

## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	22 July 2020
<b>Application Number</b>	19/09800/FUL
<b>Site Address</b>	12A Frome Road, Bradford On Avon, Wiltshire BA15 1LE
<b>Proposal</b>	Demolition of an existing dwelling and outbuilding and erection of 5 residential dwellings with alterations to the existing boundary wall to accommodate a widened vehicular access.
<b>Applicant</b>	Avonvale Developments Ltd
<b>Town/Parish Council</b>	BRADFORD ON AVON
<b>Electoral Division</b>	Councillor Sarah Gibson, Bradford on Avon South
<b>Grid Ref</b>	382615 - 160381
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jemma Foster

### Reason for the application being considered by Committee

This application was deferred from the 17 June 2020 Western Area Planning Committee to enable the Case Officer to seek a visitor parking space and an extended turning head within the site. It was previously 'called in' for the Western Area Planning Committee to determine at the request of the elected local Division member, Cllr Sarah Gibson for highway reasons in recognition that officers are supportive of the development proposal. This application was also published on the agenda for the March committee that was subsequently cancelled due to the COVID 19 situation and is therefore brought before this meeting of the Western Area Planning Committee to enable a decision to be made.

### 1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved.

### 2. Report Summary

The key determining planning issues are considered to be:

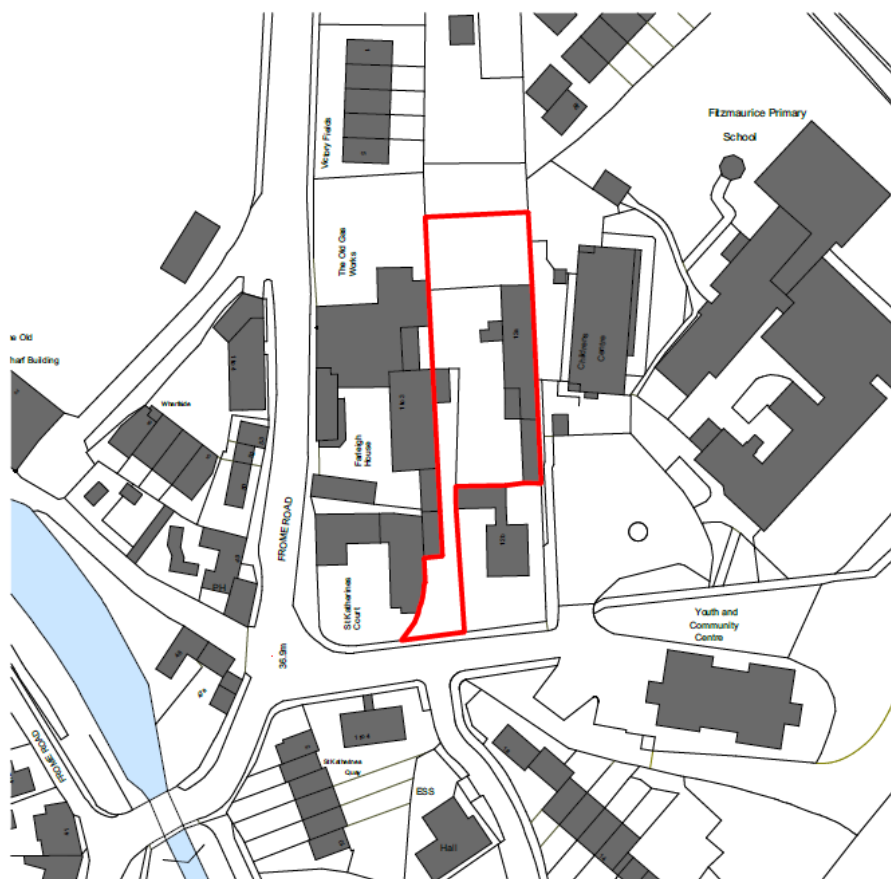
The Principle of Development; Heritage Matters; Highway Impacts; Neighbouring Impacts; Tree Impacts; and Sustainability and Biodiversity Matters

### 3. Site Description

The site is located within the defined settlement limits of Bradford on Avon and within the Conservation Area. As illustrated on the site location plan inserted on the following page, the application site adjoins a range of buildings at the old gas works site. These buildings are grade II listed. The building known as St Katherines Court is not listed however.

The application site also adjoins the boundary of Fitzmaurice Primary School and Children's Centre which are located to the east. The Bradford On Avon Youth Development Centre is located to the south-east of the site with residential properties located to the south. An existing unlisted 4-bed dwelling is located on the site – which would be demolished to accommodate the proposed development.

The site is accessed off Kennet Gardens which is an unclassified highway. The site lies approximately 44 metres to the east of the Green Belt and 185 metres east of the AONB.



#### 4. Planning History

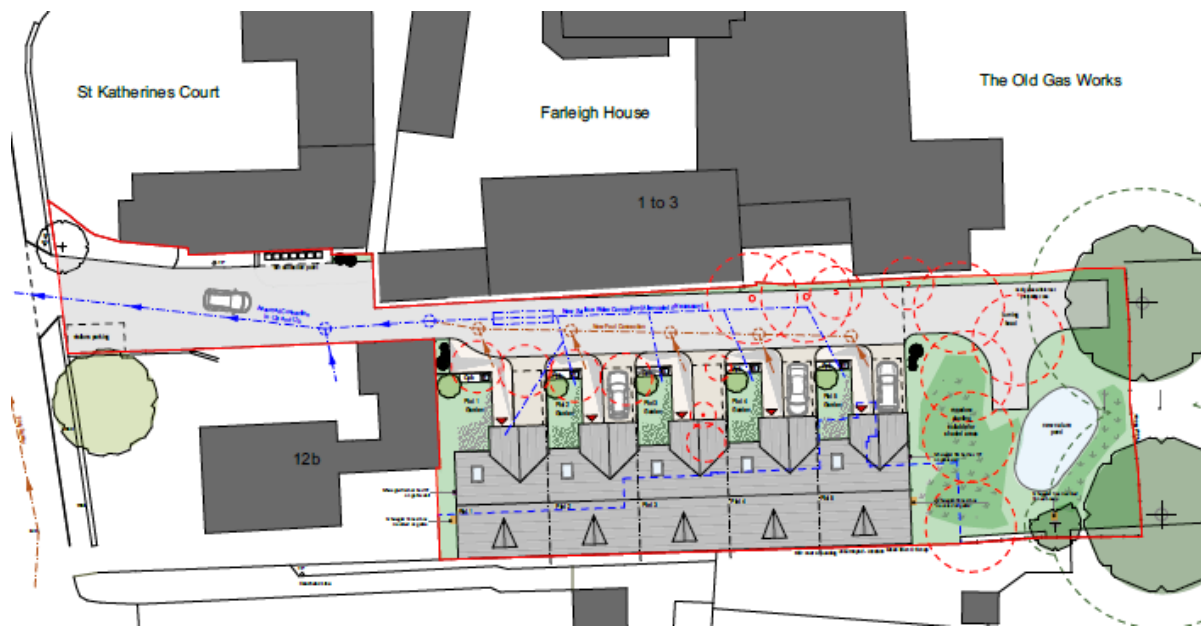
W/12/01110/CAC – Demolition of existing garage – Approved with Conditions

#### 5. The Proposal

The site is largely overgrown with a derelict single storey dwelling built with stone under a tiled roof. This application seeks full planning permission for the demolition of the existing dwelling and the erection of 5 terraced dwellings with associated parking. The proposed dwellings are to be constructed with facing brickwork on the side elevations with a pale cream render on the front and rear elevations and timber boarding to the protruding elevations on the front façade under a slated roof - with windows and doors to be made from aluminium. The access is to remain as existing. The proposed plans are as follows:



Since the June Western Area Planning Committee meeting, the Local Planning Authority has received amended plans which provide the visitor parking space located near the existing access along with an extended turning head as requested by the Western Area Planning Committee.



## 6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP7 – Spatial Strategy Bradford on Avon Community Area, CP51 – Landscape, CP52 – Green Infrastructure, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management, CP67 – Flood Risk

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

Policy C3 - Special Landscape Area, U1a Foul Water Disposal and U2 Surface Water Disposal

The Wiltshire Waste Core Strategy (adopted 2009):

Policy WCS6 - Waste Reduction and Auditing

The 'made' Bradford on Avon Neighbourhood Plan (NP)

The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy;

National Planning Policy Framework 2019 and Planning Practice Guidance (PPG)

Circular 06/2005 – Biodiversity and Geological Conservation

## 7. Consultation Responses

Bradford on Avon Town Council: Objection

*The site adjoins Fitzmaurice Primary School which has accommodation for some 300 children plus staff. The position and configuration of the access to the site introduces significant additional traffic movements only 20 metres from the school gates that represents an unacceptable risk to the children and other pedestrians. There is a 2.8 metre pinch point part way into the site and this together with inadequate on-site turning space will result in vehicles either reversing into or out of the access. This is also a serious safety hazard. The lack of on site casual parking will add pressure onto the access road to the further detriment of highway safety. Refuse and other large vehicles waiting on the access road to serve additional dwellings, as proposed, is not acceptable. This proposal fails to comply with Policy H1 of the Bradford on Avon Neighbourhood Plan. In this case vehicular access and parking are inadequate and unsafe. There is inadequate private amenity space, the amenity of the school (and number 12 B Frame Road) are adversely affected. Thus the proposal represents significant overdevelopment of the site.*

Wiltshire Council Conservation Officer: Supportive subject to conditions

Wiltshire Council Highways Officer: Do not consider these proposals to cause detriment to highway safety, and as such, recommend that no highway objection is raised, subject to conditions

Wiltshire Council Public Protection Officer: No objections

Wiltshire Council Drainage Officer: No objection subject to conditions

Wiltshire Council Ecologist: No comments

Wiltshire Council Arboricultural Officer: No objection subject to conditions

Wessex Water: No objections

Bradford on Avon Preservation Trust: Objection

*Although this is a backland location we have no objection to the site being developed but this is a wasted opportunity and we would suggest fewer units and recommend refusal. The current proposal is more reminiscent of a hotel in Hastings or other seaside resort rather than a development in an historic inland town. We object to the poor design and height of the buildings that would have a harmful impact on the character, appearance and setting of the Conservation Area. The design, particularly the unattractive front elevation, lacks any cohesion as a result of an odd mix of different design elements and materials. Clearly there is a need for glass to gain light into what would be dark rooms at the rear of the proposed buildings but fewer and wider units of a reduced depth would overcome the need for so much glazing and would improve the overall layout.*

## **8. Publicity**

The application was advertised by a site notice and posted neighbour notification letters.

Following the above, 8 letters have been received objecting to the scheme and they raise the following comments which have been summarised as follows:

### Impact on the Area

- The development would be an overdevelopment of the site and the pattern of development would be out of keeping with the surrounding area whereby houses generally have a rear garden;
- The proposed plot, layout, scale and form of development are not characteristic of the area – particularly the conservation area which causes conflict with C18 and C31a;
- The triangular form of the rear dormer windows would be incongruous and out of keeping.

### Impact on Amenity

- Concern raised about there being sufficient amenity space for the family units
- Is the communal space at the end of the site practical or appropriate?
- The amenity spaces should not be allowed to turn into additional parking areas
- The top bedrooms could easily be converted to form two bedrooms which would require more parking spaces
- There are proposed windows on the eastern elevation which overlook the school and children's centre which raises issues of safeguarding.
- Unsatisfactory standards of living due to windows only being proposed on the front elevation. – not enough daylight and a poor outlook.
- Insufficient space is provided for waste bins
- Insufficient amenity space for future occupants

### Highways Impacts

- There will be a conflict during construction and occupation between highway users – perhaps a construction management plan should be conditioned if the application were to be approved
- There are a large number of people who walk in this area – for the school and the elderly who live here – there is already a dangerous high level of traffic associated with the school and youth centre – the scale of this development would therefore be hazardous
- The garages are not large enough to fit a modern car
- The additional fifth space required by Appendix G is not being provided – where will visitors park?
- The existing bottleneck is not being addressed. How will people evacuate the site, how will deliveries and construction traffic access the site,
- The proposal does not comply with manual for streets.
- Fitzmaurice School has an unsafe traffic and parking situation on the Frome Road Access which forms the recommended pedestrian route for all school users. Parents are advised to park at Baileys Barn Canal Trust Car parking with whom we have a free parking arrangement and then walk to school either along the towpath or along Kennett Gardens. We also have a high level of vehicular traffic. It is essential that the school has an unobstructed emergency access for ambulances and other vehicles at all times to ensure the safe running of the school and for coaches to park outside for regular school trips.

### Other Matters

- No pro-active engagement has occurred with the school.

- There is a gas pipe at the pinch point which is at risk of being damaged from construction traffic and external walls of both 12B and Katherines Court could also be at risk
- The boundaries of our garden and 12A are shown inconsistently in the application and are well into our land – Page 10 of the DAS and the “MAP”
- Where will the bins go on bin collection day?
- There is a 4-metre retaining wall that runs along St Katherines Court, Farleigh House, Victory Fields development down as far as 6 Junction Road. Any ground work or tree work may weaken the all and impact the existing dwellings along this road.
- The amount of excavation proposed will threaten the stability of my listed walls and damage to my listed property could be extensive
- The existing fence adjacent to the nursery is to be removed – how will our children be kept safe when so close the building site, it will cause noise and disruption and our play area will be overlooked.
- The proposal does not meet the Building Regulation criteria for access for fire service

Two additional letters were received supporting the application which are summarised as follows:

- There should be an obvious prompt and signage to the dwellings as the existing access is ignored by pedestrians.
- Deliveries and site clearance should also be avoided at school opening and closing times.
- We are looking forward to seeing some affordable family homes as it is an ideal spot for school and town centre living
- We are pleased to see the far garden area being saved for natural habitation
- There are dangerous overhanging and out of control trees which will finally be sorted.
- The work detailed will improve the area and add much needed residential development and extra housing quota on a brownfield space

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### 9.1 The Principle of Development and Housing Supply

The site is located within the defined settlement limits of Bradford on Avon, which is a designated market town where there is a presumption in favour of supporting sustainable development in accordance with CP1, CP2 and CP7 of the Wiltshire Core Strategy. The Core Strategy establishes that Market Towns are specifically identified as settlements that have:

*“the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities”.*

WCS Core Policy 7 inter alia sets out the strategy for Bradford on Avon and its community area and identifies that 780 additional dwellings should be provided as a minimum by 2026. This requirement is expressed as a 20-year provision covering the plan period of 2006-2026 and the WCS identified in 2015 there was a residual requirement to provide 93 additional dwellings beyond what was committed and completed. This proposed development would assist in delivering this outstanding residual housing delivery requirement.

The proposal is for the re-use of a previously developed site for residential development infill and as such is considered to comply with policies DP1 and H1 of the made Bradford on Avon Neighbourhood Plan.

## 9.2 Heritage Impacts

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 193 of the NPPF states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

NPPF Paragraph 194 also states that *“Any harm to, or loss of, the significance of a designated heritage asset (from development within its setting), should require clear and convincing justification.”*

NPPF Paragraph 196 moreover directs that: *“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...”*

Paragraph 197 of the NPPF makes it clear that: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*

Adopted Wiltshire Core Strategy Core Policy 57 states that: *“A high standard of design is required in all new developments, including extensions... [and that] development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through...being sympathetic to and conserving historic buildings”.*

WCS Core Policy 58 echoes national policy in terms of seeking the protection, conservation and, where possible, enhancement of heritage assets.

The site is largely overgrown with a derelict single storey dwelling built with stone under a tiled roof. The existing building is of limited historic interest and is not a curtilage listed building. The property is referenced within the 2008 published Bradford on Avon Conservation Area Character Appraisal as being a building of local interest of approximately 100 years old, that was possibly at one time, linked to the gasworks site



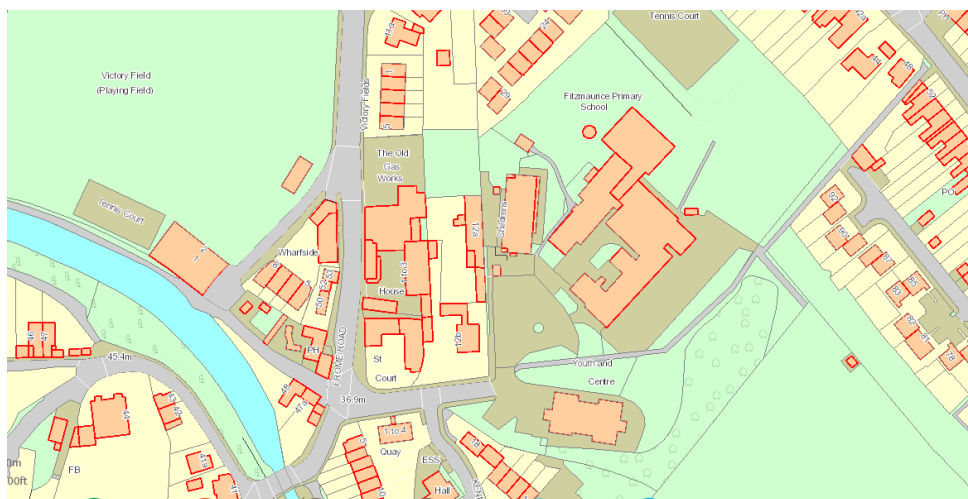
but it has been heavily altered over the decades and now has very little historic interest left.



Whilst some may consider the existing property to merit consideration as a non-designated heritage asset, officers do not. The property has had significant level of alterations over the years which has resulted in leaving very little of the original fabric to such an extent that officers do not consider the building to warrant retention. The Council's Conservation officer considers the building to fall short of meriting non-designated heritage asset status and has no objection to the proposed demolition. The application is supported by a robust Heritage Impact Assessment which adequately covers the issue of the demolition and the impacts of the proposed development

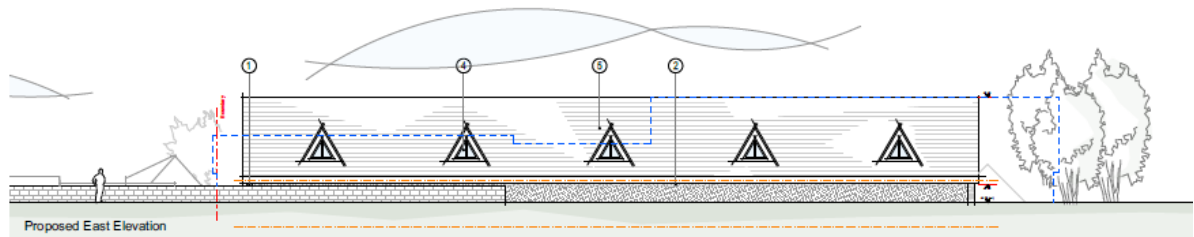
The proposed development comprises the erection a terrace of five 3-storey, 3-bed dwellings constructed with facing brickwork on the side elevations with a pale cream render on the front and rear elevations and timber boarding to the protruding elevations on the front façade under a slated roof - with windows and doors to be made from aluminium.

The pattern of development within close proximity to the site is characterised by tight knit terraced housing to the North, South and further to the East and West – which the following insert illustrates; and as such, the principle of a terraced row of additional housing at this location is considered to be acceptable.



Officers accept that within this part of the town, dwellings generally have rear gardens. However, the existing dwelling within the site only has a front garden and the lack of any proposed rear gardens within the development proposal is not considered sufficient grounds to refuse planning permission.

Concerns have been raised about the proposed triangular shaped dormers on the rear elevations (which are illustrated below) and how they would appear in relation to neighbouring development and land uses. The dormers would face the neighbouring school uses and officers argue that the proposed design and use of materials are appropriate and that there would be no harm to the immediate or wider setting.



The Conservation officer argues that the proposed terrace would make a good use of the restrictive site. The new building would be sited on the eastern boundary of the plot, farthest away from the Old Gasworks (which is a Grade II listed building) and would not result in harm. The design would be modern but would architecturally pick up on historic local vernacular details, such as strong gables and natural stonework. The proposed choice of materials would be of high quality; and, if the committee is minded to approve the development officers recommend that a planning condition secures the submission of sample materials to be viewed and appraised as a post slab obligation.

On the basis of the above, officers are satisfied that the development would comply with the NPPF as well as WCS Core Policies 57 and 58 and, BE1, BE2 and H1 of the Bradford on Avon made Neighbourhood Plan.

### 9.3 Highway Impacts

Access to the site is proposed from Kennett Gardens via a shared driveway. The property that shares this access is 12B and will be retained and will continue to share this access with the proposed dwellings. The existing access will be widened to 5 metres which will be sufficient to serve the number of proposed dwellings and will also allow for 2 cars to pass each other which currently is not possible. This is therefore considered to be of highway benefit nearest an area which is currently congested at peak times due to the neighbouring school and community centre. The proposed access also sees a continuous footway with a dropped kerb access arrangement which gives pedestrians priority over any vehicles which again is considered to be a highway benefit especially given the nature of the uses surrounding the site. Visibility at the access is also considered sufficient for the speeds of vehicles using Kennett Gardens.

Within the site, the access has an unavoidable pinch point of 2.8 width. Whilst this is below the recommended minimum technical width to allow a fire appliance access, it just about meets the absolute minimum width for a fire appliance to fit through. This is also supported by swept path analysis which does indeed confirm access is possible. It is also noted that even if the fire appliance was to stop before the pinch point, it would still be within 45m of the furthest property, which is in accordance with the requirements of access for fire appliances.



Concerns have been raised regarding the conflict of the proposed use against the nearby uses – mainly the school. The Highways Officer has taken the nearby uses into consideration and agrees that there is an existing traffic problem, however this application is not able to solve existing problems and would not worsen the existing problem. It should be noted that there are already double yellow lines on this side of the approach road for a large section of it. As such there is no highway objection to the proposal.

A comment related to the garages not being of correct size. The proposal does not provide any garages but open port style parking areas. The parking sizes meet the relevant criteria of the Wiltshire Car Parking Strategy. One letter of complaint incorrectly sites Appendix G of a document in relation to parking that has been superseded and as such cannot be used to assess this application.

Many concerns relate to the demolition and construction process and the large vehicles that will be associated with these processes. As these are temporary they are not a reason to refuse a planning application. However, an Informative can be added to any approval requesting the applicant to discuss site clearance and construction activity with the nearby uses.

The amended plan provides a visitor parking space close to the access of the site and also an extended turning area within the site as requested by the members of the Western Area Planning Committee. Wiltshire Council Highway have confirmed that the visitor parking space would reduce the amount of passing space within the site which is necessary because of the pinch point towards the existing houses, however a submitted swept path analysis demonstrates that adequate room is still available for vehicles to pass. The swept path analysis also confirms that the turning head provides sufficient space for a 6-metre-long vehicle to turn within the site. As such, Highways support the amended plans.

It is also important to highlight that there are 7 unrestricted parking spaces along Kennett Gardens and along Frome Road there is on-street parking opportunities for 2-hour limits on Monday – Saturday with unrestricted parking on Sundays. This demonstrates that there is alternative visitor/short spell parking options available within the nearby vicinity of the site.

In response to the comments made at the Juen Western Area Planning Committee meeting regarding the provision of cycle bays, the applicant has confirmed that these on the proposed plans for each dwelling, and are located adjacent to the bin storage areas.

#### 9.4 Neighbouring Amenity Impacts

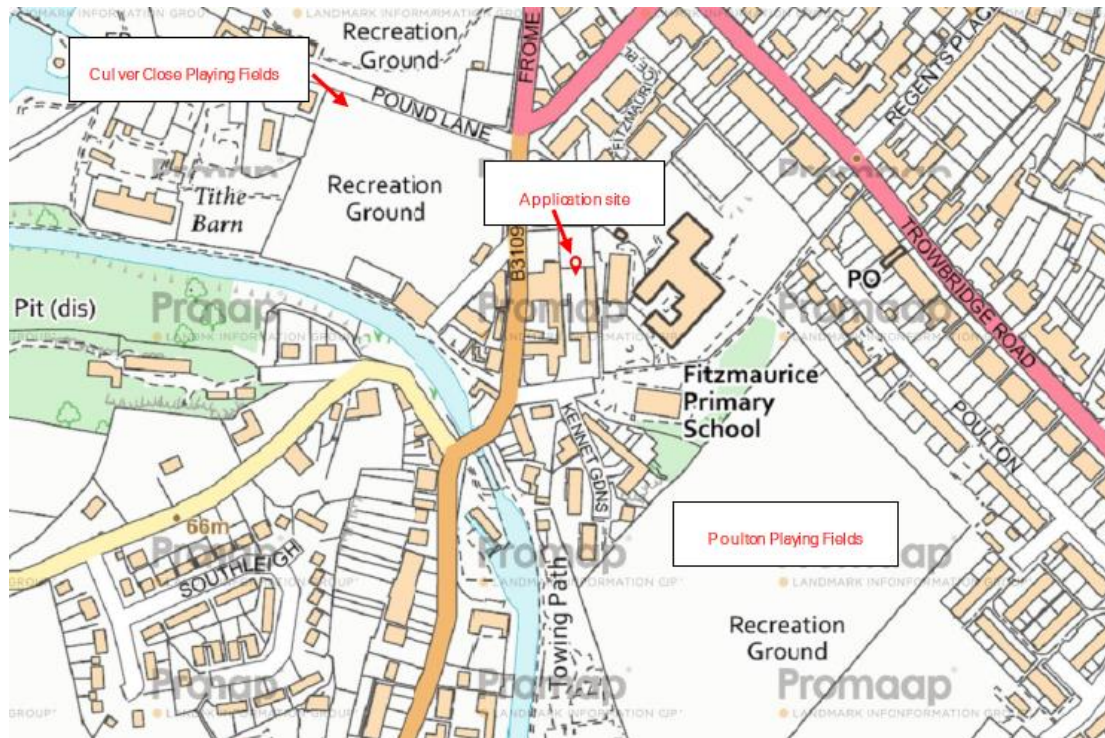
It is considered that by reason of the location of the proposed development there would be no overlooking, overshadowing or overbearing issues that would warrant a refusal reason.

On the eastern elevation triangular shaped dormers are proposed which due to the topography of adjoining land, they would be between ground floor and first floor level when viewed from the rear. These dormer windows would serve a stairwell and not habitable rooms, and as such, there would be no harmful overlooking over the adjoining land which includes the primary school/nursery.

Concerns have been raised regarding whether the proposed amenity space would be sufficient for the proposed three-bed dwellings. The gardens to plots 2-5 (which are the smallest) would measure approximately 16.5 square metres, and officers acknowledge that they are small however, they would provide some private outdoor space to each individual dwelling. On their own, they would be insufficient for family housing. However, there is a large area of shared amenity space to the north (shown in green below) which will be used by the future occupiers which would provide sufficient amenity to make up for the limited private amenity space being allocated for each plot. It is acknowledged by officers that the requested additional turning head would further reduce the amount of green space provided on site. However, by removing two trees which provides additional space, the area represents 22% of the overall site which is considered to be acceptable.



It also has to be acknowledged that the site is in close proximity to the Culver Close Playing Fields and Poulton Playing Fields – both of which are accessible on foot within 4 minutes along existing pavements. The modest provision of communal open space for the proposed development is sufficiently mitigated by the local provisions/



### 9.5 Impact on Trees

There are some significant trees to the north of the site which would be retained and would not be compromised by the proposed development. The Council's Arboricultural officer has advised that the trees identified for removal within the site are of low grade and amenity and appear to have been neglected since the property became vacant. The submitted tree survey identifies some Category A and B trees within the site – which are to be retained; and as such, to ensure their protection, the area to the north of what would be open space, should be robustly fenced off and should not be used for the storage of any materials and root protection fencing should be installed prior to any demolition / construction works. This can be secured by a suitably worded condition.

### 9.6 Sustainability and Ecological / Biodiversity Matters

Paragraph 170 of the NPPF requires planning decisions to contribute and enhance the natural environment. A bat survey and Great Crested Newt Survey were submitted with the application.

The bat survey indicated no known bat roosts on site. However, bats are known to fly through and around the site and there is a possibility that crevice bats could be found on site. If bats are found during the construction process, the report requires works to stop and a licenced ecologist to be contacted for further advice. As part of this report it confirms that 2 bat tubes are to be located on the north and south elevations of the proposed development and 4 bat boxes are to be located in the existing trees. This will provide a benefit to the existing environment. This report also requires any trees to be soft felled, external lighting to be kept to a minimum No Great Crested Newts were found in the existing pond on site and the report recommends that if any are found during the construction process then works should stop and a licensed Ecologist should be contacted. Conditions can be applied to a positive recommendation to ensure that these features are carried out to ensure that the development is in accordance with Paragraph 170 of the NPPF.

The loss of the trees to accommodate the additional turning space within the site means that the initially proposed bat boxes need to be positioned elsewhere. Officers therefore consider it appropriate to recommend an additional condition requiring the location of the bat boxes to be submitted to and approved in writing by the Local Planning Authority. The locations would need to be supported by the guidance and direction of a professional ecologist.

## 9.7 Other Matters

The applicant proposed to connect to the mains sewer for foul sewerage and surface water drainage. Wessex Water have raised no objections to the proposals and officers are satisfied that on drainage grounds, the application is acceptable.

Concerns have been raised regarding the 4-metre high wall on the boundary of the site which is detailed on the plans to remain. Public concerns have also been raised about ground works, excavation and construction/demolition traffic damaging boundary walls and the stability of existing buildings alongside additional bedrooms possibly being created in the future. These matters whilst noted, are not material considerations which would justify a refusal of planning permission.

A third-party concern has been raised regarding the safety of nursery and school children during demolition and construction works due to an existing fence being removed to the rear of the property. This is not a planning matter to consider but is instead a health and welfare matter for the developer to attend to through the safe site practice protocols and Building Control regulations. In relation to this, the applicant's agent was open to having a construction management condition to be imposed as part of any conditional planning permission and include liaison with the nearby school and Nursery. Whilst the Council could require the developer to submit details to set out the proposed on-site working practices and operations, the Council cannot burden a developer to require third party consent. This does not however prevent the applicant from entering separate discussions with third parties outside of the planning sphere to agree matters with the adjoining landowners. A planning informative is considered to have some merit to encourage the applicant to have separate discussions with neighbouring landowners and occupiers.

Another representation cites policies C18 & C31a from the former West Wiltshire District Plan – 1<sup>st</sup> Alteration which are no longer extant policies. Core Strategy Policies CP57 and CP58 of the Core Strategy are however extant and have been fully appraised by officers.

### **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:

PL001 (existing block and site plan), PL002 (existing site plan 1 of 2), PL003 (existing site plan 2 of 2), PL004 (existing house layout), PL005 (existing elevations), PL006 (existing sections), PL007B (proposed block plan and drainage plan), PL008B (proposed site plan 1 of 2), PL009B (proposed site plan 2 of 2), PL010C (proposed ground floor plan and views), PL011C (proposed first and second floor plans), PL012B

(proposed elevations), PL013 (proposed street scene), PL014A (proposed 3D views), SK01E (site access visibility), DD/A1 (topographic site survey), SP01A (swept path analysis), SP02A (swept path analysis)

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

3. No development shall commence on site until a construction management plan, detailing the timing of deliveries, the projected construction hours and erection of fences, the drainage arrangements during the construction phase and the provision for the installation of attenuation storage prior to the installation of any upstream drainage infrastructure 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 and to ensure the reduction of flood risk elsewhere.

4. No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems 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 and to ensure acceptable surface water discharge.

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations" has been erected to fence off the entire garden area/open space (as shown in green on drawing number PL009A). 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. This protected area shall not be used for the storage of materials and/or equipment, mixing of materials and shall be kept clear of any associated building works.
6. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

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

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

REASON: The 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 Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and the Conservation Area.

7. The development hereby approved shall be carried out in accordance with the mitigation section of the 'Dusk Emergence and Pre-dawn Re-entry surveys for Bats' dated September 2019 by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

8. The development hereby approved shall be carried out in accordance with the conclusion section of the 'Great Crested Newt eDNA Analysis' Report dated May 2019 by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

9. No development shall commence beyond slab level on site until a scheme of hard landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -

The boundary treatments (including individual plot boundary treatment), means of enclosure, car park layouts, other vehicle and pedestrian access and circulation areas, all hard-surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc).

All hard landscaping shall be carried out in accordance with the approved details prior to the occupation of any dwelling.

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 a satisfactory landscaped setting for the development and the protection of neighbouring amenity.

10. No development shall commence beyond slab level on site until full details of the proposed access alterations, including the provision of a continuous footway across the site access, has been submitted to and approved in writing by the Local Planning Authority. No dwellings hereby approved shall be occupied until the said works have been completed in accordance with the approved details.

REASON: In the interests of highway safety.

11. No development shall commence beyond slab level 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 Conservation Area.

12. The vehicular access hereby approved shall remain ungated in perpetuity.

REASON: In the interests of highway safety.

13. The dwellings hereby approved shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

14. The dwellings hereby approved shall not be occupied until the access and turning areas 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.

15. The dwellings hereby approved shall not be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

16. The dwellings hereby approved shall not be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

17. The dwellings hereby approved shall not be occupied until the locations of 4 bat boxes within the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be in place prior to the first occupation of the dwellings hereby approved and shall remain in perpetuity.

REASON: In the interests of biodiversity.

#### **INFORMATIVES TO APPLICANT:**

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. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

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

In order to discharge conditions 3 and 4 above, the following will need to be included as part of any future discharge of condition application:

- " Evidence that the surface water drainage system is designed in accordance with national and local policy and guidance, specifically CIRIA C753 (The SuDS Manual), the Non-statutory Technical Standards for SuDS and Wiltshire Council's Surface Water Soakaway Guidance;
- A plan showing the cross sections and design of any attenuation pond and its components.
- Pre and post development surface water discharge rates.
- The proposed ownership details of the drainage infrastructure;
- Any third-party agreements for discharge to their system (temporary and permanent).
- Where a connection to a surface water sewer is proposed, confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from the sewerage undertaker.
- Construction plan detailing how the site will be drained during construction such that the flood risk to others is not increased.

To avoid disturbing nesting birds and breeding season, no works should take place to the site boundaries between March to July 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.

Furthermore, the applicant/ developer must be mindful that bats 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). All site operators must be informed that if bats are discovered, all works should stop immediately, and Natural England should be contacted for advice on any special precautions before continuing.

The applicant/developer is strongly encouraged to have an open dialogue with the adjacent school and nursery as early as possible prior to the proposed demolition, construction works. The discussion should include details pursuant to the timing of deliveries, the projected construction hours and erection of fences.

The developer/applicant is required to reach an agreement with Wessex Water with respect to finalising foul water and clean water connections.

The developer/applicant is advised to ensure appropriate safeguards are fully 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 - wheel-washing and waste water disposal - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. The applicant should

refer to the Environment Agency's Pollution Prevention Guidelines at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

The developer/applicant is advised to follow guidance produced by Wiltshire Fire & Rescue Service in terms of precautionary measures to reduce the risks of fire and on-site measures to deal with an emergency. This advice is often in addition to building regulation requirements. Further guidance can be obtained regarding the on-site provision of fire hydrants and a water supply for the purposes of fire-fighting.

The developer/applicant is advised to incorporate water efficiency measures into this scheme to provide resilience to some of the extremes of weather conditions that climate change brings. It benefits future residents by reducing water bills, and also benefits wider society by making more water available at times of shortage. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be promoted and implemented. An appropriate submitted scheme should include a water usage calculator showing how the development would not exceed a total (internal and external) usage level of 105 litres per person per day.