

# AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 25 November 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)

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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 Jerry Wickham
Cllr Russell Hawker	Cllr Philip Whitehead
Cllr Keith Humphries	

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If you have any queries please contact Democratic Services using the contact details above.

# AGENDA

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 14 October 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 18 November 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 **15/05079/FUL - Witleigh, Melksham** (*Pages 19 - 40*)

6b **15/09226/FUL - 30 Palairt Close Bradford-on-Avon** (*Pages 41 - 52*)

6c **15/05656/FUL - Brook Hall Farm, Wood Road, North Bradley**  
(*Pages 53 - 70*)

6d **15/09014/FUL - 4 Brampton Court, Bowerhill** (*Pages 71 - 80*)

## 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 14 OCTOBER 2015 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

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

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#### **86 Apologies for Absence**

Apologies for absence were received from Committee Members Cllr Horace Prickett and Cllr Dennis Drewett.

The meeting also noted the Cllr Jon Hubbard had stated that he was unable to attend as a local member, due to another Council Commitment.

#### **87 Minutes of the Previous Meeting**

The minutes of the meeting held on 12 August 2015 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 12 August 2015.**

#### **88 Chairman's Announcements**

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

#### **89 Declarations of Interest**

Councillor Magnus MacDonald, in relation to application 6 d – 15/05061/FUL, that as had known the objectors to the application for a long time, he would speak as the local member to the application but would not take part in the debate or vote.

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

The Committee noted that a question regarding fracking had been submitted by Cllr Trevor Carbin had been submitted, but that the response had not yet been finalised. The Chairman apologised for the delay and asked that officers circulate the question and response once it had been circulated.

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

**91 Planning Applications**

The Committee considered the following applications:

**92 15/05186/FUL - The Long Barn, Cumberwell**

The Committee noted that the application had been withdrawn and therefore would not be considered at this meeting.

In response to a question raised by Cllr Trevor Carbin, the Area Team Leader stated that he understood that the applicant planned to resubmit an application; however, in recognition that the application was retrospective, officers shall keep the local ward member fully informed after further liaison with the Council's enforcement planning team and the applicant.

**93 15/05079/FUL - Witleigh, Melksham**

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Brian Inns and Doug Tuckerman spoke in objection to the application; and David William spoke in support of the application.

Cllr Jonathon Seed spoke on behalf of the local member Cllr Jon Hubbard.

Issues discussed in the course of the presentation and debate included: the location of the proposed development and the size and elevation of the proposed building; the setting of the proposal and its proximity to the conservation area and other listed buildings; the impact of the proposals on the trees and landscaping on the site; the impact of the proposals on the neighbouring properties, and the distance of the proposals from neighbouring properties; the car parking spaces proposed and the views of the highway officers.

Cllr Jonathon Seed proposed, subsequently seconded by Cllr Pip Ridout, that the Committee should approve the application as per the officer's recommendation detailed in the report, with the request from the Committee that a signal controlled crossing point between the new development at Witleigh and the existing Wharf Court on the other side of the road.

In questioning the Senior Planning Officer, the Committee sought clarity on the proposed allocation of funding arising from the draft s106 agreement, the impact of the cost of the new crossing on the affordable housing contribution; and the officer's view that a condition on the permission may not be considered reasonable.

Having been put to the vote, the meeting;

**Resolve to grant permission subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2 No development shall commence on site until:**

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 recording of any matters of archaeological interest.**

- 3 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:**

**Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.**

**Step (ii) If the above report indicates that contamination may be**

present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

**Step (iii)** If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 4** No development shall commence on site 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. The development shall not be occupied until the drainage details have been constructed in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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.

- 5** No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

Should the submitted storm water drainage system, include a connection to the main sewer, and thus incorporating the use of a pumped system the application will need to include details of the pumping station and storage system, details of ownership, future maintenance liability and maintenance regime and standby power arrangements



**The development shall not be occupied until the surface water drainage details have been constructed in accordance with the approved details.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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.**

- 6 No development shall commence on site until a noise and dust management plan for both the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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.**

- 7 No development shall commence on site until details of the provision of bat roosting features into the new buildings, including integral boxes/bricks/tubes and access into parts of the roof space, and bat boxes in trees, including the Ash tree in the south-eastern corner of the site, and nesting opportunities for House martin, House sparrow, Starling and Swift and a plan showing the locations and types of all bat and bird features has been submitted to and approved in writing by the local planning authority. including a plan showing the locations and types of all bat and bird features. The approved details shall be implemented before the building hereby approved is first occupied.**

**REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.**

- 8 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 application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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

- 9 No part of the development hereby approved shall be occupied until details of the obscure glazing used in the windows shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority, and; the obscure glazing has been installed in accordance with the approved details. The obscure glazing shall be maintained in accordance with the approved details in perpetuity.**

**REASON: In the interests of residential amenity and privacy.**

- 10 Unit 2 shall not be occupied until the side windows serving the living room and bedroom 1 have been glazed with obscure glass to the level agreed in condition 9. The windows shall be maintained with obscure glazing in perpetuity.**

**REASON: In the interests of residential amenity and privacy.**

- 11 The windows serving the refuse room shown on drawing annotated as proposed ground floor plan shall be fixed shut and shall remain as such in perpetuity.**

**REASON: In the interest of neighbouring amenity.**

- 12 No part of the development hereby approved shall be occupied until details of external lighting within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.**

**REASON: In the interest of amenity and neighbouring amenity.**

- 13 No part of the development hereby permitted shall be occupied until the access, turning area, visibility splay and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

**REASON: In the interests of highway safety.**

- 14 No dwelling shall be occupied, until details of the privacy screen walls detailed on the approved plans and for units 14, 17, 19, 22, 24, 25 & 30 have been submitted to and approved in writing by the Local Planning Authority, and; the privacy screen walls in respect of each dwelling have been erected in accordance approved details. The approved screen walls shall be retained and maintained as such at all times thereafter.**

**REASON: To prevent overlooking & loss of privacy to neighbouring property**

- 15 All soft landscaping comprised in the approved plans 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.

- 16** Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

**REASON:** In the interest of neighbouring amenity

- 17** No burning of waste or other material shall take place on the site

**REASON:** In the interest of neighbouring amenity

- 18** The dwellings hereby approved shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 as a minimum has been achieved.

**REASON:** In the interest of Sustainable Construction

- 19** The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Plan, Proposed Roof Plan, Tree Protection Plan, Landscape Strategy Plan, Planning Drainage Strategy, Proposed Elevations 2 of 2, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan, received 26th May 2015  
Proposed Elevations 1 of 2 received 26th June 2015

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

- 1** **INFORMATIVE TO APPLICANT:**  
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (dated TBC); and that this agreement should include a signal controlled crossing point between the new development at Withleigh and the existing Wharf Court on the other side of the road.

2 The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

3 **INFORMATIVE TO APPLICANT:**  
Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

The applicant is also advised works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

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.

*Admin Note: Councillor Ernie Clarke voted against the proposals.*

94 **15/06732/FUL - 63 Shaw Road, Melksham**

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Jon Newsam spoke in objection to the application; and Mark Hallett spoke in support of the application.

Issues discussed in the course of the presentation and debate included: the access to the site for development, and the views of the highways officer; the planning history and the previously approved applications; the materials of the

scheme; the elevation of the proposals; the similarities and difference between the approved scheme and the proposals; the impact of the proposals on the landscaping; the views of the neighbours; and the impact of the ownership of the lane on potential and proposed conditions.

Cllr Trevor Carbin proposed, subsequently seconded by Cllr Andrew Davis, that the Committee should approve the application as per the officer's recommendation detailed in the report.

In questioning the Legal Services representative, the Committee sought clarity on the relevance of recent case law regarding planning permissions and the Council's duty of care.

Having been put to the vote, the meeting;

**Resolved, unanimously, to grant 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 All soft landscaping shown on Drawing Numbers A26 and TS1/A28 received by the Local Planning Authority on 8th July 2015 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 Drawing Numbers A26 and TS1/A28 received by the Local Planning Authority on 8th July 2015 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.**

- 3 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 the tree protection barrier shown on drawing TS1/A28 received by the Local Planning Authority on 8th July 2015 has been erected. 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 trees 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.**

**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: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.**

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

**REASON: In the interests of highway safety.**

- 5 No development shall commence on site until the widening of the access road to 5.8 metres has been completed as shown on drawing number A20 received by the Local Planning Authority on 8th July 2015.**

**REASON: In the interest of highway safety**

- 6 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface**

water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure sufficient water drainage is provided on site.

- 7 The dwellings hereby permitted shall not be occupied until the alterations to the access serving them are completed in accordance with the Road Layout Plan (Drawing Number A20) received by the Local Planning Authority on 8th July 2015, including a visibility splay to the west of the eastern access to the rear of the access lane based on co-ordinates of 3m x 3m. The splays shall be kept free of obstruction above a height of 900mm at all times.

**REASON:** In the interest of highway safety

- 8 The dwellings hereby approved shall achieve Level 4 (in full) of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

**REASON:** In the interest of sustainable construction and low carbon energy.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan, Drawing Numbers: A01, A02, A04, A20, A22, A23, A24, A26, TS1/A28, A29 received on 8th July 2015 and Drawing Number A21 received on 27th August 2015.

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

- 10 The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

95 **15/05061/FUL - 209 Conkwell**

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Stephanie Laslett spoke in objection to the application; and Martin Hunn, Richard Wheeler and Rebecca Wheeler spoke in support of the application.

Councillor Magnus MacDonald spoke as the local member.

Issues discussed in the course of the presentation and debate included: the views of the Parish Council; the position of the neighbours window in relation to the proposals; and the layout of the site and the position of the building to the streetscene.

Cllr Andrew Davis proposed, subsequently seconded by Cllr Roy While that the Committee should approve the application as per the officer's recommendation detailed in the report.

Having been put to the vote, the meeting;

**Resolved, to grant 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 approved shall be carried out in accordance with the materials submitted in section 10 of the application form received 22.05.2015.**

**REASON: In the interest of preserving the character and appearance of the area.**

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drg. No 101 Rev A received 29.05.2015 and Drg. No 201 Rev C received 29.05.2015**

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



*Admin Note: In accordance with his interest declared earlier in the meeting, Cllr Magnus MacDonald spoke as the local member, but did not take part in the debate or vote on the matter.*

## 96 **Planning Appeals Update Report**

The Area Team Leader presented the Planning Appeals Update Report.

Issues discussed in the course of the debate included: whether more information should be required; the impact of such requests on officer's workloads; and how the report could be used to inform future consideration of applications.

### **Resolved**

- 1. To note the Planning Appeals Update Report; and**
- 2. Requested that future updates be presented quarterly with additional information to enable the Committee to see the original date of the application decision; what the officer's recommendation was; to include a section on any costs being applied for or being awarded; and to provide a summary of lessons learnt and also cover any Judicial Reviews in that period.**

## 97 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.43 pm)

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

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

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### REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	25 <sup>th</sup> November 2015
<b>Application Number</b>	15/05079/FUL
<b>Site Address</b>	Withleigh House  Spa Road  Melksham  Wiltshire  SN12 7NP
<b>Proposal</b>	Redevelopment of site with the erection of a part two part three storey building comprising 30 Retirement Living apartments with associated communal facilities, car parking, access and landscaped grounds
<b>Applicant</b>	McCarthy Stone Retirement Lifestyles Ltd
<b>Town/Parish Council</b>	MELKSHAM (TOWN)
<b>Electoral Division</b>	MELKSHAM CENTRAL
<b>Grid Ref</b>	390709 163531
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jemma Foster

This application has come back to the Western Area Planning Committee as the previous resolution is not able to be fulfilled.

This application was assessed by the Western Area Planning Committee on 14<sup>th</sup> October 2015. The minutes of the meeting (draft and not yet agreed) state that the decision of the committee was as follows:

*Cllr Jonathon Seed proposed, subsequently seconded by Cllr Pip Ridout, that the Committee should approve the application as per the officer's recommendation detailed in the report, with the request from the Committee that a signal controlled crossing point between the new development at Withleigh and the existing Wharf Court on the other side of the road be included. (Minute 93 refers)*

Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework' state that planning obligations have to comply with the following three tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The Applicant and the Highways Authority did discuss the requirements of the proposed development before submission of the application and it is the recommendation of the highways officer that when taking into account traffic flow on Spa Road and the relevant safety audit requirements, improvements to the existing crossing and/or an additional crossing is not justified by the development and is not necessary to make the development acceptable in planning terms. The request therefore fails the tests above especially as the majority of the pedestrian movement from this development would be longitudinal (to and from the town centre) rather than across the road.

Development Management since the last Committee Meeting have undertaken discussions with the Highways Authority who have confirmed that current Wiltshire Council practice requires a minimum level of pedestrian flow before a formal crossing (beacon, zebra or controlled) can be considered. The pedestrian flow would be a minimum average level of 50 pedestrians an hour over the four peak hours is required. There is not and would not be an average level of 50 pedestrians in this area even as a result of the proposed development. It is therefore considered by officers that the controlled crossing is not necessary to make the development acceptable in planning terms.

The cost of installing a controlled crossing is £70,000, a cost which the Applicant is not willing to provide on top of what has already been agreed. Even if Councillors considered reducing the amount of off-site affordable housing contribution to provide for the crossing, the Highways Team at Wiltshire Council would not support or install such a crossing as cars coming over the brow of the hill although may see the lights, would not see cars waiting at the controlled crossing and therefore would result in a danger to highway safety. As already stated there is also not sufficient footfall to warrant such a crossing.

Discussions have also taken place with the Local Ward Member who put forward an option of a no right hand turn lane. The Highways Officer has stated that a no right hand turn lane is difficult to control on private accesses and would in this location result in cars turning round on the nearby mini roundabout which is not practical or safe in highway safety terms.

The Highways Officer has confirmed that if cars turning right into the proposed development was causing concern, then a sign could be installed at a later date warning cars coming over the brow of the hill of waiting traffic. However Wiltshire Council only put signs up if there is an existing problem and not in anticipation of a problem that may never occur.

As a compromise, there is an existing uncontrolled crossing with a central splitter at the nearby roundabout (approximately 15 metres from the existing access to Withleigh). If the Western Area Planning Committee thought that a crossing was necessary to make the development acceptable, the Highways Authority have suggested widening the existing

central splitter at the nearby roundabout which would allow it to accommodate more waiting pedestrians.

The cost of providing this widened crossing would be £6000 which would include the cost of a full road closure. The applicant has confirmed that if the Committee were to find this improved infrastructure necessary then they would be willing to provide the financial contribution in addition to the commuted sums already agreed. This would need to be included with the Section 106 Legal Agreement.

**RECOMMENDATION:** To approve the application in accordance with the Officers Recommendation on 14<sup>th</sup> October 2015:

*That the Area Development Manager be authorised to grant planning permission, subject to the conditions set out below, on prior completion of a Section 106 legal agreement for bus stops and off site affordable housing contribution.*

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<b>Date of Meeting</b>	14 October 2015
<b>Application Number</b>	15/05079/FUL
<b>Site Address</b>	Withleigh House Spa Road Melksham Wiltshire SN12 7NP
<b>Proposal</b>	Redevelopment of site with the erection of a part two part three storey building comprising 30 Retirement Living apartments with associated communal facilities, car parking, access and landscaped grounds
<b>Applicant</b>	McCarthy Stone Retirement Lifestyles Ltd
<b>Town/Parish Council</b>	MELKSHAM (TOWN)
<b>Electoral Division</b>	MELKSHAM CENTRAL
<b>Grid Ref</b>	390709 163531
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jemma Foster

### Reason for the application being considered by Committee

Councillor Hubbard has requested that the application be considered by the Planning Committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- Car Parking

#### 1. Purpose of Report

To consider the application and recommend approval

#### 2. Report Summary

The main issues to consider are:

- Principle

- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways
- Other

### **3. Site Description**

The existing site sees a two storey detached dwelling located within a large plot of land currently used as garden. The site is surrounded on the north, east and west by existing residential properties and Spa Road is located to the south at a much higher level than the existing site. There is existing mature landscaping on the boundaries of the site and a public right of way runs along the western boundary.

The site is located within the Limits of Development of Melksham and approximately 50 metres from the Melksham Conservation Area. There are also some Listed Buildings within the vicinity.

### **4. Planning History**

No relevant planning history

### **5. The Proposal**

This application is for the demolition of the existing dwelling and replacement of 30 retirement living apartments with a range of communal facilities, car parking and landscaping.

### **6. Planning Policy**

#### Wiltshire Core Strategy

Core Policies (CP): 1 (Settlement), 2 (Delivery), 3 (Infrastructure requirements), 15 (Melksham Community Area), 41 (Sustainable Construction), 43 (Providing Affordable Homes), 45 (Meeting Wiltshire's Housing Need), 46 (Meeting the Needs of Wiltshire's Vulnerable and Older People), 50 (Biodiversity and Geodiversity), 51 (Landscape), 52 (Green Infrastructure), 56 (Contaminated Land), 57 (Ensuring High Quality Design and Place Shaping), 58 (Ensuring the conservation of the historic environment), 60 (Sustainable Transport), 61 (Transport and New Development), 62 (Development Impacts on the Transport Network), 64 (Demand Management), 67 (Flood Risk).

#### Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration)

U1a (Foul Water Disposal), U2 (Surface Water Disposal)

Wiltshire and Swindon Waste Core Strategy – Policy WCS6

Affordable Housing Supplementary Planning Guidance adopted August 2004

Leisure and Recreation Development Plan Document

National Planning Policy Framework 2012

Planning Practice Guidance 2014



Wiltshire Car Parking Strategy

Circular 06/2005 – Biodiversity and Geological Conservation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## **7. Consultations**

Melksham Without Parish Council – Support but raise the following concerns: lack of parking for residents and visitors, highway safety – a traffic management scheme needs to be undertaken & poor visibility, loss of amenity for nearby neighbours – particularly New Lawns due to the height and proposed balconies, 3 storey is not in-keeping with the locality.

Wiltshire Council Public Protection – Approve with conditions regarding contaminated land, noise/dust, hours of operation, lighting & burning.

Wiltshire Council Public Rights of Way – No objections – a link to the public footpath would be useful

Wiltshire Council Archaeologist – Support subject to a condition regarding a programme of archaeological work being undertaken

Wiltshire Council Affordable Housing Officer – require 30% affordable housing

Wiltshire Council Arboriculturalist – The trees that are to be retained will have an overwhelming pressure to be removed, due to light and space issues. I also feel that there is very limited space available to plant any reasonable sized trees to provide any suitable screening in the future.

Wiltshire Council Waste Management Services Officer – Support subject to a contribution of £2,200 to provide refuse bins

Wiltshire Council Drainage Officer – Support subject to conditions regarding foul water & surface water

Wiltshire Council Landscape Officer – No objections

Wiltshire Council Ecologist – No objections subject to conditions

Wiltshire Council Open Space Officer – No objections. There is adequate amenity land on the site

Wiltshire Council Urban Design Officer – No objections but raises some small issues regarding overlooking and location of residential units adjacent to refuse/storage rooms.

Wessex Water – No objection

Wiltshire Fire and Rescue – Require the building to be carried out in accordance with Building Regulations

## **8. Publicity**

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 3<sup>rd</sup> July 2015.

3 letters of objection have been received with the following comments:

### Design & Impact upon the area

- Height of the proposed building is not in-keeping with the area
- Trees are being removed which provide screening

### Neighbour Amenity

- We will be behind a three storey building and next to the refuse room which will invade our privacy and reduce our amenity value as the distance between the wall and Wing 1 is just 20 metres
- The Neighbourhood Plan which is in draft states that single storey properties should not be overlooking by two storey properties
- Windows, terraces and balconies will overlook our properties
- Lights from the inside will impact upon our amenity

### Highway Safety

- 23 parking spaces is not enough – where will staff and visitors park?
- Increase in traffic on Spa Road which already suffers from dangerous traffic problems
- Poor visibility from the access

3 letters of support have been received with the following comments:

- Good use of site
- Provides accommodation for an ageing population
- Close to town centre
- Improved access

## **9. Planning Considerations**

### **9.1 Principle**

The site is located within the limits of development of the market town known as Melksham where there is a presumption in favour of sustainable development and is therefore in accordance with CP1, CP2 and CP15 of the Wiltshire Core Strategy.

### **9.2 Design & Impact upon the character and appearance of the area**

#### Design

The proposed development sees a two/three storey building with differing roof heights to be built with reconstituted slate, ashlar/random rubble stone and red/orange brickwork all of which can be found in the immediate area. The proposed materials are therefore considered to be appropriate. Due to the existing land levels, the ground floor would not be visible from the road which is raised up above the

ground level of the site.

The Town Council have stated that a three storey building is not appropriate to the immediate area however, directly opposite the site is an existing three storey care home which is set back from the road frontage and as such the proposed three storey element would be considered to be acceptable.

The design of the proposed building is considered to be acceptable and as such complies with the relevant criteria of CP57.

#### Conservation Area and Listed Buildings

The site access is located approximately 50 metres East of the Melksham Conservation Area and due to the site levels which are lower than the adjacent road (Spa Road), it is considered that the proposal would not harm the setting of this historic designation. The proposal is therefore considered to comply with the relevant requirements of CP58.

There are two Grade II Listed Building located South East of the site known as 36 and 38 Spa Road which due to their location away from the proposed site, the level differences between the proposed site and the listed buildings it is considered that the proposal would not have a detrimental impact upon the significance of these heritage assets and would not harm their setting. The proposal is therefore considered to comply with the relevant requirements of CP58.

#### Archaeology

The Wiltshire and Swindon Historic Environment Record shows that the proposed development site contains a heritage asset which is the former line of The Wiltshire and Berkshire Canal which was authorised in 1975 and closed in 1910. Map regression in both the Archaeological Desk Based Assessment and Heritage Statement show the line of the old canal (now filled in) at the far eastern edge of the site but they also show that the site was used as a Smithy. To the east of the site lays the site of the former cloth mill/Rope Works and to the south a wharf with associated buildings and infrastructure. Due to the interest in the 20<sup>th</sup> century industrial heritage within the proposed development site which will be impacted by the proposed development the Wiltshire Council Archaeologist has requested a programme of archaeological works to be carried out as a condition of any planning permission which is considered to be acceptable. The proposal is therefore considered to comply with the relevant requirements of CP58.

#### Trees

The application submission confirms that many trees on site are to be removed. The Wiltshire Council Arboriculturalist has raised concerns that the trees which are to be retained may either not survive the construction process or are of high maintenance with a shorter life span than the submitted tree survey suggests. He has also raised concern that there may be an overwhelming pressure to remove the remaining trees in the future due to light and space issues. However the existing trees on site are not located in a Conservation Area and are not protected by Tree Preservation Orders so could be removed at any time without the need for permission.

#### Ecology

A Phase 1 Habitat Survey has been carried out which confirms that three trees have the potential for roosting bats which are to be removed. It would therefore be appropriate to compensate for this loss through the installation of further bat boxes in trees that are to remain and in the proposed building. The proposal is therefore considered to comply with CP50.

#### Flooding & Drainage

The site is located within Flood Zone 1 which is the least susceptible to flooding. The Drainage Officer is satisfied that foul and storm drainage can be adequately achieved for the proposed development has requested a number of conditions to allow the Local Planning Authority to assess the final discharge details which have been considered to be appropriate. The proposal is therefore considered to comply with Saved Policies U1a and U2 and CP67.

#### Land Contamination

A Ground Condition Survey has been submitted with the application which recommends further intrusive investigation prior to further site specific recommendations. The Public Protection Officer has therefore recommended a condition regarding land contamination to be attached to any approval which is considered to be appropriate. The proposal is therefore considered to comply with CP56.

#### Other

CP41 requires all new residential development to achieve at least Level 4 (in full) of Code for Sustainable Homes and a condition can be attached to an approval ensuring that the development complies with this policy.

### **9.3 Impact upon neighbouring amenity**

#### Overshadowing/Loss of Light

The residents in New Lawns already suffer from overshadowing/loss of light from the existing high tree belt that exists between the two sites. Some of these trees are to be removed, particularly behind 10-12 New Lawns but additional landscape is proposed on this boundary. The proposed building which is located east of the existing dwellings in New Lawns and approximately 13 ½ metres at its closest point to the boundary of number 11 New Lawns may cause some overshadowing/loss of light during the morning but it is not considered that it would be significantly worse than the existing situation.

The proposed building is located west and approximately 5 metres to the closest point to the boundaries of the properties located in Rope Walk. It is important to note that the proposed building is reduced to two storeys in this location. The existing tree belt is to remain and therefore it is considered that the proposal would not result in overshadowing to these properties that would warrant a refusal reason. If the trees were to be removed than it is considered the proposed building would cause less overshadowing than the existing tree belt.

It is considered that the properties located north of the site would not be overshadowed by the proposed development due to its location approximately 12 metres to the boundary and because the proposed building is reduced to two stories.

It is therefore considered that overshadowing and loss of light to existing residential properties would not warrant a reason for refusal.

#### Overlooking

Amended plans have been received increasing the amount of obscure glazing on the western elevation at first & second storey level at the request of the occupants in numbers 10-12 New Lawns. The proposed balconies serving units 21, 22, 30 & 31 are located approximately 17 metres to the western boundary with the public footpath, approximately 19 ½ metres to the boundary of number 10 New Lawns and approximately 34 metres the rear of number 10 New Lawns which are considered to be appropriate distances for overlooking not to warrant a reason for refusal. Additional landscaping on this boundary would also reduce any impact. As this balcony is the closest point to the western boundary it is considered that there would be no overlooking from the remaining windows and balconies on this elevation to dwellings located in New Lawns.

The windows closest to the boundary of properties within Rope Walk are located approximately 12 metres to the boundary which together with the existing tree belt is considered to be a sufficient distance not to cause overlooking issues.

#### Within the site

1.8 metre high privacy screens are to be located on some balconies to restrict overlooking and whilst the details of these screens have not been submitted, it would be appropriate to request this information via a relevant condition. It has also been considered necessary to introduce further privacy screens to prevent overlooking on units 14, 17, 19, 22, 24, 25 and 30.

There are some locations where windows/balconies are in close proximity to each other. In some instances it has been considered to be necessary to condition windows to be obscure glazed (unit 2) and others are at such an acute angle that it would not be possible to overlook but it is a common feature within retirement homes to allow occupants to talk to each other.

Concerns have been raised regarding the proximity of the refuse store to proposed residential units. It is therefore considered appropriate to ensure that the windows serving the refuse store which are annotated on the proposed plans as being obscure glazed are also fixed shut.

#### Other

There is the potential for the proposed development to create noise and/or dust disturbance in both the demolition and construction phase. The Environmental Health Officer has therefore requested conditions regarding a noise and dust management plan to be submitted, hours of use to be conditioned, no burning on site and further details to be submitted regarding lighting, all of which are considered to be appropriate.

Overall it is considered that the proposal subject to conditions would comply with the relevant criteria of CP57.

## **9.4 Highway Impact**

The proposed development sees the existing single track access widened to ensure a 6 metre bell-mouth, alongside a turning head within the site to allow large vehicles such as refuse trucks to turn and leave the site in a forward gear. Also proposed are 23 parking spaces and a room to store. The Highways Officer has assessed the highway issues relevant to this site and is of the opinion that there would be adequate visibility from the site including over the brow of the hill and although there is a reduction in the amount of car parking when compared to the requirements of Wiltshire Council Car Parking Strategy, the parking provision is considered to be appropriate due to the nature of the development, its proximity to the town centre, nearby public car parking, nearby services and being on a bus route (X97). Enhancements to the public highway have been requested and are detailed in Section 9.5 of this report. The proposal is therefore considered to comply with CP60, 61, 62 and 64 and the Wiltshire Car Parking Strategy.

## **9.5 Other**

### Section 106 Legal Agreement

CP3 states that all new development will be required to provide necessary on-site and off-site infrastructure (where appropriate) requirements arising from the proposal.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The developer has agreed to the following Section 106 requirements:

### Affordable Housing

CP43 states that on dwellings of 5 or more affordable housing provision of at least 30% will be provided. The policy goes on to state that where it can be proven that on-site delivery is not possible, a commuted sum may be considered. There is a demonstrable need for Affordable Housing and the requirement from this development would equate to 9 units. The Applicant has stated that it is not practical to mix affordable retirement housing with open market retirement housing due to the on-going service and maintenance arrangements which results in a weekly charge which Housing Associations are unable or unwilling to meet these charges. Therefore the commuted sum for this development would be £280,452.

### Highways

CP61 states that where appropriate, contributions will be sought towards sustainable transport improvements to encourage the use of sustainable transport alternatives. The Highway improvements that would be required as part of this development include 2 bus shelters at a cost of £5000 which would be used to upgrade the X72

service so that the residents of the proposed scheme would benefit from weather protection.

A contribution of £20,000 would also be required to enhance pedestrian and cycle routes in the vicinity of the site/between the site and the town centre/between the site and the nearby public car park. This would see an informal crossing point (a coloured surface with dropped kerbs) in the vicinity of Coburg Square so that the residents and their visitors can make use of a short cut and tightening the radius of corners on junctions Rope Walk, Warwick Crescent and Coronation Road in order to slow traffic and make it safer for vulnerable/elderly pedestrians.

A public right of way known as MELK34 runs adjacent to the western boundary of the development. The Public Right of Way Officer recommended that a connection from the development directly to the footpath may be beneficial to the residents. The Applicant is of the opinion that whilst this could be achieved within the site, it would compromise the landscaping scheme. It has therefore been agreed that this element is not achievable. The proposal would not adversely impact the public right of way and therefore the proposal is considered to comply with CP52.

#### Waste

Policy WCS6 requires developers “to design and provide facilities for occupiers of the development to recycle/compost waste and/or facilities within individual groups of properties or premises for the source separation and storage of different types of waste for recycling and/or composting”. Wiltshire Council retains control of procuring containers that are issued to occupiers of residential properties. The reasons for this are to ensure that the containers are compatible with lifting equipment and that branding – which is essential for ensuring that residents know what materials are designated for each container – meets the required standard. As a developer cannot directly provide the facilities for the separation and storage of waste, instead the requirement under WCS6 is met by securing a section 106 contribution. The contribution required as part of this development is £2,200

#### Community Infrastructure Levy (CIL)

Wiltshire Council became a CIL Charging Authority on 18<sup>th</sup> May 2015 and the proposed dwellings would be liable to pay the required contribution upon commencement of development. The site is located in Charging Zone 2 which requires £55 per square metre. The proposed development has a net increase of 2,842 square metres and as such the CIL rate that would be required is £156,310.00

#### Viability

As part of the application submission, the applicant has submitted a viability report which states that the site would not be viable if the Applicant had to pay CIL and the requested contributions.

The Assets team within Wiltshire Council have assessed the viability report and have concluded that the proposed development can provide some financial contribution and the Applicant has agreed to provide £130,000.

It is considered that this money should go towards the 2 bus shelters with the remainder going towards the off-site Affordable Housing contribution.

## 10. Conclusion

The proposal complies with the relevant policies of the Local Plan and as such is recommended for Approval subject to a satisfactory S106 Legal Agreement being signed.

**RECOMMENDATION:** That the Area Development Manager be authorised to grant planning permission, subject to the conditions set out below, on prior completion of a Section 106 legal agreement for bus stops and off site affordable housing contribution.

## RECOMMENDATION

- 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:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and

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 recording of any matters of archaeological interest.

- 3 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of



the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 4 No development shall commence on site 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. The development shall not be occupied until the drainage details have been constructed in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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.

- 5 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the

Local Planning Authority.

Should the submitted storm water drainage system, include a connection to the main sewer, and thus incorporating the use of a pumped system the application will need to include details of the pumping station and storage system, details of ownership, future maintenance liability and maintenance regime and standby power arrangements

The development shall not be occupied until the surface water drainage details have been constructed in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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.

- 6 No development shall commence on site until a noise and dust management plan for both the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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.

- 7 No development shall commence on site until details of the provision of bat roosting features into the new buildings, including integral boxes/bricks/tubes and access into parts of the roof space, and bat boxes in trees, including the Ash tree in the south-eastern corner of the site, and nesting opportunities for House martin, House sparrow, Starling and Swift and a plan showing the locations and types of all bat and bird features has been submitted to and approved in writing by the local planning authority. including a plan showing the locations and types of all bat and bird features. The approved details shall be implemented before the building hereby approved is first occupied.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 8 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 application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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

- 9 No part of the development hereby approved shall be occupied until details of the obscure glazing used in the windows shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority, and; the obscure glazing has been installed in accordance with the approved details. The obscure glazing shall be maintained in accordance with the approved details in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 10 Unit 2 shall not be occupied until the side windows serving the living room and bedroom 1 have been glazed with obscure glass to the level agreed in condition 9. The windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 11 The windows serving the refuse room shown on drawing annotated as proposed ground floor plan shall be fixed shut and shall remain as such in perpetuity.

REASON: In the interest of neighbouring amenity.

- 12 No part of the development hereby approved shall be occupied until details of external lighting within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of amenity and neighbouring amenity.

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

REASON: In the interests of highway safety.

- 14 No dwelling shall be occupied, until details of the privacy screen walls detailed on the approved plans and for units 14, 17, 19, 22, 24, 25 & 30 have been submitted to and approved in writing by the Local Planning Authority, and; the

privacy screen walls in respect of each dwelling have been erected in accordance approved details. The approved screen walls shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property

- 15 All soft landscaping comprised in the approved plans 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.

- 16 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interest of neighbouring amenity

- 17 No burning of waste or other material shall take place on the site

REASON: In the interest of neighbouring amenity

- 18 The dwellings hereby permitted shall meet the relevant requirements of energy performance equivalent to Level 4 of the Code for Sustainable Homes. The development shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or its equivalent has been achieved.

REASON: In the interest of Sustainable Construction

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

Site Plan, Proposed Roof Plan, Tree Protection Plan, Landscape Strategy Plan, Planning Drainage Strategy, Proposed Elevations 2 of 2, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan, received 26th May 2015

Proposed Elevations 1 of 2 received 26th June 2015

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

1 INFORMATIVE TO APPLICANT:

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

- 2 The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

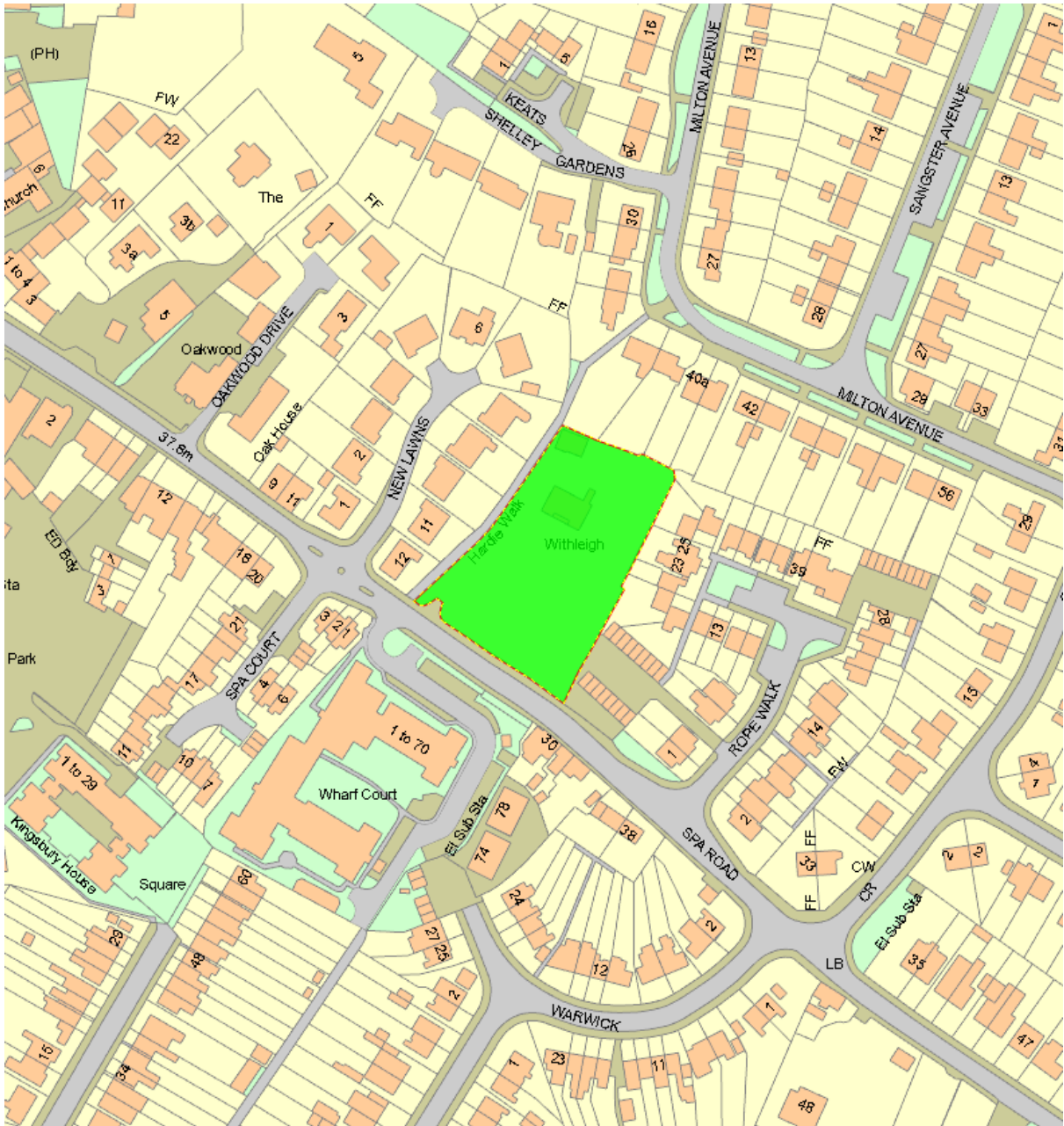
3 INFORMATIVE TO APPLICANT:

Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England). The applicant is also advised works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

- 4 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.



Item 2 - 15/05079/FUL - Withleigh House Spa Road Melksham



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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 2

<b>Date of Meeting</b>	25 <sup>th</sup> November 2015
<b>Application Number</b>	15/09226/FUL
<b>Site Address</b>	30 Palairet Close  Bradford on Avon  Wiltshire  BA15 1US
<b>Proposal</b>	Proposed single storey extension, alterations to boundary wall to form small court, and internal alterations to ground floor layout.
<b>Applicant</b>	Mrs E Dawe
<b>Town/Parish Council</b>	BRADFORD ON AVON
<b>Electoral Division</b>	BRADFORD-ON-AVON SOUTH – Councillor Ian Thorn
<b>Grid Ref</b>	382949 159996
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Kate Sullivan

### Reason for the application being considered by Committee

Councillor Ian Thorn has requested that the application be considered by the Local Planning Authority for the following reasons:

- The proposals significantly undermines the entire landscape strategy that was conceived for Palairet Close and surrounding roads when the scheme was built and are the thin end of the wedge.
- The Western Area Planning Committee on 12<sup>th</sup> August 2015 previously refused application 15/05185/FUL and whether what has now been proposed by the applicant has overcome those refusal reasons.

#### 1. Purpose of Report

To assess the merits of the proposal and to recommend approval of the application

#### 2. Report Summary

The main issues to consider are:

- Principle of development
- Design issues
- Impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on the protected tree

- Highway impact
- Other

### 3. Site Description

The application site is a dwelling within the residential area of Bradford on Avon known as the Southway Park Estate.

The application site is a two storey, detached dwelling which occupies a corner plot. Within the application site is a lime tree which is protected with a Tree Preservation Order (TPO Ref. W/05/00005/IND).

The land to the side of the dwelling outside the existing boundary wall is in the ownership of the application site. The Applicant has submitted a land registry search showing the extent of the properties ownership. The Highways Department have confirmed that the land in question is not within Highway ownership.

### 4. Planning History

15/05185/FUL	Proposed single storey extension, internal alterations and proposed realignment of boundary wall Refused at Committee 12.08.2015  Refusal reason: The proposed re-alignment of the boundary wall would adversely impact the trees subject of a TPO and remove one tree and some visual open space from the public realm which would adversely affect the character and appearance of the open plan estate contrary to Core Policy 51 and Core Policy 57 of the Adopted Wiltshire Core Strategy.
15/03194/PREAPP	Single storey extension
W/12/02085/TPO	Crown thin Lime Tree (T1) by 15% and crown lift to 3m – Approved 10/12/12
W/85/00640/FUL	Construction of external chimney – Approved 09/07/85
W/06/00973/TPO	Crown thinning and crown raising of Common Lime tree – Approved 15/06/06
W/86/01051/FUL	Conservatory to rear – Approved 28/10/86
W/77/00407/FUL	Residential development of 42 dwellings, Phase 3A – Approved 13/08/77
W/77/00819/FUL	Proposed erection of 31 dwellings – Approved 03/03/78 This permission includes a condition stating: 3. In order to safeguard the appearance of the estate as a whole and notwithstanding the provisions of the Town and Country General Permitted Development Orders 1973-74 no extensions shall be carried out to the dwellings hereby permitted, no additional garages shall be constructed and no gates, fences, walls, hedges or other means of enclosure shall be erected, planted or maintained in front of the forward most part of the front of any dwellings house or in front of the

flank/screen wall on return frontages, without permission granted on the application made in that behalf under Part 3 of the Town and Country Planning Act 1971.

W/76/00784/HIS Outline for residential development

W/76/00231/HIS Phase 3 and 4 Residential Development. (Approval of matters reserved)

## 5. The Proposal

The application seeks to realign the boundary wall to enclose some land to the side of the dwelling and to construct a small single storey side extension which would be set back slightly from the front elevation to create a study. The extension would be constructed of materials to match the existing dwelling.

This application has been revised following the recent Committee refusal (12.08.2015) and seeks to overcome the reasons for refusal by reducing the additional land proposed to be enclosed to a small area which would not extend out as far as the existing conservatory and would result in the TPO tree remaining outside the boundary wall. The proposed side extension would remain as previously proposed.

## 6. Local Planning Policy

Wiltshire Core Strategy, 2015

CP1 Settlement Strategy

CP2 Delivery Strategy

CP7 Bradford on Avon Community Area

CP51 Landscape

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring Conservation of the Historic Environment (Landscape Setting)

CP61 Transport and Development

CP64 Demand Management

National Planning Policy Framework, 2012

Planning Practice Guidance, 2014

## 7. Summary of consultation responses

Bradford on Avon Town Council: Recommend that the application is refused on the following grounds:

- Realignment of the boundary wall would adversely affect the open character of Southway Park;
- Covenants restrict the development of the land which is the subject of the planning application;
- The proposal fails to respect the importance of good design requirements of the NPPF and Wiltshire Core Strategy.

Bradford on Avon Preservation Trust

No objection to the position of the extension and boundary changes. We are pleased to see the revised scheme maintains the TPO'd tree but are concerned that a wall will still be built within its canopy that may have a negative impact on the value of the tree.

Tree and Landscape Officer: Recommended that the no objection is raised regarding the proposal. The following comments have been made:

- An improvement to the original application by way of the reduced incursion of the root zone of the TPO'd Lime tree;
- It appears that there could be significant root activity with the RPA and the applicant is advised to dig a trial pit to ensure its protection and any necessary protection measures are put in place.

The applicant, following discussions with the Tree Officer, has dug the suggested trail pits and has submitted the findings. These photographs have been reviewed by David Wyatt (Tree Officer) who has made the following further comments:

From the photos submitted by the applicant, it appears that the roots visible in the pictures are borderline with the dimensions suggested in BS5837-2012 Design, Demolition and Construction and I would advise that the roots within the proposed development area are carefully pruned back to suitable side roots. This work should be carried out by a competent arboriculturalist and where at all possible cut back to a distance of approximately 0.5 metres from the foundations of the wall.

It is also suggested that a suitable root barrier is installed at 0.5m from the wall so that this will guide the new extended root growth away from the new wall. The barrier will not prevent the roots extracting water from the soil, merely limiting the directional spread of them.

To further limit the pressure from the roots of this very young and fast growing tree, it may be considered to install pile and beam foundations for the boundary wall. As this tree is still very young, there is a great potential for future pressure on the wall.

Highway Officer: No objection.

The Highways team have confirmed that the land proposed to be enclosed/ developed is not highway land or owned by the Council and that the visibility splays are provided by the existing highway owned land provided by the existing road and pavements.

In a second email received on the 29.10.15 the highways team have asked that a replacement parking space (in lieu of the garage) has not been provided and as there would not be a reduction in the size of the dwelling a plan should be submitted to detail an additional parking space to avoid a negative recommendation.

## **8. Publicity**

The application was advertised by site notice and neighbour notification letters. The deadline for any correspondence was 19 October 2015.

11 Letters of objection have been received raising the following concerns:

- Loss of open green space which has a detrimental effect on the design appearance and layout of the estate;
- Original objection has not been resolved as a result of the revised plans;
- Land grabbing contrary to the open nature of the estate;
- Petitions show that neighbours do not want change;
- Photographs submitted show Wiltshire Council haven't enforced previous breaches;
- Bradford on Avon Neighbourhood Plan, page 17, GS4 States that land should remain predominantly undeveloped to maintain the contribution to the character and quality of the local neighbourhood.
- Proposal is contrary to the covenant that should be enforced by Wiltshire Council as West Wiltshire District Councils successor;
- Potential damage to the roots of the protected tree;
- Damaging accumulative effect of the development;
- Object to photographs of dwelling being included, as owners property only converted the garage and porch and did not build forward of the building line;
- Extension would degrade the street scene;
- Existing fence should not have been erected;
- Inaccurate photographs;
- Extension would impede vision at the road junction
- Study shows a lobby and shower room included, this would become a granny annexe.
- Request that the committee be taken on a tour of the estate to see first-hand and not the distorted photos.

A petition has been submitted in which was signed by 219 local residents asking that the planning committee refuse planning permission for any application that does not support keeping the Southway Park Estate green and open for perpetuity.

No letters of support have been received.

## **9. Planning Considerations**

### **9.1 Principle of development**

The application site is located within the limits of development of the Market Town of known as Bradford on Avon where there is a presumption in favour of sustainable development. The application is therefore considered to comply with CP1, CP2 and CP7 of the Wiltshire Core Strategy.

### **9.2 Design issues**

The proposed realignment of the boundary wall would not be incongruous to the design of the dwelling. Currently a boundary wall runs along the side elevation of the property and the proposal would move this closer to the road, but would still retain open land to the side of the dwelling, which would retain the open character of the estate. The amount of land proposed to be enclosed has been reduced since the previous application and the protected tree would remain in the public realm.

The proposed extension would be a small, subservient extension that would match the existing dwelling in terms of design and materials and would be considered appropriate to the host dwelling. The proposal is therefore considered to comply with the relevant criteria of CP57.

- 9.3 Impact on the character and appearance of the area including the Landscaping Setting  
The estate in which the application site is located is characterised by open space with boundary walls being set back from the pavement. The land outside the boundary walls has in many cases been landscaped.

Although the realignment of the boundary wall would remove some of the land from public view, the proposal would still retain land to the side of the proposed development which would remain outside of the realigned boundary wall. The revised plans have decreased the amount of land to be enclosed which also results in the TPO tree being retained outside the repositioned boundary wall. Therefore it is considered that the proposed realignment of the boundary wall would not unduly harm the character and appearance of the neighbouring area.

The small single storey side extension would not be incongruous to a dwelling of this size and style and is not considered to harm the character or appearance of the immediate area or the landscape setting of the wider town of Bradford on Avon given the small subservient nature of the development and the use of matching materials. It is therefore considered that the proposal complies with the relevant criteria of CP51, CP57 and CP58 of the Wiltshire Core Strategy.

- 9.4 Impact upon neighbouring amenity

The realignment of the boundary wall would relocate the wall closer to the road than currently exists on the site; however, land would remain outside the proposed extension. The amount of land proposed to be included has been reduced to also ensure the TPO tree is retained within the public realm.

The proposed extension would be single storey and given the context of the site and the distance from the front windows to the dwelling on the opposite side of the road and given the context of the site would not overshadow neighbouring properties. It is therefore considered that the proposed extension would harm the neighbouring amenity.

The conversion of the garage to a kitchen and the removal of the garage door and its replacement with a window would not require planning permission and could be carried out under the properties permitted development rights. The proposal is therefore considered to comply with the relevant criteria of CP57.

- 9.5 Impact on the protected tree

It is noted that a lime tree is currently located outside the existing boundary wall that is protected by a tree preservation order. The amended proposal has reduced the length of the proposed new boundary wall which would result in the protected tree remaining outside the boundary wall.

The Council's Tree Officer has been consulted and has not raised any objection to the proposal, although he has made a number of recommendations to ensure that any roots are not disturbed in the construction of the proposed wall and that the tree is not compromised by the development.

It is therefore considered that the proposals would comply, subject to conditions with the relevant criteria of CP51 and CP58 of the Wiltshire Core Strategy.

#### 9.6 Highway Impact

Whilst the Highways Team have requested a replacement parking space in lieu of the conversion of the garage, the loss of the existing garage and the conversion of this space to create an enlarged kitchen would not be controlled through the planning system and the 1977 permission does not restrict the use of the existing garages on the site.

The existing access and off road car parking space would not be affected by the proposals and the highways department have confirmed that the realignment of the boundary wall would not impact on the visibility splays required on the street. It is therefore considered that the proposals comply with the relevant criteria of CP61 and CP64 of the Wiltshire Core Strategy.

#### 9.7 Other

The applicant has submitted a land registry extract showing that the land which is proposed to be taken inside the boundary wall is in the ownership of the applicant. The highways team have confirmed that the land is not within their ownership or interest.

Previously a number of planning applications have been refused on the grounds that "the height and relocation of the boundary wall encroaching on land to the side of the property would be visually intrusive in the street scene and harmful to the openness and historic spatial characteristics of the area".

It is noted that since these applications were refused there has been a number of changes in planning policy including the adoption of the Wiltshire Core Strategy and the NPPF. Whilst this proposal does encroach on to the land to the side of the dwelling, as already noted, it would still retain land outside of the boundary wall which would retain the open characteristic of the area. As the boundary wall would be rebuilt it would be in keeping with the surrounding area. In previously refused permissions the new boundary walls would be relocated closer to the boundary of the property/pavement which would reduce the openness of the area.

The issue of covenants on the land fall outside of the planning system, and the granting of the planning system, and the granting of planning permission would not grant a change to the covenant which should be sought separately.

Any breaches of planning control should be brought to the attention of the Enforcement Team in writing detailing the specific breach. These would then be investigated.

### 10. Conclusion

In conclusion whilst it is acknowledged that the proposal would result in a reduction of land between the boundary wall and the pavement, it is not considered that the proposal would harm the overall open characteristics of the immediate area. The land is considered to be within the residential curtilage of the application site and this would not be altered as a result of the proposals.

The scale of the proposals has been reduced since the previous application was put before the Planning Committee which has resulted in more land remaining outside the boundary wall including the lime tree which is protected by a Tree Preservation Order. Conditions have been recommended to be included on any permission to ensure that the protected tree would not be compromised as a result of the proposals. It is therefore considered that the current proposal overcomes the previous reasons for refusal and should be granted permission.

## **RECOMMENDATION**

Approve with 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 Pile and beam foundations should be used for the foundations of the proposed wall to prevent future pressure on the wall. Details of which should be submitted to the Local Planning Authority in writing prior to any works commencing on site.

REASON: To prevent future pressure on the wall

- 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 those used in the existing building.

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

- 4 No root pruning shall be carried out until a site meeting has been arranged and has arranged by the applicant, their appointed arboricultural consultant and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and that meeting has taken place with the Local Planning Authority in attendance. Any approved works shall subsequently be carried out under strict supervision by the LPA immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged and to ensure that as far as possible the work is carried out in accordance with current best practice

- 5 The applicant should note that the work hereby permitted should be carried out in accordance



with good practice as set out in the "British Standard Tree Work - Recommendation for Tree Work", BS 3998: 2010 or arboricultural techniques where it can be demonstrated to be in the interests of good arboricultural practice.

- 6 A suitable root barrier should be installed at 0.5 mm from the wall to guide extended root growth away from the wall.

REASON: To ensure the future stability of the wall.

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

Proposed ground floor plan received 16.09.2015

Existing floor plan received 16.09.2015

Location Plan received 16.09.2015

First Floor Plan received 16.09.2015

Existing elevations received 16.09.2015

Proposed elevations received 16.09.2015

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

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Item 2 - 15/09226/FUL - 30 Palaret Close Bradford-on-Avon



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**REPORT FOR WESTERN AREA PLANNING COMMITTEE**

**Report No.**

<b>Date of Meeting</b>	25 November 2015
<b>Application Number</b>	15/05656/FUL
<b>Site Address</b>	Brook Hall Farm, Wood Road, North Bradley, BA14 9PT
<b>Proposal</b>	Temporary use as a solar farm, for 25 years from the date of project completion. The development will consist of static arrays of solar photovoltaic panels, ancillary plant, electrical equipment, SSE substation, security cameras, access tracks and fencing (Resubmission of 15/01199/FUL)
<b>Applicant</b>	Mr Chris Bale
<b>Town/Parish Council</b>	HEYWOOD
<b>Electoral Division</b>	ETHANDUNE – Cllr Jerry Wickham
<b>Grid Ref</b>	385169 153475
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

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

Councillor Wickham has requested that the application be considered by the Planning Committee for the following reasons:

- Scale of Development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance

**1. Purpose of Report**

The purpose of the report is to assess the merits of the planning proposal and recommend that planning permission be granted.

**2. Report Summary**

The key issue to consider is whether or not the proposal accords with Core Policy 42 of the Wiltshire Core Strategy in particular in relation to:

- the principle of the development;
- potential impact upon the area in particular in relation to heritage assets;
- highway and access considerations; and
- potential impact on amenity.

**Heywood Parish Council** - Objects to the proposals for the reasons cited within section 7 below.

**North Bradley Parish Council** also objected.

**Neighbourhood Responses:** Two letters of objection were received.

### **3. Site Description**

The application site is situated at Brook Hall Farm, some 3.5km south of Trowbridge and approximately 500m to the north of the West Wilts Trading Estate. The land is agricultural and is used for arable crops. The site lies to the north of the group of buildings comprising the Brook Hall Farm complex, which includes a number of farm buildings and a separate farm house known as Brook Hall. Some of the farm buildings converted to residential use are grade II including a barn and the original farmhouse. There is also a grade I building known as the "Early Wing" attached to the original farmhouse (separately listed Grade II).

The site is accessed via a link to the Southwick/Brokerswood Road and also over a private track to the south, linking into the West Wilts Trading Estate.

The site has good access to the Scottish & Southern Energy (SSE) distribution system with a connection point to the grid located adjacent to the proposed arrays. There are overhead electricity lines traversing the site.

### **4. Planning History**

There is no recent planning history of relevance to the proposed solar farm.

### **5. The Proposal**

The proposal has been amended and reduced from the original submission and now comprises three fields of a total of approximately 9ha in extent on which arrays would be sited. The 3-field scheme is dissected by a wide belt of deciduous woodland. The application is for a temporary use as a solar farm, for 25 years and includes static arrays of solar photovoltaic panels, ancillary plant, electrical equipment, a SSE substation, security cameras, access tracks and fencing. The proposal also includes biodiversity enhancements.

### **6. Local Planning Policy**

#### ***Wiltshire Core Strategy***

- CP2 – Delivery Strategy
- CP29 – Trowbridge Community Area
- CP 42 - Standalone renewable energy installations
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP67 – Flood Risk

National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance (PPG)

## **7. Summary of consultation responses**

### **Heywood Parish Council**

The Parish objects on the grounds of the cumulatively detrimental effect of a further solar park. This would be the third solar park in the Parish and the Council is very concerned about the impact of five existing and proposed solar farms in such close proximity - namely Brook Hall Farm, Blenches Mill and Viridor West (Cement Works) and those at Axe and Cleaver Lane and Poles Hole Farm, Southwick. The Early Wing at Brook Hall is a grade I listed building and Brook Hall Farmhouse and the associated Barn are Grade II listed and there is evidence suggesting the existence of a medieval deer park. The complex is a valuable 'heritage asset' for the county and the application will have an unnecessary and visually detrimental effect on historically significant buildings and their surroundings. The archaeological assessment is deemed to be insufficient as it plays down the association between the complex, the former medieval parkland to the east and the broader landscape. Temporary access routes are proposed over suspected archaeological features having a detrimental effect. There is a discrepancy over the area covered by the application. The area quoted in the site area box on the application form states 10.52 hectares, while the Design and Access Statement 2.1 states it to be 45.32 hectares.

### **North Bradley Parish Council**

There are currently 3 planning applications for solar farms, 2 in Southwick & 1 in Hawkeridge, which would all be within a one-mile stretch. No additional comments on revised plans.

### **Wiltshire Council Archaeologist**

Noted the desk based assessment and geophysical survey in which no significant heritage assets were identified. Considering the relatively low below ground impact, no further archaeological investigation will be required. However, in terms of the impact of the development on the setting of nationally designated heritage assets the advice from Historic England is supported.

### **Historic England**

(Amended Plans) Officers welcomed the omission of the area of coverage by the solar array in the southern fields thus reducing the size of this development overall and the impact on the setting of the listed farmstead. On the basis of this reduced area coverage, there is still some concern about the impact of this development on a cumulative basis with harm caused to the settings of the Bratton Camp Hill fort and White Horse scheduled monuments. In HE's view, there will be some adverse impact on the setting to this group of designated heritage assets. HE does not object to this application, but there is still some harm that needs to be balanced against the public benefits that the scheme would deliver.

### **Wiltshire Council Drainage Officer**

Following the submission of revised plans an earlier objection on drainage grounds was withdrawn. An informative is recommended regarding the siting of units and the possible need for consents under drainage legislation.

### **Environment Agency**

The Agency has no objection to the proposed development and recommends informatives on surface water drainage and pollution prevention.

**Wiltshire Council Environmental Health**

The construction of solar farms has the potential to cause loss of amenity during the construction stage. A construction hours condition is therefore recommended.

**Wiltshire Council Highway Officer**

No objection subject to the development process adhering to the Construction and Traffic Management Plan.

**Natural England**

The site is within 7.5km of the Cotswold AONB. Cumulative impacts should be assessed. In addition the site is close to listed buildings and pathways,

**National Grid**

Notes only that it has apparatus in the vicinity of the site which may be affected by the development.

**Wiltshire Council Rights of Way Officer**

Requested revised detail in respect of the proposed hedgerow layout in the vicinity of the line of the HEYW10 footpath. These details were submitted and the Officer confirmed that the revisions were acceptable.

**Wiltshire Council Tree Officer**

Amended plans - Conditions recommended with regard to landscaping and tree protection.

**Wessex Water**

No objection

**8. Publicity**

Two responses were received. Comments and objections are summarised as follows:

Over-development of the area which is being swamped with industrial parks/ business parks and residential developments and the associated traffic;

There are a number of solar farms in the area;

Loss of countryside and village identity;

Listed buildings would be impacted;

Contents of Ecology studies noted and appear satisfactory;

Concerns over sprawl of urbanisation, the long-term plans for this site and the various questions that usually arise regards renewable electricity supply;

Westbury growing very rapidly and likely mean that even more greenfield sites must be set aside for growth;

View from the White Horse and impact of solar panels;



Note comments of Historic England but also growth potential arising from additional energy. Perhaps however this installation is not the one that should be halted but other industrial installations that should be refused;

Loss of farmland and reliance on imports of food and consequences of loss of habitat elsewhere in the world;

Doubts about temporary nature of the farm;

Precedent for designating other farm land for different uses;

What are the guarantees that will be returned to a original state ;

Rehabilitation must be planned for and funded;

Why is field being used rather than rooftops of industrial premises or the homes of poorer peoples in Westbury who might direly need electricity usage to be subsidised to reduce their bills whenever possible;.

Good to have supply near a place of high demand and industrial users may be the more likely to use renewable electricity is but there must be better ways than using greenfield sites;

Economics of this type of installation mean that other users further down the line will be paying; and

Storage (electricity) not included – SSE should comment on this.

## **9. Planning Considerations**

Planning Law require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Government Policy on renewable energy is expressed in the NPPF. Paragraph 93 explains that *“...planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”*

Paragraph 98 of the NPPF sets out that *applicants for energy development are not required to demonstrate the overall need for renewable or low carbon energy. Moreover it must be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.* Most importantly, a proposal should be approved (unless, of course material considerations indicate otherwise) if its impacts are, or can be made acceptable.

Government Planning Practice Guidance (March 2014) replaces the ‘Planning practice guidance for renewable and low carbon energy’ (2013). The PPG sets out the planning considerations. PPG considerations include:

- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

*The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.*

*Core Policy 42 of the WCS in turn states that: Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:*

- i) The landscape, particularly in and around AONBs*
- ii) The Western Wiltshire Green Belt*
- iii) The New Forest National Park*
- iv) Biodiversity*
- v) The historic environment including the Stonehenge and Avebury World Heritage Site and its setting*
- vi) Use of the local transport network*
- vii) Residential amenity, including noise, odour, visual amenity and safety and*
- viii) Best and most versatile agricultural land*

*Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.*

The supporting documentation to the application included (apart from the standard drawings):

- An Archaeology and Heritage assessment
- Planning Statement

- Design and Access Statement
- Energy Statement
- Construction & Traffic Management Statement
- Decommissioning & Restoration Scheme
- Landscape and visual Impact Assessment
- Habitat Survey Report
- Habitat Management Plan
- Surface Water Management Strategy
- Flood Risk Assessment
- Statement of Community Involvement

The proposed solar farm is a form of renewable energy. Renewable energy is encouraged at both a national (NPPF, namely section 10) and local (WCS) level and is therefore considered in principle to be appropriate if the site-specific constraints are satisfactorily resolved.

For the avoidance of doubt, the final plans now submitted for approval have been amended following input from Consultees. The plans have addressed issues identified by the Ecologist, Rights of Way Officer and Drainage Officer to their satisfaction. Of particular importance to the setting however, the revised plans have removed from the scheme proposals to install arrays on the southernmost fields in the vicinity of the designated farm buildings and Brook Hall that are situated to the west of Brook Hall Farm. The fields now would provide for enhanced grassland habitat, which the Ecologist supports.

The effect of the revisions is a reduction in the size of the proposed scheme from 10MW to 5MW and includes revised layout and the associated hedgerow planting. They also provide for the introduction of a new ecological mitigation area in which new habitat can be created and managed.

In considering the WCS CP42 criteria i to iii, the site is not located within an AONB, the Green Belt or any other designated landscape. It stands in relative visual isolation from the immediately accessible surrounds with the nearest public highways (roads) to the west and east being some 650m and 450m distant respectively, with intervening hedgerows screening the area. The immediate surrounds would be well screened from the site given existing boundaries and proposed hedge enhancements.

The visual impact on the open countryside (an issue raised by both Parish Councils as well as the two objectors) nevertheless remains a consideration, including under WCS CP51 which requires development to protect, conserve and where possible enhance landscape character and must not have a harmful impact, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

There have been other recent consents for solar farms in the vicinity, Poles Hole Farm being the nearest. The potential cumulative impact is a consideration raised by the Parish comments. There would be no inter-visibility between the two given intervening vegetation and local topography, where natural ridge lies between the two. A further consideration is however the potential sequential visual effects, on users of local pathways. There are Public Rights of Way that traverse past the northern perimeter of the fields as well as to the south of the field that would contain the arrays, which represent the publicly accessible routes that would be most likely to be impacted. However, it is considered that cumulative impacts on

pathways would be of a low level, since the distances between the application and other solar sites is a minimum of approximately 2Km by footpath routes (which includes roads) and there are a number of alternative footpath routes within the area which would not be affected.

With regard to **biodiversity considerations** (criteria iv to CP 42), Core Policy 50 also applies and requires that developments enhance biodiversity on the site, Following the submission of additional information and analyses, the Ecology Officer is satisfied that this can be achieved given the details provided. Importantly the removal of arrays from the southernmost fields and the proposed planting enhancements would be of particularly high ecological value.. The revised proposals provide a significant opportunity to contribute to the council's biodiversity action plan

The Ecologist is satisfied with the revisions, subject to conditions in relation to compliance with the submitted Ecological Appraisal and Mitigation Strategy report, the submission of an amended Habitat Management Plan and a Landscape Strategy. The Habitat Management Plan and landscaping proposals would result in the creation of 1085m of new hedgerows and the planting of over 10 hectares of mixed grassland which will be managed in a manner which encourages invertebrates and birds. No existing hedgerows or woodlands will be adversely impacted by the design and woodland and badger setts are identified for protection. It is thus considered that the proposal complies with the relevant criteria of CP50 subject to conditions requested by the Ecology Officer regarding biodiversity enhancements which can be attached to any recommendation of approval.

The planting scheme, together with that requested by the ROW officer is considered to address the issues raised by the Tree Officer.

**Heritage considerations** (criteria v to CP 42) are of particular relevance in this case. The supporting documentation identified all designated heritage assets located within the study area and these were assessed in detail to gauge the potential for, and significance of, indirect ('setting') impacts from the proposed development on the site. The assets include one Grade I listed building, one Grade II\* listed building, 20 Grade II listed buildings and one scheduled monument. In addition, all highly graded assets within 2km of the application site were subject to assessment. These assets comprise one scheduled monument and three Grade II\* listed buildings, including Heywood House, specifically requested for assessment by Historic England. The scheduled monument of Bratton Camp Iron Age Hillfort and the Westbury White Horse, located about 4.5km the south east of the site, were also included in the assessment, as it was still determined to be a potentially sensitive heritage receptor.

Historic England's comments on the initial plan confirmed that there would be little or no effect on the nearby ancient monuments in the West Wilts Trading Estate, but felt that there was potential impact on the more distant Bratton Camp. Particular concerns were raised with regard to the setting of Brook Hall and the effect on the immediately surrounding landscape. This led to the revision to the plans, removing the southernmost fields from the area in which arrays would be located. These are the fields in closest proximity to the Brook Hall complex. Further consultation followed and HE identified the need for further clarification on the visual impact on the setting to the farm complex to the north of Brook Hall along the current access road. It was established that images relevant to that aspect had been submitted in the

original documentation, confirming that the setting would not be affected. Thus the remaining harm is considered to apply to any potential cumulative impacts on the setting of Bratton Camp and the White Horse. Historic England advised that *“...there will be some adverse impact on the setting to this group of designated heritage assets and consequently whilst we do not object to this application, there is still some harm that needs to be balanced against the public benefits that this scheme may provide...”*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘special regard’ to be given to the desirability of preserving a listed building or its setting. The NPPF in turn deals with whether or not any development the proposal causes ‘substantial harm’, ‘less than substantial harm’ or no harm to heritage assets, more specifically:

*“133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- to viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.”*

However

*“134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

And, in defining the level of harm the PPG provides the following advice -

*“Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”*

In this instance it is considered that the revisions to the plans have removed any potential for material harm to the setting of the Brook Hall Complex. Historic England has lifted the original objection to the proposal.

The immediately surrounding fields to the east would remain open without any arrays, and be subject to planting of grassland to create the biodiversity enhancements to address ecological considerations. The listed buildings in the Brook Hall Complex would visually

separate from any fields containing arrays due to topography and intervening modern structures. Heritage assets in the form of listed buildings in the wider surrounding area would not see setting affected at all.

With regard to Bratton Camp and the White Horse, these are located a minimum of 4.8km distant to the south east with the built up areas of Westbury and the West Wilts Trading Estates, the railway lines and the old cement works within the intervening landscape. It was confirmed during the site visit that the woodland that subdivides the site would screen the two western fields (approximately half of the site) in the scheme from view. The eastern field would be visible at 4.8km distant from the White Horse ridge, but there are mature trees to the boundary of the site and then modern industrial development beyond in the intervening space. In sum, both individually and cumulatively, when seen together with the site at Hawkeridge, any impact on the setting of the monuments is very limited and is considered to amount to less than substantial harm would arise for the settings of the White Horse or Bratton Camp.

The proposal in turn provides for benefits in the form of medium term (25 year) provision of clean energy with a saving of carbon emissions contributing towards government supported goal of a reduction in such emissions as well as biodiversity enhancements meeting the requirements, respectively, of Core Policies 42 and 50 of the WCS.

Criterion vi) of CP 42 (Use of the local transport network) has been addressed to the satisfaction of the Highway Officer subject only to a condition to ensure that development takes place in accordance with the submitted "Construction and Traffic Management Plan." A total of approximately 180 delivery vehicle movements would be evenly distributed throughout the construction period (12 weeks), albeit with a slightly higher delivery rate during weeks 2-8 when the majority of the solar panels would be brought to site. Average rate of delivery would therefore be fewer than 3 vehicles per day, with 6-10 vehicles at peak periods of activity. Existing access routes to the site would be used. The site is accessible from the south via an established route to the West Wilts Industrial Estate. The route from the south would be specified for all construction vehicles over 3.5 tonnes. The site visit confirmed that this route "Storridge Road" is a track from the point where it meets the roads within the industrial estate, but the management scheme includes proposals to develop a signage scheme in consultation with Highways officers to ensure adequate control over vehicle movements. The existing access track would be reinforced and improved where necessary and a new temporary track would be installed (250m) to enable routing of deliveries around the farm buildings. In order to protect the ground and site during construction, further temporary track surfaces and laydown areas would be created. These would be removed from site once construction is complete

The requirements of the Rights of Way Officer have been addressed in terms of the proposed hedgerow layout in the vicinity of the line of the HEYW10 footpath. It is considered that the proposed new hedge planting provides for screening as well as an improved setting for the ROW that traverses the site from east to west.

With regard to criterion vii) of CP 42 (residential amenity, including noise, odour, visual amenity and safety), the site is located away from residential buildings and would therefore not impact to any harmful extent on the relationship between the landscape and existing dwellings. The proposal would include the re-introduction of previously removed hedgerows

and new planting of grassland (see Ecology discussion above). Nuisance to any residential properties arising from vehicular movements during the construction phase would be limited given that heavy vehicles would be routed via the Industrial Estate and a temporary route avoiding the farm buildings is proposed, and would subsequently be removed. Apart from the buildings within the Brook Hall farm complex there is only “Court Farm” some 250m to the east of the site. Court Farm would not be affected by vehicular access during construction.

No objections were received from immediately adjacent neighbours in the Brook Hall complex.

Criterion viii) to CP 42 requires that consideration must be given to impacts on “**Best and most versatile agricultural land**”. The application site land is classified as grade 3B, which is not within this category of best and most versatile agricultural land. The NPPF encourages the use of areas of poorer quality land in preference to that of the higher quality best and most versatile land. Brook Hall Farm is a relatively small farm with various parcels of land currently being put to use under short-term lets to other farmers. The supporting documentation argues that “Permission for this development will be a crucial part of the continuing economic sustainability of this farm, providing a stable source of non-farm income for the owner, thus helping to secure its role in the agricultural community”. The panels in turn would not preclude ongoing and less intensive agricultural use of the land with the option to graze sheep remaining. Albeit in the medium terms, the proposal would not sterilise the agricultural land and prevent its return fully to that use in the future. At the end of the solar farm’s life, all the equipment would be completely removed from the site in terms of a Decommissioning and Restoration Scheme that could be appropriately conditioned.

## **10. Conclusion**

The principle of the proposed solar farm is acceptable at national and local level. The site is not located within any protected landscape, and identified issues of ecology, Rights of Way, landscaping and highways can be satisfactorily addressed by appropriate conditions. There would be a positive public benefit in the form of medium term provision of clean energy with a saving of carbon emissions contributing towards government supported goal of a reduction in such emissions. No unacceptable amenity issues would arise. It is acknowledged that the proposed solar park may be visible to the immediate surrounds in particular to public footpaths, but the existing and proposed planting would reduce the impact of the proposed development. The benefits arising from the scheme are considered to outweigh the less than substantial harm that would arise out of the very limited impact on the setting of Bratton Camp and the White Horse. In summary, the environmental benefits in terms of providing renewable energy and the proposed biodiversity enhancements outweigh the limited concerns raised.

## **RECOMMENDATION**

### **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 Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the land reinstated within 25 years and six months of the date that the solar farm starts feeding electricity into the grid, in accordance with a scheme for the decommissioning and restoration of the development which shall have been submitted to and approved in writing by the Local Planning Authority 6 months prior to decommissioning. The Local Planning Authority shall be notified in writing of that removal within one month of the event.

REASON: In the interests of amenity and the finite operation of this type of development.

- 3 In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning, and within six months of the cessation of the generation of energy from the site.

REASON: In the interests of amenity and the circumstances of the use.

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

Plan EDP H3: received on 5 November 2015;

BH00104-00-000 REV R06 received on 1 October 2015

BH00104-15-001 REV R03 received on 1 October 2015

BH00104-16-001 REV R02 received on 25 June 2015 insofar as the plan relates to additional hedge planting only; and

Read in conjunction with details for Mounting Arrangements, Inverter and Transformer Housing, SSE Substation, Cable Trench Arrangements and Security Cameras as contained in the document "Equipment Appearance and Technical Details" received on 9 June 2015.

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

- 5 The development hereby approved shall be carried out in accordance with the Construction and Traffic Management Plan Ref. BHF/RPT/011 dated May 2015 and details of the signage scheme proposed in Paragraph 4.2 of that document shall be



submitted for approval to the Local Planning Authority prior to the commencement of development, including the delivery of any materials to the site.

REASON: In the interests of highway safety and amenity.

- 6 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0730 - 1800 Monday to Fridays and 0800 - 1300 on Saturdays.

REASON: In the interests of amenity.

- 7 The development hereby approved shall be carried out in accordance with the recommendations made in section 5 of the Ecological Appraisal and Mitigation Strategy report dated April 2015 prepared by AD Ecology Ltd, including the implementation of defined working areas, as already submitted with the planning application and agreed in principle with the local planning authority before determination.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

- 8 Prior to any site preparation works or the commencement of development, an amended Habitat Management Plan shall be prepared and submitted to the local planning authority for approval to include the location of badger access points through the perimeter security fence and the management of the ecological mitigation area in field F3. The development site shall be managed and maintained in accordance with the measures set out in the approved plan in perpetuity unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the appropriate management of priority habitats and mitigation for protected species.

- 9 Prior to any site preparation works or the commencement of development, a Landscape Strategy shall be prepared and submitted to the local planning authority for approval, including, but not necessarily limited to, the following:

- an extension to the new hedgerow from field F2, around the badger exclusion area to link up with the section of new hedgerow in field F5 (with a gap for the internal access track)

- a native, locally characteristic species-rich hedgerow planting specification (minimum of 6 woody species)

- an ecological enhancement plan for field F3 (habitat creation details)

wildflower seed mix and farmland bird crop mix details

- preparation and establishment methodology for wildflower meadows and farmland

bird crop areas

All newly created habitats shall comprise native species of British origin and local provenance. The approved Landscape Strategy shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock (if necessary). 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.

REASON: To ensure the proper implementation of a landscape strategy, in the interests of biodiversity.

- 10 Other than the development and use hereby approved no materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site between the times of completion of development and commencement of decommissioning.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 11 No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To minimise the effects of light pollution on the surrounding area

- 12 **INFORMATIVES:** Drainage: In relation to Council drainage by laws and the Land Drainage Act (LDC) and works on/over/to or within 8m of the top of non-main river watercourses (including outfalls) will require formal LDC consent which is totally separate process to planning. As part of the LDC there will be a requirement of no structure (including panels) to be sited within the 8m margin - this would have an impact on the submitted planning site layout

Any works within 8m of Main River will require similar approval from the Environment Agency.

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from

Natural England prior to commencing works. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

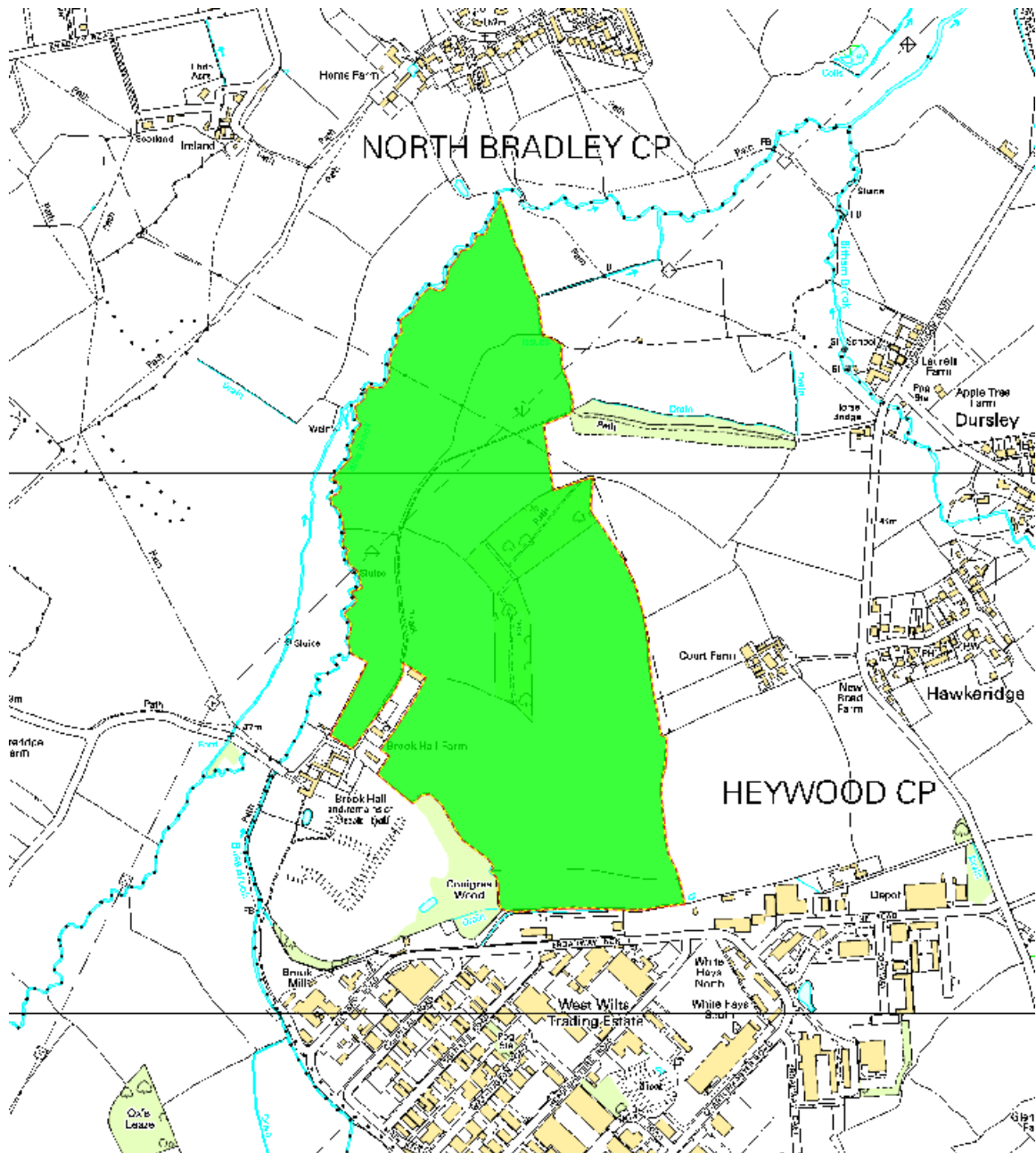
The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

Pollution Prevention During Construction: 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

The applicant is advised to contact National Grid ([plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com) or +44 (0)800 688588) prior to the commencement of development with regard to protection of infrastructure.

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Item 3 - 15/05656/FUL : Brook Hall Farm Wood Road North Bradley



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## REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Report No. 4

<b>Date of Meeting</b>	25 November 2015
<b>Application Number</b>	15/09014/FUL
<b>Site Address</b>	4 Brampton Court, Bowerhill Wiltshire SN12 6TH
<b>Proposal</b>	Subdivision of existing dwelling to provide 1no. 3 bed unit and 1no. 2 bed unit. (Resubmission of previous application 15/04347/FUL).
<b>Applicant</b>	ESP Letting Ltd
<b>Town/Parish Council</b>	MELKSHAM WITHOUT
<b>Electoral Division</b>	MELKSHAM WITHOUT SOUTH – (Cllr Roy While)
<b>Grid Ref</b>	391379 161867
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	James Taylor

### Reason for the application being considered by Committee

This application has been called-in for the consideration of the western area planning committee by Cllr Roy While for the following reason:

*“Concerns of the Melksham Without Parish Council and residents relating to the inadequate parking and the proposed conversion to two separate units of accommodation rather than a single family unit. Change in the character of the environment.”*

#### 1. Purpose of Report

The purpose of this report is to set out a description of the site; the nature of the proposals; what the relevant planning considerations are, having regard to the local and national policy; and what consultations responses have been received. Within this context, the report will go on to assess the planning merits of the application and reach a justified and balanced recommendation for members to consider before making a decision.

#### 2. Report Summary

The application seeks permission to subdivide a detached 4 bedroom house with an ancillary double garage and 1 bedroom self contained annexe into two dwellings. One dwelling would be a 2-bedroom property broadly limited to the garaging and annexe areas; and the other dwelling would largely comprise the existing 4-bed property with internal alterations to provide a 3-bedroom home. The proposal details the provision of 2 car parking spaces and outdoor amenity space for each unit.

The application has attracted an objection from Melksham Without Parish Council and 7 letters of objection from local residents.

Highway officers raise no objection.

Having had regard for all the comments received and the relevant local and national planning policies, officers submit that the proposal would not cause any significant demonstrable harm to any acknowledged planning interests. Whilst the concerns on car parking levels are understood,

there would be no significant harm created, which cannot be controlled by conditions. Whilst the concern over the impact the development proposal would have on the character of the area (which is characterised by detached 4-bedroom homes) is understood, there would be no significant harm caused given the very limited amount of external alteration being proposed to facilitate the subdivision.

It is considered that the proposal would result in an additional home within an accessible/sustainable residential location. It would add to the mix and variety of homes available within the area and contribute, albeit nominally, to the housing requirements of Melksham and Bowerhill.

Overall, it is assessed that the proposals should be recommended for permission subject to conditions as no demonstrable harm in planning terms would result.

### **3. Site Description**

The application site is a residential property within a residential location of Bowerhill. The site is occupied by a detached property over 2-storeys. The host building comprises a 4-bedroom home supplemented with an attached double garage and self contained annexe above. In total, there are currently 5 bedrooms, 2 lounges, 3 bathrooms (including an en-suite), a study, a dining room, a kitchen, a utility, a WC and a garage.

The dwelling has a dual frontage with principle elevations to the east and the west. The west elevation has pedestrian access only being located within a corner at the end of a cul-de-sac of properties fronting onto a modest area of green public open space. It benefits from a 'front' garden area, circa 4-5 metres deep which extends the full width of the plot. The east elevation has both vehicular and pedestrian access. It currently has space to adequately and formally provide for 2 car parking spaces in addition to a private and enclosed 'rear' garden.

The dwelling dates from the late 1970s, when a number of virtually identical properties were erected in a typical sub-urban cul-de-sac arrangement. The dwelling was subject to a relatively large 2-storey side extension in the early 1980s that provided the attached double garage and annexe accommodation that currently has interconnected doors at ground and first floor level; although it benefits from a separate 'front door'.

It is furthermore necessary to record that in the neighbourhood there are a number of dwellings that have been subject to similarly scaled extensions.

### **4. Planning History**

W/78/0058/HIS – Erection of 28 houses (this is the cul-de-sac) – Permission

W/80/0058/HIS – Extension (this is the existing garage and annexe) – Permission

15/04347/FUL – Two storey extension and conversion of garage to flat – Withdrawn.

### **5. The Proposal**

This is a re-submission of the above referenced withdrawn application. The application has now been amended in order to provide clarity over what has previously been approved and what is now being applied for. Furthermore the application has been amended to exclude any physical extension to the built form, although some alterations are detailed to the access and hard standing in order to facilitate further off-street car parking.

The proposal details the internal subdivision and conversion of the existing built form to create an additional dwelling. This involves the conversion of the garage and minor alterations to the fenestration. The resultant accommodation would include a 2-bedroom dwelling with a bathroom,



and an open plan kitchen-diner-lounge; and a 3-bedroom dwelling with 2 bathrooms including an en-suite, play room, study, kitchen, lounge, dining room and a WC.

The 3-bedroom dwelling would have 2 car parking spaces and a private and enclosed garden.

The 2-bedroom dwelling would have 2 car parking spaces and a modest, relatively private and enclosed garden.

The proposal is therefore to subdivide an existing building that contains one dwelling with a linked annexe that has a total of 5 bedrooms and has 3 car parking spaces including garaging, to create 2 dwellings with a total of 5 bedrooms and 4 car parking spaces.

## **6. Local Planning Policy**

### Local context:

*Wiltshire Core Strategy (the development plan) Policies: CP1, CP2, CP3, CP15, CP41, CP57, CP60, CP61, CP62, CP64, CP67, and Appendix D 'saved' WWDP 1<sup>st</sup> Alteration Policy U1a.*

*Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3) Policy PS6.*

*Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)*

*Wiltshire's Community Infrastructure Levy Charging Schedule (Charging Schedule)*

*Wiltshire's Community Infrastructure Levy Regulation 123 List (123 List)*

### National context:

*National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)*

## **7. Summary of consultation responses**

Melksham Without Parish Council: Objects on

*"The Council objects to this application on the grounds that this "granny flat" should remain an annexe to the principle dwelling and not separated to create two separate dwellings. As such it wishes to reiterate its previous comments made on 9<sup>th</sup> June 2015 against the previous application 15/04347/FUL, which read:*

*The previous alterations to the property under p/a W/80/1426 for a "two storey extension to the side of the property to provide a granny flat" was given permission with the following condition: "In order to define the terms and extent of this permission and enable the Local Planning Authority to ensure that the proposed dwelling extension is not sold, used or let as a separate unit of living accommodation, the property as a whole shall be occupied as a single family unit, with the accommodation hereby permitted occupied as a part of the main dwelling and it shall not be severed there from". The Council feel that this 1980 condition should still apply."*

Highways: No objection.

Wiltshire Fire and Rescue Service: No objection.

## **8. Publicity**

Public notification consisted of neighbour letters and the erection of 2 site notices to both principal elevations. 6 letters of objection were received which may be summarised as follows:

- Inadequate off-street parking
- Exacerbate existing on-street parking and associated highway safety issues in close proximity to a scheme, in part caused by restrictions in Halifax Road;

- Cumulative highway impacts with other developments locally including a proposed hair salon within a nearby dwelling and the school;
- Existing car parking is stated as being 6 – this is incorrect;
- Inadequate access;
- The 3-bedroom dwelling is just like all the 4-bedroom homes in the locality save for a space as been annotated as a play room instead;
- Proposal cannot provide for the required minimum residential parking requirements for a 2- and 4-bedroom development.
- The annexe accommodation was allowed conditionally and only on the basis of it being tied /ancillary to the main house – why should this situation change?
- The result is a semi-detached property that is out of keeping with the area; and
- 2 and 3 bedroom properties are out of keeping with the area which is characterised by 4-bedroom homes.

## 9. Planning Considerations

- Principle of Development:

The application site is located within the limits of development for Bowerhill which within policy CP1 and CP2 means that the principle of further housing development is acceptable. Furthermore, it is noted that there is a residual need for further housing within the area based on the current housing supply data (circa 616 units as at April 2015 Base Date). It should however be appreciated that such figures are not necessarily an upper ceiling to development.

It is noted that the existing arrangement of a dwelling with a linked annexe was approved on the condition that the two should not be let or sold separately. This was reflective of the need to define the terms of the permission and that the scheme was not presented, nor laid out as an application for a separate dwelling i.e. there was no separate parking or amenity space denoted. Furthermore the annexe is linked through internal connecting doors – an arrangement not commensurate with a separate dwelling.

However this site history does not prevent the principle of a scheme for the provision of additional dwellings on the site. Such an application needs to be assessed on its individual merits based on the policies pertaining at the time. As set out above, the extant development plan policies support the principle of this development.

- Highway Safety, Access, Parking:

The existing dwelling with the annexe benefits from hard standing within the 'rear' garden and an attached double garage. The hard standing can adequately provide 2 car parking spaces based on the minimum standards of 2.4 metres by 4.8 metres. Furthermore, the garage, although a double is only adequately sized to provide for only 1 car parking space - based on the Council's car parking standards (for a garage) requiring a minimum width of 3 metres. The applicant's suggestion that the site has 6 spaces is disputed by officers; and instead, officers consider there to be 3 available spaces. However this error is not a reason for refusal. The existing arrangement is in accordance with contemporary minimum standards.

The proposal has been presented as the creation of a 2 and a 3-bedroom home. This generates a minimum residential parking requirement of 4 spaces. The applicant could provide the additional space by widening the existing area of hard standing and widening the existing access to circa 6.6 metres. Highway officers raise no objection to the proposals and it is noted that the proposal, on face value, accords with the minimum residential parking standards. Officers raise no concerns about the size of the spaces or the widening of the access. As such, there is considered to be no highway engineering concerns.

Highway officers and a number of local residents have raised concern though regarding the reality of the proposals in relation to the 3-bedroom dwelling. This unit occupies the original 4-bedroom

space. The plans indicate the removal of an internal partition wall and the blocking up of a doorway so as to provide one of the bedrooms with a play area. It has been explained that this is to suit the needs of the applicant. It could equally suit the desires of other future occupiers as a play area, a dressing area, or an additional en-suite. The scepticism of local residents and the highway officers on this point is fully understood. However it has to be acknowledged that the proposed works to make this unit a 3-bedroom house could be conditioned to allay any concern. On that basis, it would be very difficult to sustain an objection. By conditioning the development, the proposal would satisfy the minimum residential parking standards. Furthermore, the overall number of bedrooms would not be increased (albeit an additional unit is being created) and the number of parking spaces is actually increasing.

Whilst the concerns of local residents are duly noted, and those of the highways officers, it is important to note that highway authority reports no overall objection. On balance, it is assessed that the proposals would not cause such harm to merit refusal of the application, and a condition could be reasonably imposed to mitigate any residual concern / scepticism about the number of bedrooms being created within the larger residential unit.

The proposals would introduce additional on-site parking provision and would improve visibility at the entrance with a wider opening. In terms of safety, there would be an overall improvement over and above the existing arrangements. It is not considered that the proposal would result in any cumulative residual impact with other development in the locality.

- Design and street scene:

The proposal involves no significant physical works. Some widening of the existing vehicular opening would be required however these works would not require planning permission. There are examples of similar widening works in the street scene and officers raise no concern. The subdivision of the unit to this end would not demonstrably impact on the character and appearance of the area.

- Residential Amenity:

The application does not propose any extension and the proposals do not seek to alter the uses within the upper floor rooms and would not create any new upper floor windows. As such it is assessed that the proposals would have no significant impact on neighbouring residential property.

The proposals would provide the 2-bedroom unit with a private amenity space at the 'front' – however this is a corner that has no active arrangement with the street and is therefore relatively private. It is also, on balance, of a size that adequately provides for the amenity requirements of a modest 2-bedroom property. It is accepted that the proposed arrangement may lead to intensification of activity at this point in the existing garden, in close proximity to a neighbouring property. However, the impacts would not likely to be sufficient to cause demonstrable harm.

The larger 3-bedroom unit would have a garden space commensurate to the original dwelling and there are no concerns raised in this regard.

- Any Other Material Considerations:

Drainage: Drainage arrangements would not be affected by the proposals as there are main sewer connections for foul waters.

Sustainable Construction: As this proposal comprises the conversion of an existing building, it would be unreasonable to try and impose any Code for Sustainable Homes' standards, although a planning informative is recommended to achieve energy efficiencies.

Community Infrastructure Levy: This is a likely to be a CIL liable development and the applicant should be advised by a planning informative.

Housing Need: There is a housing need for a variety of accommodation types within Bowerhill. This proposal would create an additional dwelling and enhance the mix of properties available within this particular location. The proposal makes a more efficient use of land without any demonstrable harm. This weighs in favour of the application.

Conditions: In addition to the above mentioned issues to secure adequate on-site parking provision and to define the terms of any permission by approving the plan drawings as submitted (in perpetuity), officers consider it necessary to have a condition requiring the use of matching materials to partially block up the garage door. Furthermore, in order to reflect the limited nature of each resultant plot, it is considered that householder permitted development rights for each dwelling should be removed to prevent further extension or outbuildings being erected (without further control from the planning authority).

No other material considerations are evident following a thorough review of the information provided, completing a number of site inspections and after evaluating the consultation / neighbour notification responses.

#### **10. Conclusion (The Planning Balance)**

Whilst restrictions have been imposed in the past preventing the existing annexe to be used as a separate dwelling; this application seeks to replace the annexe and create a 2-bedroom dwelling, and alter the existing accommodation to provide a 3-bedroom dwelling without any extension to the existing dwellinghouse/annexe. The property is located within a sustainable residential location within the defined limits of development at Bowerhill where there is an identified need for further housing. As such the principle of development is not objectionable.

The proposal as submitted meets the minimum residential parking standards and any residual concern regarding the provision of bedrooms and car parking spaces can be addressed by planning condition. The proposal would result in the same number of bedrooms being created as the existing arrangement but increase the on-site parking by 1 space; and no objection is raised by the highways authority.

The proposal would comprise very limited external site works which would improve visibility and access arrangements. The works required to bring about the proposed subdivision would cause no harm to the character and appearance of the area.

Officers therefore conclude that the proposal accords with the development plan and no demonstrable harm to planning interests would result.

**RECOMMENDATION:** Approve 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: 15/103/1 Rev B received on 2 October 2015; 15/103/2 Rev A received on 2 October 2015; 15/103/3 Rev B received on 2 October 2015.  
REASON: For the avoidance of doubt and in the interests of proper planning.
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 those used in the existing building.

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

4. The internal alterations as detailed by drawing no: 15/103/3 Rev B (in relation to the removal of stud walls and blocking up internal doorways) shall be carried out prior to the first occupation of either dwelling. Thereafter, the resultant layout shall remain in perpetuity.

REASON: In order to define the terms of this permission and to ensure the development satisfies the minimum residential parking standards as set out by policy CP64 of the Wiltshire Core Strategy and Policy PS6 of the LTP3 Car Parking Strategy.

5. The external works as detailed by drawing no: 15/103/1 Rev B (in relation to parking and access to provide 4 car parking spaces) shall be carried out prior to the first occupation of either dwelling. Thereafter, the resultant layout shall remain in perpetuity.

REASON: In order to define the terms of this permission and ensure a development satisfies the minimum residential parking standards as set out under policy CP64 of the Wiltshire Core Strategy and Policy PS6 of the LTP3 Car Parking Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place to the dwellinghouses hereby permitted or within their curtilages.

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 enlargements.

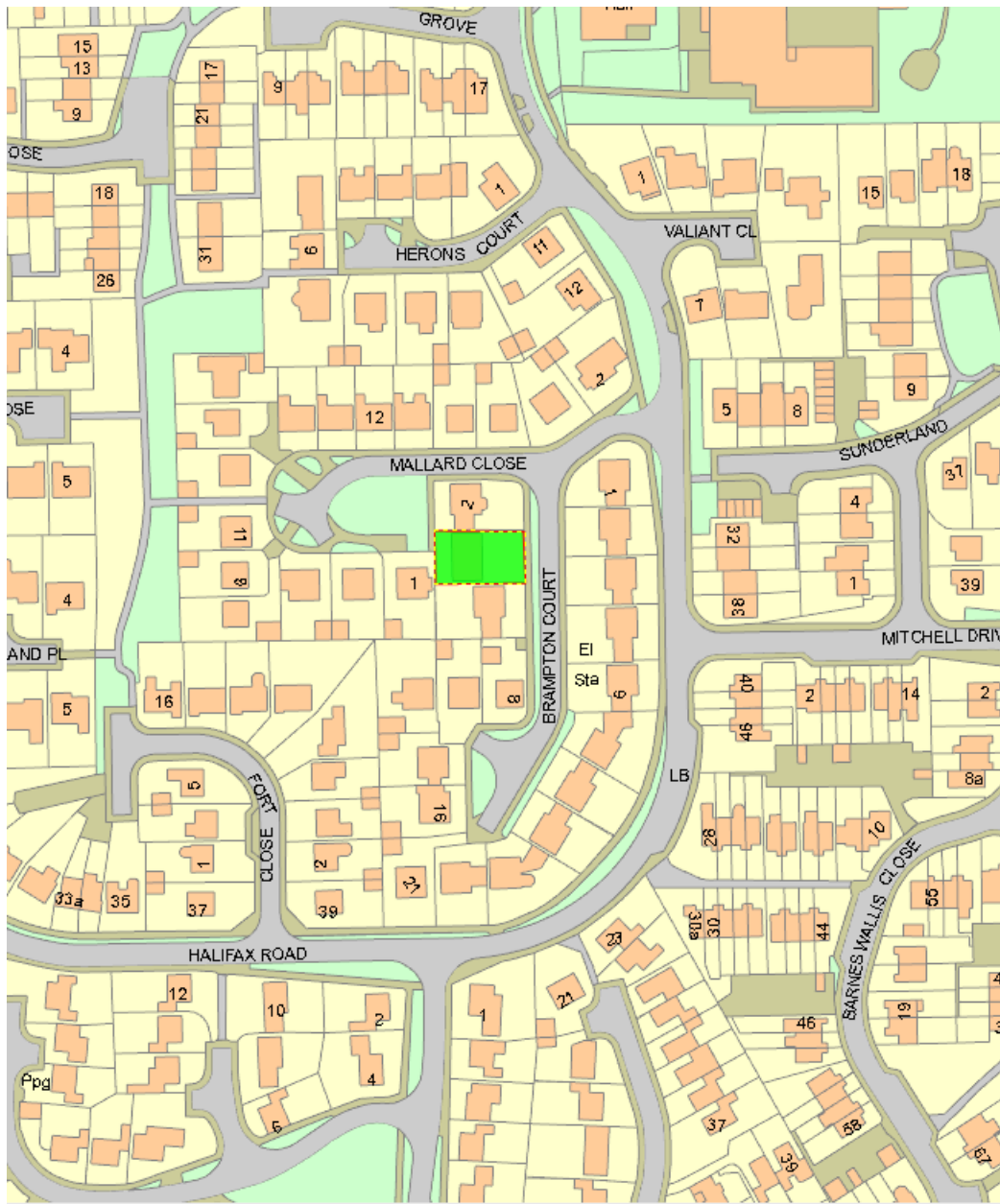
#### PLANNING INFORMATIVES:

1. In accordance with Policy CP41 the applicant is encouraged to incorporate design measures to reduce energy demand within the development initially through energy efficiency enhancement to reduce energy consumption and then the use of renewable technologies.
2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website:

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

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