

Date of Meeting	31 st March 2011
Application Number	E/11/0029/FUL
Site Address	South of Byron Road, East of Thomas Wyatt Road, West of Green Lane (Former Katherine McNeil Clinic Site, Green Lane, Devizes)
Proposal	Extension of time limit for implementing planning permission K/42334/O for the erection of 36 houses and 26 flats.
Applicant	Allsop LLP
Town/Parish Council	ROUNDWAY
Grid Ref	401138 159962
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is before the committee at the request of the division member, Cllr Laura Mayes.

1. Purpose of Report

The purpose of this report is to consider the recommendation that the application be deferred and delegated to officers to grant planning permission subject to a revised section 106 legal agreement.

2. Report Summary

The main issue to consider is whether there has been a material change in circumstances since the grant of outline planning permission under reference K/42334/O.



Location of Site

3. Site Description

The site lies in the south east quadrant of the former Roundway Hospital complex. Its northern boundary abuts Byron Road, which divides the north and south parts of Roundway Hospital, whilst the

eastern boundary is formed by Green Lane. The site was formerly occupied by a 1960s flat roofed building which was known as the Katherine McNeil Clinic. This building has now been demolished.

4. Planning History

K/33069 – demolition and redevelopment as a nursing home – permitted in 1997.

K/35133 – 20 bed nursing home with 50 care apartments – permitted 1998.

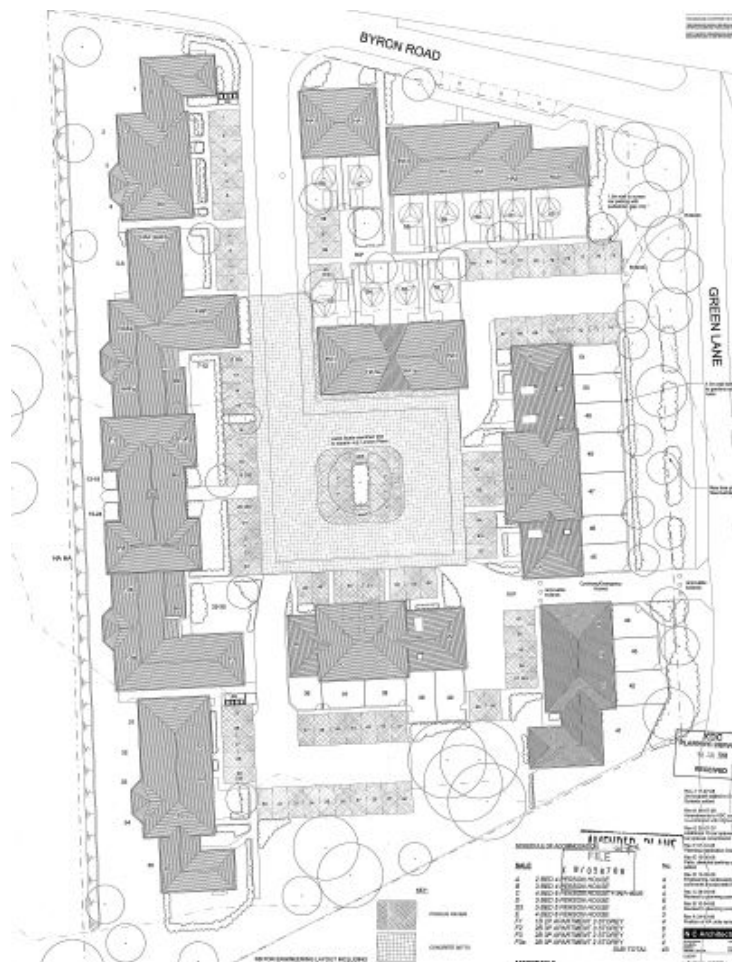
K/42334/O – Outline planning permission for 36 houses and 26 flats – permitted in July 2007.

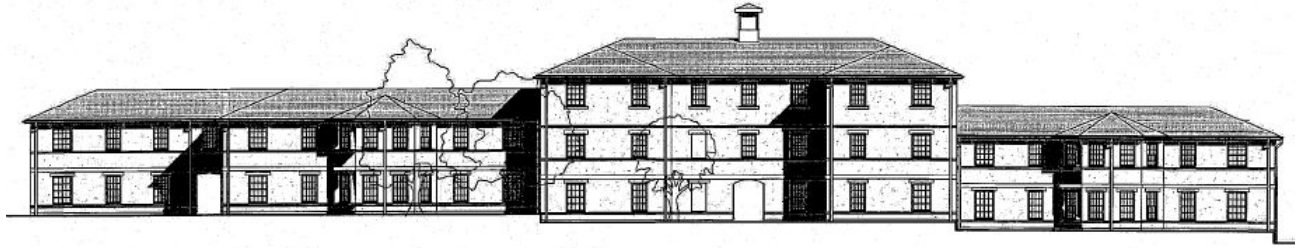
K/58789/RM – Reserved matters for 36 houses and 26 flats – permitted in March 2009.

Note: This site has a very long history with the original outline planning permission (K/42334/O) being submitted in 2001. Whilst the original outline proposals agreed at Regulatory Committee in 2002 were for 50 flats and 18 houses protracted negotiations on the required section 106 agreement and other delays meant that the permission was not issued until 2007. In that time the outline application was referred back to the committee in May 2007 to consider a change in the mix of units on the site to 36 houses and 26 flats. Reserved matters were subsequently granted in March 2009 but the planning permission has not been implemented.

5. The Proposal

The current application is for an extension of the time limit for implementing planning permission K/42334/O for the erection of 36 houses and 26 flats. A grant of planning permission would give the applicant an additional 3 years to implement the scheme in accordance with the reserved matters approved under K/58789/RM.





Part West Elevation (facing Drews Park)

Details of the reserved matters approved in 2008

6. Planning Policy

The site lies within the Limits of Development defined for Devizes in the Kennet Local Plan 2011 and within an area designated as an Area of Minimum Change.

Policies PD1, HC29, HC30, HC31, HC34, HC37, AT9, AT10 & HH10 of the Kennet Local Plan 2011 are relevant to the consideration of this application.

The minimum residential parking standards contained in the Third Local Transport Plan for Wiltshire (2011-2026, published March 2011) are not part of the Development Plan for the area, but carry a limited weight in the decision making process.

Government policy contained in revised PPS3: 'Housing' is a material consideration, as is the revised guidance in PPG13.

7. Consultations

Environment Agency – No objections subject to appropriate conditions and informatives being included in any planning consent.

Wessex Water – There may be major issues over storm and foul disposal and therefore a condition covering storm/foul disposal arrangements will be needed. Wessex Water have completed the installation of a major ring main around Devizes to serve the new development. Developers are expected to contribute to the cost of the works. This amounts to £839 per dwelling.

Wiltshire Council Highways – Raises no objections but makes the following comments:

“There are now revised minimum parking standards for residential development set out in the Local Transport Plan Car Parking Strategy. However, I consider that as this application is for an extension of time limit on an approved application, and on a site which has also received approval of reserved matters, it would be inequitable and inappropriate to apply the new revised parking standards requiring a considerable replan of an agreed layout.

“A condition on the lines of Condition 12 (K.42334) requiring details to be submitted and approved of the Byron Road and Green Lane works including junction details, traffic calming, visibility splays, footways, including a footway extended along Byron Road to link with the Crest development, and surfacing should be applied.

“Depending on the legal advice which you receive, the applicant should be required to enter a replacement S106 to secure the highway contribution. The starting contribution to be the contribution as set out in the S106 dated 23rd June 2007 updated in line with the ROCOS index from that date to the signing of the new Agreement.”

8. Publicity

Five representations have been received raising the following objections:

- a) Before any extension of time is granted the developers should be required to tidy up this site which is an eyesore on the approach to Drews Park. The rubble should be removed and appropriate fencing erected.

- b) The objector (who lives in Whistley Road, Potterne) believes that surface run-off from the development during heavy storms is directed into the stream which eventually passes his house. The culverts and flow rate of the stream are unable to cope with this extra volume and the development will exacerbate existing problems of flooding. Any decision to grant planning permission should be made conditional upon improving flood defences.
- c) The density of development is too great and would not be in keeping with the surrounding country environment. Development should not exceed two storeys.
- d) Brickwork should match the soft colour of the hospital stonework and the Cotswold stone of the old farmhouse on Byron Road. The type of bricks used on Heritage Park look cheap.
- e) There is no longer a requirement for this number of new properties in this part of Devizes. Since the time of the original application hundreds of new properties have been built on the north and east edges of Devizes.
- f) Since the original application was designed the north/west end of Byron Road has been closed to traffic. This means that all traffic from Drews Park has to enter and leave via Byron Road, Green Lane and Marshall Road. The roads do not have the capacity to deal with the additional traffic generated by this development.

A further letter containing 8 signatures has also been received raising the following issues:

- a) The scheme provides insufficient on-site car parking, which will result in vehicles being routinely parked on pavements and in other unsuitable locations. Overspill from the proposed development would result in parking on Byron Road, which is a very narrow road and the main access to the Drews Park development. Any vehicles parked on this road would adversely affect traffic flow and hinder emergency vehicles.
- b) Traffic from the development will have a negative impact on access for the residents of The Old Farmhouse complex and residents of the Drew Park development as a whole.
- c) The provision of visitors' parking spaces in a lay-by is both inadequate and ill-considered. They are unacceptable on road safety grounds and will be used as residents' parking spaces.
- d) The increase in traffic will be harmful to the safety of children who are likely to use the road as a playground. The affordable housing should be integrated into the development near a play area, rather than fronting a road.
- e) The density and style of the proposed development is not in keeping with the rural character of the area and would be more suited to an urban environment. It is intended to be sympathetic to the style of the existing buildings in Drews Park but, due to the density and height of the buildings, will not achieve this.
- f) The developers have claimed that the existing pine trees along Green Lane are dangerous and need to be removed. Why are they still standing?

One further letter states that the Council should have regard to the following issues in determining the application:

- The need to manage traffic and minimise harm to highway safety;
- The need to ensure that the outlook for existing residents is not harmed;
- The need to ensure that the level of daylight is unaffected for existing residents;
- The need to maintain privacy and avoid overlooking for existing residents;
- The need to ensure that the design and appearance of the development is in keeping with the setting of converted listed buildings in attractive parkland;
- The need to safeguard the countryside;
- The need for more trees to be planted as screening, to protect the respondent's outlook;

- The need to tidy up the site; and
- The need to ensure that there are no noisy play areas facing the listed buildings of Drews Park.

9. Planning Considerations

This is an application to extend the time period for implementing planning permission reference K/42334/O which lapsed on 19th March 2011. The main consideration for this type of application is whether there has been a material change in circumstances (either physical or policy related) since the original planning permission was granted that is of such significance that it merits a different decision to one taken relatively recently. In this instance there have been no changes to the situation on site. The main policy changes are recent amendments to PPS3 and PPG13 which have removed the national indicative minimum density (formerly 35 dwellings per hectare) and the reference to maximum residential parking standards. The latter issue is the primary reason why the division member has called this application to committee.

The proposed development makes provision for 62 dwellings with a total of 103 parking spaces (comprising 88 allocated parking spaces, 4 integral garages and 11 visitor spaces). This was the level agreed by the committee in the 2008 approval of reserved matters. This equates to 1.66 spaces per unit including visitor parking. Alternatively, it could be viewed as 2 spaces per 4 bedroom house, 1.5 spaces per 2-3 bedroom house and 1 space per 1 & 2 bed apartment, plus 19 visitor spaces. At the time of the outline permission being granted the Council was operating a system of maximum parking standards for new residential development, in line with central government policy contained in PPS3. With recent changes to PPS3 and PPG13 the Council has adopted a system of *minimum* standards in its latest Local Transport Plan. This document is not part of the statutory Development Plan but nevertheless should be afforded some weight in the decision making process as a plan approved by the Council. The new standards would require the provision of a total of 139 spaces, meaning that the scheme is deficient by 40 spaces (garages are not included in the new standards). Notwithstanding this, the Council's Highways Officer takes the view that it would be inequitable and inappropriate to apply the new revised parking standards where they would necessitate a considerable re-plan of an agreed layout. (It is clear that the development would have to be significantly re-designed to achieve these new standards).

Local residents raise a range of other issues to which officers would respond as follows:

- The Council would need to use its powers under section 215 of the Town & Country Planning Act 1990 if it considers that the condition of the site adversely affects the amenity of the area. Exercise of these powers is separate from consideration of the current planning application.
- It is not considered that this development would have a material impact upon flood risk downstream. A condition is recommended to require submission of details of surface water drainage and this can be used to secure a suitable Sustainable Urban Drainage scheme.
- The density and design of development is considered to be appropriate for the site's location and in keeping with the surroundings. Committee considered this issue as part of the reserved matters application and there are no planning grounds to warrant taking a different view.
- The Council would not be able to substantiate a refusal of planning permission on the grounds that there is no longer a need for this number of new properties in this part of Devizes. The site has been identified as a housing commitment for some years and therefore the principle of residential development on the site is considered to be acceptable.
- It was always anticipated that Byron Road would be the sole point of access for Drews Park once Marshall Road was constructed and the Pans Lane / Wick Lane access closed off. The Highway Authority is satisfied that the road is capable of accommodating the traffic arising from the development. No highway objection has been raised to the lay-by parking arrangement.
- It is not considered that traffic from the development would conflict with access from The Old Farmhouse complex and there would be no harm to the amenities of residents of the Drews Park development.

- It is not considered that the development would give rise to any highway safety issue for children living in the development. The layout does not encourage children to play on Byron Road and there are plenty of green spaces (and an equipped play area) locally for children's play.

Overall, it is not considered that a refusal of planning permission would be justified and accordingly a grant of planning permission is recommended (subject to a revised section 106 agreement).

RECOMMENDATION

Defer and delegate to the Area Development Manager to grant planning permission subject to a revised S106 legal agreement, for the following reasons and subject to the conditions set out below:

The decision to grant planning permission for an extension of the period for implementing the planning permission has been taken on the grounds that there has not been any significant material changes in circumstances since the reserved matters were approved in 2008 and the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following:

(a) Policies PD1, HC29, HC30, HC31, HC34, HC37, AT9, AT10 & HH10 of the Kennet Local Plan 2011.

(b) Government policy contained in PPS3 and PPG13.

- 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 **INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an Agreement made with Wiltshire Council under Section 106 of the Town and Country Planning Act, 1990 and dated the *****.

- 3 This permission relates only to the scheme of development as submitted except insofar as amended by the revised design brief reference March 2002 Rev. A received on 2nd July 2002 and amended layout drawing dated 28th March 2007.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner; 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.

- 5 The trees on the site which are protected by a Tree Preservation Order shall, before any work commences, be enclosed in accordance with British Standard 5837 (2005) Trees in Relation to Construction by braced Heras fencing (or other type of fencing to be agreed in writing by the local planning authority). Before the fence is erected its position shall be agreed with the local

planning authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including stacking of soil, shall be allowed within it.

REASON:

To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

- 6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including the ha ha), other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON:

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

- 7 Before any work commences on site the ground floor slab levels shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity.

- 8 Details of the means of disposal of foul sewage shall be submitted to and approved in writing by the local planning authority before development commences.

REASON:

To ensure satisfactory foul water drainage.

- 9 Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON: To ensure satisfactory surface water drainage.

- 10 No development shall take place until details of the internal access roads, Byron Road and Green Lane works, including traffic calming and visibility splays, footways and footpaths 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 highway safety.

- 11 **INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the approval of reserved matters reference K/58789/RM and dated 19th March 2009.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Working file, Kennet Local Plan 2011, PPS3 and PPG13 & Wiltshire Council Third Local Transport Plan.