

<b>Date of Meeting</b>	25 February 2015
<b>Application Number</b>	14/11269/REM
<b>Site Address</b>	Garden of 27 Forest Road, Melksham, SN12 7AA
<b>Proposal</b>	Erection of detached dwelling (Reserved matters application pursuant of planning permission W/11/03043/OUT in relation to scale, layout, appearance & landscaping)
<b>Applicant</b>	Mr Les Edgar
<b>Town/Parish Council</b>	MELKSHAM (TOWN)
<b>Ward</b>	MELKSHAM NORTH
<b>Grid Ref</b>	390910 164447
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

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

In approving W/08/03092/OUT on 30 January 2009, the Planning Committee added an informative requesting that any subsequent reserved matters application be reported to and be considered by Elected Members.

#### **1. Purpose of Report**

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

#### **2. Report Summary**

The main planning issues to consider are:

- The Principle of Development.
- Planning History of the site.
- Whether the reserved matters are acceptable.
- Other considerations.

#### **3. Site Description**

Many of the residential properties located on the north side of Forest Road in Melksham have long and deep rear gardens that face out onto open countryside. The plot of land that is subject to this reserved matters application was previously part of garden ground associated to No. 27, but since outline permission was granted (and renewed), the parcel of land has been fenced off from No.27 and functions as a standalone plot benefitting from extant outline planning permission for 1 house. The site is accessed off a cul-de-sac known as Murray Walk

to the east. The application site is located within Melksham's defined Limits of Development but is not subject to any other policy designation. The application site used to be the route for the restoration and reconstruction of the Wiltshire and Berkshire Canal through Melksham. However, the proposed route has since been altered and now passes through the fields behind Forest Road.

#### **4. Planning History**

- W/05/01175/OUT One dwelling on site in garden north west of 27 Forest Road – Approved.
- W/06/01294/REM New dwelling in rear garden – Refused.
- W/08/03092/OUT Renewal of outline planning permission 05/01175/OUT for new dwelling – Approved.
- W/11/03043/OUT Renewal of outline planning permission 05/01175/OUT for new dwelling (previously renewed under planning permission 08/03092/OUT) – Approved.

#### **5. The Proposal**

The proposal seeks the approval of reserved matters for layout, scale, appearance and landscaping following the Council's decision to renew outline permission under application W/11/03043/OUT. It is worth noting that the means of access and layout were originally approved by the Planning Committee under application W/05/00175/OUT application. However, since the 2011 renewal decision notice included layout as a reserved matter, it requires to be duly considered. The proposal would be for a two storey detached dwelling finished in render under a concrete tiled roof.

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

The Wiltshire Core Strategy (WCS) was adopted at a special Council meeting on January 20<sup>th</sup> 2015; and as such, it can be afforded 'Full Weight' in planning terms although it is still subject to a 6-week potential challenge (which runs until early March). The following WCS policies have full weight:

CP2 – Delivery Strategy; CP16 – Melksham Link Project; CP53 – Wiltshire Canals; CP56 – Contaminated Land and CP57 – Ensuring High Quality Design and Place Shaping.

Wiltshire Local Transport Plan - Car Parking Strategy 2011-2026.

At the national level, the National Planning Policy Framework (NPPF) acts as a principal material consideration in the determination of planning applications; and it introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' which runs through plan making and decision taking.

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

Melksham Town Council – No objection.

Highways Officer – No objection.

Ecology Officer – No objection.

Environmental Health Officer – Notes that a condition is appended to the outline permission requiring land contamination investigations prior to any commencement.

Drainage Officer – The applicant/developer will need to agree drainage matters prior to any commencement on site.

Arboricultural Officer – Notes that conditions are appended to the outline permission requiring the future submission of an arboricultural method statement and implementation of landscaping.

Play and Leisure Officer – No comments.

## **8. Publicity**

One site notice was erected on the entrance gate fronting the application site and facing Murray Walk. In addition to the site notice, individual notification letters were sent to No 11 Murray Walk and 4 properties on Forest Road. Following the public notification period, one letter of objection was received from the occupier of No 11 Murray Walk raising the following summarised points of concern:

- The ground is contaminated.
- There would be a severe loss of privacy and loss of light.
- Badgers are active in the area.
- The foundation footings would damage tree roots.
- Where will sewage go?
- The outline application has expired.

## **9. Planning Considerations**

### 9.1 The Principle of Development:

The application site is located within the defined Limits of Development of Melksham and as such the principle for a new dwelling is supported by Wiltshire Core Strategy CP2. Additionally outline permission for erecting one dwellinghouse has been granted 3 times for this site – the most recent being application W/11/03043/OUT. Therefore the principle of development is fully supported subject to the reserved matters being acceptable.

### 9.2 Planning History of the Site:

The original outline scheme submitted under application 05/01175/OUT sought detailed permission for the access and layout with all other matters reserved. The outline permission was then time extended under application 08/03092/OUT. Application W/11/03034/OUT then followed with permission being granted once again in January 2012.

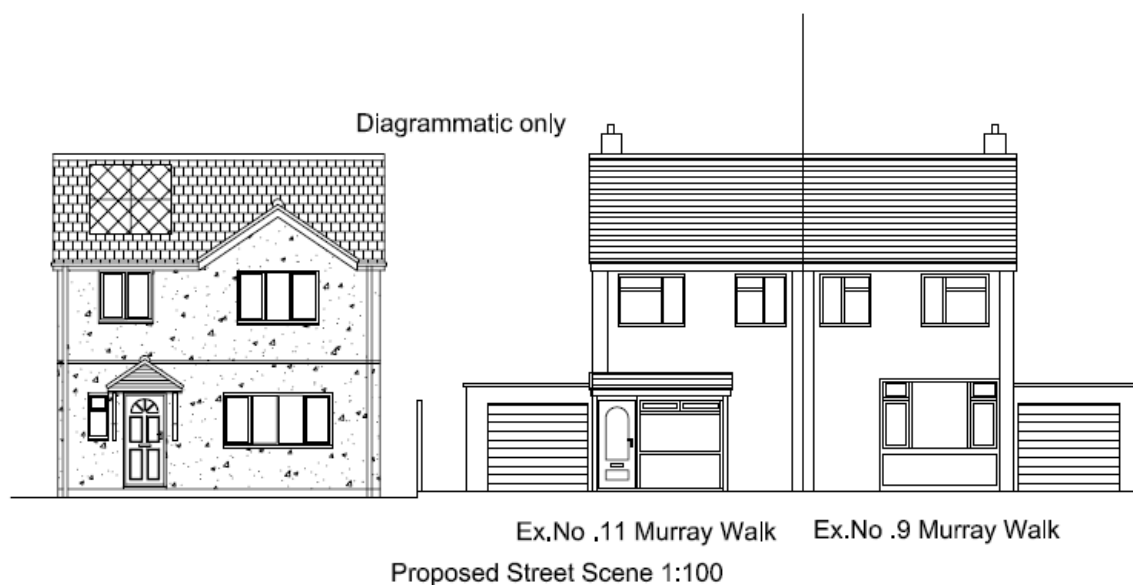
Since issuing the original outline permission, there has been one reserved matters application submitted for this site (06/101294/REM) which was for a 9 metre tall building and was refused for the following reason: *“the proposal by reason of its incongruous height, roof form, design, scale and appearance would be out of keeping with the existing dwellings and would harm the visual amenity of the street scene”*.

### 9.3 Whether the reserved matters are acceptable?

**Layout:** The proposed siting of the dwelling is largely restricted by the access, the size of the plot and the building line of the dwellings on Murray Walk. Officers are of the opinion that the proposed siting of the house in line with No 11 is the most logical position.

**Scale:**

Application W/06/01294/REM was essentially refused due to its unacceptable scale/height/massing. This proposal has dropped from 9 metres to approximately 7.5 metres which is far more reflective of the dwelling heights along on Murray Walk (as is confirmed on the street scene elevation plan inserted below).



It is submitted that the proposed scale of the dwelling would be in keeping with the size and scale of the street scene. It is also submitted that there would be no adverse overbearing or overshadowing harm caused to No 11 Murray Walk or any other neighbouring property.

**Appearance:**

The proposed dwelling would have rendered walls split with a string course of brickwork, which would match the render of the dwellings on Murray Walk. Therefore no harm would be caused.

**Landscaping:**

The application has been submitted with a landscaping plan which includes the planting of a replacement tree to compensate for the Silver Birch that would need to be felled. The landscaping includes box hedges around the parking area which would help soften the impact of the proposal. The landscaping is acceptable and the development remains bound by the outline conditions attached to W/11/03043/OUT.

Outstanding issues:

There are a few outstanding issues that remain unresolved including the submission of a contamination report, arboricultural survey and badger survey. The way the conditions are worded in approving application W/11/03043/OUT only require these surveys before 'the

*commencement of development'* as part of the formal discharge of conditions procedures; and therefore do not explicitly have to be submitted with the application.

It is submitted that the trees to the north west, outside of the application site can be suitably protected during construction works, therefore maintaining the visual amenity of the area. There is however, an issue with a neighbouring tree as shown on the block plan near the rear corner of the proposed dwelling. It is unknown as to whether this tree will be required to be felled but it is not protected by a TPO and the site does not fall within a conservation area. It is considered that the tree contributes relatively little to the visual amenity of the area, and its loss would not warrant the refusal of the application.

It is further submitted that the tree may survive construction works as the foundations may require piling, due to ground conditions, instead of a traditional trench and in-fill foundation. This approach may be able to avoid key roots of the tree in which to allow it to remain in situ. The development is nevertheless subject to an arboricultural survey condition attached to the outline, which should consider the tree and means for its protection where possible.

## **10. Conclusion**

The proposed reserved matters submission is considered to be acceptable and would not have an unacceptable impact on residential or visual amenity; and is hereby recommended for approval subject to conditions

**RECOMMENDATION:** Approve subject to the following conditions:

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

Revised All Plans – Received 9 February 2015

Design and Access Statement – Received 27 November 2014

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

**INFORMATIVE:**

1. The applicant is advised that all conditions and informative appended to W/11/03043/OUT (see attached decision notice) still apply and conditions 4, 5, 6, 7, 8 and 12 will be required to be discharged before the commencement of any development on site.

**Town & Country Planning Act 1990**

**NOTIFICATION OF PLANNING DECISION**

**Application Reference Number: W/11/03043/OUT**

Applicant:  
Mr Les Edgar  
Gosterwood  
Forest Green  
Dorking  
Surrey  
RH5 5RX

Agent:  
A Harlow & Son  
31 Roundponds  
Melksham  
Wiltshire  
SN12 8DL

Parish: Melksham (Town)

Particulars of Development: Renewal of outline planning permission 05/01175/OUT for new dwelling ( previously renewed under planning permission 08/03092/OUT)

At: Garden Of 27 Forest Road Melksham Wiltshire

In pursuance of its powers under the above Act, the Council hereby grants PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below), subject to compliance with the condition(s) specified hereunder:

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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3 Approval of the details of the layout, scale, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended.

4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

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

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscape setting for the development.

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

7 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- \* A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;

- \* A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005

- \* A schedule of tree works conforming to BS3998;

- \* Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- \* Plans and particulars showing the siting of the service and piping infrastructure;
- \* A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- \* Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- \* Details of all other activities, which have implications for trees on or adjacent to the site.

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

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

8 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan - 1st Alteration, 2004 - Policy C32.

9 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- \* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- \* All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- \* The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- \* The whole scheme shall be subsequently retained.



REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

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

10 The dwelling hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

REASON: In the interests of Highway safety

11 Prior to being brought into use the first 4.5m of the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway safety

12 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until requirements 1 to 4 (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until requirement 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with requirement 1, and where remediation is necessary a remediation scheme must be prepared in accordance with requirement 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with requirement 3.

## 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the

monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### West Wiltshire District Plan First Alteration 2004 Policy C37

13 Prior to the commencement of development, a Badger Survey will be undertaken by a suitably qualified and experienced ecologist. A report of the survey including a Badger Mitigation Strategy will be submitted to the LPA for written approval, and the development will be carried out in full accordance with the approved report.

REASON: To ensure that the existing badger and wildlife on the site are protected

Planning Policy Statement 9: Biodiversity and Geological Conservation

14 The finished ridge height of the new dwelling shall be no higher than the ridgeline of the adjoining dwelling at 11 Murray Walk based on ordnance survey datum. There shall be no rooms in the roofspace and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or rooflights shall subsequently be added to the roof of the dwelling.

REASON: In the interests of the amenity and privacy of neighbours and the streetscene.

POLICY: West Wiltshire District Plan - 1st Alteration – Policies H1, C31A & C38.

15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Plan received on 16 November 2011  
AH2008/11 received on 16 November 2011

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

1 The Applicants are advised that badgers in the vicinity of the site are protected under the Protection of Badgers Act 1992

2 The applicant should note Environmental Health comments with regards to contaminated land received 14 December 2011.

3 You are advised that the Planning Committee has requested that when a subsequent application for approval of reserved matters, or a full planning application for similar proposals, is submitted that the application is considered by the Committee.

Signed:

A handwritten signature in black ink, appearing to read "B A Fleet". The signature is written in a cursive style with a prominent initial "B".

Director for Development Services

Dated: 24 January 2012

