

# AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 20 May 2015  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Christopher Newbury (Chairman)	Cllr Magnus Macdonald
Cllr John Knight (Vice-Chair)	Cllr Horace Prickett
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Ernie Clark	Cllr Jonathon Seed
Cllr Andrew Davis	Cllr Roy While
Cllr Dennis Drewett	

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## Substitutes:

Cllr Nick Blakemore	Cllr Gordon King
Cllr Rosemary Brown	Cllr Stephen Oldrieve
Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Fleur de Rhé-Philippe	Cllr Graham Payne
Cllr Russell Hawker	Cllr Jerry Wickham
Cllr Keith Humphries	

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# AGENDA

## Part I

### Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 29 April 2015

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 2.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate

Director) no later than 5pm on Wednesday 13 May 2015. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

## 6 **Planning Applications**

To consider and determine the following planning applications:

6a **Lewington Close/Longford Road, Melksham** (*Pages 21 - 30*)

6b **15/01668/FUL - 221 Melksham Road, Holt, Trowbridge, Wiltshire, BA14 6QW** (*Pages 31 - 40*)

## 7 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

## **WESTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 29 APRIL 2015 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr John Knight (Vice-Chair), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and Cllr Jerry Wickham (Substitute)

#### **Also Present:** None

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#### **41 Apologies for Absence**

Apologies for absence were received from Chris Newbury who was replaced by Cllr Jerry Wickham.

#### **42 Minutes of the Previous Meeting**

The minutes of the meeting held on 8 April 2015 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 8 April 2015.**

#### **43 Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### **44 Declarations of Interest**

There were no declarations of interest.

#### **45 Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

46 **Planning Applications**

The Committee considered the following application:

47 **15/00636/FUL - Former Peter Black Toiletries Factory, Cradle Bridge, Castle Street, Trowbridge**

Public participation:

Mr Francis Morland spoke in objection to the application.

Mr Mike Baxter spoke in relation to the site.

Mr Kevin Hunt spoke in support of the application.

Councillor John Knight spoke as the local member.

The Area Team Leader outlined the report which recommended the application for approval subject to conditions. He was supported by a Senior Highways Engineer.

Members of the public were invited to speak on the application as listed above.

Issues discussed in the course of the debate included: the location of the sewers across the site and the restrictions they placed on the redevelopment of the site; the traffic and pedestrian access to the site; the consultation with and the views of the public; how the impact of the extra traffic had been assessed; and the parking strategy for the site.

The Committee considered the implications of car parking provision on the proposed site, and requested that when the officers considered the car parking management strategy they give sufficient weight to the Committee's views that an appropriate level of free parking should be made available on the site.

Councillor John Knight proposed and Councillor Pip Ridout seconded that the permission should be granted in line with the officers recommendations.

At the end of the debate the meeting;

**Resolved to approve 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. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Drawing Register and Issue Sheet (reference QMF10) received on 7 April 2015.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), units 1 & 2 shall be used solely for purposes defined as either A1, A2, A5, and D1 uses, unit 3 shall be used for A1 uses only and unit 4 used for a mix of A3/A4 uses only as directed by Part 3 of the Second Schedule of the aforementioned Order(s) (or in any provisions equivalent to the stated classes in any statutory instrument revoking or re-enacting the Order(s) with or without modification).

**REASON:** The proposed mix of uses are considered to be acceptable but the Local Planning Authority wish to consider any future proposal for change(s) of use, other than a use within the same use class, having regard to the circumstances of each case.

4. No development shall commence on site (including any works of demolition), until a Construction Method Statement and Environmental Management Plan, which shall include the following:
  - a) The parking and routing of site operative vehicles and visitors; b) loading and unloading of plant and materials; c) the form of storage and location of plant and materials (including any oils or chemicals) used in constructing the development; d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; e) measures to control the emission of dust and dirt during construction; f) a scheme for recycling/disposing of waste resulting from demolition and construction works; g) measures for the protection of the natural environment outlining the measures to be adopted to prevent detrimental impacts to the River Biss and the riparian habitat (which should include the construction of the bridge crossing); and, h) the hours of construction, including deliveries of materials 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.

**REASON:** This information/level of detail has not been submitted with the application and is considered necessary 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.

**NOTE:** The applicant/developer is encouraged to refer to the Environment Agency's Pollution Prevention Guidelines at:  
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

- 5. 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 all retained trees on site and immediately adjoining the site are protected following the recommendations contained within the Arboricultural Impact Assessment, and Tree Protection Plan dated January 2015 (produced by Hillside Trees Ltd) in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction Recommendations"; and, no works shall take place until a detailed arboricultural method statement (AMS) has been submitted to, and approved in writing by the local planning authority.**

**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 practice.**

**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 date of commencement].**

**REASON: The information is necessary to ensure a satisfactory landscaped setting for the development and the protection of existing trees/vegetation which provide an important vegetated backdrop and riparian habitat.**

- 6. Following the demolition of the former factory buildings, all debris/ demolition material not identified for re-use shall be removed from the site within one month of demolition and prior to the construction phase(s) commencing.**

**REASON: In the interests of safeguarding the character and appearance of the adjacent Conservation Area and nearby listed buildings and the general area including neighbouring amenities (and avoiding the formation of another "Mount Crushmore" which blighted the St Stephens Place site for many years).**

- 7. No development on each individual building or public realm (each relevant part of the scheme) shall commence on site other than that required to be carried out as part of demolition phase(s), until details and samples and details of all external materials including both the buildings and public realm throughout the development site 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: This information/level of detail has not been submitted with the application and is considered necessary in the interests of visual amenity, promoting a high quality public realm and protecting/enhancing the setting of the Conservation Area.**

- 8. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until:**
  - A written programme of archaeological investigation has been submitted to and approved by the Local Planning Authority (which should include on-site and off-site work such as the analysis, publishing and archiving of archaeological results/findings); and**
  - The approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON:** This information/level of detail has not been submitted with the application and is considered necessary to enable the recording of any matters of archaeological interest.

**NOTE:** The above work should be conducted by a professional archaeological contractor and the applicant should be made aware of the consequential financial implications.

9. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until a lighting plan for the site has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise light spill and sky glow, and to minimise light levels along the northern site boundary to the River Biss and the replacement bat roost to below 1 Lux.

**REASON:** This information/level of detail has not been submitted with the application and is considered necessary in order to limit the impact of lighting on lesser horseshoe and common pipistrelle bats and the River Biss corridor

10. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The plan should include additional riverside and riverbank enhancement planting as well as additional landscaping throughout the scheme (where appropriate) using native tree and shrub species. The approved scheme shall be implemented in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting in the first planting season following the first occupancy of any of the approved units. 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:** In order to enhance the riverside corridor for biodiversity, including foraging/commuting bats, in accordance with paragraph 118 of the National Planning Policy Framework, and to shield the river from the lighting associated with the development site.

11. The development hereby approved shall be carried out in accordance with the recommendations made in sections 4.3, 4.4 and 4.5 (birds), 4.11 to 4.13 (schedule of works), 4.14 to 4.20 (replacement bat roost provision), 4.23 to 4.27 (lighting) and 4.28 to 4.30 (landscaping) of the amended 'Ecological Appraisal and Protected Species Surveys of Site at Cradle Bridge, Trowbridge' report dated 24 November 2014 prepared by Crossman Associates and as amended by a Natural England European Protected Species Licence, unless otherwise agreed in writing with the Local Planning Authority.

**REASON:** To ensure adequate protection and mitigation for protected species.

12. Permanent bat roosts and access points, including any amendments approved under a relevant European Protected Species Licence from Natural England, shall be provided in the agreed condition for the use by bats for the lifetime of the development in accordance with Figure 5 of the amended 'Ecological Appraisal and Protected Species Surveys of Site at Cradle Bridge, Trowbridge' report dated 24 November 2014 prepared by Crossman Associates and the 'Replacement Bat Roost' drawing number A\_PL\_BR\_100 dated 30.09.2014 prepared by AU Architects Ltd . The replacement roosts and access points shall be available for bat use before the first occupation of any of the units hereby approved.

**REASON:** To compensate for the loss of bat roosts and to safeguard European protected species.

13. Prior to the first occupation of any of the units hereby approved, the applicant shall provide details of a bat roost monitoring scheme and bat activity on the River Biss by a competent ecologist. The monitoring period should last for a minimum of 3 years post-completion of the development and should be carried out in full accordance with the approved scheme and Protected Species Licence. The results of the monitoring scheme along with details of any modifications considered necessary to ensure the mitigation scheme is effective shall be submitted to the Local Planning Authority for approval annually. Any approved modifications should be implemented in accordance with an agreed documented timeframe.

**REASON:** To provide information on the success of the bat roost mitigation and to make amendments to ensure the success of the scheme where necessary, in the interests of biodiversity.

- 14. No development shall commence on site other than that required to be carried out as part of demolition phase(s) and any required scheme of remediation approved by the Local Planning Authority required by this condition), until steps (i) to (iii) below have been fully complied with. If 'unexpected contamination' is found after works commence, 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/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:** This information/level of detail has not been submitted with the application and is considered necessary to prevent pollution of controlled waters.

- 15. No permission is hereby granted for the raising of the ground levels across the site above the typical site/floor level of 35.8m AOD (above ordnance datum), with the exception of minimal building footprint and essential access steps and ramps (which shall be set no lower than 36.1m AOD). Any modifications made to the footprint of the units hereby approved or encroachment towards the riverbank profile would require the express written permission of the local planning authority following consultation with the Environment Agency and potentially with Wessex Water in relation to the public sewer.**

**REASON:** To minimise flood risk and to have due regard for environmental considerations.

- 16. Prior to the construction of the bridge crossing, a detailed scheme documenting all the technical specifications including foundations, abutments, piers, and approach ramps and any other infrastructure has been submitted to and approved in writing by, the local planning authority. The footbridge and its associate infrastructure must not encroach into/over/upon the existing riverbank profile, and must be designed to minimise impact on flood storage and conveyance.**

**REASON:** This information/level of detail has not been submitted with the application and is considered necessary to minimise flood risk.

- 17. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until a detailed surface water run-off management scheme, supported by drainage strategy report and design calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.**

**REASON:** This information/level of detail has not been submitted with the application and is considered necessary to prevent any increased risk of surface water flooding associated the development.

**NOTE:** Additional guidance is provided within Informative 8 with regard to the above requirements.

- 18. No development shall commence on site other than that required to be carried out as part of demolition phase(s), until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority and no building shall be first brought into use until the drainage scheme approved for it has been implemented.**

**REASON: This information/level of detail has not been submitted with the application and is considered necessary to ensure that the development can be adequately drained and serviced.**

- 19. No development shall commence until off-site highway improvements works to the footpath linking the site with Brown Street (to facilitate the joint use with cycles) have been submitted to and improved in writing by the local planning authority, and none of the units shall be brought into use until the agreed works are completed.**

**REASON: In the interest of highways safety and to promote sustainable modes of transport.**

- 20. None of the units on the site shall be brought into use until a feasibility study to investigate potential measures to improve the operation of the County Way gyratory has been prepared by the applicant and submitted to and approved in writing by the Local Planning Authority.**

**REASON: To satisfy Council and Masterplan aspirations in terms of delivering enhanced site permeability and town centre linkage.**

**NOTE: The developer obligations relative to the above requirement shall be enshrined within a s278 legal agreement pursuant to the Highways Act 1980.**

- 21. Prior to the first occupation of any of the units hereby approved, the foot/cycle bridge crossing shall be constructed in accordance with the hereby approved plan drawings and shall be available for use to allow for direct connectivity between the site and the St Stephens Place leisure hub.**

**REASON: To define the terms of the permission and to satisfy Council and Masterplan aspirations in terms of delivering enhanced site permeability, town centre linkages and to accord with the applicant's own designed planning concept.**

- 22. The buildings hereby approved shall achieve the BREEAM's 'Very Good' Standard as documented / proposed by the applicant's submitted Sustainable Energy Strategy, and within 3 months of**

being first occupied or brought into use, a post construction stage certificate certifying that the 'Very Good' standard has been achieved shall be issued and submitted to the local planning authority for its written approval.

**REASON:** To ensure that the objectives of sustainable development set out policy CP41 of the Wiltshire Core Strategy are achieved.

23. Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from cooking operations within unit 4. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the Toby Carvery (or any other operator) being brought into use. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

**REASON:** In order to minimise nuisance, prevent pollution and safeguard the amenities of the area in which the development is located.

24. No demolition or construction work associated to the development hereby approved, shall take place outside the hours of Mondays - Fridays 07:30 – 18:00hrs and Saturdays 08:00 – 13:00hrs; and, not at all on Sundays or Bank and Public Holidays.

**REASON:** In order to safeguard the amenity of the area in which the development is located.

25. No building shall be occupied until a site management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- full details of a scheme to manage the on-site car park to prevent anti-social behaviour, and measures to ensure its safe use,
  - management responsibilities for liaison with the crime prevention working group;
  - details of the provision of CCTV, with details of whether it will be linked to the Trowbridge CCTV system;
  - measures for the control of litter; and
  - the management of the site shall be carried out in accordance with the agreed management plan.

**REASON:** In the interests of public safety and promotion of a high quality public realm.



- 26. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Travel Plan produced by Callidus Transport and Engineering dated January 2015 unless otherwise approved in writing by the local planning authority.**

**REASON: To define the terms of this permission as well as promoting and delivering sustainable transport measures.**

- 27. None of the units hereby approved shall be brought into use until the associated parking (including the cycle spaces) and service areas have been consolidated, surfaced and laid out in accordance with the approved plans. The parking and service areas shall thereafter be maintained free from obstruction(s) for such uses for the lifetime of the development.**

**REASON: To ensure that adequate parking and provision for loading/unloading is made within the site in the interests of highway safety and good planning.**

- 28. No unit hereby approved shall be brought into use until a delivery management plan for that unit (confirming times of deliveries and adopted safety measures) and car parking management strategy (confirming the charging regime) has been submitted to and approved in writing by the local planning authority. Following approval, the plan and strategy shall be adhered to at all times unless otherwise agreed in writing by the local planning authority.**

**REASON: To define the terms of this permission and in the interests of highway and public safety.**

### **Planning Informatives**

**Informative 1: Although the Site Waste Management Plan 2008 Regulations were repealed in December 2013, developers are still encouraged as good practice to have a site waste management plan (SWMP) for all new major construction projects (worth more than £300,000) which should be shared with the local planning authority. The level of detail within a SWMP depends on the estimated build cost, excluding VAT. All waste movements should be documented and having a SWMP will help ensure compliance with the duty of care and handling any hazardous materials. In this particular case, any Site Waste Management Plan should outline the waste minimisation measures to be employed, any re-use or recovery of on-site waste should be identified and managed; pre-fabrication and off-site construction work opportunities where applicable, should be considered to further minimise on-site waste.**

**Informative 2:** The developer/applicants are advised to note the content of Wessex Water's consultation response dated 4 March 2015. It has been confirmed that formal approval will be required from Wessex Water in respect to points of connection and rates of discharge.

**Informative 3:** There should be no burning of demolition material or having fires during the course of site redevelopment in the interests of public and highway safety, pollution control and general amenities.

**Informative 4:** The applicant/developer is encouraged to note the advice and guidance provided by the Wiltshire Fire & Rescue Service to ensure there sufficient provision of water for fire fighting purposes on the site as well as access. More specific guidance can be obtained direct from the fire authority including advice on the location of fire hydrants. The applicant/developer is also advised that once constructed and put to use, commercial premises will be subject to the Regulatory Reform (Fire Safety) Order 2005. Further information can be found on the Wiltshire Fire & Rescue Service website, where published guides are available to download. The following further advice is also provided:

The applicant/developer is strongly advised to plan for the installation of appropriate sprinkler system(s) for these premises. There are ten good reasons to install automatic sprinkler systems:

- In the UK, there has never been a fire death in a building with sprinklers
- Installation cost is minimal in a new build (approximately 2-5%)
- Maintenance costs are low and sprinkler systems are designed to last in excess of 50 years
- Fire damage can be reduced by 90% compared to a similar, unprotected building
- The chances of accidental discharge due to a manufacturing fault is 1 in 16,000,000 heads
- The likelihood of accidental damage causing a discharge is 1 in every 500,000 heads
- Installation of a sprinkler system may allow the relaxation of other passive fire safety measures
- Insurance costs may be significantly reduced
- Sprinklers will control a fire with significantly less water than full fire service intervention
- Greatly reduced business disruption due to a fire and improved recovery from it.

**Informative 5:** The developer/applicant is encouraged to contact Wessex Water to agree separate systems of drainage/ points of connection and rates of discharge as well as submit formal applications to connect under the Water Industry Act 1991.

**Informative 6:** The developer/applicant is asked to duly note that under the permission hereby granted, no consent is given for any adverts indicatively illustrated on various plan drawings. Separate subsequent advertisement consent would be required.

**Informative 7:** Tree surgeons undertaking works to trees should be aware that if at any time during the works to trees there is any evidence of bats found (the active bat season being from May to September inclusive), the tree surgeon should stop work immediately and contact the National Bat Helpline on 0845 1300 228 for further information. Bats are protected species as set out in the Conservation of Habitats and Species Regulations 2010 which came into effect on 1st April 2010. It is an offence to kill bats, disturb them or their roosts.

**Informative 8:** The surface water management scheme required by condition 17 must meet the following criteria:

a. Whilst submitting technical details and design calculations may help illustrate that surface water management can be achieved, there also needs to be a supporting formal strategy report which explains the technical information presented and can be readily understood by the non-technical reader. If the development comes forward in discreet phases, each phase will need to be supported by phase-specific documents.

b. Sufficient attenuation volume must be provided within the site to contain the surface water run-off from the developed site up to the critical 1 in a 100 event, including 30% allowance for climate change for the lifetime of the development. This uplift is required in addition to the nominal reduction in peak runoff. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume). Adequate attenuation arrangements should be provided from the outset of development ensuring that no uncontrolled surface water during events up to and including the design event is permitted from the site at any phase/stage of development.

c. Peak runoff from the site must not exceed the proposed 82.5l/s.

d. Attenuation areas must not be situated in areas at risk from flooding (i.e. fluvial, surface water, ground water etc.).

e. Exceedance flow occurs during short but very intense rain storms, or if system blockage occurs etc. The large volume of runoff generated from impermeable surfaces during such events may not all be captured by the drainage system and unless otherwise intercepted a proportion could flow uncontrolled onto land under other ownership or into a watercourse/floodplain. CIRIA good practice guide for designing for exceedance in urban drainage (C635) requires that the run-off from the site during the critical 1 in 100 year storm plus climate change allowance must not be permitted to flow uncontrolled from the site (unless

alternative arrangements have been made) and must not reach unsafe depths on site. For surcharge / flooding from the system (which is indicated by the preliminary calculations within the FRA), overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.

f. Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

g. The adoption and maintenance of the drainage system for the lifetime of the system must be addressed and clearly stated.

**Informative 9:** Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Biss, designated a 'main river'. The need for Flood Defence Consent is over and above the need for planning permission and may require significantly more detail including engineering details of all permanent works, temporary works details and method statements. To discuss the scope of the Environment Agency's controls and to obtain an application form, applicants/developers should contact Daniel Griffin on 01258 483351.

**Informative 10:** The applicant/developer should duly note that no consent has been granted for any signage as part of this planning submission. Separate advertisement consent application would need to be submitted with all the relevant detailed specification which the local planning authority shall duly consider.

#### 48 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 3.45 pm)

The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 713935, e-mail [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

## REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No 1.

<b>Date of Meeting</b>	20 <sup>th</sup> May 2015
<b>Site Address</b>	Lewington Close/Longford Road, Melksham
<b>Proposal</b>	Discharge of Section 52 legal agreement under Town and County Planning Act 1971
<b>Applicant</b>	Selwood Housing Association
<b>Town/Parish Council</b>	MELKSHAM
<b>Ward</b>	MELKSHAM SOUTH
<b>Case Officer</b>	Matthew Perks

Members will recall the item on the 26 November 2014 Western Area Planning Committee where planning permission was granted subject to the prior completion of a Section 106 legal Agreement at Land off of Lewington Close and Longford Road in Melksham (*Application 14/04399/FUL: Demolition of the existing bungalow and construction of four x 3 bed houses and seven x 2 bed houses and one x 1 bed house with associated roads and parking. Also the provision of a play area off Lewington Close*). The S106 purpose was to secure the play area element for transfer to Melksham Town Council.

During the processing of the Section 106 Agreement it emerged that an old Agreement completed in 1976 under Section 52 of The Town and Country Planning Act 1971 was in existence on the land that restricted the use of the land to the erection of one dwelling. The old West Wiltshire District Council was a signatory. A copy of the agreement is appended at the end of this report.

Section 52 agreements were the predecessor to what are now Section 106 agreements under the Town and Country Planning Act 1990. Such Agreements are a matter of treaty which do not fall to be considered as Planning Applications.

However, whilst Section 106A of the Town and Country Planning Act 1990 allows applicants to modify or a discharge a legal agreement these powers do not extend to Section 52 Agreements. Planning case law indicates that as a matter of law a Section 52 Agreement can be discharged by the parties that entered into that agreement (or their successor in title to the original owner who is now liable to comply with the obligations) on a consensual basis. If there is no mutual agreement, then the matter has to be referred to the Lands Tribunal for a decision. In other words, unlike Section 106 agreements, there is no provision for an appeal to the Planning Inspectorate where consent is refused by a local planning authority.

The land owner has submitted a request to discharge the agreement. In this instance, Cllr Jon Hubbard is the Local Member and was involved in securing the proposed play area that is the

subject of the proposed Section 106 agreement. Officers approached Cllr Hubbard for a view on the S52 discharge. Cllr Hubbard advised that he does not support the lifting of the covenant where the issue of retaining the site undeveloped was a material consideration in the planning application.

Whilst S106A does not apply, the tests that the Local Planning Authority must apply where an application is submitted to discharge a Section 52 Agreement are essentially the same. In this respect, it is necessary for the Local Planning Authority to consider whether the obligation continues to serve a useful purpose. In the event that it is concluded that the obligation no longer serves a useful purpose then the obligation should be discharged, but if it is considered by the Local Planning Authority that the obligation does continue to serve a useful purpose then the planning obligation should continue to remain in force without modification.

When considering if a useful purpose is being served by the obligation, case law indicates that issues to be taken into account include current planning policies and whether the overall planning circumstances of an area have changed since the obligations were first imposed.

The NPPF in turn states in Para. 205: *“Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”* As a result, the applicant’s request to discharge the Section 52 Agreement should be considered against the tests referred to above, fundamentally whether the obligation(s) continue to serve a useful purpose.

In this instance the Agreement was entered into in 1976. The Agreement itself does not contain an indication of why it was required in the first place, but research into the old microfiche indicates that at the time the Melksham Parish supported a view that the land should not be developed beyond one unit and be kept open.

Subsequent to the 1976 agreement and under the old West Wiltshire District Council the site was included within the development limits for Melksham under two Development Plans, being the 1996 District Wide Local Plan and the West Wiltshire District Plan, 1<sup>st</sup> Alteration 2004. These development limits are carried through to the now adopted Core Strategy. The only constraint ever placed to development under the West Wilts plans was a Policy aimed at protecting the old route of the Wilts & Berks Canal through Melksham, with a possible view to re-instating it. This was in turn captured in the old west Wiltshire Leisure and Recreation DPD.

The Core Strategy has now abandoned the concept of re-instating the old route of the canal under Core Policy 53, where the supporting text states that “The historic alignment of the Wilts and Berks canal through Melksham is no longer suitable for reinstatement as a canal, and an alternative route has been identified (see Core Policy 16: Melksham Link Project).” The canal route thus no longer comprises a reason to limit development on the site.

The site has been within Melksham development limits, i.e. by definition in a sustainable locality in terms of Local Policy since at least 1996 and in particular in terms of the NPPF. It is considered that a development was negotiated so to be reasonable and feasible on the site

without unacceptable harm to neighbouring properties, and Melksham Town Council supported the application, albeit recording neighbour concerns. Retaining the S52 Agreement would effectively stall development of the site (where no Planning Policy is in place to that effect) in perpetuity, or until it was agreed to discharge it.

In terms of Local Development plan policy the site has long been within development limits and no policy was ever adopted to reflect the constraints inherent to the S52 restrictions on the site. It is therefore considered that the S52 Agreement no longer serves a useful purpose

### **RECOMMENDATION**

**That the obligation, that is the subject of this application, no longer serves a useful purpose and therefore that no objection be raised to the Discharge of the Section 52 Agreement.**

### **Appendices**

A Copy of Section 52 Agreement

Appendix A : Copy of Section 52 Agreement

185 DC  
B-11-5  
50P

THIS AGREEMENT is made the *twenty second* day of *June*  
One thousand nine hundred and seventy-six BETWEEN THE WEST WILTSHIRE  
DISTRICT COUNCIL (hereinafter called "the Council") of Bradley Road  
Trowbridge in the County of Wilts of the one part and ARTHUR HAWKINS  
AND VIOLET JOAN HAWKINS  
(hereinafter called "the Owner") of 11 Longford Road Melksham in the  
said County of Wilts of the other part

WHEREAS:-

(1) The Council is empowered by Section 52 of the Town and Country  
Planning Act 1971 to enter into an agreement with any person inter-  
ested in land in their area for the purpose of restricting or  
regulating the development or use of the land

(2) The Owner is seized in unincumbered fee simple in possession of  
an area of land (hereinafter called "the said land") 0.30 hectares in  
extent situate adjoining No. 11 Longford Road Melksham in the District  
of West Wiltshire in the County of Wilts the said land being shown for  
the purposes of identification only edged blue on the plan annexed  
hereto

(3) On the tenth day of November One thousand nine hundred and  
seventy-five the Owner submitted to the Council an application (here-  
inafter called "the said application") under the Council's Reference  
W75 1031 for planning permission for the erection of a dwelling on  
the said land

(4) The Council have resolved to grant planning permission (herein-  
after called "the said permission") to the Owner (subject to conditions)  
in pursuance of the said application subject to the Owner by this  
Agreement agreeing to restrict the development of the said land  
permanently to one dwelling

(5) The Council and the Owner have agreed to enter into this Agreement



for the purposes of Section 52 of the Town and Country Planning Act 1971 for the purpose of restricting and regulating the development use of the said land \_\_\_\_\_

NOW THIS DEED WITNESSETH as follows:7

1. The Owner for the purposes of Section 52 of the Town and Country Planning Act 1971 and with the intention of binding himself and all persons deriving title under him to the said land or any part thereof hereby agrees with the Council that he the Owner will restrict the development of the said land permanently to one dwelling \_\_\_\_\_
2. The Owner shall on effecting any sale of the said land impose the necessary restrictive covenant which shall be duly registered as a Land Charge entry having done so the Owner shall not be personally liable for any breach of the provisions of this Agreement after he shall have parted with the legal estate in the said land \_\_\_\_\_
3. The expression "the Council" and "the Owner" shall include their respective successors in title and assigns \_\_\_\_\_

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner has set his hand and seal the day and year first before written \_\_\_\_\_

THE COMMON SEAL of the COUNCIL was )  
 hereunto affixed in the presence of:- )

*Douglas W. Osler*

Member

*Alan Csiffary*

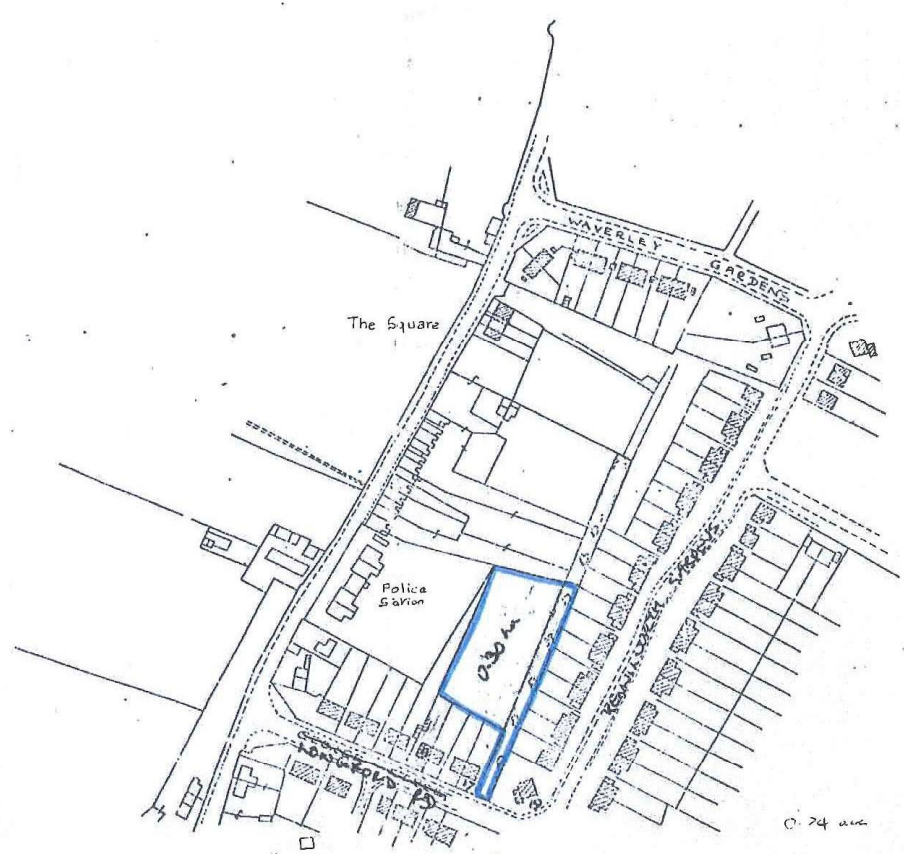
Director of Administrative Services



05208

W 10 0 31

Plan referred to



0.24 ha

Scale 1/2500

WEST WILTSHIRE  
DISTRICT COUNCIL  
DEVELOPMENT  
SERVICES

SIGNED SEALED AND DELIVERED by the )  
OWNER in the presence of:- )

Witnesses Name:

Arthur Hawkins

Address:

W. Bannell  
10 West End  
Melksham  
Wilts  
Retired Town Clerk

Occupation:

V. J. Hawkins

Witness Name:

W. Bannell

Address:

10 West End  
Melksham  
Wilts

Occupation:

Retired Town Clerk

MEMORANDUM

BY CONVEYANCE dated the 4th day of March 1980 and made between Arthur Stanley Hawkins and Violet Joan Hawkins of the one part and Leslie Clark and Carol Anne Clark of the other part a piece or parcel of land forming the larger part of the piece or parcel of land referred to as delineated and coloured pink in the plan drawn on the Conveyance of 28th November 1947 referred to in the within deed and being situate at the rear of Number 11 (formerly 28) Longford Road Melksham in the County of Wilts was conveyed to the said Leslie Clark and Carol Anne Clark for an estate in fee simple and inter alia their right to production and delivery of copies of the within deed was thereby acknowledged and the said Leslie Clark and Carol Anne Clark duly entered into a restrictive covenant limiting development of the said piece or parcel of land to one dwellinghouse.

DATED

22nd. June

1976

WEST WILTSHIRE DISTRICT COUNCIL

and

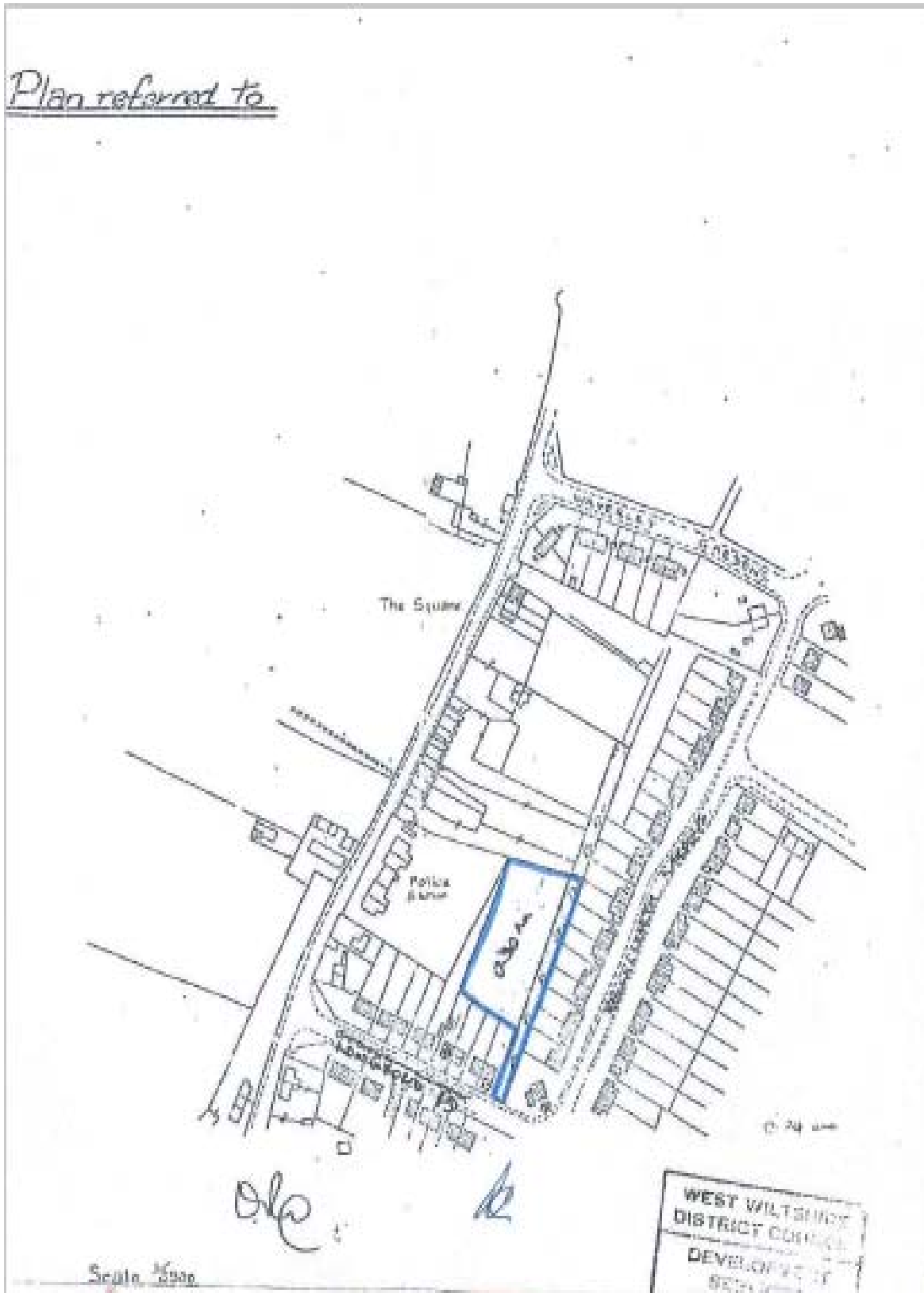
ARTHUR HAWKINS

A G R E E M E N T

under S.52, Town and Country  
Planning Act 1971

A.D.Sawyer,  
Chief Legal Officer,  
West Wiltshire District Council,  
Bradley Road,  
Trowbridge, Wilts.

Plan referred to



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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No 2

<b>Date of Meeting</b>	20/05/2015
<b>Application Number</b>	15/01668/FUL
<b>Site Address</b>	221 Melksham Road, Holt, Trowbridge, Wiltshire, BA14 6QW
<b>Proposal</b>	Single storey extension to provide ancillary accommodation
<b>Applicant</b>	Ms Karen Morten
<b>Town/Parish Council</b>	HOLT
<b>Ward</b>	HOLT AND STAVERTON
<b>Grid Ref</b>	386756 162392
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Phil Baker

### Reason for the application being considered by Committee

Councillor Trevor Carbin has requested that this application be determined by Members should officers be supportive of it and to allow Members to consider the following key issues:

- The design, bulk, height and general appearance of the proposal
- The relationship with neighbouring properties

#### 1. Purpose of Report

To consider the above application and to recommend approval subject to conditions.

#### 2. Report Summary

The main planning issues to consider are:

The Principle of Development  
 Impact on Neighbouring Amenity.  
 The Design, Scale and Visual Impact of the proposal.  
 Impact on Trees.

#### 3. Site Description

No 221 is a detached 4 bedroom dwellinghouse located on Melksham Road in Holt. The dwelling sits within a rather long but narrow plot and has its gable fronting onto the street. There are residential properties either side of the application site.

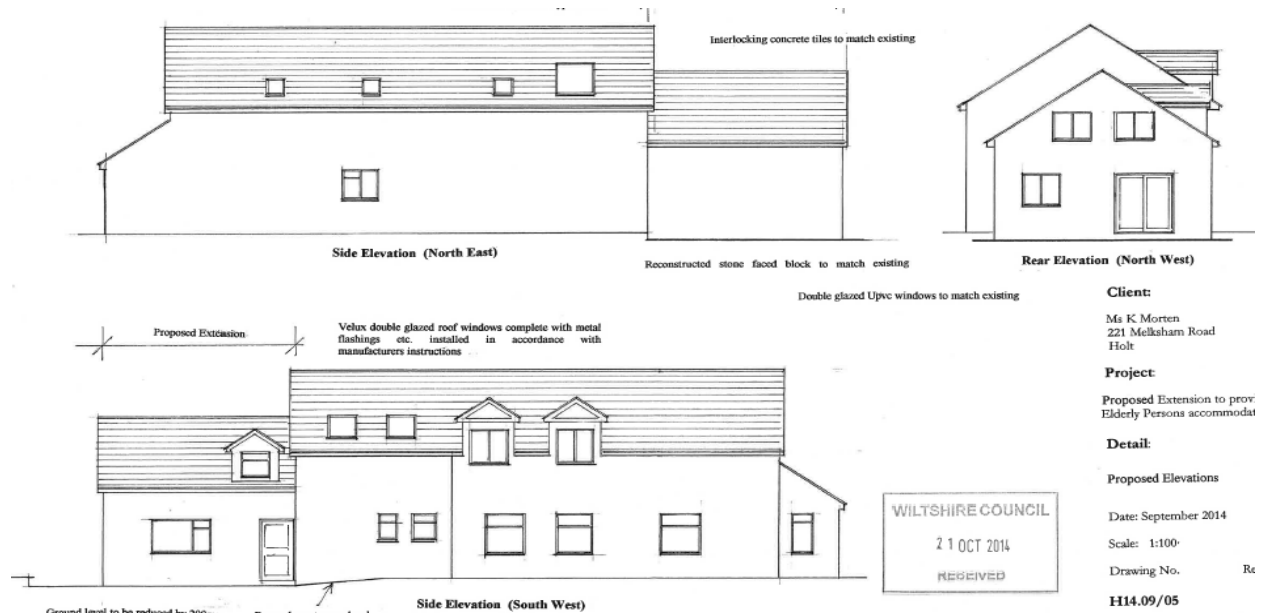
#### 4. Planning History

**14/04460/FUL** was withdrawn by the applicant following officer advice due to concerns about the proposal and lack of information regarding surrounding trees.

**14/09952/FUL** – Two storey rear extension measuring approx 6.1 metres deep x 5.9 metres to the ridge sloping to 3.5 metres at eaves height was refused members at the 04/02/2015 meeting for the following reason:

"The rear extension by reason of its size, mass, bulk and height would result in a substantial addition to the dwellinghouse which accommodates a narrow plot; and it would lead to an unacceptable level of overbearing and overlooking to the immediate neighbours at No 220 and No 222 Melksham Road which would result in loss of amenity and privacy contrary to the requirements of Adopted Wiltshire Core Strategy Core Policy 57".

The plan drawing below illustrates the refused extension:



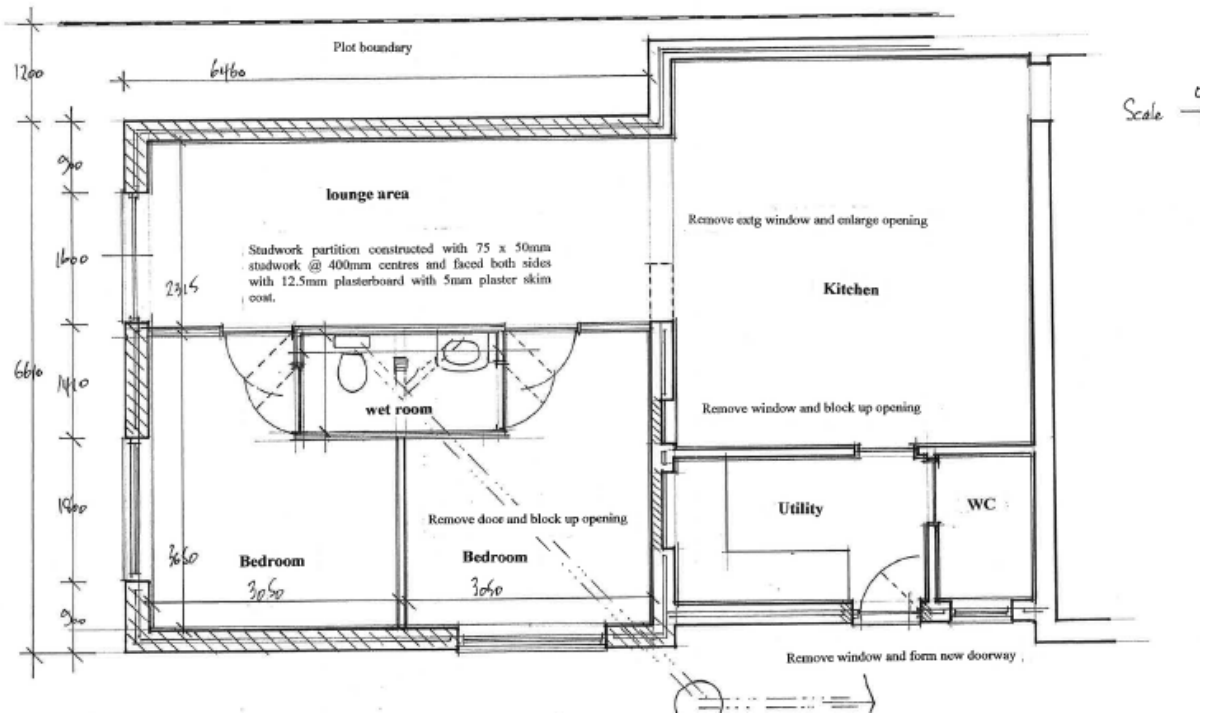
## 5. The Proposal

Following the above refusal, the applicants have reconsidered the proposals and have applied for a single storey rear extension comprising two bedrooms and a lounge measuring approx. 6.6m (deep) x 6.4m (long) and would be constructed from reconstructed stone with concrete pantiled roof and uPVC fenestration.

The extension is illustrated in the plan drawings below:







## 6. Planning Policy

Wiltshire Core Strategy (WCS) (adopted January 2015) CP57 – Ensuring High Quality Design and Place Shaping.

The National Planning Policy Framework (NPPF) also acts as a principal material consideration in the determination of planning applications. It introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking. Section 7 – Requiring Good Design is also a key relevance to this case.

## 7. Consultations

Holt Parish Council – No response to consultation.

Tree and Landscape Officer – No concerns raised and accepts the findings of the submitted tree survey. The nearby trees have a small diameter and would have an insignificant root system. Consideration should be given to the most appropriate type of foundation. The existing pad foundation of the old shed reduces the likelihood of any rooting in this area and therefore there would be little disruption to the existing hedge. The trees are young enough and adaptable to recover from any potential soil disturbance. From the time of the initial tree survey, there would be little extended root growth from the trees.

## 8. Publicity

One site notice was erected on a telegraph pole near the site/subject property; and individual neighbour notification letters were posted. Following the public notification, 2 letters of objection were received (one from each immediate neighbouring property) raising the following concerns:.

-The proposal would result in a huge 23m long building, over half the length of the plot with significant bulk. The appearance is more like a warehouse in the next garden rather than a house. The extension is even longer than the one that was refused.

- The resulting property will be completely out of character with the others in the road. The property was originally a small 2 bed bungalow and has already had multiple extensions, the

latest proposing to make it a 6 bed property. The plot is not wide enough to allow for a house of this size and the resulting design is ugly and mismatched.

- Due to the narrow plot the proposal to increase the size of the house results in a very long property. This means a lot of windows in the side of the house. Our property at 220 would be directly overlooked by 9 windows. This is unacceptable and will cause loss of privacy.

- The size of the proposed further development would overlap no.220 significantly causing an unacceptable enclosure, and loss of light into our garden and patio, loss of amenity and enjoyment of our own home and garden

- The proposed development does not seem suitable for elderly persons accommodation as it is badly laid out. A pure extension with more rooms for more people to live in will result in more cars, with 2-4 cars already frequently parked in front of the house. Since the access is onto a busy road then it would increase traffic and parking issues, and disturbance.

- The previous extensions on 221 have been started before planning was granted and altered as the work progressed. Neighbours are worried that this new work will start soon in order to force the acceptance of the plans retrospectively.

- This proposed overdevelopment is unsuitable, overbearing, out of keeping and will cause an unacceptable loss of privacy, light and amenity and stress to us, particularly in poor health, to enjoy our own home.

-The existing property already overlaps the neighbouring houses (on one side by 6m, on the other by around 15m) causing some loss of light, amenity and impinging on the view and aspect. Whilst a single story, the roof at 4m high would still be well above the 3m hedgeline and cause some overbearing impact, unacceptable sense of enclosure, additional shadow and loss of light.

-The additional proposed extension would cause further loss of light onto the patio and kitchen of no.222, as it would block the late afternoon sun as it falls, which would be obscured by the proposed extension, despite the slightly reduced height in the latest application.

-No. 222 would suffer loss of privacy as the proposed development rear windows would now look into our garden where the children play.

-The planning application again wrongly states that no hedges and trees will be affected. Any such further extension off the existing building at the rear and this close to the boundary line will be against my existing mature hedges on the property boundary – the revised proposal is only slightly set back. This will further damage, possibly kill them off; should they survive any such extension which will still be against them, preventing light on one side damaging their growth, survival and potential recovery from being over cut back.

-The previous application submitted an Arboricultural Impact Assessment & Tree Protection Plan which was incomplete and misleading - it completely ignores and does not include the largest tree in no.222's garden which is very close to the proposed development, not shown in the Plan and would also be directly impacted. The proposed 6m extension will be within 2m of this existing mature apple tree canopy and within 4m of the trunk, which will directly affect and damage the tree's growth and health. This would cut into the Root Protection Area of the tree, breaking British Standard BS5837 recommendations.

- The assessment also wrongly downgrades the classifications of trees making it appear more palatable – they should be at least Class B (trees of moderate quality, with a life expectancy of 20+ years) – not Class C as reported which places very little consideration or value on them.
- No. 222 disputes the Arboricultural Impact Assessment & Tree Protection Plan and its dismissal that the development area is compacted ground impervious to water and oxygen due to previous garden shed foundations (so would not impact the hedge root protection area) – which would be minor, shallow and pervious for a shed, do not cover the whole subject area and would still allow subsurface root growth.
- The development plans themselves contravene the Arboricultural assessment which states for effective tree protection “the following restrictions apply to construction exclusion zones: 1) No excavation or raising of soil levels is permitted in the tree root protection areas...”
- The revised development does propose to excavate and lower the existing ground level for the extension, further risking surface root protection areas, even were piled foundations and root barriers used as most suitable protection (which are not proposed).

## **9. Planning Considerations**

### **9.1 The Principle of Development**

As previously proposed, the applicant seeks permission to provide additional accommodation for elderly family members. In policy terms, there is no ‘in principle’ objection to domestic extension proposals provided it does not cause harm including neighbouring amenity. There are no policies within the recently adopted Wiltshire Core Strategy that prescriptively restricts the amount a dwelling may be extended by.

The key determining issue for this application is whether the proposed extension would cause demonstrable harm to the visual amenity of the area or substantively harm neighbouring amenity.

### **9.2 Impact on Neighbouring Amenity**

By virtue of the height, bulk and position of the proposed extension, there would be substantive adverse harm on No 220 (to the west). During winter months, the sun rises over No 221 and then moves south past No 220, eventually setting in the west. Therefore no overshadowing would occur and No 220 would still receive all of its direct sunlight. In summer months, the sun would rise behind the extension but would rise higher in the sky and would be above the main ridge of No 221 by mid morning. As the extension would only be at a single storey level, it would only cause a minor amount of overshadowing, which would likely only overshadow the shed/ outbuildings of No 220.

There would be more of an impact on No 222 (to the east). During the winter, the low sun would set relatively in line with the extension which would cause some overshadowing. However during the summer, the sun would be much higher and should be well above the ridge of the extension, which would limit the level of overshadowing. Therefore on balance, whilst some overshadowing would occur, it would not be at a level in which to warrant the refusal of the application.

The impact on the level of natural daylight penetrating No 222 is difficult to quantify. However, due regard must be given to the existing level of vegetation and hedgerow planting along the existing boundary. It is considered that the extension would not cause a significant loss of daylight, more than the vegetation screening.

As far as overlooking and loss of privacy concerns are concerned, it is firstly important to duly acknowledge that the existing dwelling has upper floor windows in the rear (south-west) garden facing elevation. By virtue of the single storey form of the extension, the development would not create enhanced overlooking. No windows are proposed in the north-west side elevation. A ground floor bedroom window is proposed on the south-west elevation facing No 220. In recognition of the close proximity to neighbouring garden, a planning condition could be imposed to require the window to have obscure glazing to protect residential amenity and privacy.

Overall, officers consider that the proposal complies with CP57 of the Wiltshire Core Strategy adopted January 2015 and would not conflict with the NPPF.

### **9.3 The Design, Scale and Visual Impact of the Proposal**

It is important to appreciate that this proposal differs from the application which was refused earlier this year. This application is for a single storey rear extension with no dormer. The materials to be used would be complimentary to the host building (i.e. reconstructed stone, concrete tiles and uPVC fenestration). Officers appreciate the concerns raised about increasing the size of the property set within a relatively narrow plot, sited close to both neighbouring boundaries. Officers are also fully aware that the existing dwelling extends beyond the rear walls of both neighbouring dwellings at No. 220 and 222. However, the rear extension would cause no substantive harm. The detailing and use of materials are acceptable; and officers submit that the proposed extension would not harm the dwelling house or be out of keeping with the local area.

Officers consider that the proposal complies with CP57 of the Wiltshire Core Strategy adopted January 2015 and would not conflict with the NPPF.

### **9.4 Impact on Trees**

As reported above, the Council's tree officer raises no concern. Future tree growth should be anticipated and the foundation selection should be given due consideration at building warrant stage.

## **10. Conclusion**

The proposed development is considered to be acceptable in principle and would not have a demonstrably unacceptable impact on residential amenity to warrant refusal; and as a consequence, the application is hereby recommended for approval subject to conditions

### **RECOMMENDATION – Approval subject to 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received on 19/2/2015; DWG H15.01/01 received on 19/2/2015; DWG H15.01/02 received on 19/2/2015; DWG H15.01/03 received on 19/2/2015; DWG H15.01/04 received on 19/2/2015; DWG H15.01/05 received on 19/2/2015; DWG H15.01/06 received on 19/2/2015

REASON: To define the terms of this permission in the interests of good planning practice.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture of those used in the existing building.

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

4. 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 specify whether the excavated materials are to be taken off site or are to be used on site. If the latter applies, the applicant shall be required to submit details and extent of any re-grading works, showing the relationship with existing vegetation, boundaries and levels. The development shall not be occupied until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To ensure a satisfactory landscaped setting for the development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional wall or roof openings, other than those shown on the approved plans, shall be formed within the development hereby permitted or on the host building unless approved by the planning authority under a separate application.

REASON: In the interests of residential amenity and privacy.

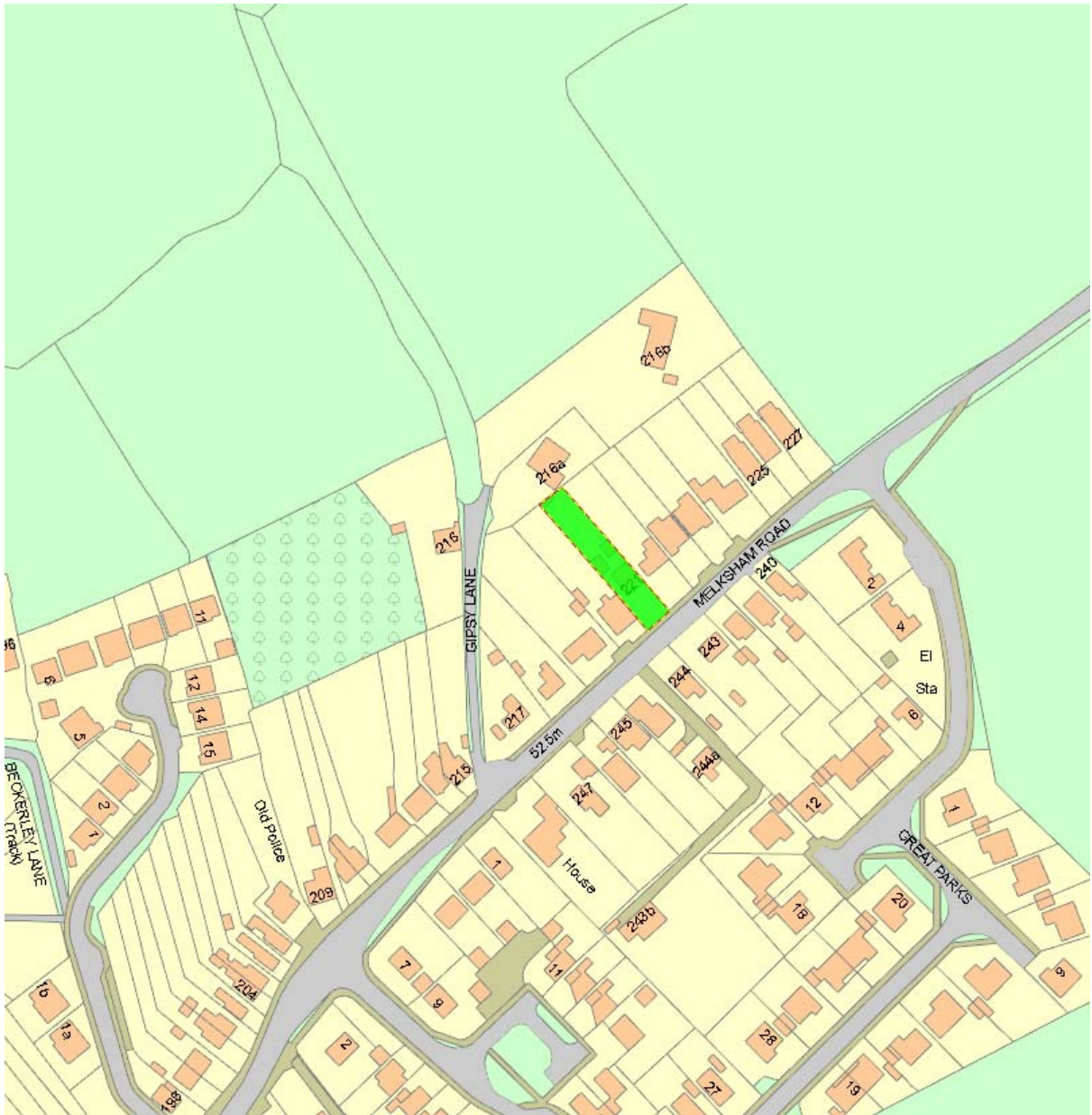
6. The development hereby permitted shall be carried out in full accordance with the recommendations contained within the submitted Arboricultural Impact Assessment & Tree Protection Plan.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

7. Before the development hereby permitted is first occupied, the bedroom window in the south western elevation shall be glazed with obscure glass [to an obscurity level of no less than level 4] and the windows shall be maintained or replaced with similar obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

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