

Wiltshire Council

Northern Area Planning Committee

25 June 2014

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

Item 6a 13/05214/FUL - Malmesbury Tennis Club, Tetbury Hill Gardens, Tetbury Hill, Malmesbury, SN16 9JP

The applicant via the agent representing Dysons submitted representations raising concerns in respect of Condition 2. Condition 2 as proposed is worded as follows:-

- 2 *The practice wall and floodlights hereby approved shall be discontinued and the land restored to its former condition on or before a date 12 months from the date of this permission in accordance with a scheme of work, including a timetable for restoration, first submitted to and approved in writing by the Local Planning Authority.*

REASON: The use may be potentially detrimental to the amenities of neighbouring occupiers in terms of noise and light pollution, but there is insufficient evidence to enable the authority to be sure of its effect.

The applicant identifies that the funding required for the proposed floodlighting is significant and that this represents a permanent development and investment in the club. Grant funding is being sought from the Lawn Tennis Association and Sport England and provision is dependent on the grant of permission. It is not considered that funding will be provided on the basis of a temporary permission. No objection is raised with respect to the temporary condition as it applies to the practice wall.

OFFICER COMMENTS:-

Officers have liaised with the Public Protection Team (Environmental Health) in respect of their concerns and requirements in relation to the proposed floodlighting. Public protection note and support the hours of operation condition (condition 3). The temporary permission condition was recommended on the basis that objections had been received from neighbours in respect of the hours of operation of existing floodlighting at the site. In particular that club members were overriding the timing controls and extending the hours of play beyond that previously conditioned. Public Protection Officers therefore sought formal confirmation that the timing controls would not be open to amendment by club members/players and this was not forthcoming. The tennis club have now provided detailed comment on this matter. The timing mechanism has been the subject of recent works of repair by independent contractors which were unsatisfactory. A new digital timing control is now to be installed imminently. The applicant confirms that this mechanism will be

much more accurate and allow exact times to be set. Additionally it will be enclosed in a locked box and therefore will be tamper proof. The Club Chairman will be the sole holder of the key to this box. The Chairman will take full responsibility for the lighting to work in accordance with the timings stipulated as a provision of the planning application. Planning and Public Protection Officers consider this satisfactory to address previously identified concerns and therefore recommend that condition 2 be amended to read as follows:-

- 2 *The practice wall hereby approved shall be discontinued and the land restored to its former condition on or before a date 12 months from when first brought into use in accordance with a scheme of work, including a timetable for restoration, first submitted to and approved in writing by the Local Planning Authority.*

REASON: The use may be potentially detrimental to the amenities of neighbouring occupiers in terms of noise pollution, but there is insufficient evidence to enable the authority to be sure of its effect.

Item 6b - 14/03544/FUL – Land at Hazelwood Farm, Seagry Road, Sutton Benger

Further to the submission of revised plans on 10 June 2014, Sutton Benger Parish Council considered these at their meeting of 11 June, commenting as follows:

- 1) **Flooding** – the PC is very keen to progress with a solution to the flood risk but were hoping that the monies to fund this would be in addition to the existing S106 Open Space Contribution. We were pleased that Redrow has submitted revised Landscaping plans to omit the impermeable ponds from the open space and for the area to be more of a ‘natural sponge’.
- 2) **Traffic** – the PC were heartened by the road traffic calming measures being addressed and Redrow’s offer to put the white gateway features at the start of the village.
- 3) **Design** – the PC fully supports Redrow’s move to use natural stone on the frontage of the houses along Seagry Road.
- 4) **Drainage** – the PC was disappointed that no resolution appears to have been reached regarding the impact that the additional housing will have on the already overburdened sewerage system.
- 5) **S106 Monies** - we were slightly confused about the discussion that took place on open space and leisure / play facilities given the conversations we have had as a PC with WCC Planning and Environment Services – most critically the intention to use funds to build a play area on ‘The Park’ and the existence of a S106 agreement for the planning applications made by Redrow for Hazlewood (14/03544/FUL).

To summarise the PC’s understanding thus far of the S106 agreements that relate to Redrow’s contribution to open space and play facilities in Sutton Benger.

Faccenda site (11/02286/OUT & 12/04072/REM)

As this development was for more than 20 dwellings, it is WCC planning policy to have public open space and play provision on site and hence this is what is contained within the S106 agreement for this development. It is not clear from the S106 agreement available on the planning section of WCC website what the exact plans for this area as I believe these are drawn up and agreed after the S106 agreement is in place. There is however an explicit sum for play area maintenance in the agreement of '*not less than £44K*', and a public open space maintenance contribution of '*not less than £50K*'. It is clear that this provision (the PC would like to be consulted on the plans if this is to go ahead) is to be on-site, and so a change to this would require a deed of variation.

Hazlewood (13/00011/FUL & 13/00012/CAC)

The contents of the S106 agreement for this planning application with Gleeson were as follows:

Leisure contribution of £10,731 'towards the provision of local facilities including sports hall and artificial turf pitch' (to which the PC has had assurance from Sarah Holloway that we would be able to access for improvements to leisure facilities at the recreation ground); and for Public Open Space, a contribution of £111,111 'towards the provision of and / or improvement of existing off-site open space facilities and play areas within the locality of the Land'.

The PC supports any decision to make s106 funds available for the provision of OFF-SITE (ie in the village's well-established recreational centre, the Rec, and specifically to fund improvements to the existing playground. Plans for the refurbishment of this playground are available on request, along with projected costings/overall design & staged development.

In summary, the PC values the discussions taken place to improve the impact of this planning application on this village and welcome continued support to take note of the objections we still maintain.

In order to reflect the omission of ponds from the northeast corner of the site under the revised proposals received 10 June 2014, it is recommended that Condition 12 is amended as follows:

- 12 Notwithstanding references to the introduction of ponds, the ecological mitigation measures detailed in the approved Ecological Assessment [EAD Ecological Consultants, December 2012] shall be carried out in full prior to the first occupation of the development and in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: National Planning Policy Framework paragraph 118.

The applicant has submitted indicative details of proposed traffic calming measures at the Seagry bridge end of the site, comprising a 'gateway' feature and textured surface demarcating the transition from national speed limit to 30mph restriction.

Due to a drafting error in reference to plans substituted at the validation stage, Condition 20 should be amended as follows:

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

RHSW.5320.02.SH001 **rev A** - Storey Height Plan

RHSW.5320.02.SL001 **rev A** - Slab Levels

RHSW.5320.02.SS001 **rev A** - Site Section A-A

RHSW.5320.02.SS002 **rev A** - Street Scenes

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House Type Booklet (Proposed Floor Plans and Elevations)

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RHSW.5320.02.AP001 rev B - Adoption Plan

RHSW.5320.02.BM001 rev C - Boundary Material Plan

RHSW.5320.02.DM001 rev B - Dwelling Material Plan

RHSW.5320.02.LP001 rev B - Location Plan

RHSW.5320.02.PL001 rev D - Planning Layout

RHSW.5320.02.SA001 - Site Access Arrangements

SB.LS.07 rev B - Proposed Planting Plots 64 to 84 and Associated Open Space

Received 10 June 2014

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

This does not affect the plans to be considered in determining the application.

In respect of the matter of on-site public open space provision, it is emphasised that this is not only the Council's preference but enshrined in adopted planning policy under CF3 of the North Wiltshire Local Plan 2011 (Provision of Open Space). Off-site contributions may be accepted '*in the appropriate circumstances*'; however, the exceptional circumstances previously warranting an off-site contribution in respect of this site are no longer applicable. It should also be noted that if public open space were not provided in this instance, the off-site drainage contribution now agreed would be unjustified and removed from the S106 schedule accordingly.

Item 7(C) – 14/03953/FUL –Flistridge Farm, Upper Minety, Malmesbury, Wiltshire SN16 0RP

One further email has been received from the agent. The comments, observations and objections are as follows:

- 1. I would be grateful if you would confirm whether in forming your recommendation, you have taken into account the supporting statement prepared by LP Planning. Your report states that the accommodation is totally divorced from the main dwelling and does not share any facilities. I do not agree with this statement. LP Planning confirm in their supporting statement that the annex will share an access, garden, laundry and utility facilities and the occupiers will share main meals with their family living in the main house.*
- 2. Your report omits to address the issue of whether an appropriately worded condition could address your concerns in relation to the accommodation being occupied as a separate dwelling.*
- 3. I consider Members should be made aware of the three appeal decisions submitted as part of the supporting statement which all accept the principle of detached annexes. In all three cases the Inspectors have considered a condition can appropriately restrict occupation of the accommodation.*

OFFICER COMMENTS:

1. The supporting statement produced by LP Planning was taken into consideration as part of the Officer's assessment. Due to the significant distance (22m) between the proposal site and main dwelling, the annexe is not considered to share any facilities, including the garden. The proposed accommodation has its own large sized, self- contained kitchen area that is more than capable of providing cooking, laundry and utility facilities for the occupiers.
2. As the proposal is entirely divorced from the main dwelling house, it is considered that neither a condition or S106 agreement could prevent the accommodation being separated from the main dwelling house in the event of such an application to remove or vary conditions/S106 being submitted at a later date. It is accepted that this is not the current intention of the applicant but this does not prevent this happening once the proposed use by the elderly relatives has ceased. For the purpose of providing ancillary accommodation for elderly relatives an extension to the existing dwelling is considered to be a much more appropriate approach. The applicant's assertions that extending the existing dwelling is not possible is not agreed as an application for a rear garden room extension to the dwelling was submitted and permitted in 2012

(12/03148/FUL). Furthermore from the site visit, Officers are confident that the site as laid out and developed provides ample opportunity for an extension. This would read as part of the existing dwelling, provide additional family accommodation in the long term, meet the current family accommodation needs whilst providing greater scope for care and shared use of facilities, whilst addressing our concerns regarding the future sub division of the property.

3. The appeal decisions submitted are noted but each application has to be assessed on a case by case basis on its own merits and in the context of all material consideration including site specific circumstances. The individual circumstances and site characteristics of the three appeals referenced are not known and a straight forward reading of the decision letters provides no sound basis for a positive determination for this application.