

**REPORT TO THE DEVELOPMENT CONTROL COMMITTEE**      Report No.

<b>Date of Meeting</b>	<b>17<sup>th</sup> December 2008</b>
<b>Application Number</b>	<b>08/00024/FUL</b>
<b>Site Address</b>	<b>Gerard Buxton Sports Ground, Rylands Way, Wootton Bassett, Wiltshire, SN4 8AY</b>
<b>Proposal</b>	<b>Development of 168 Dwellings, Formation of New Means of Access on to Longleaze and Demolition of Number 19 Longleaze, Associated Landscaping, Open Space and Infrastructure</b>
<b>Applicant</b>	<b>WBSA/Persimmon Homes</b>
<b>Town/Parish Council</b>	<b>Wootton Bassett</b>
<b>Grid Ref</b>	<b>407270    182899</b>
<b>Type of application</b>	<b>Full application</b>

**Reason for the application being considered by Committee**

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8<sup>th</sup> April 2002 because 5 letters of objection have been received. The application was reported to the Development Control Committee on the 2<sup>nd</sup> April 2008 but a decision was deferred to allow for further information to be sought. The application was reported to the meeting on 24<sup>th</sup> September 2008 but was deferred to allow Members to visit the site. The site visit was held on 6<sup>th</sup> October 2008. Following comments from Members at the Committee meeting and at the site visit the applicants have made revisions to the proposals reducing the height of the 3 storey building in the south west corner of the site and amending the layout along the western boundary to give further protection to the trees in that area. Comments on the revised scheme and issues raised by Members are included within this report, particularly in the 'Impact on the Amenity' section. Local residents have been consulted on the revisions and any comments, observations or objections will be reported via the 'additional information' pages.

**Summary of Report**

This proposal is for full planning permission for the erection of 168 dwellings on a site of approximate 3.0 ha. Access into the site is from Longleaze and Rylands Way.

The key issues to consider are:

- Implications on main policies C3, H3, H5, T1 and T2 within the Local Plan 2011
- Density and layout of the development
- Access and impact on traffic and parking in the local area
- Impact on the residential amenity of neighbours
- Affordable Housing Provision
- Public Open Space Provision
- Education Contribution
- Provision of alternative recreation facilities

At the site visit on 6<sup>th</sup> October members made a number of comments and requested that additional information be included in the Officers report.

### Officer Recommendation

The applicants be invited to enter an agreement to ensure:

- (a) Affordable housing and Public Open space.
- (b) that the development is linked to planning application 08/00025/FUL to ensure the development of the sports facilities takes place prior to the occupation of any residential units hereby approved.
- (c) The Implementation of a Travel Plan

Following completion of which the Development Control Manager be authorised to GRANT Planning Permission.

<b>Contact Officer</b>	C Moorfield	01249 706686	cmoorfield@northwilts.gov.uk
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### Proposal and Site Description

This proposal is for full planning permission for the erection of 168 dwellings on a site of approximate area of 3.0ha (7.4 acres). The site is located within the framework boundary of Wootton Bassett. The site is at present the Gerard Buxton Sports Ground and provides various leisure facilities for football, cricket, running and tennis. There is some vegetation around the periphery of the site including a group of trees in the South corner. There are some conifers within the site. The site is generally fairly flat. Residential properties, predominantly two storeys with some bungalows are on three sides with a school on the other.

There are two access points proposed into the site. One is where no. 19 Longleaze exists at present, this property will be demolished. The second access is at the existing entrance from Rylands Way.

The plan as submitted has been the subject of discussions with the applicants prior to submission.

The applicants submitted the following supporting documents with this application:

- Planning Statement
- Statement of community involvement
- Design and access statement
- Arboriculturalists report
- Archaeological Report
- Transport Assessment
- Flood Risk Assessment
- Topographical survey
- Ecological survey (submitted after 2<sup>nd</sup> April 2008 Committee meeting)

Planning History		
Application number	Proposal	Decision
07.01862	Screening opinion An application was received under regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The opinion given was as follows:  <i>"The proposal included the following: Buildings and infrastructure</i>	

	<p><i>The development of this site with 164 dwellings. This development will include a mixture of flats and houses of varying sizes and also some affordable housing. Public open space will also be provided as an integral part of the scheme. Associated parking areas roads and footpaths will be proposed and access to the site will be from Rylands and Longleaze.</i></p> <p><i>Within the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulation 1999 the proposal falls within the definition of a Schedule 2 development, section 10(b) Urban Development Projects.</i></p> <p><i>Developments within Schedule 2 must be assessed in relation to their significant effects on the environment.</i></p> <p><i>It is noted that you are proposing to submit technical reports in relation to the following with the planning application:</i></p> <ul style="list-style-type: none"> <li>• <i>Transport Assessment</i></li> <li>• <i>Flood risk and drainage assessment</i></li> <li>• <i>Design and access statement</i></li> <li>• <i>Archaeological statement</i></li> <li>• <i>Arboricultural Report</i></li> </ul> <p><i>The area of proposed development is above 0.5 hectares but is less than 5 hectares and therefore is below the guidance contained within the relevant circular.</i></p> <p><i>164 dwellings are not considered to have a considerable urbanising effect and the site is not within a sensitive area, as defined in Regulation 2(1). The development is not considered to be of a scale or character or to have a significant environmental impact and therefore, I confirm that the Local Planning Authority is of the opinion that an Environmental Impact Assessment is not required in this instance.</i></p> <p><i>Any planning application submitted will need to be accompanied with the technical reports as listed above.”</i></p> <p><i>The above opinion was issued on the 10/07/08. The decision is based on the opinion of the Officers of the Council and this matter was dealt with in the appropriate manners.</i></p>	
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## Consultations

**Wootton Bassett Town Council-** Raise concerns in respect of the density of the development. They comment that it is out of character with the context and will have an adverse impact on storm water system. It is stated that the application is contrary to policy C3 paras 1, 3, 4 and 7.

**Wiltshire County Council Highways** – This site has been discussed at length with the Highway Engineer. The details of the scheme have been agreed through a process of layout design comments and then further amendments of the layout.

**Wiltshire County Council Education** - require a contribution of £107,770.00 (10 x £10,777.00) towards the provision of primary spaces.

**Highways Agency-** At the previous committee meeting (2 April 2008) concerns were raised by

interested parties in respect of a letter issued by the HA which commented that further development which may impact on junction 16 would receive a direction of refusal. However, since that letter was issued, discussions have taken place between the agents and the HA.

Highways Agency have advised in their letter of 21st August 2008 that “our assessment has now identified that the impact of traffic associated with this development is unlikely to have a significant impact upon the operation of this junction (junction 16) “and no longer have any objection to the application.”

The full text of the letter is as follows:

‘The Agency and their consultants have undertaken TRANSYT modelling work in order to identify the likely impact of this development upon junction 16 of the M4 in the AM and PM peak periods. Our assessment has now been identified that the impact of traffic associated with this development is unlikely to have a significant impact upon the operation of the junction and therefore conclude that we no longer have any objection against this application proceeding.

The applicant and their own transport consultant have previously prepared a Travel Plan which we consider suitable for this proposal. In light of this it is essential that the Travel Plan be secured through a Section 106 agreement and as such we would like to be consulted on the document when it is being drafted.’

**Sports Development unit-** Support this proposal in conjunction with planning application no. 08/00025FUL and gives background information on needs and aspirations within Wootton Bassett (comments reported in full within body of report)

**CPRE-** Concerns re loss of open space; contrary to policy CF2; Traffic generation; Accessibility; Travel Plan required; and Affordable housing required. Fails to meet criteria required for environmental benefits.

**Thames Water-** Responsible for water other than sewerage- condition and informative in respect of water supply infrastructure and water pressure.

**Housing Officers-** Required level of affordable housing to be provided within the scheme. (Comments reported within the main body of the report)

**Wiltshire Wildlife Trust-** No objection

**Natural England-** No objection.

**Senior Drainage Engineer-** “The design is acceptable and the limiting discharge of 15 litres per second is small so there should be no problem as long as there is plenty of on-site attenuation. I would wish to see the final design when it is done. The windes analysis bears out the 15 L/sec for up to the 1:100 year event but I recall flooding of the most northerly point of the site about twenty years ago. There is a large pipe running beneath the eastern site boundary and the clay soil won’t allow drainage once there has been a large flood. It’s a big pipe and a problem is surely overdue. I wondered if the WinDes model could be revisited to simulate the discharge from a 300mm-diameter pipe in the northern corner. Apart from that one small point, the design is sound and I have no objections to it. A condition in relation to this issue should be attached to any consent.”

**Wiltshire County Council – Strategic Policy Section-** “The site is located within the settlement framework of Wootton Bassett as defined in the North Wiltshire Local Plan 2011. Although some of the site is Brownfield it should mainly be considered Greenfield Urban. The area is characterised by a number of leisure and recreation facilities in close proximity, with the rugby ground on Stoneover Lane an allocated housing site in the North Wiltshire Local Plan. Affordable Housing provision is made in the application in-line with Policy DP8 of the Structure Plan.

“The loss of recreation facilities in this area is substantial, Policy RLT1 of the Structure Plan considers

that 'adequate provision of recreational open space should be made and retained'. In paragraph 8.6, it is made clear that many facilities in urban areas have already been lost and that facilities that are subject to development must be replaced with a satisfactory alternative.

"In conclusion, although there is no strategic objection to the development, there is a concern that a large amount of urban Greenfield recreational land is being lost to development in Wootton Bassett. The District council must be satisfied that there is adequate provision of leisure facilities within this area and that the lost facilities are being provided at other sustainable locations."

**South West Regional Assembly** – "The Regional Planning Body (RPB) assesses consultations on proposals for development on the basis of how far a proposal impinges on the delivery of the Regional Spatial Strategy (RSS) and any other relevant regional strategies, and therefore, whether the proposal is of major importance for the implementation of the RSS. The current RSS for the region is RPG10. You will be aware that the new RSS is being produced and has been through an Examination in Public (EiP). The Panel Report of the EiP has been released, and we are awaiting the Secretary of State's proposed changes later in the year. As well as RPG10, the evidence base behind the draft RSS can also be considered as a material consideration and will carry greater weight the closer to publication the draft RSS gets.

"You will also be aware that the Swindon and Wiltshire Structure Plan was adopted in April 2006, after being tested against RPG10 in the Examination in Public, and it therefore offers the most up to date strategic framework for the county in the period to 2016 and as the most recently adopted plan carries more weight than RPG10. You will therefore, no doubt, also have consulted Wiltshire County Council as the Strategic Planning Authority and should take its comments fully into account in determining the application. We have noted in this respect that Wilts CC wrote to you on 7 March 2008 (see comments above). We concur in the main with these comments, particularly in relation to the potential loss of open space. We do have some concerns however about the scale of development. We set these concerns out below.

"RPG10 states that future development outside of Principal Urban Areas (PUAs) should generally avoid significant growth in large towns within easy commuting distance of PUAs (policies SS6 and SS7). Policy TCS2 of RPG10 additionally seeks to protect recreational open space and playing fields

"The spatial strategy is taken forward in the draft RSS where paragraph 3.4.2 states that development at places that reinforce dormitory relationships with Strategically Significant Cities and Towns (SSCTs) should be avoided. Policy B: Development Policy in Market Towns of the emerging RSS sets out criteria which must be met in locally significant development in market towns and this includes minimising car dependence (which is an issue in dormitory towns). Wootton Bassett is considered to have a dormitory role with Swindon within the emerging RSS. Paragraph 4.2.30 of the Draft RSS states that whilst Wootton Bassett is seen as playing an important role in relation to Swindon and in its own rights, it is also considered to play a largely dormitory role to the urban area of Swindon and therefore housing growth should not go above that needed to meet local need to avoid exacerbating the dormitory role.

"The EiP Panel did not disagree with these references to Wootton Bassett. The Panel has recommended an increased allocation of 3,000 dwellings to the east of Swindon in North Wilts DC (Policy SR2.4) but it is clear (para 4.2.30) that this is to be achieved an urban extension to the Swindon urban area and not by additional growth in nearby settlements.

Notwithstanding the comments of Wiltshire County Council above, we do have concerns about the scale of this development. We note from the 5 year housing supply data provided as part of the evidence base provided by North Wiltshire DC for the emerging LDF, that 3 sites have already been identified at Wootton Bassett to provide 461 new dwellings.

"In the context, therefore, of a) the identified housing land availability; b) that Wootton Bassett is a relatively small settlement of less than 5000 dwellings; and c) the EiP Panel's recommendation that any increased allocation to N Wilts DC should be met by an urban extension to Swindon, our opinion would be that the scale of development in this proposal would be inconsistent with the objectives of the RSS

i.e. that housing growth should not go above that needed to meet local need to avoid exacerbating the dormitory role.”

## **Consultation**

The Councils Statement of Community Involvement sets out what is expected from Developers in respect of major applications. Pre application consultation is encouraged but it is not a legislative requirement and therefore, should issues be raised in respect of the process that was carried out in particular circumstances this would not justify refusal of or render invalid an application. The applicants have submitted a statement in respect of community involvement. Whilst some criticism has been made of this process by objectors and in particular it's timing the general approach taken by the applicants is in line with the advice as given by the Local Planning Authority in their Statement for community involvement.

## **Representations**

### *Support*

173 letters of support received from the rugby club.

53 individual letters received in support.

Summary of key points raised-

- The Rugby club is an asset and requires improved facilities
- This application coupled with the 3 other linked applications will provide the area with an excellent facility for all but particularly the young people.
- There is demand for improved/increased level of social and sporting facilities within the town.
- The clubs cannot expand on the existing site.
- Need for more residential development in the Town.
- Safe and accessible facilities needed.
- Existing site suffers from vandalism
- Residential development needed to finance the sports facilities.
- A well thought out proposal.
- This will be a viable and sustainable development.
- The scheme will protect the green belt.
- A good location for housing rather than using land within the countryside.
- All weather facilities and improved changing facilities needed.
- Sports facilities will be a valuable asset to the town that will bring in visitors increasing the town's vitality.
- Residential properties needed.
- Existing site does not have enough parking and surrounding area suffers from congestion.
- Security fence to school required.

9 more letters of support, 7 of which are on Rugby Club headed paper, standard letter:

- Traffic generation access.
- Entrance should be elsewhere perhaps to the south.
- Impact on amenity and layout
- Two properties on the North West side of the entrance will suffer noise and overlooking problems. They are on an island

### *Objections*

152 Standard letters have been received objecting to all 4 applications on the grounds that the applications are contrary to the following policies in the Local Plan 2011: C1(iv), C3(i), (iii), (vii),(viii), NE2 (para 6.5), NE3 (paras. 6.7, 6.8), NE7, NE15 (para 6.42), NE18 (para 6.52), T1, T2 (para 8.4), T4 (para 8.13) and item 1.11 of the introduction of the Local Plan 2011.

42 individual letters of objection have been received (for ease of reference objections have been listed in subject groups). Summary of key points raised:

#### Loss of Facilities:

- The facilities were left to the Town.
- Loss of existing facilities within easy access of the population.
- Additional facilities out of town should not be funded by the loss of facilities within the town.
- Loss of publicly available pitches to private club use only.
- Loss of facilities within the town not acceptable.
- Funding of the facilities
- With better organisation existing facilities adequate
- Where will residents play?
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#### Traffic generation access

- The Highway Agency has raised concerns in respect of additional traffic using junction 16.
- Stoneover Lane allocated for residential this site is not.
- Massive increase in traffic in the area.
- Traffic safety issues.
- Impact on parking within the locality.
- Traffic survey carried out in holidays.
- Exacerbate existing traffic problems where at the Longleaze/ junction.
- Entrance should be elsewhere.

#### Impact on amenity and layout

- Losses of amenity through overlooking noise loss of light and light pollution.
- Building types unacceptable
- Scheme not in keeping with surrounding context.
- Impact on existing services.
- Disturbance during construction period.
- Density too high.
- Contrary to policies C3 H3 H6 and CF3

#### Impact on flora and fauna

- Loss of vegetation.
- Impact on wildlife i.e. slow worms bats birds.
- Wildlife area around the site should be provided.

#### Other

- Houses not needed
- Development should include green space
- Drainage issues- can existing system cope?
- Unsustainable development
- Impact on the hydrology of the area.
- Perfectly good dwelling should not be lost. Is its loss legal?
- Questions raised in respect of the ability of some trustees to agree to sell the land this transaction should be totally transparent for residents to scrutinise.
- Who will oversee the facilities?
- Does Lydiard Tregoze PC welcome this volume of people going into their parish?

Post Committee 2/04/08 further information has been submitted in terms of the covenant on 19 Longleaze. This issue is addressed later in the report.

There have been some concerns in respect of letters sent in on behalf of an unknowing third party. The letters that have been drawn to the attention have been withdrawn from the system. Officers cannot guarantee that there has not been a duplication of signatories in various standard letters and petitions that have been submitted. All representations received have been taken on face value unless information to the contrary has been provided.

One interested party has submitted copies of all comments received in respect of the public consultation exercise carried out by the applicants. These letters numbered 164 but the individual comments have not been registered due to the fact that and all were made prior to the registration of the application and some have been taken on board by the applicants prior to the submission of the scheme.

## **Planning Considerations**

### Principle of development

In terms of the principle of this development this report needs to refer to the developments that Members resolved to permit (subject to conditions and a legal agreement) under references 07/03318/OUT, 08/00009/FUL and 08/00025/FUL. Whilst each of the applications has to be considered individually the four schemes are related. The facilities on this site are proposed to be replaced and enhanced by those provided within the 'sports hub' site on the north side of the B4042 (reference 08/00025/FUL). Redevelopment of the existing Gerard Buxton and Rylands sports fields (as proposed by this application and 07/03318/OUT) are reliant on the alternative provision of facilities (as proposed by 08/00025/FUL and 08/00009/FUL) that Members have resolved to permit and therefore a legal agreement will be required to secure that provision.

The site is located within the framework boundary for Wootton Bassett. The relevant policies in relation to this use on this site are H3, C3, CF2, CF3, T1, T2 and T4 of the Local Plan 2011. In addition to the Local Plan the RSS must be taken into account as well as general government policy and guidance. North Wiltshire Local Plan 2011 will remain the adopted Local Plan up to April 2009, thereby providing the most relevant local planning policy guidance (i.e. Policy H1, H2, H3, CF2 and CF3 apply)

The Wiltshire & Swindon Structure Plan will be replaced by the Regional Spatial Strategy (Approximate adoption now Spring 2009). However, until then the Structure Plan retains legal precedence. At present the Secretary of State's proposed changes to the Draft Regional Spatial Strategy Panel Report (December 2007) has been published and this should be given some weight. Wiltshire County Council do not raise any strategic objections (only raising concern at the loss of recreational land).

The 2004 Planning Act requires local planning authorities to consult the South West Regional Assembly on all applications of regional significance. In general terms the SWRA will comment on an applications compliance with the Regional Spatial Strategy (RSS). The SWRA express concern about the scale of the development. They comment that additional housing was anticipated to be in the form of an extension to Swindon and not in nearby settlements. The comments from the South West Regional Assembly (reported in full above) conclude that the application is not consistent with these policies. The Draft RSS and the comments of these bodies are material considerations which must be considered alongside and balanced against other material considerations.

The RSS Panel Report made some changes to the Draft RSS which have been taken forward by the Secretary of State. The overall numbers for housing supply have increased from 10,000 (Draft Regional Spatial Strategy June 2006) to 13,700 (RSS Panel Report December 2007). Of these 5,500 will have to be built at Chippenham, 3,000 at West of Swindon and 5,200 in the remainder of the District.

The Draft RSS introduced a hierarchical approach when identifying the role of settlements. Wootton Bassett is classified a Tier 2 Market Town (Development Policy B settlement). Tier 2 settlements accommodate small scale development that achieve local objectives and make services available to the wider rural areas. The scale of development should be commensurate with the provision of services and facilities. As such housing growth should not rise above levels appropriate to meet 'local needs'. Site specific distribution of the 5,200 dwellings for the Tier 2 towns, however, have not been identified in



the draft RSS.

The amount of housing that will result in relation to this application the outline application at Stoneover Lane and other residential permissions within Wootton Bassett will result in a substantial number of houses being built within the Town. This level of development is seen to go some way to satisfying the level of provision that will be required.

There are numerous matters of detail in respect of this scheme i.e. the impact that the scheme will have on the neighbours, wildlife, its visual impact and the impact that it will have on traffic generation within the immediate locality as well as further afield in respect of junction 16 of the motorway. However the main issue in respect of the principle of this development coupled with the development at Ballards Ash has been whether it is acceptable in terms of policy for a site which at present provides leisure activities within the framework boundary of Wootton Bassett to be lost. The site is to be redeveloped for residential purposes in order to provide funding for the creation of a much larger all purpose modern sporting facility just beyond the identified framework boundary of the town. The rugby club itself will be extensively extending its existing facilities at Ballards Ash.

The acceptability in principle of this proposal has hinged on the accessibility of the new sporting facilities, and whether they are seen to represent sustainable forms of development in terms of their accessibility.

In relation to redevelopment, replacement or improvement of existing leisure facilities four criteria are stipulated. These criteria refer to the retention of the existing level of facilities; the facilities must be beneficial to the community and must be beneficial to the existing use. Of particular relevance to this policy is the reference to 'loss of existing facilities' and this is only justifiable where there would not be a resultant deficit in terms of quality, quantity and accessibility in accordance with the methodology in the councils Open Space Study.

This argument must be considered in respect of this application and 08/00025FUL as the applications are related in terms of policy justification (i.e. permission for redevelopment of the sports ground should not be granted unless sufficient and appropriate provision of sporting facilities can be secured elsewhere).

#### Density of the scheme

The scheme indicates a density of development which is in accordance with General Government advice contained with PPS3 where a lower level is proposed recognising that in sustainable locations such as this site higher densities may be appropriate. Therefore this density of development is acceptable.

The density of this scheme is 56 dwellings per ha. In the absence of the council having amenity space standards if the layout indicates that adjacent residents do not suffer from an unacceptable level of loss of privacy and the design is considered acceptable in terms of its townscape then refusal of a higher level of units per ha would not be justifiable.

#### Accessibility of the development.

At present there is a network of footpaths, which link into this site. The layout of the proposed development has shown that the existing pedestrian routes link into this scheme. The development is located relatively close to the Town Centre and therefore residents will have access to the services and amenities provided there.

#### Traffic generation and access.

The provision of parking facilities within the scheme and the access into the site has all been discussed at length with the Highway Engineer. These elements are acceptable.

Car parking is generally at comparable levels to the St Ivel site and reflects the good public transport

links between Wootton Bassett and Swindon. The internal layout is acceptable and the emergency link between the two areas will be controlled with lockable bollards.

The access into the site from Longleaze is to an acceptable standard although none of the submitted plans illustrate the relationship between the new access road and the access to 18. Having examined this and checked the aerial photos, I do not consider that the new access road will create an acceptable risk to the occupants of 18 provided that they take reasonable care when exiting their property.

In principle the two access points into the site has been agreed with the Highway engineer. Detailing of the works required can be covered by condition.

Policy T1 seeks to minimise the need for travel. This site is well located in relation to the services that are provided within Wootton Bassett. The application has been supported by a travel plan and transport assessment and the details of these are being considered by both the Highway Agency and the WCC Highways thereby following the guidance included within policy TR2.

### Design and Scale of Development

The plans as submitted indicate the site being divided into two areas in terms of access. The Western side of the site is served by the access from Longleaze while the Eastern side of the site is served by the access from Rylands Way. There is an area of Public Open space (0.2 ha) on the Southern side of the site. This, coupled with the amount of provision proposed at Ballards Ash, is seen to satisfy the requirement of policy CF3 of the Local Plan.

There is a mixture of building types on the site. The height of the buildings varies from three storeys to 2.5 and 2 storey dwellings. Larger building masses have been positioned within the site where they are adjacent to the public open space, terminate vistas or provide variety of roofline within the street scene.

### Impact on amenity

The site is surrounded by residential development. A number of concerns were raised by officers and members in respect of the impact this scheme will have on adjacent residents, in particular the development in the Southern corner of the site. Following the 2<sup>nd</sup> April meeting further information and some revisions were received. Further revisions were submitted on following the site visit by Members'.

**South west corner (opposite Nos 1 to 6 Rylands Way).** In the southern corner of the site apartment blocks will be 11m in height and sited 33m from the dwellings in The Rosary (to the Southwest). This will present a large block on the northern side of these dwellings and their gardens, but due to orientation impact on light will be minimal. The units which face properties on the opposite side of Rylands Way (Numbers 1 to 10 Rylands way are two storey semi-detached properties) are a minimum of 21m from these dwellings and to the north west . Therefore this relationship is considered acceptable. Sections have been submitted to illustrate the relationship between existing and proposed dwellings.

Officers have always considered that three storey buildings in this location are acceptable. However, in an attempt to address Members' concerns the applicants have reduced the apartment block in this location to 2.5 storey and reducing the overall ridge height by 0.3m which will reduce the impact further.

**North-West Boundary (to the rear of Nos 20 to 27 Longleaze).** Nos 20, 26 and 27 are two storey properties whilst Nos 21 to 25 are single storey. All properties proposed along this boundary are two storey. Nos 20, 25, 26 and 27 all have rear gardens in excess of 21.0 metres long and have proposed properties that have a blank (excepting a bathroom window) gable facing them or are set more than 11.0m from the common boundary. The closest existing properties are Nos 22 and 23 each of which are only 6.0m from the boundary of the site. The nearest proposed properties are plot 91 which is a flat over a garage with a blank gable at 8.0m high and 10 metres away from the rear elevation of No 22. Plot Nos 92 to 95 face the rear of No 23 Longleaze. Plot 92 is 18.0 metres away from the rear elevation of No 23 and has a first floor bedroom window in its rear elevation. It is considered appropriate for the bedroom window to this unit to be repositioned on to the Northern elevation, thereby,

reducing over looking of this property. This matter can be conditioned. Plots 93 to 95 are located 21.0m from the rear elevation and have first floor bedroom windows in the rear.

**No 17 Longleaze:** This bungalow is affected by plot Nos 1 (a two storey dwelling) and 168 a flat over a garage (fog). Plot No 1 has a single detached garage close to the boundary with no 17. The ridge of the garage roof has been re-orientated (gable to the front rather than to the side) and the house has been given a hipped roof in an attempt to reduce the impact upon the existing dwelling. The elevation facing No 17 is blank. The flat over the garage (plot No 168) has three windows (at first floor) facing the side elevation of No 17 - a bedroom, landing and lounge. the gable facing No 12 Longleaze is blank.

**North-western boundary (to the rear of Nos 13 to 16 Longleaze):** Nos 13 to 16 Longleaze are located a minimum of 17.0m from the boundary of the site (generally much more). These properties face plot Nos 2 to 8 (and to a lesser extent plot 168 (fog) and flats at plots 9 to 17). The side elevation of plot 2 (with a bedroom window facing No 13 and 14) is in excess of 40.0m from the rear elevations of the Longleaze properties. Plots 3 to 8 are two storey dwellings. Plots 3 to 6 have three windows at first floor level one bedroom, one landing and one bathroom. The closest of these windows is 11.0m from the boundary of the site (around 28m minimum window to window distance for no 16, but generally in excess of 35.0m). Plot 7 is orientated differently, with its garden to the side rather than rear. It has only one landing window on the rear elevation, which is around 4.5 m from the boundary 27m window to window distance with No 16). Plot 8 has no windows facing towards this boundary with the properties on Longleaze. In addition there is a three storey block of flats that has three windows on both the first and second floor (lobby, hall, and bedroom) facing towards No 16 at a distance of 30m from the boundary (50m+ window to window).

Alternative access to the site is not possible due to land ownership issues.

#### Drainage Implication

This scheme includes works to the main sewage system in the area. In line with the Drainage Engineers comments the scheme is acceptable subject to a condition requiring some additional modelling.

The following is a summary of the drainage proposals at Rylands Way submitted by the agent.

‘The application is accompanied by a comprehensive Flood Risk Assessment and drainage strategy. A sustainable drainage strategy is proposed to manage surface water run-off from the site using flow balancing methods, comprising of oversized pipes and an on-site underground storage facility. This will control discharges passing to the existing public sewerage system. Foul water drainage will involve upgrading sewers to ensure satisfactory drainage flows, with a new larger sewer to be laid in Rylands Way, in turn connecting into an improved foul water sewer in Eveleigh Road. The applicants are in discussions with Wessex Water and will be making significant financial contributions towards the cost of foul drainage improvements which will assist in remediating existing drainage issues’.

#### Need for the facilities –

Sport England has commented that there are no objections to this application subject to the requirements of policy E4 of their own playing fields policy being met. This requires replacement of lost facilities by at least equivalent, if not better, facilities in a suitable location. In order to ensure that the relocated facilities are provided, a legal agreement is needed. Sport England is satisfied that the replacement facilities (set out in 08/00025/FUL) are of a greater quantity and quality to the existing facilities. With regard to the location it is considered that the pedestrian/cycle route coupled with the travel plan is acceptable and results in an accessible development. Subject to the above comments and the signing of a legal agreement to secure the facilities’ provision) no objection is raised to this scheme. (reference Sport England’s letter dated 19<sup>th</sup> March 2008)

## Trees and Ecology

The application was supported by an Ecological survey and a protected species survey and assessment. The Wiltshire Wildlife Trust and Natural England have not objected to this scheme. Therefore in accordance with the conclusions contained within these reports in respect of precautionary recommendations and enhancements it is not considered that this proposal should unduly impact on the natural ecology of the area. Subject to appropriate conditions and advises being attached to any permission this proposal is considered acceptable in this respect.

There are some trees along the boundary of the site and it is considered appropriate for these to be incorporated within a comprehensive landscaping scheme for the site and the permission conditioned accordingly. At the site visit Members were concerned about the effect of development upon trees on south western boundary (at the rear of properties at 'The Rosary'). A full arboricultural report was submitted with the application. Following the site visit and comments from those Members attending, the applicants revisited the issue of the trees and have sought to ensure that they are not adversely affected by the development. Some amendments to the scheme have been made to move the buildings away from the trees' root protection zones. The Council's landscape planning officer has confirmed that the development will not harm the trees.

A protected species report was submitted on the 24/04/08 This has been forwarded to the WWT for further comment although no objection has been raised in respect of this scheme. The conclusion of the report is that habitats within the site are of low ecological value. However in the recommendation there are some steps to be taken to minimise the impact on wildlife attracted to this site. This report should be included within the informatives.

## Assessment of existing services.

In accordance with the local plan requirements the necessary contributions have been assessed in order of priority and have been met to level that is considered acceptable for a development of this nature. The level of contributions has to be considered in the light of the benefits that this package of linked developments will bring to Wootton Bassett Town and the surrounding area.

## Affordable Housing

Negotiations have been taking place between the Councils Housing Officer and the applicants. In terms of the number of units 30% of the proposed 168 units (50 dwellings) will be affordable and this is in line with the Councils Supplementary Planning Document. However, there is further detailing in respect of the types of housing that are required, but the details of the details of this provision will be a matter to be discussed and agreed prior to signing any legal agreement.

## Education

During initial discussions with the County Council in respect of contributions in relation to education the applicants were advised that no contribution was necessary (September 2007). This advice was given on the basis of a scheme for 164 units. When the current application was submitted in January 2008 (with an increase in the number of units to 168) the Education department requested a significant level of contribution of £107,770.00 (based on 10 primary school places at a cost of £10,777.00 per place). It is recognised that contributions towards education are reasonable for such developments (as established by Policy C2). However, following this Councils Major Application procedure the applicants carried out a pre-application discussions with the Education authority and took the response (that no contribution would be required) into account when preparing, not only, this application, but that for the 'sports hub'. When the application was submitted around four months later (January 4<sup>th</sup> 2008) a contribution of £107k has been sought. In this instance it is considered unreasonable at this relatively late stage of the development process for a contribution to be insisted upon in the light of the advice given during pre-application discussion (in line with the Major Applications Procedure and the complexity of the package of proposals).

## Other Issues

Demolition of no. 19 Longleaze- The council cannot justify refusal of an application on the basis that the access arrangements require the demolition of an unlisted dwelling house that is not in a Conservation Area.

Covenant on no.19 Longleaze- Any historic covenants on the existing property are particular to the bodies involved and would not have a bearing on the acceptability of this proposal.

Site ownership- Concerns have been raised in respect of the ownership of the site. Certificate A was submitted with the application and in the absence of information to the contrary it is accepted that the applicant owns the site. The agent has confirmed that the certificates submitted in relation to site ownership are correct.

## Legal Agreement (Section 106)

This application needs to be the subject of a section 106 agreement in respect of its interdependency on application 08/00024/FUL. The provision of the reallocated facilities being on the northern side of the B4042. Also affordable housing and public open space provision will need to be secured.

## **Conclusion**

In conclusion this scheme is seen to be acceptable in terms of the use of the site, as it is within the framework boundary. provision of open space, affordable housing and parking levels accords with the relevant policies as contained within the Local Plan 2011.

## **Recommendation and Proposed Conditions/Informatives**

The applicant be invited to enter an agreement to ensure:

- (a) Affordable housing and Public Open space.
- (b) that the development is linked to planning application 08/00025/FUL to ensure the development of the sports facilities takes place prior to the occupation of any residential units hereby approved.
- (c) The Implementation of a Travel Plan

following completion of which the Development Control Manager be authorised to GRANT Planning Permission 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 following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- (1) walls, fences, gates and other means of enclosure;

- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;
- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.
- (7) bin and cycle stores

The development shall be carried out in accordance with the details so approved.

Items 1 to 7 shall be completed prior to the use or occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

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. Prior to the first occupation or use of the development hereby permitted, the vehicular access shall be constructed in accordance with the details hereby approved. Thereafter, the access shall remain permanently available for use and any visibility splays shown on the approved plans shall be permanently maintained free from obstruction to vision.

Reason: In the interests of highway safety.

8. The building hereby permitted shall not be used or occupied until all roads, accesses and footpaths serving the building have been laid out and surfaced to basecoat tarmac level, or to such other standard suitable for the passage of vehicles or pedestrians as may on application be approved in writing by the local planning authority

Reason: In the interests of highway safety and convenient access.

9. Prior to the use or occupation of the development hereby permitted, details of the layout and construction of areas for the parking of vehicles and means of access thereto shall be submitted to, and approved in writing by, the local planning authority. Such areas shall thereafter be kept available for the parking of vehicles and access thereto at all times.

Reason: In the interests of highway safety and convenient access.

10. 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 alterations of 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.

11. Notwithstanding the drainage details submitted possible flows in accordance with the windes model for a 300mm pipe in the Northern corner of the site shall be provided.

Reason: In order that it can be assessed how the existing system will cope.

12. Notwithstanding the plans submitted or 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 windows or other form of opening above ground floor level shall be introduced into the NE elevation of unit no. 92.

Reason: In the interests of residential amenity.

13: The procedures and mitigation measures proposed in the ecology survey and protected species report shall be completed in accordance with the agreed scheme.

Reason: In the interests of protecting wildlife.

### **Informative**

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

794/01 E - Site layout  
794/13 - Adoptions Plan  
794/04B - Storey Heights Plan  
794/05B - Affordable Housing Plan  
794/04A - Parking Court Monitoring Plan  
794/08 B - Street Scenes 1 of 2  
794/09A - Street Scenes 1 of 2  
794/44/10B - Apartments Elevations 1 of 4  
794/44/11B - Apartments Elevations 2 of 4  
794/50/08 - Gable fronted garage  
P288/02  
P288/6B  
P288/23A  
S321/1a/1,2 and 3  
Transport assessment  
Travel plan

Planning Statement  
Design and access statement.  
Development Brief  
Landscape and visual appraisal. All received by the local planning authority 04/01/08  
Protected species report received 24/04/08

**Reason for Decision**

This proposal is considered acceptable in terms of the use of the site. The layout shows a development of appropriate density with buildings of an acceptable bulk and mass. Adequate POS has been provided and therefore coupled with the linked applications this development is acceptable and complies with Local Plan Policies in particular C3, H2, GF3 T1, 2 and 3.

<b>Appendices:</b>	<b>NONE</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20, 2.02, 2.04, 2.10, 2.24, 2.25, 2.35, 2.37, 4.02, 4.04, 4.06, 4.07, 4.08</b>