

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	18 February 2015
Application Number	14/11864/VAR
Site Address	Westinghouse Recreation Ground Park Avenue Chippenham Wiltshire SN15 0HB
Proposal	Variation of Condition 5 of Original Planning Permission N/11/00134/FUL
Applicant	Mr Andrew Godden
Town/Parish Council	CHIPPENHAM
Ward	CHIPPENHAM CEPEN PARK AND REDLANDS- Cllr Phillips
Grid Ref	390877 173827
Type of application	Full Planning
Case Officer	Charmian Burkey

Reason for the application being considered by Committee

The application has been called to Committee by the Local Member, in order to consider the impacts on car parking and highway safety.

1. Purpose of Report

To delegate authority to grant a variation of condition 5 of Original Planning Permission N/11/00134/FUL to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

The application has generated objections from Chippenham Town Council and 1 local resident (who represents the Residents' Association).

2. Main Issues

The main issues in considering the application are:

- Principle of changing an original condition.
- Impact on parking.
- Impact on highway safety.

3. Site Description

The proposal relates to the former Westinghouse Sports ground which is surrounded by housing on all 4 sides. The site is currently un used, but the original buildings remain. The site has an extant planning permission for 78 houses and associated works (N/11/00134/FUL).

Access to the site is via Park Avenue off Bristol Road.

4. Planning History

Planning permission N/11/00134/FUL was granted on 28th March 2012 for the redevelopment of Westinghouse Recreation Ground to provide 76 dwellings, associated landscaping and creation of a new vehicular access following demolition of 33 and 35 Park Avenue. The approval was accompanied by a legal agreement concerning the provision of, amongst other things, affordable housing, educational funding and off site sports provision.

5. Proposal

The proposal is for an amendment to condition 5 of planning approval N/11/00134/FUL which states:

No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of 153 vehicles together with vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

The new suggested condition is:

The off street car parking spaces and the access thereto shown on approved plan 3341/103 RevT shall be provided prior to occupation of associated dwelling(s), unless otherwise agreed in writing by the Local Planning Authority, and thereafter retained for the parking of vehicles or for the purpose of access.

6. Local Planning Policy

Wiltshire Core Strategy 20126 policy 57 and advice in the National Planning Policy Framework 2012.

7. Consultations

Chippenham Town Council raise concerns over highway safety and state that due to the potential increase in traffic using Park Lane/Bristol Rd junction, that junction may no longer be for for purpose and may require improvement as a right turning lane with lighting upgrades. The costs should be borne by the developer.

Highways raise no objections and suggest a condition as a replacement similarly worded to that which the applicants propose.

8. Publicity

The application was advertised by way of site notices.

1 letter has been received requesting that the wrought iron gates to the club are retained within the development.

1 letter of objection has been received raising the following points:

- The junction of Park Avenue and Bristol Road has accidents. The Council's Highway agent has commented to the objector that the junction is no longer sufficient without improvements such as a right turning lane.
- Potential for a link to be made between Redlands and Park Avenue.
- The 3 site notices in Park Avenue were insufficient and 2 have been removed. Direct neighbour consultation should have been undertaken.
- Other issues to do with the legal agreement and provision of sports facilities have also been raised, but these are not relevant to this application.

9. Planning Considerations

The original application was for 76 houses on this site together with associated works including parking. Condition 5 on approval N/11/000134/FUL in effect states that no dwelling can be occupied until all the parking has been provided on site. When building out sites of this scale it is almost always done in phasing so that some dwellings are built and occupied before others on site are even started.

This application is not an opportunity to re-visit the scheme as a whole as that permission is still extant and can be implemented once all the pre-commencement conditions are discharged. The issue to make payments to a number of recipients and for the provision of off site sports provision is a matter governed by a legal agreement and does not affect this application.

It is illogical and contrary to the advice now given in the NPPF and previously given in circular 11/95 about reasonableness of conditions, to expect all the parking on site to be provided before a single dwelling can be occupied.

In advising on the original application highways stated the following

"The layout is generally acceptable with all the required pedestrian facilities in place. I have some details issues but these do not affect the layout and are such that can be addressed at the S38 stage if the roads are to be adopted. They primarily relate to the control of visitor parking and may result in some shuffling of parking allocations, although the no. Of spaces for each dwelling would not change" He then requested the following condition:

No dwelling shall be occupied until the parking space(s) together with access thereto, have been provided in accordance with the approved plans.

This recommendation took into account that the applicants had already supplied a satisfactory parking layout plan (3341/103 RevT) listed in the approved drawings list. This plan clearly shows the layout of the site and the new vehicular access off Park Avenue; the internal estate road and spurs off it, including cul-de-sacs and parking courtyards. All car parking spaces are clearly identified and numbered on the approved drawing.

It is noted that highways yet again recommend the same condition, which is a model condition and therefore passes all the relevant tests.

There is no highways reason to refuse this application to secure more logical and appropriate wording for a condition to provide suitable and safe on site car parking with this housing scheme.

RECOMMENDATION

To delegate authority to GRANT a variation of condition 5 of Original Planning Permission N/11/00134/FUL to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

- 1 The development shall be carried out in full accordance with the details submitted in connection with discharge of conditions 2,4c), 7, 8, 9, 10, 11, 12 and 13 of N/11/00134/FUL.

REASON: To define the permission.

- 2 All soft landscaping comprised in the approved details of landscaping submitted in connection with N/11/00134/FUL, 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.

- 3 No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of this permission.

REASON: To protect the trees on site.

- 4 No dwelling shall be occupied until the parking space(s) together with the access thereto have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

- 5 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 to, or extensions or enlargements of any building forming part of the development hereby permitted.

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 enlargements.

- 6 Notwithstanding that demonstrated on the submitted plan reference number 3341/205-Type E RevA. the first floor bedroom 1 window in the rear elevation of plot 1 E shall not be created and shall instead be substituted with an alternative window inserted in the south east side facing elevation of that property. development shall be carried out in complete accordance with this planning condition unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of construction of plot 01 E.

REASON: In the interests of securing the amenity of existing residents in Park Avenue.

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

Location plan 3341/101 rev.A (date stamped 14th January 2011)

Site plan 3341/103 rev.T (date stamped 29th July 2011)

Adoption and management 3341/110 (date stamped 29th July 2011)

Site survey 3341/102 (date stamped 14th January 2011)

Existing trees plan 3341/105 rev.A (date stamped 14th January 2011)

Existing buildings to be demolished 3341/106 rev.A (date stamped 14th January 2011)

Street elevations sections AA-CC 3341/108 rev.B (date stamped 29th July 2011)

Street elevations sections DD-FF 3341/109 rev.B (date stamped 29th July 2011)

House type A floor plans and elevations 3341/201 rev.B (date stamped 14th January 2011)

House type B floor plans and elevations 3341/202 rev.B (date stamped 14th January 2011)

House type C floor plans and elevations 3341/203 rev.A (date stamped 14th January 2011)

House type D floor plans and elevations 3341/204 rev.A (date stamped 14th January 2011)

House type E floor plans and elevations 3341/205 rev.A (date stamped 14th January 2011)

House type F floor plans and elevations 3341/206 rev.A (date stamped 14th January 2011)

House type G floor plans and elevations 3341/207 rev.B (date stamped 14th January 2011)

House type H floor plans and elevations 3341/208 rev.A (date stamped 14th January 2011)

House type J floor plans and elevations 3341/209 rev.A (date stamped 14th January 2011)

House type K floor plans and elevations 3341/210 rev.A (date stamped 14th January 2011)

House type L floor plans and elevations 3341/211 rev.A (date stamped 14th January 2011)

House type M floor plans and elevations 3341/212 rev.A (date stamped 14th January 2011)

Apartments block 1 floor plans 3341/301 rev.A (date stamped 14th January 2011)

Apartments block 2 floor plans 3341/302 rev.A (date stamped 14th January 2011)

Apartments block 3 (affordable) floor plans 3341/303 rev.C (12th May 2011)

Apartments block 1 elevations 3341/304 rev.A (date stamped 14th January 2011)

Apartments block 2 elevations 3341/305 rev.A (date stamped 14th January 2011)

Apartments block 3 elevations 3341/306 rev.C (date stamped 12th May 2011)

Single garage floor plans and elevations 3341/401 rev.A (date stamped 12th may 2011)

Double garage floor plans and elevations 3341/402 (date stamped 14th January 2011)

Triple garage floor plans and elevations 3341/403 rev.A 12th May 2011)

Cycle store units 33-44 floor plans and elevations 3341/404 rev.A (date stamped 12th May 2011)

Cycle store units 15-26 floor plans and elevations 3341/405 rev.A (date stamped 12th may 2011)

Sheds floor plans and elevations 3341/406 (date stamped 14th January 2011)

Quad garage floor plans and elevations 3341/407 (date stamped 29th July 2011)

Single garage – type 02 floor plans and elevations 3341/408 (date stamped 29th July 2011)

Double garage – type 02 floor plans and elevations 3341/409 (date stamped 29th July 2011)

Landscape principles PHL237-1 rev.C (date stamped 14th July 2011)

Drainage Strategy 10051-C001 rev.D (date stamped 30th August 2011)

Planning Supporting Statement (date stamped 14th January 2011)

Design and Access Statement (date stamped 14th January 2011)

Design and Access Statement addendum (dated August 2011)

Sustainability Statement (date stamped 14th January 2011)

Construction Management Plan (date stamped 14th January 2011)

Site Waste management Plan (date stamped 14th January 2011)

Flood Risk Assessment (date stamped 14th January 2011)

Archaeological Desk-Based Assessment (date stamped 14th January 2011)

Transportation Assessment (date stamped 14th January 2011)

Statement of Community Engagement (date stamped 14th January 2011)

Hydrock Desk Study (date stamped 14th January 2011)

Additional letters and information H

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

- 8 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.

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Park Avenue
Chippenham
Wiltshire
SN14 0HB

