

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge
Date: Wednesday 4 May 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Rod Eaton	Cllr Graham Payne
Cllr Peter Fuller (Chairman)	Cllr Stephen Petty
Cllr Mark Griffiths	Cllr Jonathon Seed
Cllr Malcolm Hewson	Cllr Roy While (Vice-Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Francis Morland
Cllr Trevor Carbin	Cllr Jeff Osborn
Cllr Andrew Davis	Cllr Fleur de Rhe-Philippe
Cllr Russell Hawker	Cllr Pip Ridout
Cllr Tom James MBE	

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 4*)

To approve the minutes of the last meeting held on 13 April 2011 (copy attached.)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

There were no Chairman's Announcements.

5. **Public Participation**

Statement

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Question

To receive any questions from members of the Council or members of the public received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front page of the agenda (acting on behalf of the Director

of Resources) no later than 5pm on Thursday 21 April 2011. Please contact the officer named on the front page of the agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. Planning Applications (Pages 5 - 6)

To consider and determine planning applications in the attached schedule.

6.a W/11/00286/FUL (Pages 7 - 14)

Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire

6.b W/10/03406/FUL (Pages 15 - 38)

Proposed erection of 117 dwelling houses, public open space and associated landscaping, highways and drainable infrastructure - Land at Hawkeridge Road and Slag Lane Westbury Wiltshire.

6.c W/11/00490/FUL (Pages 39 - 48)

Construction of earth shelter dwelling - Land At Turleigh Farm Green Lane Turleigh Wiltshire

6.d W/11/00167/FUL (Pages 49 - 56)

Change of use to equestrian with agricultural / equestrian barn/stables - Land Adjacent East Side Of Hawkeridge Road Heywood Wiltshire

6.e W/11/00590/FUL (Pages 57 - 62)

Erection of single storey extension to south east elevation and two storey extension to east elevation - 18B Horse Road Hilperon Wiltshire BA14 7PE

7. Urgent Items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None.

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 APRIL 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin (Substitute), Cllr Ernie Clark, Cllr Andrew Davis (Substitute),
Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Stephen Petty,
Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Helen Osborn and Cllr Jeff Osborn

33 Apologies for Absence

Apologies for absence were received from Councillors Graham Payne, Rod Eaton (substituted by Councillor Andrew Davis), and Malcolm Hewson (substituted by Councillor Trevor Carbin).

34 Minutes of the Previous Meeting

The minutes of the meeting held on 23 March 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 23 March 2011.

35 Declarations of Interest

W/11/00286/FUL - Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire

Councillors Peter Fuller and John Knight declared a personal interest as members of Trowbridge Town Council Development Committee. Councillors Peter Fuller and John Knight gave their assurance that they would consider the application with an open mind.

W/11/00283/FUL - Demolition of existing garages and construction of 2 no- 1 bedroom apartments plus 2 parking spaces and 5 off site parking spaces - Garages At Chalfield Crescent Melksham Wiltshire

Councillors Ernie Clark and Roy While declared a personal and prejudicial interest as Board Members of Selwood Housing Society Ltd.

36 **Chairman's Announcements**

There were no Chairman's Announcements as such but the Chairman informed the committee that the planning department was likely to temporarily move to Shurnhold.

37 **Public Participation**

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

38 **Planning Applications**

The Committee considered the following applications:

38.a W/11/00286/FUL - Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire

Public Participation:

- Mr Matt Whiting spoke in objection to the application
- Mr Alan Duggins spoke in objection to the application
- Mr Stuart Young spoke in objection to the application
- Mr Richard Cosker, agent, spoke in support of the application

Councillor Helen Osborn, Unitary Member for Trowbridge Lambrok, spoke in objection to the application and concurred with the arguments put forward by the public speakers with regards to the impact on the area, loss of amenities and off street parking. Councillor Osborn urged the committee to take into account the objections raised by Trowbridge Town Council as included in the agenda.

Councillor Jeff Osborn, Unitary Member for Trowbridge Grove, spoke in objection to the application reinforcing the objections from the public speakers, Trowbridge Town Council and Councillor Helen Osborn.

Officers introduced the report which sought approval. During the ensuing debate the committee felt that the plans and photographs shown as part of the officers' presentation could not quite convey the scale and impact of the development.

It was therefore

Resolved:

To defer the application until a site visit had been organised to provide the committee with the information required to ascertain said application.

38.b W/11/00283/FUL - Demolition of existing garages and construction of 2 no- 1 bedroom apartments plus 2 parking spaces and 5 off site parking spaces - Garages At Chalfield Crescent Melksham Wiltshire

Councillor Roy While declared a prejudicial interest as a Board Member of Selwood Housing Society Ltd and left the room before the start of this item. Councillor Jonathon Seed presented his apologies for the remainder of the meeting as he had to leave at this point.

Public Participation:

- Mr Lee Rumens spoke in objection to the application
- Mr Dave Disney spoke in objection to the application
- Mr Mark Rumens, on behalf of local residents, spoke in objection to the application

Councillor Ernie Clark declared a prejudicial interest as a Board Member of Selwood Housing Society Ltd. Councillor Ernie Clark expressed his concerns with regards to the siting of the application despite the significant need for affordable housing in the west of Wiltshire then left the meeting.

Officers introduced the report which sought approval. During the ensuing debate it was explained that the site had extant planning permission (ref: 08/00217/OUT) for the erection of 2x two-bedroom flats, with approved details of access and siting. Notwithstanding the extant planning permission the committee felt strongly that the community would be greatly and detrimentally affected by the loss of the green space.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reason:

The proposal will result in the loss of open space to a car parking area without any replacement provision. This would have an adverse impact on the amenity of local residents and would conflict with policy LP2 of the West Wiltshire Leisure and Recreation DPD 2009.

Councillor Andrew Davis asked for his vote against the motion to be recorded.

Councillor Mark Griffiths asked for his vote in favour of the motion to be recorded.

39 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.20 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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

Agenda Item 6

WESTERN AREA PLANNING COMMITTEE

4 May 2011

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Unitary Councillor
6.a	W/11/00286/FUL	Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire	Trowbridge	Cllr Helen Osborn, Trowbridge Lambrock
6.b	W/10/03406/FUL	Proposed erection of 117 dwelling houses, public open space and associated landscaping, highways and drainable infrastructure - Land At Hawkeridge Road And Slag Lane Westbury Wiltshire	Westbury	Cllr David Jenkins, Westbury North
6.c	W/11/00490/FUL	Construction of earth shelter dwelling - Land At Turleigh Farm Green Lane Turleigh Wiltshire	Winsley	Cllr Linda Conley, Winsley and Westwood
6.d	W/11/00167/FUL	Change of use to equestrian with agricultural / equestrian barn/stables - Land Adjacent East Side Of Hawkeridge Road Heywood Wiltshire	Heywood Westbury	Cllr Julie Swabey, Ethandune
6.e	W/11/00590/FUL	Erection of single storey extension to south east elevation and two storey extension to east elevation - 18B Horse Road Hilperton Wiltshire BA14 7PE	Hilperton	Cllr Ernie Clark, Hilperton

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.05.2011		
Application Number	W/11/00286/FUL		
Site Address	Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire		
Proposal	Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces		
Applicant	Mr Michael Howard		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Lambrok	Unitary Member:	Helen Osborn
Grid Ref	384288 157698		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 15169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application was considered at the meeting of the Western Area Planning Committee on April 13th. Members resolved to defer consideration of the application pending a visit to the site. The site visit by Members is scheduled to take place prior to the committee meeting. The application will then be considered at the meeting.

Councillor Helen Osborn has requested that this item be determined by Committee due to:

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking
- * Other: "Impact on the area, loss of amenities, loss of street car parking"

1. Purpose of Report

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

Neighbourhood Responses
15 objections. 1 support.

Parish/Town Council Response
Objection.

2. Report Summary

The main issues to consider are:

- * Planning history
- * Material changes in circumstances
- * Impact on the street scene
- * Impact on highway safety
- * Impact on neighbouring amenity

3. Site Description

The application site is located in a residential area of Trowbridge within the town policy limits and can be described as part of the garden and garaging area for 43 Crawley Crescent.

The property 43 Crawley Crescent is a detached dwelling with integral triple garage fronting the road, the property is located at the head of a cul-de-sac adjacent to an estate footpath linking Crawley Crescent with Bridge Avenue.

4. Relevant Planning History

06/01296/FUL - Demolish existing triple garage and erection of three bedroom house and formation of two in curtilage replacement parking spaces – Permission on 09.06.2006

06/02873/FUL - Two storey rear extension @ 43 Crawley Crescent – Permission on 14.11.2006

07/01106/FUL - Revised roof design to previously approved extension @ 43 Crawley Crescent - 06/02873/FUL – Permission on 30.04.2007

W/09/00147/FUL - Erection of summer house @ 43 Crawley Crescent – Permission on 17.02.2009

5. Proposal

This is a resubmission of an expired planning permission from 2006 reference 06/01296/FUL for the demolition of the existing triple garage of 43 Crawley Crescent, the erection of a detached 3-bedroom property and the formation of 4 parking spaces; two to serve 43 Crawley Crescent and two to serve the proposal.

The proposed property would be located directly adjacent to the existing property, set back approximately five metres from the front building line. The proposed property would mirror the form of the original part of 43 Crawley Road and would be 8 metres by six metres with a height of 7.1 metres to the ridge and sloping to 4.6 metres at eaves.

Two parking spaces would be accommodated at the front of the proposed property and two in front of the existing property, the driveway would be shared.

6. Planning Policy

West Wiltshire District Plan 1st Alteration
 C31a Design
 C32 Landscaping
 C38 Nuisance
 H1 Further housing in towns

SPG on house alterations and extensions
 SPD on New Housing Design

National guidance
 PPS1: Delivering Sustainable Development
 PPS3: Housing

7. Consultations

Trowbridge Town Council

Object: "This development would, by reason of its length, size, mass, form, siting and orientation be overdevelopment and detrimental to the character of the area and the street scene contrary to policy C31a of the adopted local plan and to the neighbouring amenity, contrary to policy C38. PPS3 as revised in June 2010 removes these types of development from the classification as brown-field and therefore this is a material change from previous applications for this site."

Highways

No objection subject to conditions.

Wessex Water

No objection subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 11 March 2011

15 letters of objection were received and 1 letter of support (it is noted that this is from a party which appears to be connected to the application).

Summary of points raised in objection:

- * Parking issues, including blocked drives exacerbated;
- * High volumes of traffic exacerbated;
- * Parking and highway issues will be dangerous for children;
- * Car parking spaces are less than standard in dimensions and inadequate in number;
- * Inaccurate and scant details submitted;
- * Access would be inadequate;
- * If rented out then it is likely to be for multi-occupancy, which has a higher demand for parking;
- * Represents an over-development of the site, harmful to the street scene;
- * There has already been a substantial 2-storey extension on this site;
- * Concerned that the site will be divided up into flats;
- * If another house would have been suitable the original builders of the estate would have built one in 1978;
- * Every house in the estate has a garage and driveway and the estate has an open and spacious feel which this would be out of keeping with;
- * Proximity of another dwelling and garden would harm amenity;
- * Adjacent footpath would be darker;
- * Can the drainage and sewerage system cope;
- * Concern over disruption (builders lorries) and length of construction phase;
- * The existing gateway and site is an eyesore;
- * Running a business from 43 Crawley Crescent, which is illegal;
- * Result in a decrease in property value for neighbours;
- * Coalition government has changed the planning position regarding building on 'brownfield' sites;
- * Did not have adequate opportunity to comment on the previous approval;
- * Letters of objection on the previous application went missing; and
- * If approved would expect upgrading of boundary fencing and landscaping/screening.

Summary of points raised in support:

- * No building lorries have been to the site since 2008, only 3 general deliveries all year;
- * 43 Crawley Crescent is their home; and
- * No intention to convert to flats – its unviable.

9. Planning Considerations

This application is identical to that which was approved in 2006 by the Council. Since that time there have been no changes to the local plan policies, however there have been quite recent changes to national guidance in PPS3 on housing and PPG13 on transport that are relevant to this case.

The changes to PPS3 have been referred to by Trowbridge Town Council and some of the public in their objection and may be summarised as changing the definition of brown field land so as to exclude gardens from this definition and remove the minimum housing density requirements in favour of ensuring development is in keeping with its surroundings. The changes to PPG13 are that new residential housing schemes no longer have set maximum parking standards and allow Council's to set their own minimum parking standards. At this time no formally adopted details of minimum parking standards have been set.

In addition to these policy changes there are some known changes to the physical circumstances on the site that have come to officer's attention, namely the erection of a large 2 storey rear extension to, and a detached garden summerhouse at 43 Crawley Road.

The application site is within the town policy limits and therefore the principle of further housing development is acceptable subject to set criteria set out in Policy H1, and this makes reference to other relevant policy and therefore C31a and C38 need to be considered. This is the same situation as when the now expired planning permission in 2006 was granted and deemed to accord with the policy requirements of H1, C31a and C38.

It is noted that Policy H1 states that "priority will be given to proposals for the reuse of previously developed land"; this does not exclude the more efficient use of land within the town policy limits that meets the set criteria A-G. It was assessed in 2006 that the proposals met these policy requirements and therefore it is not considered reasonable to reach a different conclusion now unless there has been a demonstrable change in the physical circumstances on the site. After careful consideration it is not considered that the known changes, including the erection of a summer house and substantial 2 storey rear extensions at 43 Crawley Road, would mean that the Council would have reached a different decision when considering this matter in 2006.

The proposal has attracted no objection from the Council's highway officer. It is noted that the maximum parking standards have been removed and that 43 Crawley Road is now a large dwelling. However given the location of the development within a town relatively well served by public transport and facilities that are accessible by foot and bicycle then 2 spaces per dwelling is reasonable. The concerns of local residents and the photographic evidence produced showing that there is on street parking in the vicinity do not outweigh this consideration.

It is noted that the highway officer has suggested very slightly different conditions to those imposed on the 2006 permission. In the interests of consistency the same conditions previously imposed should be re-applied, however since this is not an extension of time, and the permission has expired some reasonable level of flexibility can be applied and the conditions are varied to reflect this. They have also suggested an informative, and this carries no weight and is merely instructive so its addition to the decision notice is considered helpful.

In terms of the density, design and layout of the proposals, it has to be acknowledged that the density of the scheme is slightly greater than is characteristic of the area. However, despite removing minimum densities in PPS3 the need for making efficient use of land remains. The design and layout of the scheme and the impact on neighbours has not changed since 2006 and if it was deemed acceptable then, then it must also be concluded to be acceptable now.

The application has been subject to consultation with Wessex Water and they have raised no objection to the proposals.

Material samples for the roof and wall have been submitted as part of the application and they are considered to be characteristic of the locality and acceptable. Therefore there is no need to restate

the condition in regards to materials. Furthermore details of the hard surfaces and boundary treatments have been stipulated; however it is unclear if this is intended to be a comprehensive landscaping scheme. As such the landscaping condition is restated.

In summary the proposals are identical to those approved in 2006. It is accepted that there have been some changes to planning policy and the physical conditions on the site in the interim. However none of these are considered to be sufficient to reasonably justify refusing the application now. The Council needs to be consistent in its decision making, in order to be reasonable. In this case the current material circumstances are not so different so as to conclude that the application would now be demonstrably harmful to any acknowledged planning interests, over and above the situation as it was in 2006. On this basis planning permission is recommended subject to conditions.

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 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.

- 3 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.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 5 Before the development is occupied, properly consolidated and surfaced driveway and parking spaces (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety.

- 7 The ground floor window on the northern elevation of the dwelling hereby permitted, located adjacent to the footpath, must be such that it does not open outwards.

REASON: In the interests of highway safety.

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

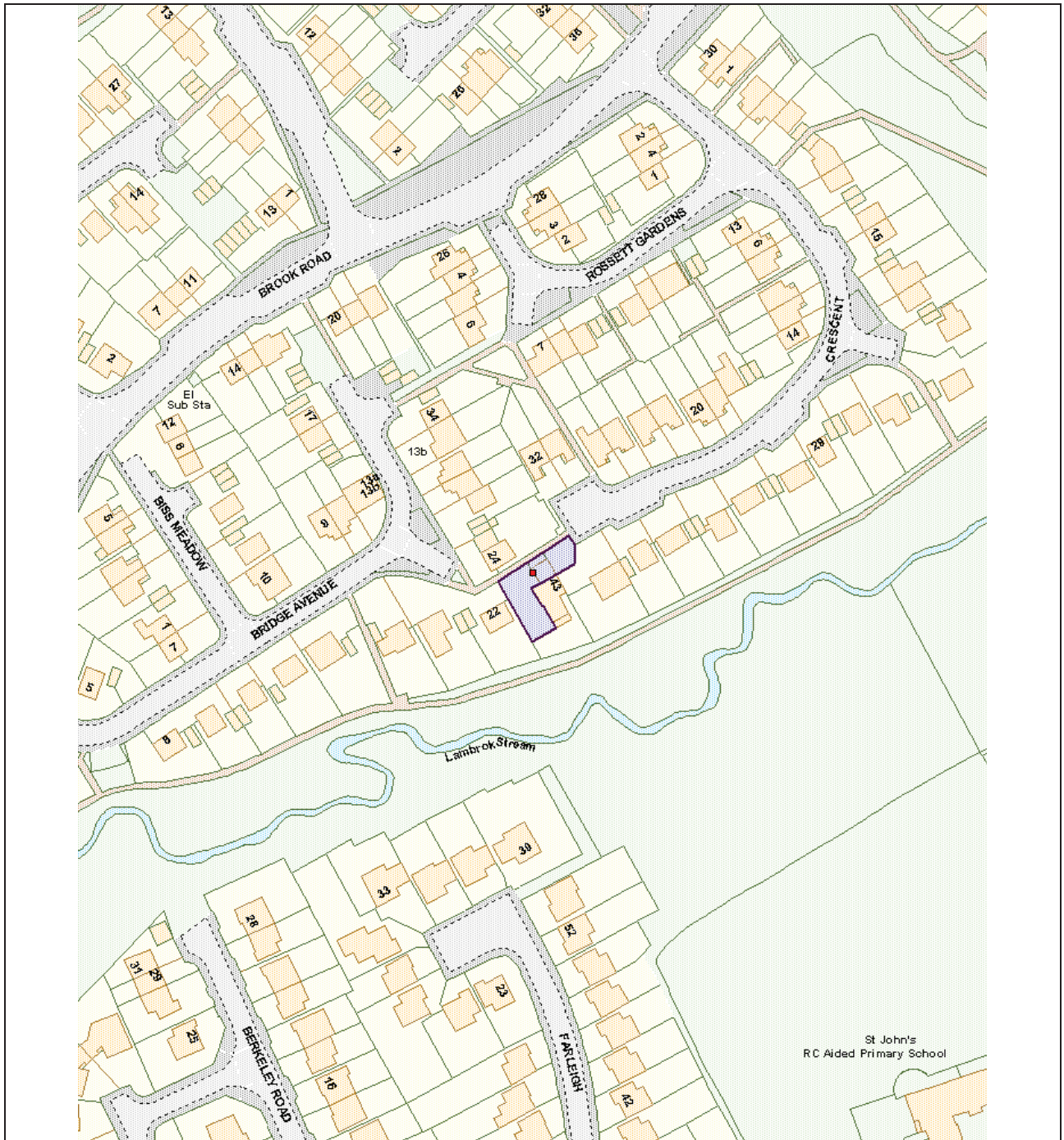
Drawing: location plan dated 27 January 2011
Drawing: site plan dated 27 January 2011
Drawing: Existing site plan 34/01C dated 27 January 2011
Drawing: Existing elevations 34/02C dated 27 January 2011
Drawing: New site plan 34/03B dated 27 January 2011
Drawing: New elevations 34/04A dated 27 January 2011
Drawing: 43A Floorplans 34/05 dated 27 January 2011
Design statement dated 27 January 2011

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

Informative(s):

- 1 The construction works will result in activities being carried out on or immediately adjacent to a public footpath. As such, the applicant will need to consult the Area Highways Manager at Melksham (Tel. 01225 702649) before the development commences to discuss the works affecting the public footpath.

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.05.2011		
Application Number	W/10/03406/FUL		
Site Address	Land At Hawkeridge Road And Slag Lane Westbury Wiltshire		
Proposal	Proposed erection of 117 dwelling houses, public open space and associated landscaping, highways and drainable infrastructure		
Applicant	David Wilson Homes		
Town/Parish Council	Westbury		
Electoral Division	Westbury North	Unitary Member:	David Jenkins
Grid Ref	386547 152435		
Type of application	Full Plan		
Case Officer	Mrs Rosie MacGregor	01225 770344 Ext 5597 rosie.macgregor@wiltshire.gov.uk	

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

- * Scale of development
- * Visual impact upon the surrounding area
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking
- * Access to highways, use of land for houses, increased traffic flows

1. Purpose of Report

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

Neighbourhood Responses

4 letters of objection have been received on the following grounds:

- Impact of increased traffic
- The site is designated for light industrial and recreation
- The proposal would be contrary to policy
- Contamination as result of land used for waste tipping
- The bund must be retained to protect the countryside
- No property should exceed 2 storeys
- Insufficient information on the design proposals for Site C and lack of detail about the position of benches and equipment that could result in noise nuisance and disturbance to adjoining properties and potential for misuse and youths congregating for abuse of drink and drugs.

Westbury Town Council Response

Neither supports nor objects to the proposal. It supports the principle of development but raises concerns that are listed below in Section 7 of this report.

2. Main Issues

The main issues to consider are:

- Principle of residential development and potential loss of employment
- Design considerations
- Highway and access considerations
- Environmental considerations and impact on amenity
- Leisure and Recreation
- Impact on ecology
- Drainage and Flood Risk
- Contributions

3. Site Description

The application site broadly comprises 3 separate parcels of land occupying a generally rectangular area bounded by the railway line to the west, Hawkeridge Lane to the north, Slag Lane to the east and Station Road to the south. It lies on the north side of the town, between the largely residential area of The Ham and the main town centre, and is adjacent to the intersection of railway lines at Westbury Junction. It is currently accessed from Station Road via Slag Lane, The Ham via Hawkeridge Rd (currently buses only) and Frogmore Road.

The northern part of the site, within the intersection of the railway lines, is currently scrubby and undulating grassland bounded by railway embankments and contains a large pond, evidence of a smaller pond, hedges, small copses and a number of other trees; access is from Hawkeridge Road.

The remainder of the site, to the south of the railway line, is divided into two level areas, each forming a gravel surfaced terrace. The more northerly section is generally contained within recently constructed landscaped bunds some 4m high but since the land is some 5-6m higher than the adjoining Slag Lane, the external face of the bund onto that roadway is some 9-10m high. This is densely vegetated with bramble and young trees to entirely screen this part of the site from public view. The remaining land is at a lower level and significantly below the height of the Station Road frontage which gradually rises up to form the bridge over the railway further west. Both areas are currently vacant, but were most recently used for waste and recycling of scrap vehicles, and the storage of fairground equipment.

Access to this part of the site is from Slag Lane, a narrow 'green' roadway with passing places but without footpaths and is currently the main bus route to avoid the weakened bridge in Station Road. On its eastern side and opposite the site, there is a large fishing lake in separate ownership. Both the lake and the application site were formerly industrial sites used predominantly for quarrying and storage of waste materials as part of the historic brick and iron industries in the town, hence the name of the road.

The site is entirely outside town policy limits but is within walking distance of the town and station.

4. Relevant Planning History

There is supplementary planning guidance in the form of a Development Brief for this site but very little weight must be attached to this because it was prepared in the late 1980s and subsequently adopted in 1990.

In addition, the following application might be considered relevant:

96/1201/OUT - Erection of Office building and use of land for open storage - Approved 29.10.97

5. Proposal

The application is for the erection of 117 new dwellings together with a large area of public open space, associated landscaping, highways and infrastructure. These proposals have been identified on the plans as four distinct areas, A-D; the overall site area is 8.11 hectares.

The residential part of the development, to the south of the railway line, is separated into the two terraced areas referred to above, divided by an existing access road serving Network Rail's depot. The smaller of the two areas (A), closest to Station Road, is generally square shaped, comprises 0.6 hectares of land, and would contain 24 new dwellings of which 6 no would be affordable. The layout of 2 storey dwellings only centres around a central square of open space served by a single access onto Slag Lane.

The remainder of the residential part of the site (B) which lies to the north east, is generally triangular shaped, comprises 3.07 hectares and would contain 93 new dwellings of which 23 would be affordable. This area of housing would be predominantly 2 storey with some on 2.5 storeys and would also be served by a single access point onto Slag Lane. Two areas of public open space are proposed, one centrally positioned and one larger space in the far north east corner taking advantage of the triangular shape. This area 'extends' into area D on the opposite side of Slag Lane and is referred to below.

The scheme would deliver a total of 30% affordable housing, with 83% on site in the form of 29 affordable housing units in a mix of 2 and 3 bedroom houses. Six units are proposed within area A with the remaining 23 in area B;

The public open space (C) to the north of the housing areas and beyond the railway line, comprises 4.26 hectares and would be landscaped to provide a new local urban park with opportunities for informal play and recreation. Submitted plans show a network of footpaths, parking for 10 vehicles in the far north west corner and a lake occupying the eastern sector.

The final area (D) comprises 0.18 hectares and is a narrow linear 'extension' to the residential area (B) on the east side of Slag Lane. It parallels the landscaped embankment on the south side of the railway and would be utilised for drainage.

Although a Screening Opinion carried out when the application was submitted confirmed that a formal Environmental Impact Assessment was not required, the application was accompanied by a number of reports and associated documents:

Design and Access Statement; Planning Statement; Statement of Community Involvement; Transport Assessment; Noise and Vibration Assessment; Flood Risk Assessment; Archaeological Assessment; Ecological Survey and Assessment plus Addenda, and Contaminated Land Assessment.

Revised plans and additional information have been subsequently submitted as part of the planning process to overcome objections from the Council's Highways and Landscape Officers, Ecologist, Archaeologist and Urban Designer and the Environment Agency. Negotiations in respect of a S106 Agreement to support the development are also ongoing.

6. Planning Policy

Wiltshire Structure Plan 2016
DP1 Sustainable development
DP3 Housing
DP4 Towns and main settlements
DP7 Housing in towns
DP8 Affordable housing
DP9 Reuse of land and buildings
T5 Car parking

West Wiltshire District Plan First Alteration 2004
H1 Further Housing Development in Towns

H2 Affordable Housing
H3 Brownfield Housing Sites
H24 Housing Design
E5 Loss of Employment Floorspace
C31a Design
C37 Contaminated land
C38 Nuisance
C41 Areas of Opportunity
S1 Education
T10 Car parking
U1a Foul Water Disposal
U5 Sewage Buffer Treatment Works
I1 Infrastructure
I2 The Arts

Leisure and Recreation DPD 2009
LP4 Recreation Facilities in New Developments
LP5 New Sport and Recreation facilities
CR3 Greenspace Network
OS2 New Grass Pitch provision

Vivash Park Development Brief 1990

SPG Design Guide – Principles 2004
SPD Residential Design Guide 2005

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS4 Planning for Sustainable Economic Growth
PPS5 Planning for the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG23 Planning and pollution control
PPG24 Planning and Noise
PPS25 Development and Flood Risk

7. Consultations

Westbury Town Council

Neither supports nor objects to the proposal. It supports the principle of development but raises the following concerns:

1. Careful consideration needs to be given to preventing increased traffic on Frogmore Lane;
2. Car traffic must be prevented from using Hawkeridge Road;
3. Principal access to the site should be via Station Road;
4. Ensure that the fishing bays are kept
5. Provision of litter and dog bins especially on Site C.

Highways Officer

Originally had a significant number of highway concerns with the development including the proposed arrangements at the Slag Lane/Station Rd junction; the future control of increased traffic using Slag Lane/Hawkeridge Rd/Frogmore Rd to avoid the weakened road bridge; the internal road layouts within the residential areas; inadequate and unsatisfactory parking arrangements; inadequate details relating to the access and parking for the urban park; proposed priority arrangements within Slag Lane ; proposed pedestrian links between the residential areas and urban park.

Confirms that following further discussions and revised plans, the scheme is now acceptable in its current form subject to

(a) A number of conditions including:

- Full details of the reconstruction of Slag Lane and construction of mini roundabout at the junction to be 'fully' approved before any work commences and implemented before first occupation
- A construction traffic management plan to be fully approved before any work commences to ensure the temporary bus service is not affected and its full implementation
- All construction details of the internal road layouts to be fully approved before any work commences and subsequently implemented
- Construction of internal road layout to binder course level before occupation
- Details of parking spaces for the urban park to be agreed before work commences and subsequently provided.

(b) All works within Slag Lane and including the construction of the mini roundabout shall be contained within a S106 agreement and subsequent S278 Highway Agreement

(c) The proposed traffic management arrangements to be the subject of a S106 Agreement

(d) A contribution of £20K towards Traffic Regulation Orders and works for the control of traffic within the substandard Hawkeridge/Frogmore Roads

Urban Designer

States that the design and layout has been the subject of pre-application consultation which 'made reference to the importance of landscaping, linking the public open space and having a positive relationship with Slag Lane. The existing sustainability policy C34a was also highlighted'.

The observations on the detailed scheme comment favourably on the layout, road hierarchy, use of shared spaces, pedestrian permeability, position and use of 3 storey buildings, architectural quality of proposed buildings and the general use of landscaping. The creation of a central area of public open space which links to a nature area and then onto the urban park 'creates a good focal point and sense of distinctiveness for the scheme as a whole' although visibility between the various elements is not direct.

Regarding the sustainability issues in respect of policy C34a, there appears to be an imbalance between the stated objectives and delivery, particularly in respect of energy and water efficiency and waste minimisation. However, it is noted that the orientation of the majority of properties is south east while proposed tree planting may be of benefit in terms of shading and cooling.

The overall conclusion is that the scheme conforms to the majority of good urban design principles, responds to the character of the site and the wider context but does not address desirable sustainable construction objectives.

Strategic Planning Officer

Because of the policy implications of this proposal, it is appropriate to detail the Policy Officer's response in full:

"The principle for development on this site is clearly established by Policy C41 H of the West Wiltshire District Plan, First Alteration 2004 'Areas of Opportunity'. This policy states that light industrial, recreation and community uses will be permitted providing that design, access, traffic and parking issues are satisfactorily addressed. The supporting text for this policy goes on to state that the area consists of several derelict and underused sites which would be suitable for the uses listed above to uplift a neglected area to the benefit of the adjacent housing.

Part of the proposal site was also covered by Policy R5, New Recreation Space, of the West Wiltshire District Plan. However, this policy has been superseded by the West Wiltshire Leisure and Recreation DPD 2009 and is no longer valid. Policy OS2 of the Leisure and Recreation DPD identifies part of the

proposal site as being suitable for new grass pitch provision. However, this does not form part of the proposal and so is not applicable.

Policy H1 of the West Wiltshire District Plan, First Alteration 2004, makes it clear that housing will not be supported outside of the town policy limits as defined on the proposals map, although the policy does also state that priority should be given to the reuse of previously developed land (PDL).

The key issue is whether a mixed development of residential and recreation uses on this site would be appropriate in policy terms given that Policy C41 H states that light industrial, recreation and community uses would be appropriate, and that the site falls outside of the existing town policy limit.

It is accepted that although the proposal site is outside of the existing town policy limit for Westbury, other material considerations should be taken into consideration. These are considered to be:

1. It is recognised that there is a wider policy framework in support of developing PDL, including Planning Policy Statement 3 and Policy DP 3 within the Wiltshire and Swindon Structure Plan 2016. As already discussed, Policy H1 of the West Wiltshire District Plan clearly states that priority will be given to proposals for the reuse of PDL;

2. There is considered to be a clear policy imperative for regenerating the site, as set out by Policy C41 H of the West Wiltshire District Plan. The site is in a sustainable location, particularly being in close proximity to Westbury Railway Station with excellent rail connectivity. The site is underused and neglected and its redevelopment is considered to have a wider beneficial value to the town of Westbury; and

3. It is noted that information has been submitted with the application which demonstrates that a sufficient supply of commercial property exists in Westbury to meet demand.

Although not a material consideration in relation to the proposal, Westbury Town Council are currently working to produce a Scoping and Vision Study, to help inform the preparation of both the emerging Wiltshire Core Strategy and a possible future Town Plan for Westbury. Early findings from this study stress the importance of redeveloping the areas in the vicinity of Westbury railway station, which remain underused (including the proposal site). The redevelopment of these sites is considered important to strengthen the linkages between the town of Westbury, and the sizable employment area, located to the north of the railway line to the north of the town.

Overall, it is considered that there is sufficient justification for mixed residential and recreation development on the proposal site to be permitted, rather than a mix of light industrial, recreation and community uses.

However, Policy C41 makes it clear that design, access, traffic and parking issues need to be satisfactorily resolved. It is noted, for example, that Westbury Town Council raise concern over several highways and access issues, including the possible increase in traffic using Frogmore Lane. It is noted that other concerns, for example, surrounding ecology and flooding issues have also been raised relating to the proposal.

Policy Recommendation:

Whilst there is no policy objection to the principle of residential and recreation development on this site, it is very important that any issues of detail, including those issues discussed (design, access, traffic, parking, ecology, flooding) are satisfactorily addressed."

Housing Officer

Comments that the policy requirement for 30% affordable housing, with 83% (29 units) on site and 17% as an offsite contribution (based on 6 units) is met and acceptable; that the proposed layout, cluster size and mix is acceptable; that the on site units will need to be built to HCA standards.

Ecologist

Confirms that there are a number of key ecological issues affecting the application site as follows:

Wintering waterfowl – Surveys suggest that Frogmore Pond is not regularly used by rare or particularly sensitive species. Proposed planting of a line of hornbeam trees in gardens facing the pond, together with conditions requiring a precautionary method of working are likely to reduce any long term implications.

Bats - The existing cave location is within a thin line of tree and scrub cover about 20m from the proposed parking area. Proposed increased planting along potential bat flight routes and around the cave; no lighting of the area; and installation of a bat grill across the cave entrance are considered to be adequate measures to protect the roost. The submitted tree and landscape protection and method statement demonstrates how areas of habitat will be retained for foraging bats during the course of construction. Notes that existing restrictions on the use of Hawkeridge Rd should be retained in order to protect the cave from collapsing under any additional weight.

Regionally Important Geological Site (RIGS) – two areas are identified within the urban park, one at the bat cave and one near the westernmost point of the existing pond. Further information would need to be obtained from the Wiltshire Geology Group. In principle it is likely that the exposure near the pond could be protected and interpreted for the public. The bat cave would however need to remain unpublicised and liaison would be needed with the Wiltshire Geology Group to ensure that the bat grill was installed in a way that did not damage the geological feature.

Reptiles - Given the habitat conditions, the absence of reptiles was surprising and recommends that reptiles are covered in the precautionary method of working.

Great Crested Newts – Notes that the survey suggests there is only a low risk of great crested newts. Even if it subsequently emerged that this species was breeding in the ponds, the development would readily be able to provide the level of permanent mitigation required while the three derogations necessary for a licence to be granted under the Habitat Regulations could be met. A condition requiring a survey for great crested newts is therefore acceptable.

Concludes that the application can be approved subject to conditions covering a precautionary method of working to protect the above species and habitats; no lighting within the urban park; a survey for Great Crested Newts and a Site Management Plan.

Education Officer

Originally requested a contribution of approx £850K towards 33 primary school places and 24 secondary places at the catchment schools of Westbury Infants, Westbury Juniors and Matravers, all shown to be effectively full and with generally rising roll forecasts. Subsequently, advised that a reduced overall contribution of approx £615K would be acceptable based on a broader approach to the funding for primary school places.

Environmental Health Officer

(a) Noise

Notes that the proposed residential areas are immediately adjacent to a railway track, which will require the development to be assessed in accordance with PPG24 (Planning and Noise). Recommends condition(s) for the submission of a noise impact study, proposed scheme of works and confirmation that the design scheme will have to fully comply with the recommendations contained in the noise impact study with regard to treatments to the building envelopes of proposed dwellings.

(b) Contaminated Land

Notes the site investigation which was carried out in 2006 and which:

- identifies that the proposed residential area of the site has been used for quarrying / tipping and has a range of contaminants present in concentrations which could be considered to pose a risk to human health;

- identifies the presence of ground gas and the need for gas protection measures.
- includes a Desk Study and Ground Investigation but does not include a remediation strategy or validation proposals.
- is four years old and advice and guidance should be updated as necessary.

Notwithstanding, the submitted site investigations are considered to be thorough and comprehensive enough to demonstrate that the site is clearly capable of redevelopment in a technical sense and that a suitable scheme of remediation can be implemented. On that basis there is no objection in principle subject to a suitable contaminated land condition.

With regard to the proposed public park, the submitted report finds no significant levels of contamination which would preclude its use for this purpose without the need for any further remediation. Advises that the report is updated to confirm that the original conclusion is still valid and that no additional contaminated land condition or investigation would be needed for the Public Open Space part of the proposed development.

Public Protection Officer

Notes that there are major 'noise' issues associated with this development, but that the submitted report addresses these issues robustly. The report's conclusion requires specific mitigation measures involving glazing specifications, acoustic screens/fences and passive acoustic ventilation and all (not selected) recommendations should be incorporated into a Noise Mitigation Scheme. The scheme should be accompanied by a plan clearly showing the proposed measures and the properties receiving them, together with all external and boundary works and an assessment of whether these are 'good' or 'reasonable' standards

Also comments that the expectations of those future occupants should reflect the fact that they are living next to a busy railway (freight) line and that even when the scheme is fully complied with, residential amenity will still be affected by rail movements during the day and night. as they cannot obviously be 'engineered-out' so as to render them inaudible.'

With regard to odour issues from the nearby STW, there is no history of odour complaint and there are already odour sensitive receptors nearby.

Waste and Recycling Officer

A recycling contribution of approx £13K is required for this development.

Archaeologist

Following the submission of additional information, confirms that there remains an area of the development site, centred on the proposed new pond, which requires archaeological evaluation by trial-trenching. This can be satisfactorily addressed by a condition requiring a written programme of archaeological investigation and a recommendation that the work is carried out by an appropriate professional.

Drainage Officer

No objection in principle to the proposed drainage strategy although comments that no design details have been supplied; calculations will need to be checked by a third party; no details for the outlet to the existing watercourse have been supplied; the condition of the upstream watercourse should be checked by the developer; the proposed attenuation (SUDS) measures will have future maintenance implications/costs.

Adoptions/Inspections Officer

No overall concerns with the scheme but needs to be satisfied regarding future maintenance of certain areas including the proposed bund to the rear of the dwellings and the rear boundary of the urban park

Wessex Water

(a) Foul and surface water drainage

Comments that the applicant is currently in discussion with Wessex Water to agree suitable strategies for the site and that Wessex is undertaking network modelling to determine the nature and extent of off site reinforcement necessary to serve the proposed site; recommends an appropriate planning condition.

(b) Odour

Notes that a preliminary assessment has been carried out to determine the risk of odour complaint from the nearby STW which has been currently assessed as low.

Future risk may increase as works capacity is improved and advises consultation with the Environmental Health Officer to discuss the likely risk of statutory nuisance.

Environment Agency

Originally objected to the proposed development on grounds of flood risk and pollution of controlled waters arising from contaminated land.

The objection with regard to contaminated land matters still remains but 'on the basis of the flood risk information submitted, provided our contaminated land objection could subsequently be overcome we would be able to recommend the following conditions and informatives to cover flood risk interests..'

These proposed conditions require a scheme for the provision of surface water drainage, a scheme for surface water run-off limitation, and an operation and maintenance strategy, together with a number of appropriate informatives.

Network Rail

No objection in principle to the proposal but it is essential that the applicant contacts the Operational Portfolio Surveyor regarding the access road before any development takes place.

Additionally comments/requests that a trespass resistant fence should be erected along the boundary; surface water drainage should not be discharged onto Network Rail's land/infrastructure; no work/activity to endanger rail safety; prior consultation on any alterations to ground levels; buildings to be sited a minimum 2m from the railway boundary; lighting must not interfere with signalling apparatus or driver vision; design and siting of buildings to take account of noise, dust and vibration from railway; requests S106 contribution for infrastructure enhancements and to mitigate potential impact on railway; identifies those tree species which are/are not permitted close to the railway boundary; advises on positioning of scaffolding adjacent to the railway.

8. Publicity

The application was advertised by site and press notice and neighbour notification.

Expiry date: 26.11.2010.

4 letters of objection have been received as referred to at the beginning of the report.

9. Planning Considerations

There are a number of issues relating to the proposed redevelopment of the site, which are primarily the principle of housing development, design, highways matters, environmental issues, leisure and recreation provision, nature conservation, drainage and contributions to infrastructure.

9.1 Principle of development and loss of employment

This brownfield site was previously used for a variety of industrial uses, many of which are historic, and most recently storage. Although it has been identified within the District Plan as lying outside the Westbury Town Policy Limits, it is considered that it forms part of the built up area of Westbury as it is well related to both the town boundary and Westbury Ham between the railway lines leading into Westbury Station. This is reinforced by the fact that historically it was a major area of industrial development on the edge of the town.

It was identified as being derelict and underused within the Development Brief that was prepared in the late 1980s in order to guide the future development of the site. Despite this long standing Development Brief no development proposals for Sites A or B for employment uses have been submitted to the Council, or for Site C for recreational use, and the whole site currently remains in a derelict and overgrown state. However, it remains as an Area of Opportunity within the development plan and although identified for 'Light Industrial, recreation and community facilities'(C41C), does constitute a site where the main objective is rehabilitation or redevelopment which would result in significant improvement to the local environment.

Although the site is located outside of the established Westbury Town Policy limits where policy H1 does not encourage additional residential development, it is located on previously developed land, is in a location that is well related to Westbury's existing urban boundary as well as that of The Ham, is within a sustainable location on a bus route and is within easy walking distance of schools, community health surgeries, shops, recreation and employment, transport and other town centre facilities.

The redevelopment of part of the site for residential use, together with a recreation and community use on the remainder (see 9.6 below), is therefore considered appropriate and is supported by the Strategic Planning Officer in terms of overall principle.

9.2 Design Considerations

The final design has evolved through a pre application process, taking particular account of the constraints and opportunities of the site, which include its natural subdivision into physical separate spaces, an elevated railway line along one residential boundary, an existing access road serving an adjoining Network Rail site, Slag Lane itself which is a bus route, and an existing lake on part of the site. Consequently, the final scheme will inevitably be seen as 3 different development sites but linked through the use of landscaping and public open space to create a more unified development than might otherwise be realised.

Within these constraints, it is considered that the proposals for the housing redevelopment represent a well designed scheme that responds successfully to the character of the site and relationship to its surroundings:

- the overall road layout has been informed by the identification of appropriate building blocks which recognise the physically different spaces of areas A and B
- these 2 areas each propose a separate, but appropriate character - A has a formal contained square layout, a density of approx 40 dph and is universally 2 storey; B is less formal but with a linear road pattern, a broader mix of building types and a slightly lower net density of 34 dph
- pedestrian permeability within the site is good and follows a reasonably direct desire line
- the scheme uses a road hierarchy with some significant shared surfaces
- the creation of a central area of public open space which links to a nature area and then to the urban park creates a good focal point and sense of distinctiveness for the scheme as a whole
- internally, there is good use of tree planting to break up the frontage parking, hard courtyards and line the pedestrian priority routes; externally, linear planting along the Slag Lane frontage will help to 'green' the appearance of the development and soften the appearance of new housing from more distant views
- car parking does not overtly dominate

- the scheme uses standard house types, but they are of good quality and the detailing has ensured that they reflect local vernacular and positively address public spaces
- the proposed pallet of materials is generally limited to red brick and render under 2 types of concrete tiles, but this is not inappropriate within this particular location
- the use of three storey houses at the rear of the site will create a strong skyline and will create views of rising building heights which work with the topography to give the scheme character.

More negatively, the mix of building types is rather limited and unbalanced with no flats or one bed units, almost half the development as 4 bed dwellings (53), and only 4 of the 22 no smaller 2 bed units, for which there is great demand, being available for private sale. However, the affordable housing provision is balanced in favour of the smaller units to meet the required need and provide an overall acceptable tenure mix.

In terms of sustainability, the scheme appears to fall short of the Council's and Governments expectations and it is disappointing that the opportunities offered by this new development have not been taken. That said, there remain opportunities for future occupiers to individually invest in solar panels, for example, due to the basic orientation of the development and while it could be argued that the objectives of policy C34a have not been met by this scheme, it would be difficult to resist the development on those grounds alone. However, an informative is being recommended which might encourage a more sustainable approach as part of the construction process.

9.3 Highway and access considerations

The proposed development raises a number of important highway issues which have been the subject of lengthy and ongoing negotiations to resolve. These have largely centred around the inadequate nature of Slag Lane to serve a major development site, compounded by its current, but ultimately, temporary use as a bus route to avoid the weakened road bridge further along Station Road. It has been further complicated by the relative site levels between the development areas and the roadway and the existence of a major recreational fishing lake on the opposite side of the road and outside of the applicant's control. As a result, any development of the site is dependant on significant off site highway improvements to upgrade the surrounding network to an acceptable standard.

The original proposal was for a traffic light arrangement at the junction of Slag Lane with Station Road but this was unacceptable to the Highway Officer for a number of reasons including inadequate visibility, a capacity issue, the likelihood of traffic backing up along Station Road and inadequate space at the proposed junction for large turning vehicles which would include frequent buses. The revised scheme is based on a mini roundabout arrangement which allows for increased capacity, accommodates limited visibility towards the town centre and 'fits in' with the use of these features elsewhere in the vicinity. It will also provide a pedestrian crossing facility by means of a splitter island in the direction of the road bridge.

In addition to the works at the junction, Slag Lane itself is to be significantly reconstructed and redesigned to include a new line and level which will be approx one metre higher for the first 60m or so from the junction. The carriageway will be widened to 5.5m with a new 2m wide footway on the development side and a new kerb line and margin adjacent to the lake on the opposite side for obvious safety reasons. The challenge will be to enable all of these improvements to be carried out safely while ensuring that the continuing bus service which is routed along Slag Lane is not adversely affected by the works. It is to address this challenge that the proposed highway conditions are being recommended, which in addition to detailing the precise works, will also have to propose a workable method of construction to ensure safe and continued use of the road network. The cost of works and Traffic Regulation Orders (TRO) to accommodate this arrangement is being met by a financial contribution from the developer of £20K.

Internally, the road layout has been revised to accommodate the necessary changes and deliver an average parking ratio of 1.5 spaces per 2 bed unit and 2 spaces for 3 and 4 bed dwellings; this is considered acceptable.

With regard to the arrangements for the proposed urban park, while the applicant is seeking to reduce car borne visitors by providing disabled spaces only, the Highway Officer is of a view that broader provision for general visitors is necessary. This, however, can be addressed by appropriate condition.

While there is no question that this development raises a number of highway concerns and challenges overall, it is considered that these can be appropriately met through the use of conditions and a S106/S278 Agreement(s). Members will note that no additional financial contributions are being sought for cycle way or other improvements, other than to support the imposition of new TROs, but in view of the scale of the proposed off site works, these could not reasonably be justified. It is an important point that any redevelopment of this vacant site would require significant improvements and upgrades to what is currently a limited road network and the wider benefits which will be gained from making an efficient use of this vacant brownfield site must be set against specific elements for improvement.

On the basis of the above, there would appear to be no highway reasons for refusing this development.

9.4 Environmental Considerations and impact on amenity

The main environmental concerns relate to the impact of noise and vibration from the adjoining railway, traffic noise from the adjoining Station Road and Slag Lane, noise from neighbouring industrial development, odour from the nearby STW and contamination within the site from previous industrial uses, all of which would affect the quality of the residential environment for future residents and users of the urban park.

(a) Noise and vibration

The submitted survey confirms that the majority of the proposed residential development lies within an area where 'noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise' (PPG24); a narrow band along Station Rd falls within that category where permission should not normally be granted unless acceptable conditions can be imposed. The report goes on to conclude as follows:

- As regards noise from the railway, reasonable internal conditions for all dwellings can be met with thermal double glazing and passive acoustic ventilators; noise levels in gardens at the northern end of the site will remain below advised maximum guidelines, while higher noise levels towards the western corner can be met with a 1.8m timber fence.

- As regards vibration levels from the railway, these are predicted to be low and no mitigation measures are advised.

- As regards noise from Station Road and Slag Lane, those dwellings facing onto these roads can achieve reasonable internal conditions with thermal double glazing and passive acoustic ventilators, although a higher standard will be required for bedroom windows facing Station Road; garden areas will generally meet acceptable standards by being located to the rear and could be improved by the erection of timber fencing but, ultimately, would be no worse affected by traffic noise than existing dwellings in the vicinity.

Therefore, while noise is clearly a matter to potentially affect residential amenity, it is possible that the necessary mitigation measures can be addressed by appropriate conditions which would include a Noise Mitigation Scheme.

(b) Odour

In terms of any likely impact from odour from the nearby STW, this is not confirmed by either Wessex Water or the Environmental Health Officer and is not considered to be an issue for concern.

(c) Contamination

There is a history of industrial development on this site and a number of contaminants have been identified. Notwithstanding the continued objection of the Environment Agency in terms of contaminated land matters, it does acknowledge that this concern 'could subsequently be overcome'. In similar vein, the Environmental Health Officer notes existing levels of contamination within the site but is satisfied that the work to date is sufficient to demonstrate that the site is capable of redevelopment subject to necessary remediation works. These can be addressed by an appropriate, albeit lengthy condition, to ensure this aspect is satisfactorily resolved.

In terms of any reciprocal impact which this proposed development might have on any existing development, the current derelict nature of the site and its enclosure within existing road and railway boundaries ensure that this is unlikely. The potential impact in terms of increased traffic generation has been largely addressed and mitigated by the required offsite highway works referred to in 9.3 above, while the obvious benefits in terms of public open space provision can only be supported.

9.5 Leisure and Recreation considerations

The original development brief for Vivash Park suggested that part of the site (Area C) could be usefully enhanced for informal recreation purposes for the local community but the land has been in separate private ownership and not available for such use. However, it remains allocated within the District Plan for 'New Recreational Space' and is identified within the newly adopted Recreation and Leisure DPD for grass sports pitches to meet the formal and informal needs of the adjacent residential areas (policy OS2).

It had been previously considered that more suitable land north of Frogmore Rd might deliver the necessary grass pitches, but it appears that this land is not available in any event and that the current application site might therefore be available to deliver a more formal recreation use. However, constraints of size, topography, proximity to the railway and pond and restricted vehicular access make the application site more suitable for informal recreation space and the Council is therefore supporting the proposal for a local urban park.

The scheme proposes the re-profiling of the sloping land using spoil removed from the residential areas to create a 'vibrant environment for play and casual recreation' and bring forward the recreational use of this unused land as a public open space. The submitted plans indicate informal walkways, biking tracks, equipped fitness areas, an additional pond with footbridge and tree and shrub planting. Pedestrian access to the park would be from Slag Lane and Hawkeridge Rd with disabled parking only envisaged at the latter entrance to deter car borne visitors.

In addition to this urban park, the scheme also delivers 2 small local areas of play within each of the residential areas, together with a further informal area of open space; in terms of size, layout and location, these are acceptable and would further enhance the relevant parts of the development.

In terms of future management, it is currently proposed that all areas will be laid out as part of the development and subsequently offered to the Council or other nominated body for adoption and subsequent maintenance. The principle of this fits with the Council's general open space strategy subject to a commuted sum to cover the cost of subsequent maintenance to be agreed as part of a S106 Agreement. At the time of preparation of this report the required commuted sums have not been determined, but would be for detailed consideration as part of that agreement.

Alternatively, the areas of open space, including the urban park, could be subsequently managed through a private Management Company. While this would not necessarily be in the wider interests of the local community, it is a permissible option and for subsequent negotiation as part of any legal agreement.

9.6 Impact on ecology

Due to the derelict nature of the site and the range of current habitats, it is inevitable that there are a number of ecological constraints. However, the application is supported by detailed survey information which suggests appropriate mitigation for most protected species and habitats and the Ecologist is satisfied that all existing and outstanding ecological concerns can be addressed by appropriate condition.

An operational constraint will be enforced to prevent any lighting with the urban park which perhaps raises issues of security and public safety but it is considered that this is ultimately a management issue to be agreed as part of a wider Management Plan.

9.7 Drainage and Flood Risk

The matters of drainage and flood risk have largely been overcome in principle subject to agreement to a detailed strategy for subsequent agreement by Wessex Water and the Environment Agency and do not represent a major constraint to the development of the site. Area D, a narrow strip of land to the east of the main residential area, is within the applicant's control and is to be used to create a longitudinal attenuation pond as part of the sustainable drainage (SuDS) proposals for the site. The pond will provide for restricted surface water drainage discharge to the adjoining watercourse, and details would be submitted as part of the overall details to be subsequently approved under proposed condition 3.

9.8 Contributions

Parallel with the processing of this application, negotiations have been ongoing with regard to a draft legal agreement to secure the following contributions considered necessary to support this development:

(a) Affordable Housing (Policy H2)

There is a requirement under Council policy for the scheme to deliver up to 30% affordable housing. The submitted scheme would deliver that total, with 83% on site in the form of 29 units in a combination of 2 and 3 bedroom houses; the mix and proposed location are acceptable to the Housing Officer. In addition, the applicants have agreed to a further commuted sum (as yet unknown) for offsite contributions towards an additional 6 units (17%).

(b) Education (Policy S1)

The revised contribution of approx £615K towards secondary education provision and a reduced primary provision is agreed.

(c) Highways (Policy I1)

As referred to in 9.3 above, the development is dependent on off site highway works including the provision of a mini roundabout and the reconstruction of Slag Lane together with a traffic management scheme to ensure continuation of traffic movement while the works are being undertaken. In addition to securing those works as part of a legal agreement, a financial contribution of £20K towards new TROs and their implementation is being sought and has been agreed.

(d) Public Open Space (Policy LP4)

As referred to in 9.5 above, the delivery of a significant amount of open space is an integral part of this development. The specific arrangements for the future management and maintenance of these areas have yet to be formally agreed but the applicant has committed to 'financial contributions to maintenance of the public open space or the setting up of a Management Company for this purpose.'

(e) Public Art (Policy I2)

A contribution of £30K towards an item of public art has been agreed.

(f) Waste and Recycling (Policy I1)

A contribution of approx £13K towards these facilities has been agreed.

9.9 Conclusion

Although the proposed development lies outside the formal town boundary limit and on a former industrial site where the loss of employment and the construction of new housing would generally be resisted, this is a brownfield site which has remained derelict for many years. No alternative uses which might meet the policy requirements more rigorously have come forward in that time and in view of the sustainable location, its relationship with other new housing development and the significant

community benefit which will be brought by the ancillary urban park, this is a scheme which, on balance, can be supported in terms of principle.

Individual elements are largely acceptable and where still to be resolved, can be addressed by appropriate condition; contributions, where required by policy, have been agreed (in principle) by the applicant. On that basis, there are no planning reasons for resisting the development and subject to completion of the necessary legal agreement to secure those contributions, planning permission is being recommended.

Recommendation:

To delegate to the Area Development Manager to grant planning permission, subject to the prior completion of a legal agreement to secure the following:

- (a) Offsite highway works to include**
 - (i) the provision of a mini roundabout at the junction of Slag Lane/Station Road**
 - (ii) the redesign and reconstruction of Slag Lane**
 - (iii) a Construction Traffic Management Plan**
 - (iv) an index linked financial contribution to necessary works and Traffic Regulation Orders in respect of (iii) above**
 - (v) a S278 Highways Agreement in respect of (i) and (ii) above.**
- (b) An index linked financial contribution for the provision of 30% affordable housing in accordance with policy**
- (c) An index linked financial contribution towards primary school and secondary school education in accordance with the current cost multiplier**
- (d) The provision on site of a fully equipped and landscaped public open space/community park together with either**
 - (i) a commuted sum contribution for its continued maintenance following transfer to the local authority or nominated body, or**
 - (ii) the establishment of a private Management Company for its continued maintenance**
- (e) An index linked financial contribution to public art.**
- (f) An index linked financial contribution to waste and recycling.**

For the following reason(s):

The development would not constitute a significant departure from the Development Plan but would make an efficient and effective use of a vacant brownfield site to deliver a development which is otherwise acceptable, complies with the Council's policies and Government guidance and where any outstanding matters can be appropriately addressed by condition and legal agreement.

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 - POLICY: C31a.

- 3 No development shall commence on site until a foul and surface water drainage strategy together with a scheme for the provision of foul and surface water drainage works and the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority in consultation with Wessex Water and the Environment Agency. The strategy shall identify all future land use limitations; identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. The drainage schemes shall be completed in accordance with the approved details and to a timetable which shall be agreed with the Local Planning Authority prior to the first occupation of any of the dwelling units.

REASON: To ensure that proper provision is made for the disposal of surface water and sewerage from the site and that the development does not increase the risk of sewer flooding to property downstream.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 Policy C38.

- 4 No development shall commence on site (other than that required to be carried out as part of a scheme of site investigation or remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully 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 step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An updated investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to human health, property (existing or proposed and including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwater and surface waters, ecological systems and archaeological sites and ancient monuments;

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

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) 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 should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement shall be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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 1st Alteration 2004 – Policy C37

- 5 Prior to the commencement of any development, full construction details of the new mini roundabout at the junction of Station Road and Slag Lane, and the improvements to Slag Lane,

generally as indicated on drawings SK001G and SK005F, shall be submitted to and approved in writing by the Local Planning Authority, and the new mini roundabout and improvements to Slag Lane shall be completed in full accordance with the approved details before the first occupation of the development.

REASON: In the interests of highway safety

- 6 Prior to the commencement of any development, a construction Traffic Management Plan in relation to the new mini roundabout and improvements to Slag Lane shall be submitted to and approved in writing by the Local Planning Authority and the approved construction Traffic Management Plan shall thereafter be implemented in full accordance with its recommendations.

REASON: In the interests of highway safety

- 7 Prior to the commencement of any development, full construction details of the internal road layouts, generally in accordance with drawing 13048/5000/K, shall be submitted to and approved in writing by the Local Planning Authority, and the internal road layouts shall thereafter be completed in full accordance with the approved details.

REASON: In the interests of highway safety

- 8 The internal road construction shall be completed in such a manner that before it is occupied, each dwelling shall have been provided with a properly consolidated and surfaced footway and carriageway to at least binder course level between the dwelling and the existing public highway.

REAS: In the interests of highway safety

- 9 Prior to the commencement of any development within Site C, full details of the car parking area for the urban park and their access point to the public highway shall be submitted to and approved in writing by the Local Planning Authority and the car parking areas provided in full accordance with the approved details before the first use of the urban park and subsequently retained.

REASON: In the interests of highway safety

- 10 Notwithstanding the submitted plans, no development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed site levels, proposed slab levels of new dwellings, proposed grading and mounding of land areas within the site and along boundaries and shall include the levels and contours to be formed, sections where necessary, the nature of the material, and the relationship of proposed mounding to existing and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped, visual, environmental and ecological setting for the development.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32 & C38
Planning Policy Statement 9: Biodiversity and Geological Conservation

- 11 Prior to the commencement of development a Noise Impact Study shall be carried out for the residential sites A and B and the subsequent report submitted to the Local Planning Authority for agreement in writing. The report shall include:

* Details of the methodology used for any noise assessments.

* The results of the noise monitoring exercise.

* Any conclusions drawn from the investigation, including the Noise Exposure Category(s) applicable to the development.

* A recommended Noise Mitigation Scheme identifying a scheme of works/treatments to the proposed dwellings and curtilages which shall include glazing specifications, methods for

passive acoustic ventilation, and acoustic screens and fences with all such measures indicated on a plan together with an assessment of the acoustic standard of the proposed mitigation works.

* Confirmation that the final design scheme will comply with the recommendations in the Noise Mitigation Scheme.

The development shall subsequently be carried out in accordance with the approved Noise Mitigation Scheme.

REASON: To ensure that residential property will not be adversely affected by noise and to protect the health and wellbeing of future residents.

West Wiltshire District Plan 1st Alteration 2004 – C38

- 12 No development shall commence within the proposed development 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.

Planning Policy Statement 5: Planning for the Historic Environment

- 13 Notwithstanding the submitted plans, no development shall commence within any part of site C until further details of the scheme of hard and soft landscaping for the proposed urban park have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- * a phasing programme for the proposed works
 - * 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 new planting including 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;
 - * existing and finished levels and contours and proposed earthworks and identified on a separate plan;
 - * means of enclosure within, and around the site boundaries;
 - * car park layouts;
 - * other vehicle and pedestrian access and circulation areas;
 - * hard surfacing materials;
 - * minor artefacts and structures including furniture, play and fitness equipment, refuse and other storage units and signs;
 - * retained ecological features and proposed mitigation, where relevant.

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

- 14 Further to the requirements of condition 8 above, those public open spaces within the residential part of the development (sites A and B) shall be completed before first occupation of any of those dwellings within the relevant parts of the site, or as may be otherwise agreed by the Local Planning Authority; the urban park shall be completed by 75% occupation of the residential

development hereby permitted and shall thereafter be retained for public use and kept open for such use.

REASON: To ensure that these facilities are provided to meet the needs of the development

- 15 All soft landscaping comprised in the approved details of landscaping for sites A and B (CIR.D.0304 01B, 02C and 03) 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

- 16 Prior to the commencement of any development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate a precautionary method of working for all construction works and phasing in relation to the following:

- * Disturbance avoidance measures to protect waterfowl wintering on Frogmore Lake;
- * Measures to avoid impacts to badgers and their setts;
- * Measures to avoid harm to reptiles;
- * Protection of bats roosting in Hawkeridge Road cave
- * Protection of Regionally Important Geological Site No ST 85.RIGS27

The development shall subsequently be carried out in accordance with the approved method of working.

REASON: In the interests of existing biodiversity and nature habitats

Planning Policy Statement 9: Biodiversity and Geological Conservation

- 17 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

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

- 18 Notwithstanding condition 17 above, no development shall commence until a separate Landscape and Ecology Management Plan for the proposed urban park shall be submitted to and approved in writing by the Local Planning Authority. This plan shall show locations of sensitive features, habitats and landscapes, and set out long-term design objectives, management responsibilities and maintenance schedules for all such areas. The management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity and the protection of existing biodiversity and nature habitats.

- 19 No development shall commence on site until a survey for Great Crested Newts has been carried out and a report submitted to and approved in writing by the Local Planning Authority. In the event that Great Crested Newts are found to be present, the report shall identify mitigation measures and recommendations for implementation and the work shall subsequently be carried out in accordance with the approved details.

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

Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 20 The urban park shall remain entirely unlit at all times

REASON: In the interests of existing biodiversity and nature habitats

Planning Policy Statement 9: Biodiversity and Geological Conservation

- 21 No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32 and C38

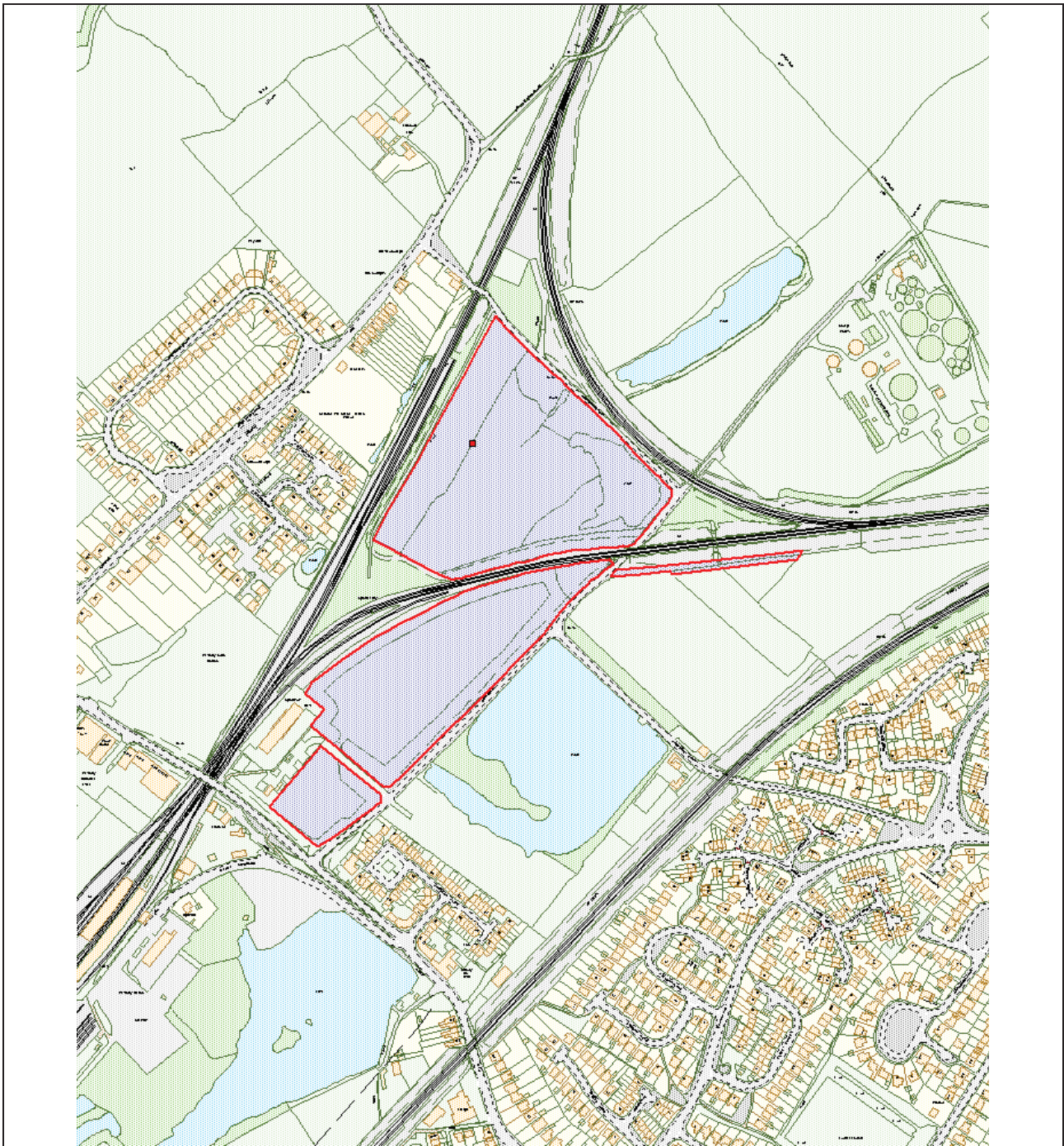
- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents:
- * 13048/1000/B received on 21.10.10
 - * 13048/5000/K received on 03.03.11
 - * 13048/3600 and 3601 received on 21.10.10
 - * 13048/6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018 received on 21.10.10
 - * CIR.D.0304_01B received on 07.04.11
 - * CIR.D.0304_02C received on 07.04.11
 - * CIR.D.0304_03 received on 25.10.10
 - * CIR.D.0304_04A received on 09.02.11
 - * CIR.D.0304_05 received on 09.02.11
 - * P9433 G200 rev A and G201 rev A received on 30.12.10
 - * Planning Statement received on 21.10.10
 - * Design and Access Statement received on 21.10.10
 - * Transport Assessment received on 21.10.10
 - * Flood Risk Assessment received on 21.10.10
 - * Phase 2 Surveys and Ecological Assessment received on 21.10.10, Addendum relating to Reptiles received on 14.01.11 and Addendum relating to Wintering Birds and Great Crested Newts received on 09.02.11
 - * Archaeological Assessment received on 21.10.10
 - * Noise and Vibration Assessment received on 21.10.10
 - * Market Feasibility Report received on 21.10.10
 - * Ground Investigation Reports dated May 2006 and June 2006, and letter Report dated September 2010 received on 21.10.10
 - * Statement of Community Involvement received on 21.10.10

Informative(s):

- 1 With regard to condition 3 above, the applicant is advised to consult with the Environment Agency concerning the proposed strategy; the use of Sustainable Drainage Systems for this site; maximum outflows from the site; surface water run-off in relation to probability of flooding; surcharge and flooding from the system and adoption and maintenance of the system as specified in its letter dated 1 March 2011
- 2 The applicant is advised that in relation to condition 12 above, the required trial-trenching shall be conducted by a professional, recognised archaeological contractor in accordance with a brief issued by the Council's Archaeologist with consequent financial implication
- 3 The applicant is advised with regard to condition 11 that the noise impact study shall be carried out in compliance with the requirements of PPG24: Planning and Noise
- 4 The applicant is advised to note the following comments from Network Rail:
 - (a) No objection in principle to the proposal but it is essential that the applicant contacts the Operational Portfolio Surveyor regarding the access road before any development takes place.
 - (b) Regarding matters of detail concerning the proposal, a trespass resistant fence should be erected along the boundary; surface water drainage should not be discharged onto Network Rail's land/infrastructure; no work/activity shall endanger rail safety; prior consultation should take place on any alterations to ground levels; buildings to be sited a minimum 2m from the railway boundary; lighting must not interfere with signalling apparatus or driver vision; design and siting of buildings to take account of noise, dust and vibration from railway; requests a S106 contribution for infrastructure enhancements and to mitigate potential impact on railway; identifies those tree species which are/are not permitted close to the railway boundary; advises on positioning of scaffolding adjacent to the railway.

The applicant is advised to consult directly with Network Rail on these matters.
- 5 The applicant is advised to include and promote the use of sustainable construction methods in its implementation and subsequent marketing of the development

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



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www.wiltshire.gov.uk

MSA: 100022961

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.05.2011		
Application Number	W/11/00490/FUL		
Site Address	Land At Turleigh Farm Green Lane Turleigh Wiltshire		
Proposal	Construction of earth shelter dwelling		
Applicant	Mr Graham Jenkins		
Town/Parish Council	Winsley		
Electoral Division	Winsley And Westwood	Unitary Member:	Linda Conley
Grid Ref	380562 160443		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 15169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Linda Conley has requested that this item be determined by Committee due to:

* "In line with the need for open scrutiny and debate I wish to call this unusual and innovative application forward to the Planning Committee".

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

Neighbourhood Responses:

10 letters of objection (including from 7 from various residents of the adjacent Turleigh Villa) and 1 petition.

4 letters of support.

Parish/Town Council Response

Winsley Parish Council objects.

2. Report Summary

The main issues to consider are:

- * Planning history;
- * Planning policy, including PPS7;
- * Impact on the openness of the green belt;
- * Impact on the nationally important landscape of the AONB;
- * Impact on neighbouring amenity;
- * Impact on highway safety;

- * Impact on archaeology;
- * Impact on ecology; and
- * Impact on the adjacent listed building's setting and the conservation area's character and appearance.

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

3. Site Description

The application site is a parcel of land approximately 0.02 hectares in size with a lawful agricultural use. The site slopes significantly from the north west down to the south east.

To the north, south and east are residential properties, including listed buildings. The application site is located within a designated conservation area. The immediate environs may be described as a fringe of village location.

Access to the site is obtained from the end of an unclassified highway which continues as a public right of way only beyond the application site. The terminus of the highway is the meeting point with another right of way which runs away to the north.

The application site is within a designated Scheduled Monument Record (SMR), and an area of Site of Nature Conservation Interest (SNCI), as well as the Green Belt and an Area of Outstanding Natural Beauty.

4. Relevant Planning History

00/00173/OUT – Dwelling – Refused on 06.04.2000 (appeal dismissed on 17.10.2000)

01/00017/OUT – Dwelling – Refused on 05.04.2001

5. Proposal

This is a full planning application for the erection of a dwelling and associated works. The dwelling has been detailed as an “earth shelter” dwelling, a partially subterranean dwelling with a circular floorplan to facilitate 3 en-suite bedrooms around a central and open plan dining, living and kitchen area. Also detailed within the scheme would be storage, entrance lobby and drying area/escape void. Natural light would be obtained from a roof lantern in the centre of the green roof and the largely glazed eastern elevation.

In addition the proposals detail between the dwelling and the access, a partially subterranean garage building with parking for 2 cars, garden store, and a bin and cycle storage.

Ancillary development beyond the above is detailed as a solar PV for electricity, geothermal array, reed beds, feeding into a lake and landscaping.

The application has been submitted with the usual detailed plans and a design and access statement. This details the intention to be a sustainable project and the “first, earth sheltered Passive House in the UK”. Carbon off-setting would be used to make this a carbon zero development.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C2 Areas of Outstanding Natural Beauty

C6 Areas of high Ecological Value (AHEVs), Regionally Important Geological or Geomorphological Sites (RIGs), and Sites of Nature Conservation Interest (SNCIs)

C17 Conservation Areas

C18 New Development in Conservation Areas

C31a Design

C32 Landscaping

C38 Nuisance

H19 Development in Open Countryside

T12 Footpaths and Bridleways

U1a Foul Water Disposal

U2 Surface Water Disposal

National guidance

PPS1: Delivering Sustainable Development

PPS1a: Planning and Climate Change

PPG2: Green Belts

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS22: Renewable Energy

PPS23: Planning and Pollution Control

7. Consultations

Winsley Parish Council

Objection:

"1. Winsley Parish Council believes this proposal must be determined strictly in accordance with the policies in place for the location.

2. The Council is aware of the previous policy-based refusals and the dismissed appeal, preventing development of the site for domestic use.

3. The highways objections remain.

4. The location of this proposal does not seem to satisfy criteria for which PPS7 section 11 could allow an exception for an isolated new house. This would not be an isolated new house within the purpose and meaning in PPS7.

5. The Council is aware that the application has been called in for determination by the Planning Committee where these matters can be rigorously and openly examined, with attention to the local knowledge contributed by many, including observers of previous activity at the site."

Wessex Water

No objection.

Libraries and Heritage

No objection subject to conditions.

"The Wiltshire Historic Environment Record (HER) notes the presence of strip lynchets – relics of a medieval field system – surviving here, possibly from the Saxon period, with one large example running through the proposed development area. These earthworks could be the "contour features" referred to in the supporting Design and Access Statement (Bolingbroke Design, 2011:1).

Given the relative significance of these heritage assets, and in line with PPS5, I would recommend that the earthworks are considered for an earthwork survey. This should be undertaken by a suitably qualified archaeologist, and should be carried out before any works begin. It might also be possible

that the survey can be repeated after reinstatement of the land following completion of the proposed construction works.”

Highways

Initially raised an objection on the following grounds: (01 March 2011):

“The site is located off of Green lane; Green Lane is of single width with no passing places. The access point to the site is at an acute angle to Green Lane, this restricts visibility for vehicles exiting the site. The site has previously been subject to planning applications (both refused, one dismissed at appeal and the latter was refused on a highway recommendation of sustainability grounds). On the basis of the above, I recommend that this application be refused on highway grounds for the following reasons:

- 1) The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.
- 2) The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.
- 3) Green Lane by reason of its restricted width is considered unsuitable to serve as a means of access to the proposed development.”

Subsequently amended the comments as follows: (5 April 2011):

“The previous application W00/0173 for a proposed dwelling at the site was refused and dismissed at appeal. The Highway Officer did not offer a refusal reason and the Inspector did not dismiss the appeal on Highway Grounds.

Application W01/0017 was refused by the Highway Officer on sustainability grounds, no other refusal ground was issued by the Highway Officer.

On the basis of the above it is difficult for me to substantiate a refusal reason due to insufficient visibility at the site access and the restrictive width of Green Lane. Therefore I would like to omit the second and third refusal reason of my Highway Recommendations correspondence dated 01 March 2011.

However, the site is located outside the Village Policy Limit of Winsley as illustrated in West Wiltshire’s Local Development Framework 2004. Therefore, I maintain my objection regarding the ‘site being located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.”

Ecology

Objection.

“The Wiltshire & Swindon Biological Records Centre holds records for badgers and reptiles in the area, and this unmanaged plot of land may offer opportunities for these species. I recommend that an Ecological Appraisal of the site is conducted by a suitably qualified ecologist to determine the potential for / presence of protected species. This can be undertaken at any time of year. A report of the survey should be submitted to the LPA prior to a decision being made on the application. If further surveys are deemed necessary, these should be undertaken at the appropriate time of year and any recommended mitigation should be incorporated into the plans.”

Rights of Way Officer

No comments received.

Conservation Officer

Objects to the proposal.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 18 March 2011

10 letters of objection (including 7 from various residents of the adjacent Turleigh Villa) and 1 petition.
Summary of points raised:

- * Construction of new dwellings in the green belt is not allowed as its inappropriate development;
- * Very species circumstances do not exist to justify the scheme in the green belt;
- * Proposals are not in keeping with the conservation area;
- * Located within an area of outstanding natural beauty where priority should be given to landscape over other considerations;
- * Located within a site of special scientific interest;
- * Could set a precedent that would endanger the charm and character of the village;
- * Whilst an improvement over and above the previous applications, the proposals would be harmful in terms of landscaping;
- * Concern over construction phase, in particular movement of spoil and the highway implications;
- * Damage has already occurred to potential archaeological features, proposals would exacerbate the issue;
- * Potential damage to underground watercourse;
- * Access is unsafe and driveway a visual intrusion;
- * Inaccurate plans and misrepresentations over presence of other buildings, parking levels, use of land, proximity to water courses, public views, presence of trees, potential for nature conservation interests/protect species and whether work has commenced;
- * Scheme conflicts with the special character of the area, however disguised.
- * Proposals do not satisfy the PPS7 paragraph 11 test;
- * Harmful impact to neighbouring amenity with over looking;
- * Boundary treatments that may be required are likely to be intrusive;
- * If mindful to approve then this proposal must be advertised as an exception to the development plan;
- * Proposal does not make use of natural depressions, they have been created by the landowner in the last 10-15 years without any consent;
- * Harm to drinking water at local well and inappropriate means of sewerage disposal;
- * Failed to complete the application in block capitals, if they cannot get that right then what hope of anything else;
- * The adjacent reconstructed stone building was probably state of the art when constructed, now it is the ugliest building in Turleigh; and
- * Fee is too low and should be higher to deter such applications and supplement the Council's coffers;

4 letters of support. Summary of points raised:

- * Pleased to hear of the proposal as it has been so hard to get any experimental eco-architecture going;
- * Underground and use of environmentally friendly methods for construction are the way ahead – forward looking and well thought out architecture;
- * Unique and innovative design, which is quite outstanding, a blueprint for other schemes;
- * Sustainable construction supplemented by use of ground source heating, solar heating and rainwater capture;
- * The design must be acknowledged as mitigating any encroachment in terms of green belt, AONB and conservation area designations;
- * Ideal location close to railway station and on wasted land within the village;
- * Escalating fuel prices and heating costs means that not to back this 100% would be insanity and downright incompetence; and
- * Nimbyism is inevitable but hopes that planners can rise above it.

9. Planning Considerations

Green belt

PPG2 details at paragraphs 3.1 to 3.3 that the general policies controlling development in the countryside apply with equal force in the green belt but in addition there is a general presumption

against inappropriate development except in very special circumstances. Inappropriate development in the green belt is by definition harmful.

Paragraph 3.4 deals with new buildings in the green belt and defines that they are inappropriate unless it is for one of five set exceptions, which includes the "limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11)". This clearly states that if it is proposed to allow no new building, the village should be included in the green belt; and if infilling only is proposed the village should be either included in the green belt and listed in the development plan or excluded from the green belt. Turleigh is within the green belt and has no village policy limit, therefore in accordance with PPG2 the policy intention for the area is to have no new building on sites such as this. To make any other conclusion the site would have to be specifically listed as suitable for infill and it is not. As such the application must be concluded to be inappropriate development and by definition harmful to the green belt. Although it is noted that policy GB2 of the local plan is not saved and therefore has no weight, the wording of it was formed in the context of PPG2 and it supports the above conclusion. Furthermore this conclusion is consistent with the planning history which has seen two refused applications, one of which went to an appeal and was dismissed and where the Inspector found that the erection of a dwelling on the site was inappropriate development and, by definition, harmful to the green belt.

In addition it is necessary to consider the implications of the development on the defining characteristics, principally the "openness" of the green belt. At present the site is open with no buildings on the site. It is accepted that the site has been subject to landscaping which has changed its character however this is far less of a human disturbance than is being proposed. The site would be substantially altered with the introduction of a dwelling, garaging, vehicular access, and associated landscaping including the introduction of reed beds and lake; and furthermore general domestic paraphernalia. All of which would have a substantial impact on the openness of the site, albeit it is acknowledged that the design details attempt to mitigate this with the use of semi-subterranean construction and green roofs. However after careful consideration it is not considered to nullify the impact of the proposals on the openness at this point, particularly as the buildings will be open to view from public vantage points within the village.

Housing in Open Countryside

The application site is located in open countryside on the fringes of the village of Turleigh which has no village policy limits. Therefore the appropriate housing policy of the local plan is Policy H19 which specifically excludes the principle of further housing development in such locations unless in connection with forestry or agriculture. No such justification is being presented in this case and therefore the proposals have to be deemed as contrary to Policy H19.

This is the basis of the remaining highway reason for refusal and has been described by them as an unsustainable location. Furthermore this has been the historic grounds for refusal of residential development on this parcel of land in 2000 and 2001.

However it is noted that the applicant is attempting to justify the development on the basis of an exemption detailed in paragraph 11 of national Planning Policy Statement 7: Sustainable Development in Rural Areas. This states that "very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area".

The scheme (by the same architect) is very similar to a proposal brought to planning committee and refused in 2008 in Chapmanslade for a subterranean earth shelter dwelling. This was refused due to its location in open countryside, visual impact and drainage issues despite the attempted use of PPS7 as justification. The inspector at the subsequent appeal commented that "I consider that the architecture, materials and method of construction would all be of a very high standard, but in my assessment they fall some way short of being truly outstanding and ground-breaking as PPS7 paragraph 11 requires." Whilst the maxim that each case should be assessed on its own merits must

always be applied, the parallels in the design are striking and given that the attempted justification is virtually identical and that the inspector's decision is as recent as June 2009, then it is worthwhile making note of the inspector's views on that proposal.

Taking this particular case on its merits and applying the tests in PPS 7 para 11:

Is the development of "exceptional quality" / "truly outstanding"?

Whilst the plans do show a form of development that is good in quality making use of oak framing and interesting architectural ideas it is not assessed as being of an exceptional quality, as the inspector at Chapmanslade concluded.

Does the development have an "innovative nature" / "ground breaking for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment"?

The proposal purports to be potentially the "first, earth sheltered Passive House in the UK".

Notwithstanding this claim there are known to be several earth shelter dwellings and all the technologies being combined are now generally quite established and not particularly innovative.

Furthermore it is noted that other more traditional architectural styles (and more easily replicated) can be employed and still satisfy rapidly advancing standards of sustainability through the Code of Sustainable Homes and Buildings for Life.

Would the proposal help "to raise standards of design more generally in rural areas"?

The proposal is not considered to be a scheme which can be easily replicated and as such it would not help raise design standards in rural areas.

Would the proposal result in a "reflection of the highest standards in contemporary architecture"?

Whilst the quality of the architecture proposed would not be criticised when taken in isolation, it is not considered that it represents the highest standards of contemporary architecture envisaged by this policy which is specifically to be applied very exceptionally.

Would the proposal result in a "the significant enhancement of its immediate setting"?

Although the proposal is designed so as to have a minimal impact on the area and to harmonise with the natural environment, it does not significantly enhance its setting. Albeit not pristine agricultural land, it is clearly an undeveloped site in planning terms and the proposals are not entirely successful in harmonising with the landscape, creating a domestic and built form appearance which would have a detrimental visual impact within the landscape.

Would the proposal be sensitive to the "defining characteristics of the local area"?

As this site is located within the green belt a defining characteristic is the openness. For the reasons detailed above it is not considered that the proposal would be acceptable in terms of openness. Furthermore the proposals would inevitably result in a built form intrusion into the countryside, visible from public viewpoints and would be of a very alien form in comparison to the typical architectural style of Turleigh. The scheme would be an intrusion on a generally undeveloped site.

It is therefore considered that the proposal does not meet the tests in PPS7.

Transport.

This is a significant issue in considering these proposals since the potential to be reliant on the private car for transport is a significant dent to the sustainability credentials of the scheme. It is noted that this site is located remote from services such as employment, education, leisure and recreation facilities; hence it has been deemed unsuitable for further housing development as an unsustainable location. Turleigh is not well served by facilities and generally it is necessary to visit the villages of Westwood and Winsley for basic facilities and then Bradford on Avon or Bath and Trowbridge for wider facilities. Although there is a limited rail service at Avoncliff Halt, it is considered that the site is likely to be principally reliant on the private car. Indeed the usual domestic provision has been provided of 2 car parking spaces, in this case within a garage. The highway officer has raised objection to this on sustainability grounds. Initially wider objections were made, however these have been removed during the application process in light of the planning history and in discussion with the applicant. On the basis of the highway officer comments and planning history it is hard to substantiate any grounds for refusal over the access or suitability of Green lane for further traffic.

Landscape.

The proposed development would be visible from the opposite side of the valley and it is therefore considered to be a relatively prominent site. This area has been designated as having a nationally important landscape value, and as such has been designated as an Area of Outstanding Natural Beauty. PPS7 guides that AONBs should be afforded the highest level of protection and preservation of the landscape and scenic beauty should be given great weight in considering any proposals.

The proposal would have a design and form which would make use of the natural slope of the land and some existing hollows within the hillside. Furthermore it would have a green roof which would help it to harmonise with the landscape. However it would still have a significant adverse impact compared to the existing appearance. The building itself, which seeks to take advantage of views across the valley, is consequently clearly visible, with a significant amount of glazing which would be prominent. In addition the re-landscaping that would be required to form the reed bed and lake would be incongruous a form at this point as would the works to create a reasonably graded access. In addition there are the other trappings of a domestic life and ultimately the site would have a change of use to residential curtilage. All of the above would have a significant cumulative impact which would be demonstrably harmful to the landscape character at this point and as such contrary to policies C1 and C2 of the local plan.

Conservation Area

The proposals are located within a designated Conservation Area and policy requires that this and its setting is preserved and enhanced by new development.

The planning history details that previous applications have been deemed to be harmful to the character and appearance of the Conservation Area. As summarised by a planning inspector in 2001 "in this case, the site is part of the open rural setting of the village which contributes to its particular character.....I consider that this site is no different to a number of others which contribute to the open character of this village. To allow it would set a precedent which, in my view, would undermine the objectives of the Council's policies which seek to protect the Conservation Area".

Whilst the local plan policy has moved on since those comments the thrust of these local policies and the national guidance remains that the character and appearance of the conservation area must be preserved and enhanced. In this case the character and appearance of the Turleigh conservation area is defined by its openness and spaciousness; and this site, cumulatively with other such sites in the settlement help create this character. To erode this would be harmful. The proposals would be prominent from the other side of the valley and would have an alien character compared to the established built form, in addition to eroding the one of the defining characteristics of the area, namely its open and spacious rural setting. Furthermore from close views there would be a change in character with the site becoming more domestic and moving away from its lawful agricultural status, harmful to the rural scene.

Ecology and archaeology

Limited information has been submitted in regards to these two specialist issues. However it is noted that the specialist advice from the archaeologist details that their concerns may be addressed by condition under PPS5 guidance. However the ecologist has had to issue an objection on the basis that the site may be suitable habitat for protected species and as there is no information to assess this impact then in accordance with PPS9 and its accompanying circular the application should be recommended for refusal.

Public rights of way.

Public rights of way would not be affected by the proposed development in terms of their route and as such no concerns exist.

Groundwater Protection.

Due to the sustainable credentials of the proposals being capable of independent living then it is understood why mains drainage has not been explored. However the guidance contained in DETR Circular 03/99: Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development, Annex A, paragraphs 3, 4 and 6, and Policy U1a of the West Wiltshire District Plan 1st Alteration (2004) is clear. This states a direction to the use of mains sewerage where possible and in this case based on the Wessex Water information it is quite feasible. Therefore the means of waste water disposal presents grounds for refusal also. This conclusion is

compounded by the public consultation which raised concerns over potential pollution from the waste disposal system to nearby watercourses including wells.

Conclusion.

Whilst there is nothing wrong with the principle of earth shelter dwellings, they must be appropriately located with an acceptable landscape impact. This proposal demonstrably fails these tests. The development is fundamentally inappropriate in this location within the green belt and outside of any village policy limits. In addition the proposal would be harmful to the rural character of this nationally important landscape. Furthermore, and in light of the ecology officers comments then the scheme presents grounds for refusal on protected species matters. Finally the means of sewerage disposal is in conflict with national guidance as mains sewerage facilities are available; this matter is compounded by the concerns raised by local residents with connection to pollution of watercourses and a local well. In summary the scheme is unacceptable for a range of reasons and must be recommended for refusal. The special justification presented is not considered to be appropriate in this case and either way would not outweigh the demonstrable harm.

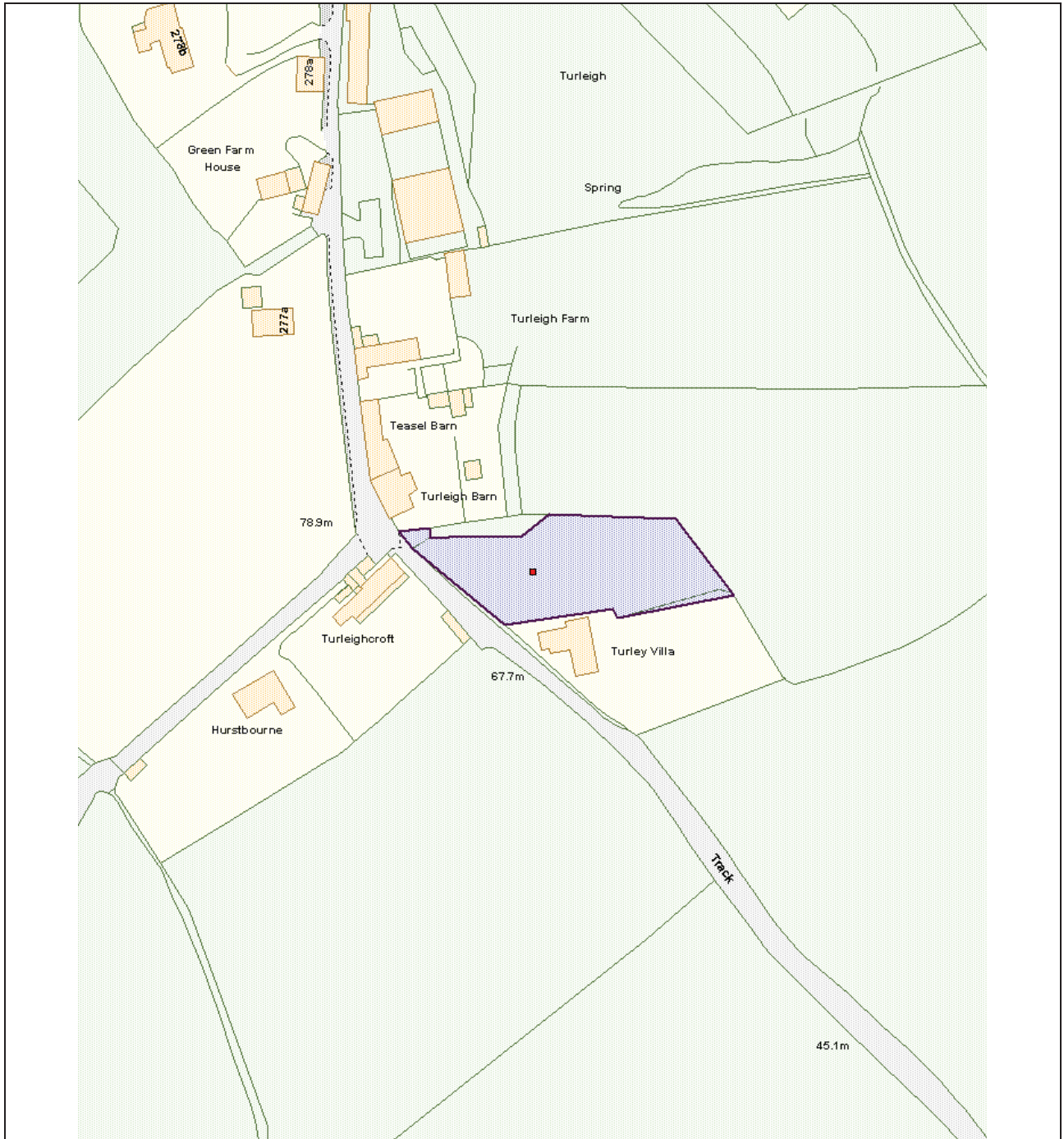
Recommendation: Refusal

For the following reason(s):

- 1 The proposal by reason of its location in the green belt would be harmful by reason of inappropriateness and its intrusion into the openness of the green belt, contrary to Planning Policy Guidance 2: Green Belts.
- 2 The proposal by reason of its location in open countryside and without adequate justification is fundamentally unsustainable, contrary to Policy H19 of the West Wiltshire District Plan 1st Alteration (2004).
- 3 The proposal by reason of the change of use of a substantial area of land and the establishment of a dwelling in a visually prominent site with associated access and domestic paraphernalia would have an adverse impact on the appearance of the landscape of this part of the Area of Outstanding Natural Beauty and would conflict with policies C1 and C2 of the West Wiltshire District Plan 1st Alteration (2004).
- 4 The proposal by reason of its visual intrusion into the open and spacious rural character of the conservation area, and the change of use of a substantial area of land for the establishment of a dwelling with associated access, landscaping and domestic paraphernalia in a prominent position, would fail to preserve or enhance the open and spacious character and appearance of the conservation area contrary to policies C17 and C18 of the West Wiltshire District Plan 1st Alteration (2004).
- 5 The proposal by reason of the lack of evident investigation into the use of non-mains drainage and the inadequate information to ensure that groundwater sources are protected from the proposed means of foul water disposal, would be contrary to DETR Circular 03/99: Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development, Annexe A, paragraphs 3, 4 and 6, and Policy U4 of the West Wiltshire District Plan 1st Alteration (2004).
- 6 The proposal by reason of the inadequate information submitted in order to assess the potential impact on protected species is contrary to Planning Policy Statement 9: Biodiversity and Geological Conservation and its accompanying ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system, paragraph 99.

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



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MSA: 100022961

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.05.2011		
Application Number	W/11/00167/FUL		
Site Address	Land Adjacent East Side Of Hawkeridge Road Heywood Wiltshire		
Proposal	Change of use to equestrian with agricultural / equestrian barn/stables		
Applicant	Guy Dobbins		
Town/Parish Council	Heywood Westbury		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	386146 153936		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 15107 steven.vellance@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this item be determined by Committee due to:

- * Environmental/highway impact
- * Threat to local watercourse by contamination
- * Access from B3097 unsuitable for vehicles (The road is under discussion with officers and parish councillors regarding safety issues, this would exacerbate the problem).

1. Purpose of Report

To consider the above application and to recommend that planning permission is granted

Neighbourhood Responses:-

Three neighbourhood responses have been received, raising objections to the scheme.

Heywood Parish Council object to the proposal. Westbury Town Council have no comment.

2. Report Summary

The main issues to consider are:

Highway/Footpath Issues.

Environment Agency Comments

Impact of the development on the countryside.

Impact on the amenity of nearby properties

3. Site Description

The site in this instance consists of an area of agricultural land which has a total area of 1.81 hectares and which has two access points. These are (i) existing field access from the Hawkeridge Road (B3097) and (ii) a footpath from Hawkeridge Village.

The proposed stables would be sited within a narrow area of land east of the public footpath that crosses the site, but is unaffected by the development.

4. Relevant Planning History

None.

5. Proposal

The proposal is for the siting of a recreational equestrian stable to the north east of the site. The stable would accommodate a maximum of up to four horses and would incorporate a tack room and hay store; it would be constructed from tanalised timber with a green fibre cement roof and would have a concrete floor.

The approximate dimensions would be: 11.5 metres by 11.5 metres with a pitched roof height of 4.9 metres.

A new field gate entrance is also proposed to be sited approximately 30 metres away from the proposed stables.

The applicants live in Hawkeridge, within walking distance of the site.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

E10 Equestrian

National Planning Guidance:

PPS 7 Sustainable Development in Rural Areas.

7. Consultations

Heywood Parish council

Object to the application for the following reasons:

1. The available access to/from this site is from the busy and fast B3097 Hawkeridge Road is inadequate, hazardous and unacceptable on highway safety grounds. There is no obvious alternative access, as it is understood that the application does not imply changes to the public footpaths HEYW23 and HEYW30, over or near the application site. No bridlepath giving access to the application site is shown on the Heywood Public Rights of Way Map held by the Parish Council.

2. Proximity of the barn/stable to Bitham Brook could lead to unacceptable pollution by animal waste of this watercourse. Refer to paragraph 1 detailed above.

In addition to their comments the Parish Council request that in the event that permission is granted, the following condition should be imposed:

1. Burning of waste to be prohibited.
2. Arrangements to dispose of animal waste to be implemented (and approved) to prevent the possibility of pollution of Bitham Brook.
3. The barn/stable to be sited away from Bitham Brook.
4. The site is to be used for private / personal enjoyment only, commercial use prohibited.
5. The access to the site from the B3097 Hawkeridge Road to be redesigned such that a vehicle and horse trailer can be stopped clear of the road while the access gate is opened and closed.
6. No changes to current public rights of way to be made without a proper application.

Westbury Town Council

No comments.

Highways

No objections and raises the following aspects, that should be attached as planning conditions in the event that permission is recommended:

- * The access served off the B3097 should be upgraded to accommodate an increase in vehicle activity. The gate should be set back 10m (not 5m as indicated on the submitted drawing).
- * The ground area should be properly surfaced (not loose stone or gravel) and drained to prevent the discharge of surface water onto the highway.
- * Sight lines of 2.4m by 160m should be provided (as the access comes onto the B3097, which has a 50mph speed limit).

Aboricultural & Landscape Officer

No objections, subject to the imposition of two planning conditions requiring a landscaping scheme and its subsequent implementation.

Environmental Agency

No objections, subject to the imposition of a planning condition whereby the applicant has to complete all works in line with the submitted Flood Risk Assessment.

Environmental Health

No objections, subject to the imposition of two planning conditions preventing the burning of horse manure and the provision of a facility for the storage of manure and arrangements for its removal..

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Three representations have been received, raising the following matters:

- Not informed of the application.
- Land ownership matters.
- Public footpath matters.
- Proposed siting of stables too close to Wessex Water Sewer.
- No detailed provision for the collection of rainwater/drainage – concern about possible pollution to the nearby watercourse.
- No detailed provision for the disposal of horse manure.
- No burning of manure and other related materials.
- Existing access from B3097 too shallow to accommodate car and horse trailer.
- Planning permission not obtained for vehicular access to cross nearby field.
- Stables would directly look onto garden area 100 feet away.
- Stables would generate manure related smells.
- Field would be wet in winter, making everyday tasks difficult to carry out.
- Stables should be re-sited to a different location.

-In the event that application affects the public footpaths, objection raised.

9. Planning Considerations

The proposal is for the provision of stables for up to four horses, upon land within the ownership of the applicant, the intended use would be for personal recreational use and there is no intention of operating a commercial enterprise.

Landscape Impact

Equestrian Policy E10 is of significance and adds support to the countryside Policy C1, in that any proposals must attempt to minimise their effects on the appearance of the countryside. The applicant has chosen to address this aspect, by siting the stables in the chosen position, against an existing hedgerow in a location that is less open to wider public views. The consequences of this proposal are that any visual impact would be minimal on the open nature of the countryside. The Arboricultural & Landscape Officer has raised no objections and requested that two landscaping conditions be attached in the event that planning permission is recommended. These conditions would serve to further protect visual amenity at the site location.

Environment Agency Issues

The chosen area for the stables, falls in part within floodzone 2 and consequently a flood risk assessment has been supplied to support the application. The Environment agency has raised no objections to the proposal, either with regard to possible contamination of the nearby watercourse or the siting of the stables in the chosen location, as both are within their remit. The Environment Agency has requested that a planning condition be attached to the permission requiring the applicant to fulfil the criteria detailed within the flood risk assessment.

Highway matters

The application proposes to upgrade and modify the existing access off the B3097 and third party concern has been received to this affect. Whilst it is recognised that this is a busy highway, the Highways Officer has raised no objections and requested via the use of planning conditions, that the proposed set back from the highway edge be increased, from the proposed 5 metres to 10 metres, with accompanying revised visibility splays. The access off the B3097 would be utilised for vehicles onto the site, whereas the public footpaths on the land would be used for everyday pedestrian access to the stables. The siting of the stables does not interfere with the route of the public footpath, nor does the application in any way change the status of the public rights of way.

Amenity issues

Amenity is an important issue and concern has been raised about the disposal of horse manure. Such matters are typically controlled via planning conditions and this application is not an exception to this accepted practice., Importantly Environmental Health Officers have raised no objections, subject to the proviso relating to planning conditions. The stables are sited some 60 metres from the nearest dwelling.

Conclusion

Planning permission be granted, subject to the attached planning conditions.

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 The materials to be utilised within this development shall accord with the schedule of the materials as described within the submitted plan, number 10112-1 received by the Council on 21 January 2011.

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

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

- 3 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purposes, including the keeping of horses at livery or as a riding school.

REASON: In the interests of amenity and road safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C38 and E10.

- 4 No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from the site (including frequency) have been submitted to and approved in writing by the local planning authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition and there shall be no burning of manure or stable waste on the site.

REASON: In order to safeguard the amenities of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy C38.

- 5 Contaminated water shall not be discharged into any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: In order to minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy U4.

- 6 The development hereby permitted shall not be commenced until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with these details.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 7 Before development commences, the field gate serving the access directly off the B3097 shall be set back by a distance of 10 metres and the surface of the access between the gate and the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) and shall incorporate surface water drainage works, details of which shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works.

REASON: In the interests of highway safety.

- 8 The development hereby permitted shall not be brought into use until visibility splays have been provided on both sides of the access off the B3097, sight lines of 2.4 metres by 160 metres shall be provided. The splays shall be kept free of obstruction above a height of 0.6 metres at all times.

REASON: In the interests of highway safety.

- 9 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;
- a full detailed planting schedule that includes all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed building, roads, and other works and details of ground preparation within all planting areas;
- means of enclosure;
- proposed and existing functional services above and below ground (eg. drainage, power, communications, cables, pipelines, etc indicating lines lines, manholes, supports etc;
- hard surfacing materials;

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

- 10 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 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

- 11 The development hereby permitted shall be strictly carried out in accordance with the approved Flood Risk Assessment received by the Council on the 21 January 2011.

Reason: To reduce the risk of flooding.

- 12 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

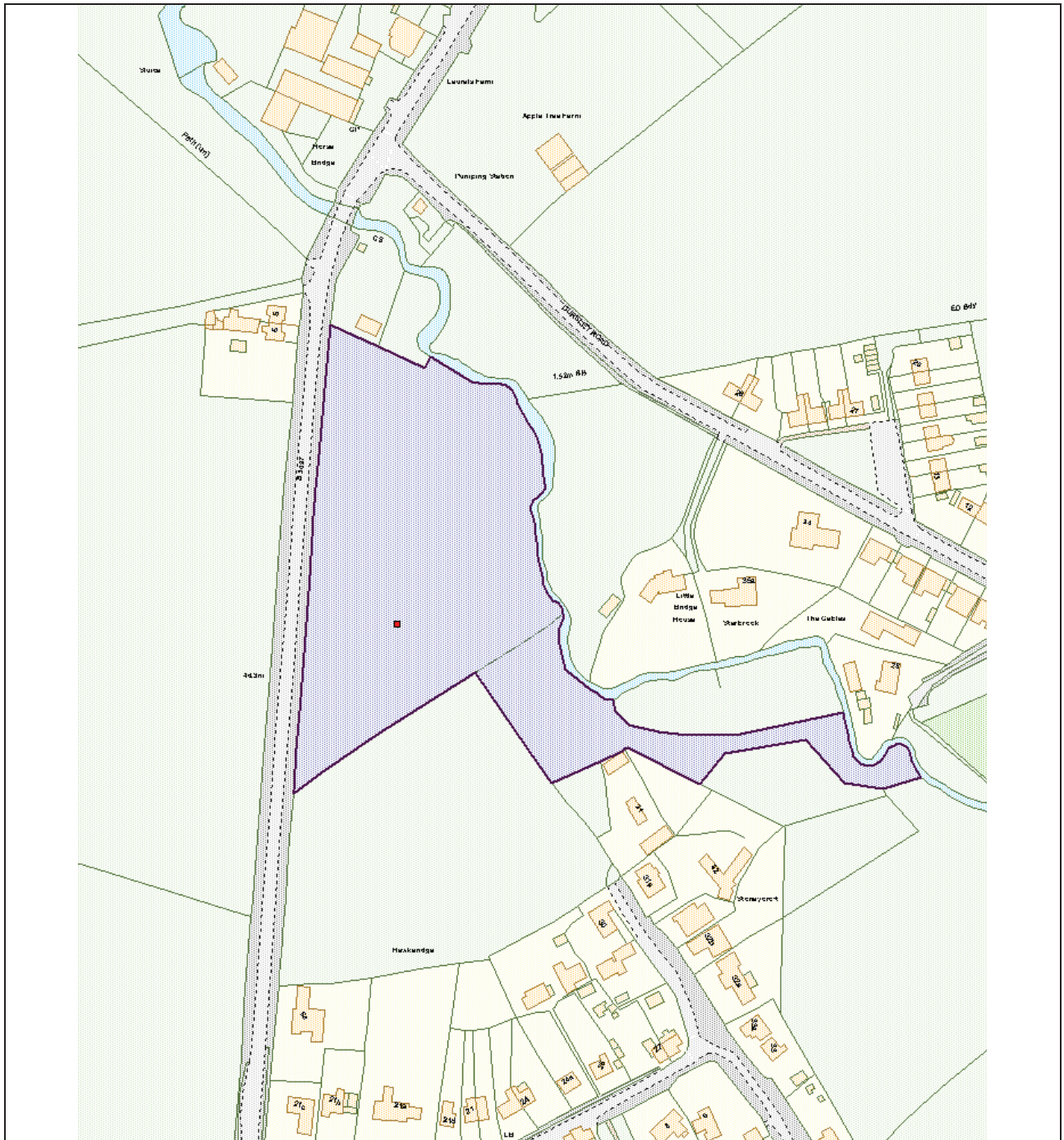
Informative(s):

- 1 The Public Rights of Way Officer was consulted, who raised the following points:

The northern end of the path currently comes out on the B3907 next to a field gate, the access provision is currently a stile which the officer would like to see upgraded to a pedestrian gate or kissing gate. This route should be kept free of new structures, with no new fences being built across the line of the path, this could be achieved by having the right of way permanently fenced off. The officer further commented that the southern end of the site has a stile where the footpath splits in two, at which point a pedestrian gate or kissing gate would be ideally located, as there was clear evidence that this path is used daily.

It is suggested that the applicant contacts the rights of way officer Paul Millard on 07788445292 to discuss these requirements.

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



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www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 10112-1 received on 21.01.2011

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.05.2011		
Application Number	W/11/00590/FUL		
Site Address	18B Horse Road Hilperton Wiltshire BA14 7PE		
Proposal	Erection of single storey extension to south east elevation and two storey extension to east elevation		
Applicant	Mr James Huntley		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	386676 159714		
Type of application	Full Plan		
Case Officer	Mr David Cox	01225 770344 Ext 5244	

1. Purpose of Report

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

Neighbourhood Responses

1 letter of objection has been received.

Parish Council response

Hilperton Parish Council object to the proposal.

2. Main Issues

The main issues in this case are the impact on the appearance of the area and the impact on the amenity of neighbouring properties.

3. Site Description

No 18b Horse Road is a detached bungalow located off a narrow lane that serves a number of dwellings. No 18b and its neighbour No 18a are located at the bottom end of the lane and enjoy a relatively secluded spot looking out over fields. These two buildings share very similar designs and are likely to have been built together at the same time to form a pair of buildings.

No 18b has an attached side garage with a shallow lean-to roof. No 18a has had a few extensions building over its side garage continuing the main roof across. It has also had a large dormer window inserted on the rear elevation to allow for some first floor accommodation. No 18a also has some outbuildings located between the dwelling and the boundary with No 18b.

4. Relevant Planning History

W/10/02029/FUL - Erection of two storey extension to west elevation and erection of single storey extension to west elevation

Refused 23.08.2010 on the grounds of adverse impact on the appearance of the area and on the amenity of the adjacent property. This proposal included a much taller rear extension, larger increase in ridge height and a dormer window on the front elevation. All of these elements have been changed in the current proposal.

5. Proposal

The proposal is to demolish the existing garage and build an extension that would allow for first floor accommodation in the roof space. This requires the ridge of the extension to be 500mm higher than the ridge of the main roof. On the rear elevation on the first floor of the extension would be a dormer window and a velux window on the front elevation.

There would also be a single storey rear extension measuring 5 metres deep but only 4.1 metres high sloping to 2.6 metres at eaves. The proposal also involves demolishing an existing rear conservatory and building a small extension on the rear elevation. The extension would also widen the frontage of the host building by 1.2 metres bringing the side wall to within 1 metre of the boundary with No 18a.

6. Planning Policy

The following policies are considered relevant to this proposal

West Wiltshire District Plan First Alteration 2004
C31A – Design
C38 – Nuisance

Supplementary Planning Guidance – House Alterations and Extensions 2004.

7. Consultations

None.

8. Publicity

The application was advertised by site notice and neighbour consultation.

1 letter of objection was received from the resident of a property to the front of the bungalow (22 Horse Road). The objection was based on the loss of privacy from overlooking from the new window in the front elevation. However, it appears that this may have been on the mistaken assumption that this window was a projecting dormer window, as the resident raised no objection to the principle of the extension and suggested that a roof light be used in place of the window. A roof light is what is proposed.

9. Planning Considerations

Impact on the appearance of the area

The proposal has been significantly altered, with the ridge height of the extension reduced from 1.2 metres under the previous scheme to only 500mm, and with the projecting dormer window being replaced with a rooflight parallel to the roofplane.

No's 18b and 18a are accessed off a narrow lane and these two dwellings alone form the context of the street scene. They are not widely visible from any public vantage point other than to occupants or visitors to these two properties. A ridge height increase of 500mm would equate to approximately 3 rows of roof tiles which in the context of the street scene, would not cause any harm to the appearance of the area.

When considering that the proposal has also removed the front dormer window, it is considered that the previous reason for refusal has been satisfactorily overcome and that there will be no adverse impact on the appearance of the area.

Impact on neighbouring amenity:

The proposal has completely omitted the two storey element of the rear extension and reduced it in length by 2 metres. Therefore the proposed rear extension would not cause any adverse harm to No 18a as any overshadowing would only occur over No 18a's outbuildings and not on their habitable windows or garden area.

A neighbour consultation raised issue regarding potential overlooking on No 22 Horse Road to the north. The letter did suggest that a velux window on the front would be preferable, which suggests that the neighbour has mis-interpreted the plans as this is what is proposed. The dormer window would be on the rear elevation facing out onto open fields. In any case given the distance from the velux window to the boundary, it is not considered that any significant loss of privacy would be caused by the proposal.

10. Conclusion

The proposed extension will not have an adverse impact on the appearance of the area and will not have any adverse impacts on the amenity of neighbouring and nearby properties. Accordingly, planning permission is recommended.

11. Recommendation

Planning Permission be GRANTED for the following reason:

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

Subject to the following conditions:

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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

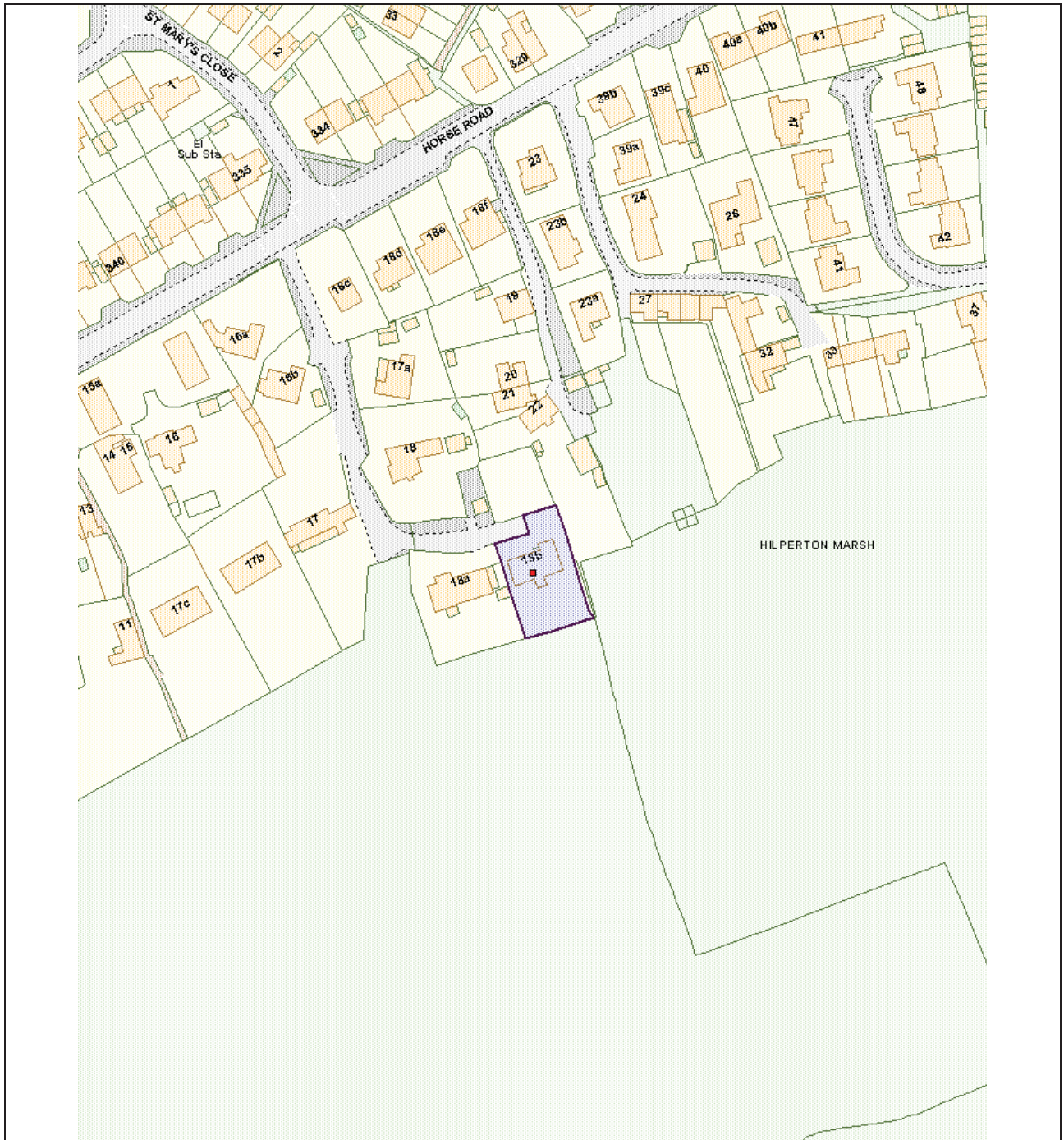
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 This permission relates to the following plans and documents

Site location and Block Plan – Received – 17.02.2011
Existing Plan and elevation – Received – 17.02.2011
Proposed floor plan – Received – 17.02.2011
Proposed front elevation – Received 01.04.2011
Proposed rear elevation – Received 01.04.2011
Proposed side elevation - Received 01.04.2011
Proposed side elevation - Received 01.04.2011

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

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



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01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD
www.wiltshire.gov.uk

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