

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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32
Planning Policy Statement9: Biodiversity and Geological Conservation

- 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

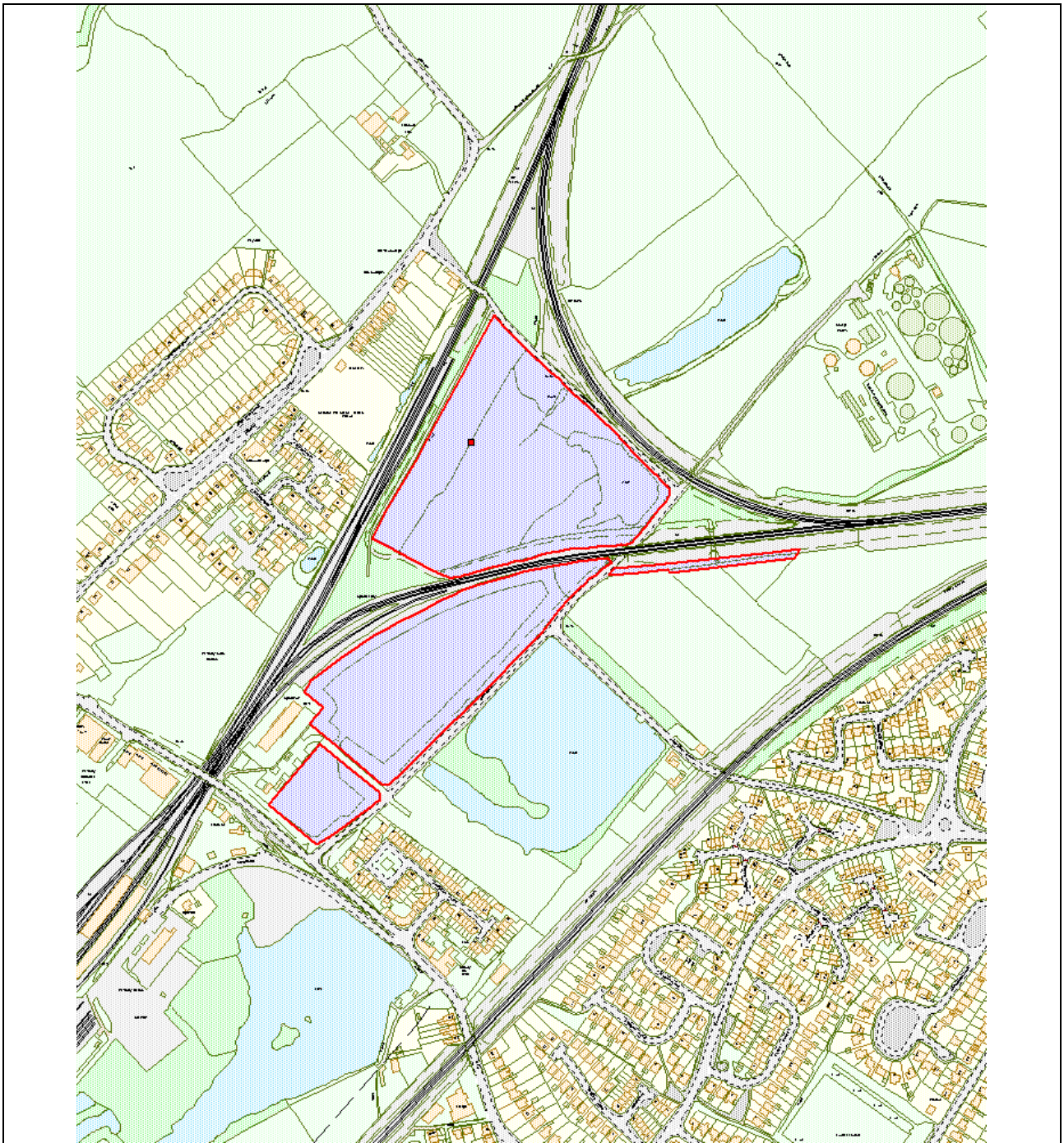
- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents:
- * 13048/1000/B received on 21.10.10
 - * 13048/5000/K received on 03.03.11
 - * 13048/3600 and 3601 received on 21.10.10
 - * 13048/6000, 6001, 6002, 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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