

# REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

<b>Date of Meeting</b>	<b>30<sup>th</sup> July 2008</b>
<b>Application Number</b>	<b>08/00522/FUL</b>
<b>Site Address</b>	<b>Land at Pound mead, Corsham</b>
<b>Proposal</b>	<b>Erection of 24 houses and 35 flats</b>
<b>Applicant</b>	<b>Westlea Housing Association</b>
<b>Town/Parish Council</b>	<b>Corsham</b>
<b>Grid Ref</b>	<b>386815 169700</b>
<b>Type of applications</b>	<b>Full Application</b>

## Reason for the application being considered by Committee

This application was considered at the previous Development Control Committee. After discussion of all issues raised, it was resolved that the decision be delegated to Officers to secure contributions towards public open space and education facilities. However, it has transpired that not all neighbours were formally informed that the application was to be considered by the development Control Committee. It is therefore thought necessary for the application to be placed on the agenda for 30<sup>th</sup> July Committee so that full opportunity is afforded to those residents to make representations that may not have been aware of the previous meeting.

Considerations and recommendations have not altered.

## Summary of Report

The application is for residential development within the settlement framework boundary of Corsham. The site is allocated within the adopted North Wiltshire Local plan for residential development. Therefore the key points to consider are as follows:

- Implications on DC Core Policy C3 and Housing Policy H3
- Principle of development
- Density, layout and design of development
- Effect upon residential amenity of existing properties
- Access and highway safety
- Community infrastructure (Policy C2)
- Stability of bank

## Officer Recommendation

Subject to no new and substantive issues being raised by the expected additional information relating to the structural stability of the bank to the northern boundary of the site, and

Subject to all parties entering into a legal agreement in respect of the provisions of affordable housing and education contribution, then:

Planning Permission be GRANTED subject conditions.

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### Proposal and Site Description

The application relates to a 0.93Ha site at Pound mead, Corsham previously used for commercial purposes. The site is now cleared of the previous factory buildings and remains vacant. The site has been allocated for residential development within the adopted North Wiltshire Local plan 2011, with an indicative 40 units being estimated.

The application site is entirely within the Settlement Framework Boundary of Corsham. To the north the site is bounded by other residential properties. The southern boundary is defined by Pound mead itself and the railway cutting beyond.

This proposal is for the creation of 59 dwellings – split as 24 houses and 35 flats. As is required by local planning policy, there is to be a mix of private housing for sale and affordable housing for rent/shared-ownership. Vehicular access is to be via Pound mead / Station Road / Furzehill junction. No vehicular access is proposed via Valley Hill, although pedestrian access is to be retained.

<b>Relevant Planning History</b>		
<b>Application number</b>	<b>Proposal</b>	<b>Decision</b>
None		

### Consultations

**The Town Council** - object on the following grounds:

*“Resolved: to refuse the application – agreed that the site should only have 40 units in total as in the Local Plan.”*

**Housing Enabling Officer** - 30% affordable housing in line with Policy H5 of the Local Plan 2011 required

**Wiltshire County Council Highways** – No objections subject to conditions

**Wiltshire County Council Education** - WCC not prepared to drop as low as the £50k contribution offered by applicant. The absolute minimum that can be agreed to is £80k (note that the true calculated contribution should be in the region of £332,494). WCC require to be party to the S106 and that the wording be as flexible as possible regarding the use of the money in the local primary school. Other standard terms would also apply (i.e. payment upon commencement of development and 10 years from receipt in which to spend the funds).

**Environmental Health Officer** – Information received from noise consultants, if fully implemented, would prevent potential noise disturbance from the passing railway.

**Environment Agency** – No objections subject to conditions

**Wessex Water** – No objections

**Natural England** – Survey work completed by ecological consultants is satisfactory. Conclusions and recommendation should be the subject of planning conditions.

**Network Rail** – No objections in principle.

## **Representations**

Twenty-eight (28) of letters of objection received. Summary of key relevant points raised:

- Very little space between properties and neighbours – too high density of development
- Overlooking / oppressiveness due to height and raised ground level of new properties proposed
- Appearance of development is poor and out of character
- Open space proposed is inadequate
- Lack of parking
- Lack of access for service vehicles
- Highway safety – Pound Mead and its junction inadequate to deal with additional traffic
- Surface water drainage arrangements
- Stability of bank and foundations of properties at Oathills, Hitherspring and Wastfield

## **Planning Considerations**

### Principle of development

The site lies inside the defined settlement framework of Corsham and is in fact allocated by Policy H2 of the adopted Local Plan for residential development. The principle of residential on this site therefore complies with emerging policy H3 of the draft Local Plan 2011. Nevertheless, the acceptability of the proposed development also needs to be assessed in detail against other policies within the adopted Local Plan, together with supporting national planning guidance.

As the site is specifically allocated for residential development, a judgement over the loss of an existing employment site is superfluous. Although Policy H2 estimates 40 units for the site, any proposal for development exceeding this figure should not be immediately discounted, needing be assessed on its own merits. The 40 units is an estimate for statistical purposes and not an upper limit.

### Density, layout and design

The development of 59 units on a site of 0.93Ha in area results in a density of approximately 63 dwellings p/Ha. This figure sits comfortably above the indicative minimum specified by PPS3. Indeed, such a density is not considered to be inappropriate to its location adjacent to existing residential development and railway cutting. Indeed, in itself, the fact that the proposed number of units exceeds that estimated by Policy H2, is not a reason to refuse planning permission.

The number of units proposed translates into an arrangement of distinct two and three storey blocks fronting onto the Pound Mead and Valley Road. Twin vehicular accesses from Pound Mead lead to a series of parking courts and a limited area of public amenity space to the rear of the central block. Dedicated parking spaces have been provided for all units (1 space for 1bed flats, an average of 1.5 spaces per 2 bed unit and 2 spaces for each other unit) as has refuse storage space and bicycle parking. Internal plot division is largely defined by close boarded fencing, although the more visible public boundaries to Pound Mead and Valley Road consists of walling, railings or the direct fronting of plots.

One and two bedroom apartments have been arranged into 3 separate three-storey blocks framing the accesses from Pound Mead and the south-west corner of the site adjacent to Valley Road. The appearance of the largest block (units 27-40) is broken by projecting gables and a combination of facing brick and rendered finish, with its frontage to Pound Mead defined by railings. Such features are welcomed as a way of introducing some architectural interest into an otherwise neutral public elevation – to some extent necessary to allow a particular constructional method to reduce noise disturbance

from the passing railway. Units 6-12 effectively turn the corner with Valley Road / Pound Mead and also introduce full hipped roofs with small Juliette type balconies and projecting gables. Units 54-59 are of similar appearance.

Other house units across the site are again of neutral appearance (largely two storey but with some dormer windows to allow for accommodation in the roofspace), being typical of modern house type. Materials are again to be a suitable mixture of brick and render, thus being reflective of the wider residential area.

#### Impact upon residential amenity

Many existing properties at Oathills, Hither Spring and Wastfield directly and indirectly overlook the site. In particular Nos.18, 19 and 20 Oathills, and Nos.21-35 (odds) Hither Spring are set on elevated land above the site (those at Oathills are also of a 3 storey height) and face directly south. However, this has informed the layout of the site so that the nearest new units are set gable on (ie. with no facing windows) and are off-set from direct views. The closest relationship between Nos.31/33 Hither Spring and unit 44 (which is still some 15.0m distant) is mitigated through the use of rooflights rather than conventional windows. Any increase in overlooking from unit 45 over the rear garden to No.4 Wastfield can be mitigated by distance.

As previously referred to, disturbance of new residents from the passing railway is reduced by the significant cutting. However, it has been agreed as part of the submitted acoustic report that suitable constructional methods should be incorporated into the units facing the railway. The suggestion that further garden type fencing should be installed along the southern boundary is not thought to be appropriate given its likely deleterious effect visually.

#### Access and highway safety

Concerns have been raised by local residents with regard to the adequacy of Pound Mead and its junction with Station Road/Furzehill to deal with additional traffic. In particular, the width of Pound Mead has been suggested as a limitation to effective use for two-way traffic. However, the application does include provision to widen Pound Mead to a minimum of 4.5m carriageway (wider in places) and 2.0m footway. WCC Highways have not raised any objection on this basis.

In other respects, whilst the concerns of local residents are understood, Wiltshire County Council have indicated their general satisfaction to the scheme. For this reason, and in the absence of any expert opinion to the contrary, it is considered unreasonable to use highway safety as a reason to refuse development on this site.

#### Community infrastructure (Policy C2)

Proposals for residential development of this scale are subject to the provisions of Policy C2 of the adopted Local Plan. The purpose of the policy is to ensure that the full social consequences of development are taken into account and, where appropriate, addressed either through integration into the development proposal or by means of a financial contribution. The policy sets out a prioritised approach to those provisions and contributions.

As envisaged by the Policy, the applicant has prepared a report on the financial viability of the development. This report has formed the basis for an independent assessment of the viability of proposal by the Council's retained valuer. This process has returned a conclusion that confirms the difficult circumstances surrounding development of this site. Essentially, this is a situation where the site was bought, not only when the market was very buoyant but at a price that was commensurate with other bids. More recently, the very depressed current market conditions make it difficult to achieve an acceptable level of viability, which would see development coming forward.

Notwithstanding the above, the applicant has agreed to meet the required 30% (of total units) affordable housing provision, together with a £50k contribution toward education provision. Whilst falling some way short of the calculated education contribution, both provisions do relate to the first two prioritised

requirements set out within Policy C2. No further contributions are proposed towards other infrastructure and the applicant is unwilling to meet the £80k minimum required by WCC Education. Note that the amenity space detailed on the submitted plan, whilst welcomed, would not fully address the requirements of Policy C2 or CF3 of the adopted Local Plan.

Although in assessing the financial viability of the proposal it would appear that there may have been some contractual shortcomings with the purchase of the land, the stark choice facing the LPA still nevertheless remains choosing between achieving affordable housing at current policy levels, with a reduced/nil contribution toward other infrastructure, or reverting to open market housing on the entire site, with no affordable housing and a higher education (and/or other infrastructure) payment. The prioritised/hierarchical nature of Policy C2 informs that it is more important to achieve the requisite level of affordable housing.

In coming to the above conclusion, it should also be acknowledged that the site is allocated for residential development in the adopted Local Plan, and as such is regarded as a site that should go some way to meeting the significant need for social housing in Corsham.

### Stability of bank

The main body of the site is reasonably flat, but the northern boundary of the site forms part of a significant 4-5m+ bank elevating up to the properties at Oathills and Hither Spring. The bank appears to transcend the ownership of the applicant and it is evident that retaining structures will be required.

Whilst report and trial pits so far undertaken relating to the stability of the bank (and intended method of retaining wall), suggests nothing other than the bank will be needed, local residents remain concerned about the structural stability of their properties and possible future slope movement affecting their gardens.

With this in mind, it has been requested that additional detailed cross-section of the proposed treatment of the banks be prepared, which would confirm the final construction of the retaining walls/features to the bank. This should also be accompanied by a survey of the banks existing condition together with a full structural report indicating how the stability of the bank would be secured.

It is anticipated that such information will have been received and put out to public consultation prior to the DC Committee meeting taking place.

### **Recommendation:**

Subject to no new and substantive issues being raised by the expected additional information relating to the structural stability of the bank to the northern boundary of the site, and

Subject to all parties entering into a legal agreement in respect of the provisions of affordable housing and education contribution, then:

Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially

affect the permission.

3. Prior to the commencement of the development hereby permitted, details of the proposed and existing levels across the site (including details of the finished floor levels of all buildings hereby permitted) shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory layout in the interests of the amenity of the area.

4. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

5. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority.

Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

6. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no extension or external alteration to any building forming part of the development hereby permitted.

Reason: In order to safeguard the amenity of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions and external alterations.

8. Other than those garden structures detailed within the plans hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds or other ancillary domestic outbuildings shall be erected anywhere on the site edged in red on the approved plans.

Reason: In the interests of the amenity of the area.

9. Other than those means of enclosure shown on the submitted plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than those shown on the approved plans) shall be placed or erected forward of any wall of a building (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

Reason: In the interests of the open plan layout of the area.

10. Prior to the commencement of development details of the constructional methods to be employed to the facades of the units facing the railway cutting in order to mitigate noise disturbance (in accordance with the conclusions and recommendations of the submitted acoustic report dated September 2006 and prepared by RPS), shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of minimising disturbance from the passing rail line.

11. Development and all necessary survey work shall be carried out in complete accordance with the conclusions and recommendations contained within the ecological assessment carried out by Chalkhill Environmental Consultants dated 3<sup>rd</sup> March 2008.

Reason: In the interests of nearby areas of ecological importance.

12. Prior to the use or occupation of the development hereby permitted, the car parking areas shown on the approved plan(s) shall be provided and shall thereafter be kept available for the parking of vehicles at all times.

Reason: In the interests of road safety.

13. Prior to the use or occupation of any part of the development hereby permitted, the cycle parking facilities shall be provided in accordance with the details shown in the approved plans and thereafter retained.

Reason: In the interests of encouraging cycling as a means of transport to and from the site.

14. Prior to the commencement of development, details of all means of enclosure shown on the approved plans shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of visual amenity

15. Prior to the commencement of any development on the site constructional and layout details of all proposed pedestrian site accesses shall have been submitted to and approved in writing by the Local planning Authority. Development shall be carried out in accordance with details approved.

Reason: In the interests of securing satisfactory pedestrian access to the site, particularly onto the footpath on Valley Road, which lay outside of the site boundary.

***16. Any conditions necessary following the receipt and consideration of further information in respect of slope stability.***

17. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the local planning authority.

1) A desk study identifying:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination of the site.

2) A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4) A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Please note that Items 1, 2, and 3 above have already been fulfilled. We now only await Item 4.

Reason: To prevent pollution of the environment.

### **Reason for Decision**

The proposal is considered to be in accordance with Policies C3, H2, H3 and H5 of the adopted North Wiltshire Local Plan 2011

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20; 2.02; 4.04; 4.02; 5.01</b>