospect of the site being delivered for employment use as required by NPPF Paragraph 22.

**Economic Development** - The land in question has been marketed £700,000 per hectare which is above the values suggested by the Council's own Local Plan

Viability Study (£400,000 per ha). Whilst there cannot be an absolute prediction that the demand for employment land will increase in this area alongside housing and population growth, retention of employment sites will support this growth and offer local employment opportunities.

Land is a key component in determining the economic capacity of an area and remains a factor in business location decisions. Officers therefore suggest the land continues to be retained for future possible employment use.

**Estates Department** – The marketing report demonstrates that a reasonable and appropriate methodology has been adopted in respect of the marketing of the site. However the valuation placed on the employment /commercial land is not thoroughly and appropriately evidence by comparable data/sites. The example given is not considered to be an accurate comparable for the purposes of valuation. Propose the applicant agrees with the Council to seek independent valuation of the land.

The applicant was offered this opportunity and declined to proceed.

As such there is insufficient evidence to demonstrate that an appropriate valuation was attached to the land in question as part of the applicant's monitoring. The comparable information (1 site only) that the Council has been able to source indicates a significantly lower valuation for the land should have been applied (£62,000 lower). This may have attracted a greater level of interest in the site.

**Ecology** – No objection

**Trees** – No objection subject to conditions

**Landscape** – Concerns raised as to the social housing part of the scheme, it is slightly detached and cramped in compared to the rest of the scheme. The garden areas of plots 94&95 are very small. It is suggested that the tree belt running along the western perimeter of the site needs to be protected by a TPO asap given that it will be placed into rear garden private ownership, due to increased and ongoing risk of piecemeal removal to enlarge useable garden areas. The Arboricultural report refers to this tree belt as Tree group 2, the survey schedule indicates that some of these trees are windblown and leaning on each other, therefore it is likely that a scheme of tree work is necessary to bring this large group into a safe and positive management regime, before they are subdivided and enclosed in rear gardens.

Following the submission of revised plans and additional information no objection raised subject to conditions.

**Rights of Way** – No objections

**Public Protection** – No objection subject to conditions.

**Waste** - concern as to where the waste collection point will be for the properties 92-95. The Council will not collect from private drives, only from the kerbside of the nearest public highway, there appears to be no access for residents to place their

waste and recycling containers to the kerbside if the waste storage is to the rear of their properties.

**Urban Design** – Objection, this application which does not represent the high standard of design and amenity required by Wiltshire Core Strategy Core Policy 57 (i) (ii) (iv) (vi) (vii) & (ix) or meet recommendations of Building for Life 12. For the following reasons the proposed development would fail to adequately: enhance local character and distinctiveness; respond to existing townscape and landscape features; or relate to the layout and design quality of the adjoining phase 1 development. It would fail to create an adequate level of amenity in respect of the car parking and access for the terrace housing from which officers conclude that this is also an overdevelopment of the site.. Detailed comments set out in the body of this report.

Following submission of revised plans objections were maintained. At the time of writing the applicant has further revised proposals to address the outstanding objections. Draft submissions were and found to be acceptable. The Urban Design Officer's comments on the further revised submissions will be reported as a late item.

**New Housing** – Identifies a requirement for 40% affordable housing provision in accordance with adopted WCS policy CP43. Identifies a level of housing need in Sutton Benger and the Chippenham Community Area. Following the submission of revised plans the New Housing Team identify that the proposals better relate to requirements in the locality and raise no objection.

**Archaeology** – No Comment

**Conservation** – Concerns raised in respect of impact on the setting of the conservation area and the non designated Heritage Assets located adjacent the site entrance including the locally listed building 20 High Street. Revisions to layout requested. Following submission of revised plans no objections raised.

**Education** – Identifies education place requirements arising from the development but in the context of changes to the national guidance relating to section 106 requirements and the scale of development involved and the need arising considers that it is not appropriate in these circumstances to seek contributions in this instance.

**Drainage** – Support but identifies missing supporting information.

**Green Energy Team** – Object on the basis that the applicant has not submitted either a Sustainable Energy Strategy or any evidence of the minimum standard of Code for Sustainable Homes 4. This may be an oversight but they have successfully done both for their other schemes in Wiltshire.

Following the submission of additional information and revisions the Green Energy Team raise no objections.

**Wessex Water** – No objection

**Environment Agency** – No objections subject to conditions

**Sutton Benger Parish Council** – Objection relating to the loss of employment land and the lack of implementation of the mixed use redevelopment allocation of this site in previous local plans. Identifies conflict with WCS policies CP CP2 and CP10.

## **8. Publicity**

15 letters of objection and comments and 1 letter of support have been received. The issues raised can be summarised as follows:-

- Consider that the site is suitable for employment and should come forward for this use.
- Too many houses proposed, recommend fewer, lower density
- Concern of traffic impact of further construction
- Further housing will increase risk of flooding.
- This is a village and further residential development is over development
- Inadequate infrastructure in the village
- Inadequate site access and additional traffic signage is required
- Harm to trees bordering the site boundary
- Inadequate marketing of the employment land

## **9. Planning Considerations**

### **Principle of Development Including Loss of Employment Land**

The site is located within the defined settlement boundary of the large village of Sutton Benger. Under Core Policies of the WCS CP1 CP2 and CP10 this is a location where additional development is acceptable in principle subject to a range of criteria and other policies of the Development Plan. CP1 and CP2 set out the development strategy of the WCS and whilst identifying the scope for large villages to accommodate additional development within the scale parameters defined in the policies the focus of the development strategy is to secure greater self containment and reduce out commuting by balancing housing development with employment development.

The site was previously allocated in the NWLP 2011 for a mix of housing and employment uses which remains in accordance with the development strategy now advanced through the WCS. Planning permissions were granted in accordance with that policy allocation as referenced in the Planning History section above. The permitted residential element of those permissions has now largely been implemented and a good quality of development has been achieved. The application site is the remaining element of that scheme and has permission for employment use. The objectives of the NWLP and WCS are to see the permitted employment come forward and a departure from this approach i.e. from the Development Plan should only be permitted if material considerations indicate this is appropriate and necessary.

In this context and in accord with the policies of the NWLP which were still relevant at the time the applicant undertook a marketing exercise for a period of over 18

months in order to seek employment users for the land in question. The marketing of the property was undertaken in an appropriate manner in terms of methodology and approach. However there is concern as to the valuation that was placed on the land and used as a basis for marketing. This is particularly relevant in terms of the results of the marketing exercise. The report identifies that a significant offer for the land was made by an employer but this was dismissed by the applicants on the basis that it was below "market" value. Both the applicant and the Council have sought to identify comparable site information to assess the valuation of the land and no common ground or agreement has been reached between the parties in this respect. This is partly as a consequence of there being very limited comparable sites to consider. Council Officers proposed to address this by seeking independent valuation of the land at the applicant's expense. The applicant declined to commission this independent valuation and subsequently disputed the need for marketing of permitted employment sites in locations such as this i.e. Large Villages. WCS policy CP35 only requires the marketing of such sites in locations such as Local Service Centres, Market Towns, Strategic Centres etc but not in large villages. The Council intends to examine and address this matter through the Review of the Wiltshire Core Strategy now in process but that has yet to be completed and as it stands there is no specific policy requirement to market such sites in Large Villages. Regardless of this policies CP1 and CP2 still identify a clear approach of balancing employment and housing development in these large villages. This accords with para 55 of the NPPF.

In addition the Council's own assessment information prepared to inform the WCS identifies demand for employment land within the North Hub area reflecting the proximity to the M4 and links to the sub region provided by the A350. This is reflected in the Strategic Plan of the Swindon and Wiltshire Local Enterprise Partnership. It should however be noted that the WCS does not now include a specific policy requirement to market employment land in large villages prior to consideration for alternate use such as residential.

On this basis Officers' direction of travel in respect of the determination of this application was for refusal on the basis of conflict with the development strategy of the WCS as set in policies CP1 & CP2 and para 55 of the NPPF. However there has been a recent significant change in material circumstances in terms of Appeal Decision Ref APP/Y3940/W/14/2222641 N/13/05188/OUT - Land at Bath Road, Corsham. This decision was allowed granting permission for residential development outside the defined settlement framework boundary of Corsham. In so doing the relevant Inspector concluded on the evidence before him that the Council could not demonstrate a deliverable and adequate 5 year supply of land for housing and as such the relevant policies of the WCS could not be relied upon under the terms of the NPPF. This would include CP1 and CP2 as these deal with the scale and distribution of land for housing in Wiltshire. It should be noted that the relevant inspector identified that the shortfall in the supply of land for housing related to the North and West Housing Market Area only and was a small shortfall. Officers do not agree with the Inspector's conclusions and it is considered that the Council will be able to identify a 5 year supply of land for housing in the next Housing Land Supply Assessment. However that assessment will not be available until August of this year at the earliest and the appeal decision remains as a material consideration in the interim.

In this context the Council must give consideration to all relevant material considerations and weigh in the balance the benefits of the development proposed against any harm. The site is within the defined limits of the settlement and is a broadly sustainable location for residential development in terms of accessibility to services and infrastructure. The site constitutes previously developed land and the adjoining land has been the subject of permission for residential redevelopment which has been implemented. This development has secured environmental improvements to the immediate locality by redeveloping a large scale food processing factory including addressing land contamination and delivering improved surface water drainage in this immediate locality. The development secured is an improvement in visual impact terms over that of the previous factory in a location that sits adjacent the Conservation Area of the village. In addition further residential development will deliver additional affordable housing for the village and as is set out in Government Policy and Ministerial Statements residential development in itself is an important part of the economy delivering employment growth through construction, supply side benefits such as materials provision and enhanced local tax base and expenditure by the additional population. It should also be noted that the scale of development proposed is relatively small and is consistent with the “about 10 dwellings” guidance in the WCS (para 4.15) seen as appropriate in large villages.

In addition it should also be noted that Officers’ concerns with the marketing of the site are limited to the valuation placed on the land. In this context there is very limited comparable information available to fully assess and establish an accurate valuation. Furthermore the policy background to this marketing of employment land has now changed with the WCS not requiring sites within large villages to be marketed prior to consideration of alternate uses such as residential. As such the policy conflict and objection in this instance is not especially strong.

Taking into account the competing material considerations and changed policy circumstances relevant to this specific site and development proposal it is considered that on balance the harm and conflict with the development strategy of the WCS is outweighed by the benefits of development and the site circumstances, in particular that the site is previously developed land within a defined settlement.

### **Impact on the character and appearance of the locality and Conservation Area/Heritage Assets / Design Character and Site layout**

As noted above this site has been the subject of an allocation in a previous adopted Local Plan and has secured the re-development of a large scale modern industrial complex at the heart of this village. The development completed to date has followed detailed design guidance and input from the Council’s Urban Design team and has secured a high quality of development both in terms of the residential context of the village and the location adjacent to the Conservation Area. Officers consider that the development to date has resulted in a significant enhancement to the character and appearance of the locality and an enhancement to the setting of the Conservation Area of the village. Similarly it is considered that the development undertaken to date including the removal of the large scale complex of industrial structures on the site



has resulted in a significant enhancement to the setting character and appearance of the Locally Listed Building of 20 High Street.

However the initial scheme proposals submitted with this second phase of the development raised a number of concerns with Officers. The layout of the properties did not reflect that agreed and approved for the phase one development with large scale units predominating in the market housing and detailing as to side elevations, fenestration, boundary treatments, scale and positioning of garage buildings all raising concerns. In addition the form, character, layout, scale and design of the proposed Affordable Housing units were considered to clearly appear as different from the proposed market housing within the application site and the phase 1 development. The properties were laid out and positioned in a single terrace block close to the rear of the Locally Listed Dwelling and with boundary and access treatments that resulted in a poor quality layout and wholly distinctive element of the scheme that did not respect and preserve the setting and character of that undesignated heritage asset or the Conservation Area. Concerns were also raised by Highways and Affordable Housing Officers as to the access layout and vehicle movement implications and the form and character of the Affordable Housing in the context of local needs.

These concerns were identified to the applicant and revisions were submitted for consideration. These proposals were the subject of further consultation with interested parties. Additional comments were made with respect to some of the revised proposals and in response to that further revised submissions have been made. With respect to design character, landscaping and conservation/heritage asset matters officers consider that the revised proposals address previously identified concerns and objections appropriately and will result in an acceptable form, character and layout of development. Affordable Housing and Highways Matters are addressed further below.

### **Affordable Housing Provision**

As noted previously with respect to the initial proposals Officers identified a series of concerns as to form, character and mix. Revised proposals have now been submitted for consideration that respond to these matters. In design terms officers consider that the proposals are acceptable and no longer result in a wholly distinct character that separates these from the wider residential development. The proposed mix of housing incorporated predominantly 2 bedroom properties. Officers from the New Housing Team identify that recent housing needs analysis identifies a requirement for larger scale housing ideally 3 bed or even 4 bed properties. The applicant has consequently submitted scheme revisions to increase the 3 bed element of the Affordable Housing proposals and Officers have confirmed that the amendments address their concerns and now raise no objection.

### **Highways & Parking**

With respect to the original submissions officers identified that the access for units 92-95 would need to be re-aligned in order that it was not located in the corner of the access road where vehicles would need to approach by driving along the footway. Also that it had not been demonstrated that the car parking proposed was compliant

with the Wiltshire Car Parking strategy. Units 92-95 only provide one car parking space, whilst two bedroom units require two car parking spaces. It would also be preferable if all the car parking could be outlined to avoid any future issues with marketing of properties. Units 86-91, 96-97, there is obviously two spaces in front of the garages, when only one space is outlined. Officers considered that for the sake of clarity the submission drawings should be amended.

Following the submission of scheme revisions Officers identified that the revised proposals did not address these concerns fully in particular that it appears that the access to properties 93-95, 97 will still utilise vehicle tracking over the footway. Whilst a car parking schedule has been provided, car parking for 93-95 has not been demonstrated on the drawing in accordance with council standards or the schedule provided. The Council standards are a minimum for residential. Car parking provision has also not been completely demonstrated for all units, this would avoid any confusion.

These concerns were relayed to the applicant and further revisions and additional information has been submitted. Highways Officers have reviewed the further submissions and now raise no objection subject to conditions.

### **Drainage**

Officers identify that the proposals implemented to date have incorporated new provision for surface water and foul drainage that improve provision over Greenfield run off rates and address some of the drainage concerns identified by local residents in this locality. The current proposals can be accommodated within the capacity of the new provision but officers identify that the applicant will need to provide confirmation of connection to these facilities. In that context standard conditions are proposed.

### **Section 106**

The development is of a scale that requires consideration of on-site service and infrastructure provision requirements. In this context affordable housing provision is required and proposed and Section 106 agreement is required to address this matter. The applicant has confirmed agreement to meet this requirement. Landscape officers have also recommended that the management of the area of trees and bunding to the site boundary be addressed through a S106 agreement.

The development proposed is also CIL liable development and this will be addressed as a separate requirement.

## **10. Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act states that *“determination must be made in accordance with the plan unless material considerations indicate otherwise”*. Paras 2 & 11 of the NPPF reiterate and confirm this requirement. This is the starting point for determination from a policy point of view. The Wiltshire Core Strategy forms the local component of the current development plan.

As noted above it is considered that the site history including previous development plan allocation and Outline Permission granted identify a requirement for delivery of employment uses of this site. It is considered that the WCS policies CP1 CP2 CP10 and Para 55 of the NPPF reflect and support this requirement. The applicant has provided evidence of having marketed the site and has followed the appropriate procedure in doing so. Officers dispute that the site has been marketed at an appropriate value reflecting the site history and circumstances. The marketing of the site identified a significant offer for employment related use. The applicant dismissed this offer on the basis that it would be below market value. It is however acknowledged that there is limited available information supporting an accurate valuation of the land in question for the proposed employment use and therefore Officer objections are not fully evidenced at this point in time. In addition it is also acknowledged that the policy requirement for marketing of the site has changed and is not carried forward in the Wiltshire Core Strategy in terms of large villages.

Paras 14, 17, 48 & 49 of the NPPF set out the requirement for local authorities to support proposals for sustainable development and boost the supply of land for housing.

The site is a broadly sustainable location for development in terms of transport matters and access to services and facilities. The site is previously developed land. The development will deliver a range of benefits including environmental improvements, affordable housing provision, economic growth through construction and additional spending of the residents.

The Council is aware of the recent appeal decision at Bath Road, Corsham and the Inspector's conclusions in that case. This is a material consideration in the determination of this application.

Given all the relevant material considerations as set out above and the limited conflict with the development plan and NPPF that is identified it is considered that on balance and in relation to this specific site and proposal there are sufficient reasons to justify a departure from the development plan.

## **RECOMMENDATION**

That Authority be delegated to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement to address on site affordable housing provision and the conditions set out below

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 the exact details and samples of the materials to be used for the external walls and roofs have been submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The 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. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

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. 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

6. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

7. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: 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 a satisfactory landscaped setting for the development.

8. No part of the development hereby permitted shall be first brought into use until the car parking spaces have been completed in accordance with the details shown on the approved plans (Site Layout RHSW.5325.92.PL.001 Revision D)

and parking schedule B (RHSW.5325.02.PL001 D). The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

9. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. In line with plans (Site Layout RHSW.5325.92.PL.001 Revision D).

REASON: To ensure that the development is served by an adequate means of access.

10. No development shall commence on site until full details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls / walls, service routes, surface water outfall, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, including timetable for provision of such works, have been submitted and approved by the Local Planning Authority. No development shall be first occupied until the above have been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that roads are laid out and constructed in a satisfactory manner.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the elevation(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window,

dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the (INSERT) roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

14. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

**Step (i) Site Characterisation:**

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**Step (ii) Submission of Remediation Scheme:**

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to

and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

**Step (iii) Implementation of Approved Remediation Scheme:**

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

**Step (iv) Reporting of Unexpected Contamination:**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

**Step (v) Verification of remedial works:**

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

**Step (vi) Long Term Monitoring and Maintenance:**

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be



carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. 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 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.

16. The development hereby permitted shall not be occupied until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

17. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The 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.

18. 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 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.

19. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-

PL001 PLANNING LAYOUT REV D DATED 29/06/15  
LP001 LOCATION PLAN DATED 19/12/14  
EP001 BOUNDARY MATERIAL PLAN REV B DATED 29/06/15  
MP001 DWELLING MATERIAL PLAN REV B DATED 29/06/15  
SH001 STOREY HEIGHTS PLAN REV B DATED 29/06/15  
SS001 STREET SCENES REV B DATED 29/06/15  
SB.LS.09 PROPOSED PLANTING PLAN PLOTS 85-97 REV B DATED 30/06/15  
DESIGN AND ACCESS STATEMENT DATED 19/12/14  
PARKING SCHEDULE REV B DATED 29/06/2015  
HOUSE TYPE BOOKLET REV B DATED 29/06/2015  
BR01 REVB  
BR02 REV A  
SO01 REV A  
PO01 REV A  
WI01 REV A  
2B4P\_01 REV A  
2B4P\_3B5P\_01 REV A  
SG01 REV C  
DG01 REV C All dated 29/06/15  
482 FRA Addendum  
C14161 Transport Statement  
EIA Ecological Impact Assessment  
1089 Site Survey All Dated 19/12/14  
The Park Ph3 Energy Statement\_2 Dated 29/06/15  
TG2 Arboricultural Management Dated 30/06/15  
11085 Archaeology Assessment  
J/4200/4252-1 Tree Protection Plan All Dated 19/12/14  
X209309 FRA REV A  
X-210029 Transport Statement  
X211199 Waste Audit  
X-210030 Land Contamination Assessment All Dated 11/5/15

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

#### INFORMATIVE

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.

#### INFORMATIVE

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

#### INFORMATIVE

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.

#### INFORMATIVE

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.

#### INFORMATIVE

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.

#### INFORMATIVE

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

#### NOTE TO LPA

By ensuring that any scheme submitted meets the standards given above you do not need to consult the Environment Agency on discharging the above condition.

#### INFORMATIVE

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

## **Appendices:**

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

**Application Documents**

**National Planning Policy Framework**

**Planning Practice Guidance**

**Wiltshire Core Strategy**

**North Wiltshire Local Plan Saved Policies**

**Appeal Decision Ref APP/Y3940/W/14/2222641 N/13/05188/OUT - Land at Bath Road, Corsham**