

REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	24 th April 2013		
Application Number	12/04160/FUL		
Site Address	Land Adj Rowden Lane, Chippenham, Wiltshire		
Proposal	Residential development of 95 dwellings, ancillary roads, public open space and associated works and alteration to parking layout.		
Applicant	Redcliffe Homes Ltd		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden & Rowden	Unitary Member	Cllr Judy Rooke
Grid Ref	391118 172467		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Judy Rooke to assess the scale of the development, the visual impact, the relationship to adjoining properties, the design and highway/environmental impact.

1. Purpose of report

To consider the above application and to recommend that planning permission be DELEGATED to officers to allow for the signing of the revised legal agreement granted by application 13/00202/S106 and subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon protected species/ecology
- Impact upon neighbour amenity
- Impact upon highway safety
- Pipelines and contamination.

The application has generated no objections from Chippenham Town Council and 25 letters of objection from the public.

3. Site Description

The site is part of the original permission granted at appeal for 138 houses under reference 02/0600/FUL . Part of the development (parcels E & F) have been completed for some time with their access off Patterdown.

The site is in 2 parcels – A & B. Parcel A to the north will involve the demolition of a bungalow, but is largely overgrown scrub land. Parcel B to the east is also overgrown although there are some poor quality agricultural buildings on site. A public footpath (to be retained) runs along the western boundary of parcel B.

Access to both parcels is from Rowden Lane, but the development will mean that the link to the Patterdown entrance/egress will need to be completed and Rowden Lane made a one way access only just to the west of Parcel A.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/00600/FUL	Construction of 138 dwellings with ancillary roads, public open space and ancillary works.	Allowed at appeal with condition
06/01302/S73A	Amendment to conditions 2, 3, 6, 8 and 9 of 02/00600/FUL to enable phased development with amended access arrangements.	Allowed with conditions
13/00202/S106	Modification of legal agreement to reduce affordable housing contributions on parcels A & B..	Outstanding.

5. Proposal

The proposal is for alterations to Parcels A & B (already approved and live under 02/0600/FUL) to allow for the oil pipeline to the west of the site A and to allow for changes to the parking layout in parcel B.

The land for the easement needed for the pipeline in Parcel A is approx. 6m. This has had the effect of pulling some of the houses away from the houses in Rowden Road (plots 1-24), but mainly shortening the proposed gardens and moving the parking to the rear (ie closer to the houses in Rowden Road).

Parcel B has increased the number of parking spaces to comply with Wiltshire current parking standards.

No changes to house types are proposed although it should be noted that although house type S was shown on the previously approved layout as with a house with or without dormers, it appears that only the house type with dormers was approved.

6. Planning Policy

North Wiltshire Local Plan 2011 policies C3 and H3.

Wiltshire Core Strategy Core Policy 45.

NPPF Guidance in section 6 on delivering a wide choice of high quality homes.

7. Consultations

Chippenham Town Council has no objections.

The Council's Ecologist has raised concerns on the initial ecological survey and notes that although there is an outstanding consent there have been changes since the previous permission including circular 06/2005, case law relating to European Protected Species, NPPF, Maturation and development of on-site habitats, best practice guidelines for protected species surveys and local records of protected species.

The comments are available in full on the file, but the Ecologist asks for a proper habitat assessment by a suitably qualified ecologist at an appropriate time of year to assess the value of

onsite habitats, particularly those that will be lost; A reptile survey of both parcels of land to be undertaken in accordance with best practice (Froglife) is required; Bat surveys of potential roost features and valuable commuting/foraging features should be carried out by a licensed bat worker in accordance with best practice (BCT, 2012) is required; the Great Crested Newt is known to be present in the locality and the location, connectivity and suitability of the nearest ponds (within 250m) should be set out as a justification as to why Great Crested Newts do not occur on site; No consideration has been given to the invertebrate communities on site and the ecological assessment should consider the impact of development upon these communities.

An updated assessment is expected prior to the Committee meeting and comments will be reported as late observations.

The Council's Environmental Health Officer has some concerns about the submitted contamination report, but considers that a suitably worded condition is sufficient to mitigate any effects.

An hours of construction condition is recommended.

Highways do not object subject to conditions.

Landscape officer does not object subject to conditions to ensure that the previously submitted landscaping is implemented and protection of retained trees and hedgerows in accordance with BS 5837:2012.

8. Publicity

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

25 letters of objection received

Summary of key relevant points raised:

- Loss of privacy and increase in noise.
- Contamination of the land. Presence of carcinogenic substances in soil.
- Drainage/flooding.
- Effect on protected species and ecology.
- Traffic congestion on A4 and A4/A350 junction.
- Oil pipelines in area A – not just that being given easement.
- The permission has expired.
- 3 storey houses will overlook existing properties and were not originally shown..
- Loss of green areas.
- The application is invalid due to false certificates.
- The development has been constantly rejected by the Committee Members.
- The existing sewerage system is already overloaded.
- The land is not un used grazing land as sated, as there is a bungalow on site, derelict farm buildings and the occupants of the bungalow have run a double glazing business on the site for years (including burning products).
- Rowden Lane is no longer in the Local Plan as an allocated site.
- Rowden Lane is unsuitable for the development.
- The drainage that currently uses the ditch to the east of the site (backing onto the gardens of Rowden Lane) will go and what will happen to the water?

9. Planning Considerations

Principle of the development.

Planning permission was granted for 138 dwellings with associated works at appeal under reference number 02/00600/FUL and commenced when the houses in Patterdown were built. The

planning permission is still live and can be built out at any time. The principle of the development of Parcels A & B has already been established. This proposal seeks relatively minor changes to the layout and parking to allow for the easement around a government oil pipeline and additional parking to comply with Wiltshire Council's revised parking standards. However, any consent granted will be a stand alone permission and should be conditioned accordingly.

Impact upon protected species/ecology

The applicants have undertaken an updated ecology survey with this application. However, following comments from the Council's ecologist this is being further updated and comments will be reported as late observations, although it is not anticipated that the ecological concerns cannot be overcome.

Impact upon neighbour amenity

The proposal is very similar to that previously approved under reference 02/00600/FUL with amendments to the alignment of plots 1-24 by distances ranging from approx 1-3m to the west (ie further from the houses in Rowden Road) to allow for the easement requirement surrounding the oil pipeline which runs along the eastern boundary of the site. The garden are shortened for these plots. The alterations also mean that additional parking will be placed along the easement boundary. The 02/00600/FUL application made provision for some parking along the boundaries of the gardens of Rowden Road and although there is an increase, it is all now set at least 6m from the boundary. It is considered that the alterations to Parcel A improve the amenity of existing occupiers.

The issue of house type 'S' and dormers has been raised. However, although the layout plan approved with application 02/00600/FUL did not show dormers on all 'S' type houses the approved house type itself only showed a dwelling with dormers. Notwithstanding this the dormers on plots 25-27 inclusive have now been placed on the rear elevation and those on plots 7-11 incl. Are some 23m from the boundary of the houses on Rowden Hill and over 45m from the actual houses. This is not considered to be unreasonable or to lead to a significant loss of privacy.

The easement area itself will be left as grass and nothing can be built on it. It is proposed by the applicant to set up management company to maintain the land, which is not an un common solution to left out green areas and is considered to be acceptable in principle. This will need to be the subject of a condition to ensure the land is properly maintained.

Impact upon highway safety

The principle of the access arrangements for the total of 138 dwellings was established under permission 02/00600/FUL. The construction of parcels A & B will mean that the link to Patterdown will need to be constructed and that the 'in only' arrangement using Rowden Lane will need to be implemented. This will be controlled by way of a planning condition as before.

The proposal seeks a revised parking arrangement including an increase in the number of spaces to comply with Wiltshire Council's new standards. Highways are happy with the revisions subject to conditions.

Pipelines and contamination

This application has come about because of the presence of a live oil pipeline to the east of the site and the easement that this requires. However, there is at least one abandoned pipeline on site and information has been sought on what will happen to these when development takes place. The applicant has been advised by the pipeline operator of the steps to take to remove the pipelines and this is the subject of other legislation and guidelines. It is therefore considered that the removal of the redundant pipeline(s) can satisfactorily be controlled.

A contamination report has been submitted with the application and has been assessed by Environmental health officers who raise no outstanding concerns subject to a planning condition.

With both these issues, it should once again be noted that a live permission already exists on the site to build houses in Parcels A & B and this application merely seeks relatively minor changes to that layout.

10. Recommendation

Planning Permission be DELEGATED to officers to allow for the signing of the legal agreement granted by 13/00202/S106 for the following reason:

The proposal seeks relatively minor changes to the scheme approved under planning application reference 02/00600/FUL and any new issues cause can be satisfactorily controlled by way of planning conditions. The proposal is therefore considered to comply with North Wiltshire Local Plan 2011 policies C3 and H3; Wiltshire Core Strategy Core Policy 45 and NPPF Guidance in section 6 on delivering a wide choice of high quality homes.

Subject to the following conditions:

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>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.</p> <p>REASON: In the interests of visual amenity and the character and appearance of the area.</p>
3	<p>No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied].</p> <p>REASON: In the interests of visual amenity and the character and appearance of the area.</p>
4	<p>No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-</p> <ul style="list-style-type: none"> • location and current canopy spread of all existing trees and hedgerows on the land; • full details of any to be retained, together with measures for their protection in the course of development; • a detailed planting specification showing all plant species, supply and planting sizes and planting densities; • finished levels and contours; • car park layouts; • other vehicle and pedestrian access and circulation areas; • all hard and soft surfacing materials; • minor artefacts and structures (e.g. furniture, play equipment, refuse and other

	<p>storage units, signs, lighting etc);</p> <ul style="list-style-type: none"> proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); <p>REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.</p>
5	<p>All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(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.</p> <p>REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.</p>
6	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.</p> <p>REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.</p>
7	<p>No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied] until surface water drainage has been constructed in accordance with the approved scheme.</p> <p>REASON: To ensure that the development can be adequately drained.</p>
8	<p>No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.</p> <p>REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.</p>
9	<p>No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The</p>

	<p>development shall be carried out in accordance with the approved levels details.</p> <p>REASON: In the interests of visual amenity.</p>
10	<p>No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:</p> <p>Step (i) A written report has been submitted to and approved by the Local Planning Authority, which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.</p> <p>Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance; and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme.</p> <p>Step (iv) Reporting of Unexpected Contamination:</p> <p>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 (ii) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (iii) and submitted to and approved in writing by the Local Planning Authority.</p> <p>Step (v) Verification of remedial works:</p> <p>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.</p> <p>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).</p> <p>REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.</p>

11	<p>The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.</p> <p>REASON: To ensure that the development is served by an adequate means of access.</p>
12	<p>No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.</p> <p>REASON: In the interests of highway safety and the amenity of future occupants.</p>
13	<p>No development shall take place until detail of the management of the area of land shown as the oil pipeline easement has been submitted to and approved in writing by the local planning authority. The management of the land shall be permanently carried out in the agreed method unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To protect the amenity of nearby residents.</p>
14	<p>The construction of dwellings in areas A and B shown on drawing 23671/100RevF shall not be commenced unless and until the link between Rowden Lane and Melksham Road is constructed to at least base course level and in use.</p> <p>REASON: In the interests of highway safety.</p>
15	<p>None of the dwellings hereby permitted shall be occupied unless and until the one way restriction in the relevant part of Rowden Lane shown on drawing 23671/100 RevF has been instituted, or until the site roads have been completed to at least base course level.</p> <p>REASON: In the interests of highway safety.</p>
16	<p>No dwelling shall be occupied unless and until a scheme for the provision and maintenance of public open space and play space in the location identified on plan 23671/100 RevF in area B shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.</p> <p>REASON: To ensure adequate play facilities.</p>
17	<p>The delivery of materials and construction of the development hereby permitted shall only take place between the hours of 07:30 and 18:00 Mondays to Fridays and between 08:00 and 13:00 on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.</p> <p>REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.</p>

