

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/11/02320/FUL		
Site Address	Land Rear Of 25 And 26 Union Street Melksham Wiltshire		
Proposal	Erection of 2 dwellings with garages; reinstatement of railings and gate piers across site frontage; new tree planting; demolition of garden sheds and brick boundary walls		
Applicant	Mr B Copland And Mr And Mrs A Plummer		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham Central	Unitary Member:	Stephen Petty
Grid Ref	390671 164029		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Stephen Petty has requested that this item be determined by Committee due to:

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Car parking
- * Other: Called-in due to neighbours and Town Council concerns on flood plain displacement, protected wildlife displacement, loss of amenity by overlooking, loss of light and tree removal, highways and parking issues.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses - 45 letters received from 16 individuals objecting.

Melksham Town Council Response - Objection.

2. Report Summary

The main issues to consider are:

- * Principle of development;
- * Siting, layout and design considerations are satisfactory and they are in keeping with the character and appearance of the Conservation Area;
- * Whether inappropriate backland or tandem development;
- * Whether the loss of an open area or visual gap important for recreation or amenity reasons has occurred;
- * Surface water disposal and flooding issues;
- * Water supply and foul water disposal;
- * Ecology;

- * Accessibility including highway safety; and
- * Any other material considerations such as neighbouring amenity and archaeology.

3. Site Description

The application site is the rear gardens of 25 and 26 Union Street, Melksham.

The site has a typical appearance of residential curtilage with the frontage laid to hard standing for parking and turning, and the remaining area beyond a mixture of lawn and bedding for flowers and/or vegetables. The site slopes from the south down to the north where the rear of the site is denoted by Clackers Brook which feeds into the River Avon at the town bridge. Beyond this are the George V playing fields.

The area is characterised by residential development that fronts onto Union Street, but there is some limited backland development in the vicinity and also to the east property is at a right angles to Union Street as it fronts onto Bath Road. The area is characterised by period property over two storeys with red brick and bath stone predominant.

Access to the site is via Union Street to the front/south of the site. This is a C-classified highway which is one way traffic running west to east. There is a public pay and display car park approximately 45 metres to the west and the town centre is beyond this.

4. Relevant Planning History

08/03105/FUL - Demolition of existing garage and construction of new garage, through access to rear, with two bedroom flat above – Permission by committee on 12.03.2009.

08/02965/FUL - Erection of two houses with garages – Withdrawn

5. Proposal

This is an application for the erection of two houses with garages. It has been subject to extensive discussion and negotiation and the final submission details the following.

Access from Union Street to two parking spaces allocated to 25 Union Street and then private drive (3.6 metres wide and approximately 24 metres long) to a backland development of 2 houses linked by covered car ports and hard standing to provide for 4 car parking spaces and turning. The proposal provides for outdoor amenity space to serve the 2 existing and 2 proposed dwellings.

The proposed dwellings are 2-storey in height, with three bedrooms and two bathrooms at first floor, and on the ground floor kitchen, WC and two reception rooms. The external materials proposed are a mixture of reclaimed stone, brick and timber cladding to the walls and slate and reclaimed tiles to the roofs.

The two dwellings would be set back from Union Street by approximately 29 metres with finished floor levels of 35.4 metres AOD and an overall external height of no more than 8 metres.

The submitted plans also detail the erection of railings to the frontage of the site within the applicants control but outside of the application site. Further flood compensation works are detailed in the form of land re-profiling.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) - C17 Conservation Areas; C18 New development in Conservation Areas; C31a Design; C32 Landscaping; C38 Nuisance; H1 Further Development Within Towns; U1a Foul Water Disposal; U2 Surface Water Disposal

National Planning Policy Framework
National Planning Policy Framework's technical guidance.

7. Consultations

Melksham Town Council

Objection on the following grounds:

- * This development is in a flood plain. If the development goes ahead this will cause displacement of water to other properties within the vicinity.
- * Loss of amenity enjoyed by neighbours.
- * Proposed new development not in keeping with street scene which is in a conservation area.
- * Even though garages have been provided, concern was raised, due to lack of other parking spaces, and an inadequate turning circle, vehicles may have to reverse out onto Union Street, given the poor visibility splay this may cause difficulties.
- * Potential increase in noise/fume pollution from cars and the impact to health of nearby neighbours.
- * There is insufficient parking for the site.
- * With the introduction of a brass block base there is no compensation for the impact this will have on flood plain area.

If development goes ahead the Town Council asked that:

- * There is no overlooking windows onto neighbouring properties.
- * The Environment Agency conducts a survey on the impact of flooding on the site and impact on neighbouring properties.

The Town Council raised the following concerns:

- * Loss of wildlife. The Town Council would welcome comments from English Nature and Wiltshire Wildlife on the impact on wildlife if the development goes ahead.

County Ecologist

No objection subject to conditions / informatives:

The above application has been flagged up by the WSBRC due to records of water voles in Clackers Brook, which forms the northern boundary of the site. Water voles have been recorded along several sections of Clackers Brook and given the favourable habitats in the vicinity, there is potential for water voles to be present at the application site. As a precaution in order to avoid any harm to water voles and their burrows (both are protected under the Wildlife and Countryside Act 1981, as amended) an exclusion zone of 5m from the water bank should be undertaken within this zone.

The site has potential for low numbers of reptiles, such as slow worm and grass snake, although due to the well-managed nature of the gardens, these are likely to be restricted to the margins and the Clackers Brook corridor (the latter will be protected by the exclusion zone). I advise issuing the following Informative: Site clearance should be removed by hand and grass should be maintained as short-cut until construction work commences and all cuttings removed from the site.

Environment Agency

No objection to revised plans: We have reviewed the revised plans and revised Flood Risk Assessment that have been submitted. We now consider the revised proposals acceptable as the car parking area has been removed from the floodplain. Therefore we have no objection to the proposed development subject to conditions and informatives.

Wiltshire Highways

"No objection "

Libraries and Heritage

No objection subject to conditions.

Wessex Water

No objection

8. Publicity

The application was advertised by site notice, press notice and neighbour notification. Expiry date: 20 November 2012.

45 letters received from 16 individuals objecting. Summary of points raised:

- * Harm to the character and appearance of the conservation area;
- * Inappropriate design;
- * Impact on protected species;
- * Loss of trees;
- * Loss of view to park;
- * Inadequate parking;
- * Inadequate emergency access;
- * Highway safety with likely manoeuvring on highway;
- * Inadequate visibility;
- * Flood risk exacerbated;
- * Further investigation of flooding required;
- * Is a flat still proposed adjoining 25 Union Street;
- * Loss of amenity/light from overshadowing/overbearing;
- * Potential overlooking;
- * Permitted development rights should be removed;
- * Disruption from moving electricity pole;
- * Noise, fumes and light from backland development harmful to amenity;
- * Inaccuracy in submission; and
- * With 700 houses being built in Melksham is there a need for 2 more in an unsuitable area.

9. Planning Considerations

9.1 Principle of development.

The application site is located within the town policy limits of Melksham where the principle of further housing development is established by policy H1 of the West Wiltshire District Plan 1st Alteration (2004) – This permits new housing subject to them meeting detailed criteria.

The application site is located within a designated conservation area, where new development is acceptable, again subject to detailed issues, as set out in Policy C17-C19 of the local plan.

The application site is partially located within, and immediately adjacent to, a designated flood plain area. The development of dwellings is termed to be “more vulnerable development” within government guidance in the NPPF and its technical guidance on flooding. More vulnerable development is appropriate in flood zones 1 and 2, in flood zone 3a an exception test needs to be applied. Therefore it is concluded that in principle this is not an insurmountable issue but is subject to detailed considerations.

In summary therefore the principle of housing in this location is acceptable, rather it is a matter of detailed consideration as to whether any demonstrable harm would result to any material planning considerations that would warrant refusal of the application. If not, or if any harm can be adequately addressed through the appropriate use of conditions then planning permission should be granted. Below is an assessment of the detailed material considerations.

9.2 Siting, layout and design considerations are satisfactory and they are in keeping with the character and appearance of the Conservation Area.

The proposal is to erect two dwellings on a backland plot within the established urban form of Melksham’s Conservation Area. Although the main spatial characteristic of development in this location is to front the highway there are some exceptions, most notably a modern cul-de-sac close to the site to the west (Webbs Close). The erection of two dwellings to the rear would therefore not be out of keeping with the spatial form of the area that has evolved.

The layout has been dictated by the significant constraint of flood risk. The access and area where the dwellings are located has been identified as flood zone 1, the lowest level of fluvial flood risk. To the rear though is flood zone 2/3 (they are indistinguishable in this location), so development has generally been avoided here. It is noted that a nominal amount of dwelling H2 falls within the 1:100 year flood risk zone 3, the rear of the car port buildings and some decking to the rear dwelling H1. However suffice to say at this point it is considered that to push the dwellings further to the north would increase the risk of flooding to the development and to other property in the flood plain’s

vicinity. Where the buildings are sited is where the environment Agency have no objection on flood risk grounds.

Dwelling H1 is a 2 storey property with low eaves levels and the first floor is therefore partially within the roof. It has been proposed to use reconstructed stone to the walls and slate to the roof. Dwelling H2 is a similar proposal but the most notable difference is the use of timber cladding to the first floor walls. Linking the two properties would be covered car ports (not garages) which would have reclaimed tiles to the roof. The roof forms of the buildings are quite steep, similar to Webbs Close, which has been constructed with a more modern design and high pitched roofs. It is also noted that the site would be set back from the frontage and therefore is less prominent in the street scene and conservation area. Furthermore due to having a finished floor level some 1.2 metres below the property fronting Union Street the overall height appears lower than the ridge of 25 Union Street.

Taken in isolation the dwellings are considered to be of an acceptable design, with their window arrangements designed to eliminate the risk of unacceptable overlooking. Given their siting in a backland position, set back from the road and at a slightly lower finished level than those properties on Union Street then, subject to the use of traditional local materials, it is considered that the character and appearance of the conservation area would be preserved. In addition it is noted that there is an intention to improve the frontage boundary treatment and this would be an enhancement of the character and appearance of the conservation area at this point.

It is considered that the siting, layout and design are satisfactory and that the character and appearance of the conservation area would be preserved.

9.3 Whether inappropriate backland or tandem development.

As already detailed the site is a backland plot. This presents its own challenges; in terms of creating acceptable access, acceptable window arrangements and not least avoiding any demonstrable harm to existing and future resident's amenity through overlooking, dominance, overbearing and access.

The proposals have a carefully designed window arrangement that avoids any significant direct overlooking of existing residential property. In fact the whole scheme has avoided any harm in that regard.

Due to the relative orientation of the proposals to existing property and the degree of separation it is considered that no significant level of dominance, overbearing or overshadowing would occur. The proposals will obscure views of some existing property, but that is not a material planning consideration. Any level of overshadowing or dominance would be to a limited area of neighbouring gardens, but as these are relatively large the overall impact is not considered to be grounds for refusal. Conditions can be used to ensure that no further development occurs and that window arrangements are not changed.

In terms of access, the highway safety implications are addressed below. The two properties most affected by the access and turning would be 25 and 26 Union Street, and it is noted that these are the applicants.

In summary, although backland development, on balance it is not considered to be inappropriate in this location due to the design and layout.

9.4 Whether the loss of an open area or visual gap important for recreation or amenity reasons has occurred.

The proposal would close a visual gap in the street scene and build on an area which is currently open. However, the space is privately owned and not part of any publicly accessible space.

It is also noted that there has been some local objection as the development would obstruct their views towards trees, the brook and the park beyond. Whilst such views are pleasant there is no private right to a view. Furthermore such views are not considered to be of such merit or importance so as to be sacrosanct. It is therefore not considered that the loss of this open area and visual gap is of such importance as to merit refusal of the application.

9.5 Surface water disposal and flooding issues.

The access and area where the dwellings are located has been identified as flood zone 1, the lowest level of fluvial flood risk. To the rear though is flood zone 2/3 (they are indistinguishable in this location). It is noted that a nominal amount of dwelling H2 falls within the 1:100 year flood risk zone 3, the rear of the car port buildings and some decking to the rear of dwelling H1 is also in the higher probability of fluvial flooding.

Dwellings are classed as more vulnerable development within the National Planning Policy Framework and its technical guidance on flooding, but in flood zone 1 this is considered to be appropriate development. Given that the vast majority of the development is proposed to be in flood zone 1 then it is assessed that the proposals would not be at a higher risk of flooding. The finished floor levels to habitable accommodation would be at a level 35.40 which would be 47cm above the 1:100 year flood level detailed in the flood risk assessment accepted by the Environment Agency. The finished floor levels within the car port would be 35.20, 27cm above the 1:100 year flood level. So despite the back edge and a nominal part of unit H2 (and the decking to H1) falling within the existing flood zone 3 the result would be they are raised outside of the established flood risk and would be within zone 1.

It is therefore considered necessary to ensure that adequate flood compensation area is provided for within the site to address the displaced flood plain storage volume. Compensation has been indicated in a number of ways with the removing of existing outbuildings in the gardens, re-profiling of land and new open boundary treatments. It seems that elements of this are not substantial works and rather an academic exercise of ensuring that the equation balances – the details are more indicative rather than detailed. For example the cross sectional plans indicate that a volume of 4-7 cubic metres will be created by lowering ground levels by 5cm over an area of 36 x 2-4 metres adjoin Clackers Brook. 5cm is a modest amount and would be indistinguishable over the existing levels. Furthermore it would silt up in a very short period of time. Enforcement of such a change would not be easy, as details are imprecise and the change detailed is so modest. Moreover though this works could have an impact on water voles, where the Council's ecologist recommends a 5 metre exclusion or buffer adjacent to the brook should be retained to avoid harming water voles and their habitat. Also it would impact on existing vegetation and the potential loss of this has been a concern in the consultation responses. There is a conflict here.

The Environment Agency has confirmed that they have no objection based on the submitted plans and flood risk assessment given the level of compensation that has been provided and the finished floor levels proposed. They have recommended conditions that seek to ensure the stated finished floor levels, amount of compensation storage and open boundary treatments detailed are complied with. Furthermore they want permitted development rights for outbuildings removed and details of surface water drainage strategy to be provided. They also seek the use of informatives. Great weight is attached to their opinions as they are expert in matters of flooding.

The surface water drainage strategy is imprecise on this proposal, it generally points toward the use of sustainable drainage principles being applied but has no actual detail. Given the sensitivity of the immediate area to fluvial flooding and that the site would be further urbanised then the treatment of surface water drainage is an important point. However it can be adequately controlled by condition.

The insubstantial detail for the flood compensation works and the lack of detail in regards to surface water strategy needs to be weighed against the expert opinion of the Environment Agency. It is considered that all of the EA's objectives and conditions suggested in their formal consultant response do adequately control the flood risk to existing, future and neighbouring occupiers and their property. In principle the proposals would therefore be acceptable. It is also assessed that the level of flood compensation necessary can be achieved at the same time as ensuring that a 5-metre exclusion adjacent to the brook is achieved. Furthermore it is considered that a holistic approach to flood compensation and surface water drainage can create opportunity for enhancing biodiversity and landscaping; perhaps with a wetland pond habitat being created as part of a rear garden landscaping and flood compensation scheme. All of which can be secured through appropriate use of conditions.

In summary, conditions can adequately control any concern in regards to potential flood risk and any existing ambiguity. Furthermore the use of such conditions presents the applicant with an opportunity

to create a more holistic approach to flood compensation, surface water drainage, landscaping and biodiversity protection/enhancement over and above the existing submission.

9.6 Water supply and foul water disposal.

The application site is within an area where water supply and access to foul water supply are possible. Wessex water raises no objection subject to easement of their infrastructure. The submitted plans appear to show this can be satisfactorily achieved.

9.7 Ecology.

The proposed built form would affect an existing garden area and this is likely to have a relatively low ecological value, but may support some reptiles. The wider works would potential impact on the brook to the north and this does have a greater potential for ecological interest. Ecology has been raised in numerous consultation responses from local residents and the town council and it is noted that the Wiltshire and Swindon Biological Records Centre flagged up the development as potentially affected water voles that are recorded on the brook.

In light of this the Council's ecologist has been consulted. They have detailed no objection, their response is detailed above. In light of the expert ecological advice then subject to a condition and an informative, no harm to protected species is likely to occur.

One necessary condition is that Clackers Brook and an exclusion area of 5 metres is not affected by the works. This will mean that water voles are protected, but equally should prevent loss of trees along the brook (save for appropriate thinning and management). The implication being though that the flood compensation cannot be carried out as proposed and so by condition a different approach will have to be agreed to gain adequate compensation. Such a scheme may take opportunity to modestly enhance ecological potential on the site.

9.8 Accessibility including highway safety.

The proposed development has detailed the provision of 2 car parking spaces for 25 Union Street from the new access, the retention of the existing arrangements at 26 Union Street and the provision of access and parking for 4 vehicles in connection to the units H1 and H2. This is in principle acceptable, especially given the proximity to the services and facilities of the town centre.

The turning provision for the two new units is tight, but not unacceptable.

It is noted that Union Street is a C-classified highway, but it is a one-way street with traffic flowing from the west only. The proposed frontage railings may provide some very limited obstruction to visibility but the benefit to the street scene and conservation area outweighs any concern in that regard, especially given that highway officers are raising no objection.

Finally the proposals have detailed the use of a car port and not garaging, therefore it is considered much more likely that the space would be used for cars. A condition to define this is considered prudent.

Turning to more general issues of accessibility, the site is very conveniently located to the facilities and public transport provision within the town centre. There is also public car parks in close proximity to serve any potential visitors to the development. Pedestrian and cycle access to and from the site is acceptable.

9.9 Any other material considerations such as neighbouring amenity and archaeology.

The Council's archaeology team have advised that it is possible that archaeological features and deposits associated with the medieval or later occupation of this part of Melksham could be disturbed or destroyed by the proposed development. As such they recommend no objection subject to a full watching brief. This can be secured by condition.

The concern over potential impact on neighbouring amenity has been addressed in the consideration of whether the development is inappropriate backland development. All the neighbour responses have been given very careful consideration including those points regarding overlooking, window arrangements, dominance, bulk, massing and siting. However on balance it is not considered that any harm would be significant or demonstrable.

9.10 Planning History.

Planning history was granted on the frontage of this site for a single unit. This was an extant permission at the time of application, but has subsequently expired and hence any reference to it on the submitted plans has been removed.

10. Summary and conclusion.

In summary, the proposal is regarded as a sustainable development that meets the criteria of the development plan. The Environment Agency are satisfied on the floodplain issue and accordingly, planning permission is recommended.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C17, C18, C19, C31a and H1.

- 3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include

- * indications of all existing trees and hedgerows on the land;
- * details of any to be retained, together with measures for their protection in the course of development;
- * all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- * finished levels and contours;
- * means of enclosure;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * hard surfacing materials;

* minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

* proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 5 Notwithstanding the hereby approved plans no development shall commence until final details of a flood mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. This shall include:
- i) Provision of compensatory flood storage on the site to a 1:100 year standard;
 - ii) Finished floor levels set no lower than 35.40 metres above Ordnance Datum (AOD);
 - iii) Only open boarded fencing used to mark boundaries within 8 metres from the top of bank of the watercourse;
 - iv) Method statement, including timetable, for the demolition and clearance of all existing buildings in the application site; and
 - v) Details of how the scheme shall be maintained and managed after completion.

The strategy shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity.

REASON: To reduce the risk of flooding to the proposed development and future occupants. To reduce the likelihood of flood flows being impeded.

POLICY: National Planning Policy Framework and its associated Technical Guidance.

- 6 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy U2 and the National Planning Policy Framework and its associated Technical Guidance.

- 7 Notwithstanding the hereby approved plans no development including flood compensation works shall be carried out within 5 metres from the top of bank of the watercourse.
- REASON: As a precaution in order to avoid any harm to water voles and their burrows (both are protected under the Wildlife and Countryside Act 1981, as amended).
- POLICY: National Planning Policy Framework.
- 8 No part of the development hereby permitted shall be first occupied 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.
- West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and H1.
- 9 No development shall commence within the application 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: To enable the recording of any matters of archaeological interest.
- POLICY: National Planning Policy Framework.
- 10 Before the development hereby permitted is first occupied the first floor window in the west elevation of unit H1 and first floor window in the east elevation of unit H2 shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.
- REASON: In the interests of residential amenity and privacy.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C38 and H1.
- 11 The car ports/garages shall be open fronted (i.e. no doors) as detailed on the approved plans and remain so at all times thereafter.
- REASON: In order to encourage the use of car ports for car parking.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, D, E, F, G, and Part 2, Class A shall take place on the dwellinghouses hereby permitted or within their curtilages.
- REASON: In the interests of the amenity of the area and to preserve the floodplain in perpetuity.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and C38; and the National Planning Policy Framework.
- 13 The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s)):

Drawing: USBC1 received on 19 October 2012;
Drawing: USBC2 Revision A received on 19 October 2012;
Drawing: USBC23 received on 19 October 2012;
Drawing: USBC6 received on 19 October 2012;
Drawing: USBC7 received on 19 October 2012;
Drawing: USBC22 Revision A received on 19 October 2012;
Drawing: USBC21 Revision A on 19 October 2012; and
Drawing: USBC5 received on 29 March 2012.

REASON: In order to define the terms of this permission.

Informative(s):

- 1 The developer is advised that a holistic approach to the issues of flood compensation, surface water drainage, landscaping and nature conservation should be developed in order to address the discharge of the pre-commencement planning conditions. For further advice please contact the planning case officer prior to the submission of any application to discharge the planning conditions.
- 2 The developer is advised that disposal of surface water to soakaways is the preferred option, providing ground conditions permit and percolation tests demonstrate that they are appropriate. The soakaways may require separate approval under Building Regulations and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". The surface water drainage scheme for the proposed development must meet the following criteria:
 - i) Any outflow from the site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm.
 - ii) The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
 - iii) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) should be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
 - iv) The adoption and maintenance of the drainage system must be addressed and clearly stated.
- 3 The developer is advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Clackers Brook, designated a 'main river'.
- 4 The developer is advised that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes.

It is recommended that the developer refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

- 5 The developer is advised that the site has potential for low numbers of reptiles, such as slow worm and grass snake. Therefore any site clearance should be carried out by hand and grass should be maintained as short-cut until construction work commences and all cuttings should be removed from the site.

- 6 The developer is advised that Wessex Water's infrastructure is recorded as crossing the application site. No building will be permitted by Wessex Water within the statutory easement of 3 metres from the pipeline without their agreement. For further information you should contact Wessex Water on 01225 526000.

- 7 The developer is advised that pursuant to condition 9, the work, in the form of an archaeological watching brief, should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Wiltshire Council and there will be a financial implication for the developer. For further information please contact 01249 705502.

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

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