

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE		Report No. 6 (1)	
Date of Meeting	29th April 2009		
Application Number	07/2168/OUT		
Site Address	Former St Ivel Site, Station Road, Wootton Bassett		
Proposal	Erection of 60 one bedroom apartments and associated parking and landscaping		
Applicant	David Wilson Homes		
Town/Parish Council	Wootton Bassett		
Grid Ref	407247 181761		
Type of application	Outline application		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been deferred from Committees in October 2007, November 2008 and April 2009 having originally been called in by Councillors Wannell and Roberts to assess the impact on the community.

The application was deferred in October 2007 to allow negotiations with the applicant and the Town Council with regard to affordable housing and other contributions and the impact of employment land and other legal issues.

Subsequently four affordable houses were proposed but deferred at Committee on 5 November 2008 in order to improve the illustrative design and siting of the flats and increase the affordable housing provision on the site.

The scheme has now been amended in terms of its design and siting and the affordable housing remains at four units. The applicant states that to provide more is unreasonable when no provision was required as part of the S106 for this part of the site and as it would render the scheme financially unviable.

The application was deferred last month to investigate the employment use of sites within Wootton Bassett Town Council's ownership. This requirement is considered by officers to be unreasonable and unachievable in light of the legal agreement relating to the site.

This matter is considered in further detail below under "Loss of Employment"

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

2. Main Issues

This application proposes the erection of 60 one bed apartments and associated parking and landscaping at the former St Ivel site, Wootton Bassett on that part of the site which has been allocated as employment in the adopted Local Plan 2011 and for which outline planning permission has already been granted.

The application has been submitted with the sole purpose of enabling the delivery of Station House as a Town Council facility in lieu of any other planning obligations and as required by the S106 agreement as part of the permission granted by Committee in 2007.

The key points to consider are as follows:

- Implications on DC core policy C3 and employment policies BD1 and BD2.
- Density, design and scale of the development
- Impact on residential amenity of future occupiers
- Impact on highways and junction 16 of M4
- Affordable housing contributions

3. Proposal and Site Description

The application is seeking outline planning permission for the erection of 60 one-bed apartments, associated parking and landscaping at the former St Ivel site, Wootton Bassett.

The apartments are to be provided on 0.4ha on the southern part of the site currently allocated for 3ha of employment and benefiting from outline permission for 6,840sqm of B1 floorspace.

The revised scheme still provides the apartments in two adjacent blocks, one with 24 units and the other with 36 units. The blocks have been re-sited with block 1-3 set at a slightly oblique angle with the road. Both units have been set back further into the site from the housing to the north.

Four affordable units for rent are to be provided within block 5.

The density of the scheme will be 150 dwellings per hectare.

The former St Ivel site has been cleared of all buildings with the exception of the Listed Brewery buildings and Station House.

By way of background information, as part of the outline application for the site to which 05/02263/OUT refers, there was a S106 agreement for the site.

As part of that agreement and at the request of the Town Council, the developer was required under Clause 16 to submit an outline application to the Council seeking the grant of a "Suitable Planning Permission".

This term is defined at 8.1.44 as a grant of outline planning permission for the residential development of not less than 0.4ha of land located within the employment development land. Such a permission should also be free of any obligations.

Thus the applicants were not originally proposing to make provision for any affordable housing, education or open space contributions as part of this outline proposal.

In the event that a suitable planning permission is granted, the developer is required within three months of that permission to offer the transfer of Station House to the Town Council for the consideration of one pound (£1).

It must be stressed that there is no onus within the Section 106 Agreement on the Council to grant that permission, only for the developer to submit the application.

The application must still be considered against all the relevant policies of the Local Plan, and is a departure from the plan.

4. Planning History		
Application number	Proposal	Decision
05/02263/OUT	Residential and Commercial (B1) Development, Change of Use of Station House to Community Use, New Means of Access, and Associated Works Including Details of Siting, Design & External Appearance for Land Adjacent Listed Brewery Buildings	Granted
07/00628/FUL	Provision of Roads and Associated Landscaping Works	Granted
07/01984/REM	Residential Development Consisting of 50 Dwellings Along With Garages, Roads, Parking and Associated Works	Granted
07/02297REM	Erection of 200 residential units	Granted
08/02749/FUL	Erection of 60 Bed Care Home; Associated Infrastructure Including the Provision of 20 Parking Spaces	Granted

5. Consultations

Wootton Bassett Town Council – comments waited on revised plans.

Wiltshire County Highways – comments waited on revised plans.

Highways Agency – have now withdrawn their holding objection subject to a travel plan being provided for the scheme.

Wiltshire Wildlife Trust – reports that reptiles have been found within 500 metres of the site. (Ecology has been dealt with via the original approved outline permission for the site.)

6. Publicity

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

2 letters of objection were received in respect of the original scheme on grounds of highways/parking, lack of affordable housing (with the suggestion that it should be on the site of Station House and its associated car parking given the fact that the building is not eco-friendly due to its means of construction and location away from the town centre).

The revisions due to their limited nature and the fact that the number of units have not increased, have not been the subject of wider public consultation.

Campaign for the Protection of Rural England objected on the original scheme on the grounds of it being a departure from the Local Plan, loss of employment, lack of affordable housing (suggested location large car parking serving Station House).

1 further letter of objection has been received on the ground of the imbalance between housing and employment land in the town, loss of employment, need for jobs, costs associated with maintaining Station House and its poor location and the availability of the existing Civic Centre for which disabled access could be arranged.

7. Planning Considerations

This application has been submitted and permission sought for the sole purpose of funding the delivery of Station House for the potential transfer to the Town Council for the sum of one pound (£1).

It is well documented in previous Committee reports in relation to 05/02263OUT that the provision of Station House through the development of this or any part of the site is wholly inconsistent with guidance contained in Circular 05/05 "Planning Obligations". It fails to meet the tests in respect of relevance, necessity and reasonableness, particularly in lieu of the provision of affordable housing and loss of employment from the site. This advice remains unchanged.

Loss of Employment

The application site is the subject of an employment allocations to which Policy BD1 relates. The site is allocated for 3 ha of employment.

The outline application approved for the whole site earlier this year (05/02263/OUT refers) resulted in the employment element of the scheme comprising less than the required 3ha. This was on the basis that the number of jobs that could be created from the proposed and approved 6,840sqm (0.68ha) of employment would be in the region of 360. This was the figure outlined in the approved brief for the site and was a figure which reflected the general employment levels on the site and could reasonably be expected to be delivered from a mixed employment use on the site.

The proposal would reduce the employment on the site to 4,824 sqm and the jobs to 254.

Supporting information seeks to justify this loss of employment by stating that with the inclusion of the Brewery, job levels on site will still be in the region of 311 and that towards the end of its use, only 293 jobs were on site.

At this time there are no proposals for the Brewery. It is intended that the Brewery is used as an Arts Centre and until such time as it is confirmed that the buildings will not be used for this purpose the inclusion of the 57 jobs that could be yielded from the building is premature.

It is not considered appropriate that the lower end of employment yield from this site should be sought simply because it reflects levels when St Ivel was nearing the end of its use on site.

Evidence has been provided by the applicants which shows that Wootton Bassett has 32.1 ha of employment sites (potential/existing), with 11.2ha of vacant employment land (which includes land allocated but not yet built).

This information has been sourced from the North Wiltshire Employment Land Review 2006 and taken on face value it would appear that there is an abundance of land in Wootton Bassett.

However, the 32.1ha includes a variety of sites including greenfield sites adjacent existing employment areas at Templars Way Industrial Estate and Interface Business Park. In respect of the latter, the Council specifically decided to withdraw the bulk of the allocation at Interface given the availability of employment land in the town including on the St Ivel site. Of the 32.1 ha many of the sites rank poorly in terms of accessibility to public transport and their greenfield status.

It is also particularly important to note that the 11.2ha of vacant employment land comprises the entire St Ivel site (Table C3). Accordingly, the only vacant employment land within Wootton Bassett is on the St Ivel site which is proposed to be reduced to approx. 0.48ha.

When these basic facts are considered, it is clear to see that Wootton Bassett does not benefit from the apparent abundance of employment sites, let alone those with excellent accessibility to public transport and on previously developed land.

The loss of employment is clearly contrary to Policy BD1 which allocates the site and Policy BD2 which seeks to safeguard committed sites.

The application was deferred from Committee in April 2009 to investigate the employment use of sites within the Town Council's ownership.

The Town Council's property ownership extends to buildings which are already in employment use, assembly and leisure use together with recreational amenity land. It is considered that to evaluate the employment potential of conversion or redevelopment of land to be wholly unreasonable.

This is due to the fact that sites/land could only realistically be considered for employment following consideration through the planning process and if the necessary permission has been granted.

The submission of such applications could only be secured via a legal agreement but could not require any permissions to be granted or implemented.

A similar approach was used for this current application via the legal agreement that accompanied the 2005 outline application and is now causing some difficulty.

Notwithstanding the above, the legal agreement which accompanied the 2005 permission, specifically required, at the request of members and the town council, that no S106 obligations were to be linked to the application currently under consideration since this could undermine the delivery of Station House to the community. The proposal to provide employment uses cannot, therefore, be secured.

This fact is also highlighted below in respect of affordable housing provision.

Density, Design and Scale of Development

The proposal for 60 one bed apartments on 0.4ha land will result in a density of 150 dwellings per hectare. Based on the applications submitted to date on the site, densities proposed elsewhere on the site are varying between 45-60 dwellings per hectare.

The proposal should be considered in the context of proposed surrounding development and the approved reserved matters (07/2297REM).

It is acknowledged that the flats proposed partly opposite this application site have a density of approx. 100 dwellings per hectare however; this is still considerably less than that proposed.

As mentioned above, the one bed apartments are proposed in two large three storey blocks with a ridge height of 11.2 metres (previously 10.9 metres) and eaves height of 7.8 metres.

Only part of Block 1-3 (essentially 1-2) would be in keeping with the proposed three and four storey flats opposite to the north which have proposed ridge heights of between 10.5 and 13.5 metres.

However, the remainder of that block and the separate Block 4 and 5 would be sited south of proposed two storey housing. The slight re-siting means that window to window distances of 17 metres have now been increased to 20 metres. This distance is reflective of other approved window to window distances on the development across road frontages.

A cross section detail is provided in Appendix I.

The two blocks extend approximately 74 metres in length to the south of approved housing with a notional 2 metre gap between the two separate blocks. This limited gap serves no real function and as a consequence the building to all the approved flats/dwellings opposite, will read as a large monolithic structure out of keeping with the area.

Notwithstanding the changes to the design and siting, it is considered that by reason of the scale, massing, siting and design of the blocks they would have an unacceptable overbearing impact on the residential amenity of all properties to the north of the application site.

Accordingly, the proposed development would have a detrimental impact upon the amenities of future occupiers contrary to Policy C3 of the North Wiltshire Local Plan 2011.

Highways and Access

As documented above, the Highways Agency has withdrawn their objection subject to a Travel Plan.

Affordable Housing

Notwithstanding the legal agreement for this site and the omission of a requirement for affordable housing, based on Policy H5 the scheme should provide in the region of 20 affordable units.

This is not proposed to be provided. The transfer of Station House in lieu of the provision of four affordable housing units is not supported notwithstanding the provisions of the S106 agreement.

The applicant's justification for the provision of only four units is as follows:

“The Requirements of the Section 106 Agreement - the planning permission granted in respect of the redevelopment of the former St Ivel site (05/02263/OUT) was accompanied by a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990. The Agreement, in addressing the issue of the possible transfer of Station House to Wootton Bassett Town Council, required that an application be made by the developer within three months of the granting of planning permission for residential development on 0.4 hectares of the Employment Land. The Agreement went on to explicitly state that, should planning permission be granted for this application of the 0.4 hectares, i.e. this current application reference 07/02168/OUT, it;

"..shall not be accompanied by or be in any way linked to an Agreement pursuant to Section 106 of the [1990] Act requiring any form of planning obligation (within the meaning of ODPM Circular 05/05 or any Circular or Guidance Note which may supersede it) on the part of the Developer in relation to the land subject to the planning application required pursuant to clause 16.1" (i.e. application reference 07/02168/OUT)

Clearly therefore there is no requirement for the Developer to make any contribution to affordable housing, or indeed any other contribution, in connection with this planning application. That there is indicates a willingness by the applicant to try and meet the concerns of the local authorities (both District and Town).

Agreement with the Town Council - The application was previously deferred to allow discussions to take place to investigate whether any affordable units could be provided within the proposed development, notwithstanding the clauses within the S106 stating that the developer had no reason to do so. These discussions have taken place and an agreement with the Town Council reached in respect of how the additional cost to the developer of providing the affordable units would be met. To that end, it was agreed that the first £50,000 cost of providing these units would be met by the developer. The next £250,000 would be met by the Town Council. Further costs after that would fall solely again on the developer.

In this case, the revenues expected to be received from the sale of a block of 12 open market specification units would be £840,000 (12 x £70,000). With the revenues for the affordable units at £26,740 each, that means that the total revenue for a block of 12 would be 8 x £70,000 and 4 x £26,740 = £666,960. As such, the drop in revenue as a result of the 4 affordable units would be £173,040. The developer has therefore limited the additional expenditure placed upon themselves to £50,000, (albeit £50,000 more than they are required to provide) and £123,040 upon the Town Council.

Market conditions - there has been a significant downturn in the housing market and the economy in general since the promotion of development upon this site, and the former St Ivel site as a whole, began, and particularly in the last 9 months. The returns available to the developer from the proposed development of the 60 one bedroom flats have fallen, which influences the availability of revenues to invest in community contributions. This presents itself in this instance in two ways - firstly number of affordable units that can reasonably be proposed, and secondly the drop in the value of the development as a whole, particularly compared to the value of Station House against which there is supposed to be some value parity. The 'cost' to the developer of transferring Station House to the Town Council may therefore be more than the £50,000 the developer has to additionally invest in affordable housing. As such, it would be unreasonable to further burden the developer with additional contributions and thus costs towards affordable housing.

Additional, unexpected on site costs - The proposal would place additional burdens on the developer in respect of noise attenuation in respect of the railway, additional drainage requirements and further remediation of the area.

The 4 affordable units would have independent, individual accesses, with each unit located on the ground floor at either end of the larger proposed block of flats. This will ensure ease of access for management purposes. Plans demonstrating the new access points will be forwarded by hard copy.

For the above reasons, it is considered that the proposal to provide 4 affordable units within the proposed 60 one bedroom development is reasonable and appropriate."

8. Conclusion

The proposed development continues to result in the unacceptable loss of employment land and this is clearly contrary to Policies BD1 and BD2 of the North Wiltshire Local Plan 2011.

The proposed development by reason of its form, scale, design and siting would be detrimental to the character and appearance of this part of the development and would result in an overbearing and unneighbourly development to the detriment of future occupiers of the site.

Notwithstanding that the principal of development on this site is clearly not supported in policy terms, the newly negotiated provision of just 4 affordable units represents a gross under provision. Based on Policy H5 up to 30% should be negotiated, thus there is a shortfall of some 14 units.

The proposed development remains unacceptable being contrary to Local Plan policies and Government Guidance as outlined below.

The officer's recommendation is unchanged as is for REFUSAL.

9. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed development would result in the unacceptable loss of employment land which was eroded as part of the previous outline permission on the premise of the number of jobs that could be created and which are now proposed to be further diminished. The proposal is clearly contrary to Policies BD1 and BD2 of the North Wiltshire Local Plan 2011.
2. The proposed development by reason of its form, scale, design and siting would be detrimental to the character and appearance of this part of the development and would result in an overbearing and unneighbourly development to the detriment of future occupiers of the site. The proposal is contrary to Policy C3 of the North Wiltshire Local Plan 2011.

Appendices:	Extract from legal agreement
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 2.10; 4.02; 4.04; 4.06; 5.01; 5.03; 6.01; 7.01 (NW Employment land Review October 2006)