

PLANNING COMMITTEE

31 January 2008

Planning Applications for Determination

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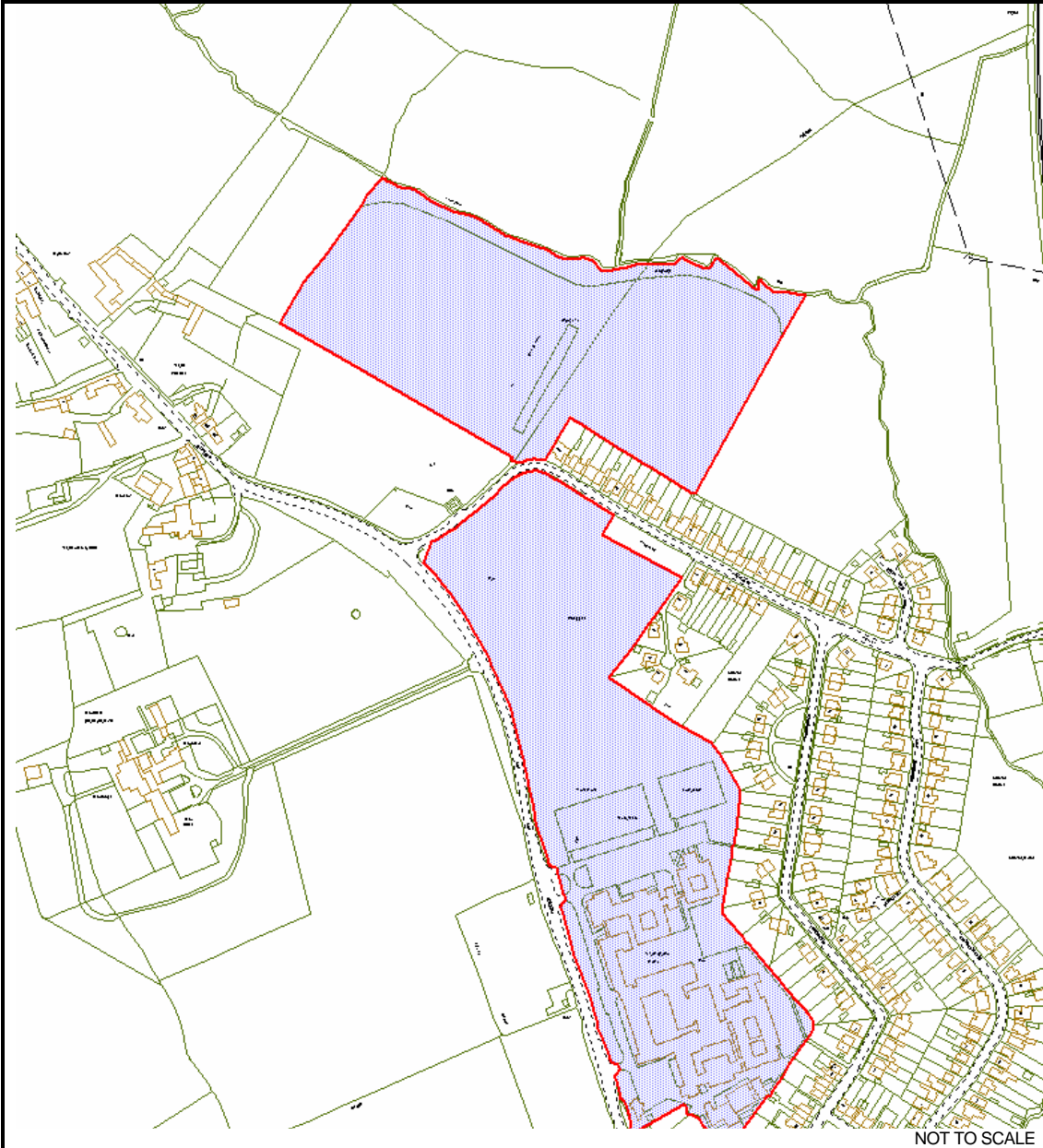
PLANNING COMMITTEE

31 January 2008

ITEM NO: 01

APPLICATION NO: 07/02806/OUT

LOCATION: George Ward School Shurnhold Melksham Wiltshire
SN12 8DQ



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SLA: 100022961

01 Application: 07/02806/OUT

Site Address: George Ward School Shurnhold Melksham Wiltshire SN12 8DQ

Parish: Melksham (Town) Ward: Melksham Without
Grid Reference 389634 164842
Application Type: Outline Plan
Development: Outline application for up to 270 dwellings including playfields, car park and changing facilities
Applicant Details: Wiltshire County Council
C/o Pegasus Planning Group 6-20 Spitalgate Lane Cirencester Gloucestershire GL7 2DE
Agent Details: Pegasus Planning Group
6-20 Spitalgate Lane Cirencester Gloucestershire GL7 2DE
Case Officer: Mrs Rosie MacGregor
Date Received: 30.08.2007 Expiry Date: 29.11.2007

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement/s to secure:

- 1) 30% Affordable Housing**
- 2) Provision of Public Open Space together with a maintenance contribution**
- 3) Provision of Public Art**
- 4) Provision of playing fields, changing room, car and coach parking and turning area and access thereto**
- 5) Provision of Surface Water Attenuation scheme**
- 6) Provision of Foul Sewerage Pumping Station**
- 7) Provision of an index linked financial contribution to education needs arising out of the new housing**
- 8) A financial contribution of £45,000 towards implementing the following necessary traffic management measures by the Highway Authority:**
 - a) A Traffic Regulation Order to restrict or limit on-street parking on Dunch Lane;**

b) Design and implementation of traffic management measures relating to the access from Dunch Lane to the A350;

c) A Traffic Regulation Order for modification of the speed limit on the A365 to 40 mph past the site and moving the existing gateways.

9) Provision of 2 bus stops with shelters and raised kerbs within the site.

10) A Residential Travel Plan, which shall include targets, to be undertaken and agreed by the local planning authority prior to the first occupation and appointment of a Travel Plan Co-ordinator. The Travel Plan shall include a welcome pack for new residents, the final contents of which must also be agreed by the local planning authority prior to occupation. This pack must include a map of cycle routes around the town and recommended routes to key destinations such as the new George Ward School, a map of bus routes and bus timetables.

11) A financial contribution of £15,000 towards pedestrian and cycle signing to the town centre and other key locations.

12) A financial contribution of £25,000 for upgrading the footway along the A365 to improve pedestrian and cycle access to Shaw School.

Condition(s):

- 1 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 3 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 8 The reserved matters shall include provision for public open space, amenity areas and play areas. The plans submitted shall define the boundaries of such areas, their proposed uses, the age groups for which they are intended, and the items of equipment, means of enclosure and all other structures which it is proposed to install.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4.

- 9 No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

REASON: To ensure that existing hedges of value are adequately protected.

- 10 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 12 Prior to the commencement of the development, detailed designs for the main access junction and the changes to the Dunch Lane/A365 junction shall be submitted to and approved in writing by the local planning authority; and the main access junction and additional works shall be constructed in accordance with the approved drawings prior to the commencement of the development on site.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.

- 13 A Residential Travel Plan with targets shall be submitted to and approved by the local planning authority prior to the first occupation of the development and a travel information pack shall be provided to residents on occupation.

REASON: In the interests of highway safety and sustainability.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.

- 14 Detailed plans for vehicle parking, including coach parking, and on-site turning at the sports pitches, together with details of the access to this site and alterations to improve the sight lines at the corner of Dunch Lane together with a travel management plan shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy R4.

- 15 A detailed management plan for the sports pitches should be submitted to, approved in writing by the Local Planning Authority and implemented prior to occupation of the development.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy R4.
- 16 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- REASON: To protect the archaeological heritage of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C14 & C15.
- 17 Prior to commencement of the development, details of the design and layout of the proposed changing rooms shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed changing rooms shall comply with Sport England's Technical Design Guidance Notes 'Pavilions and Clubhouses' and 'Access for Disabled People'. The changing rooms shall be constructed in accordance with the approved design and layout details and completed prior to the first occupation of the residential development hereby approved.
- REASON: To ensure the development is fit for purpose, subject to high quality design standards and sustainable.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policies R2 and R4.
- 18 The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England, for the provision of facilities that are as accessible and equivalent in terms of size, usefulness, attractiveness and quality as the existing facilities, and shall include a timetable for the provision of the new facilities. The new facilities will be provided in accordance with the approved scheme.
- REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policies R2 and R4.
- 19 The development hereby permitted shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from road traffic noise has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.
- REASON: In order to safeguard the amenities of the area in which the development is located.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.
- 20 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.

- 21 Building and construction work on the development hereby permitted shall not take place outside 07.00 hours to 18.00 hours, Monday to Friday, and 08.00 hours to 13.00 hours on Saturday, and at no time on Sundays and Bank Holidays unless the Local Planning Authority gives written approval to any variation.

REASON: To protect the amenity of the occupiers of nearby dwellings.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 22 No materials shall be burnt on site at any time on any phase of the development during the building and construction works.

REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

- 23 Any facilities for the storage of oils, fuels or chemicals during the construction phase shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 24 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, including biodiversity enhancing features and provision for enhancement of the South Brook and control of Himalayan Balsam, together with a programme of implementation and an ecological management plan for the whole site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats and enhance the long-term biodiversity value of the site as a whole.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C1.

- 25 Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species, in particular bats and great crested newts, and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.

- 26 There shall be no new buildings, or other structures (including gates, walls and fences) or raised ground levels within the floodplain area (Flood Zones 2 and/or 3), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.
- REASON: To maintain flood storage capacity and allow for flood flow routes, ensuring that flood risk is not increased in the vicinity.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.
- 27 Finished floor levels shall be set a minimum of 600mm above the 1 in 100 year flood level including 20% for climate change.
- REASON: In order to prevent flood risk.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.
- 28 No development shall commence on site until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate &/or volume of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.
- REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 and U2.
- 29 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained and details shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The works shall be carried out strictly in accordance with the approved details prior to the first occupation of the development. Roof water shall not pass through the interceptor, open gullies shall not be used and all surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes.
- REASON: To prevent pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 and U2.
- 30 No development shall commence on site until a scheme for the provision and implementation of foul drainage works has been submitted to approved in writing by the local planning authority. The scheme shall be implemented strictly in accordance with the approved details prior to the first occupation of each agreed phase of the development.
- REASON: To prevent pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 and U2.
- 31 No development shall commence on site a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.
- REASON: To prevent pollution of the water environment
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 32 No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details prior to the occupation of each agreed phase of the development.

REASON: In the interests of sustainable development and prudent use of natural resources.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C34A.

Note(s) to Applicant:

- 1 The developer is advised that there are species in the vicinity which are protected under the Wildlife and Countryside Act 1981. You are further advised that with regard to Protected Species the granting of permission does not absolve the developer from complying with the relevant legislation, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.
- 2 The developer is advised that if work is carried out in a controlled watercourse such as erection, alteration or repair of any structure in, over or under a Main River, if the work is likely to affect the flow of water a consent is required from the Environment Agency. The erection of any dam or other obstruction to the flow of any Ordinary Watercourse, including the erection of any culvert likely to affect the flow, requires the written consent of the Environment Agency under the Land Drainage Act. Written consent is required for works listed in the Land Drainage and Sea Defence Byelaws, such as for works within 8 metres of a Main River or works in a river, etc.
- 3 The developer is advised that Wessex Water should be consulted regarding the availability of capacity in the foul water sewers. If there is insufficient capacity in the sewer then the Environment Agency must be re-consulted with alternative methods of disposal.
- 4 The developer is advised that all waste stored at the site must be stored in designated area, which area isolated from surface water drains. If storing or treatment waste is carried out on site please enquire with the Environment Agency about waste management licensing or relevant exemptions which may be required. If skips are stored on site please cover to prevent dust and litter being blown around and rainwater accumulated and should be regularly inspected and replaced when full. Any waste leaving site must be disposed at an appropriate licensed site and comply with the duty of care regulations.
- 5 The developer is advised that the development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Grey water recycling and rainwater harvesting should be considered.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Parish and Town Councils object to the proposal contrary to Officer recommendation.

This is an outline application for 270 dwellings together with playing fields and associated facilities on an area of 12.71 hectares within town policy limits for Melksham. All matters are reserved although an indicative layout plan has been submitted with the application.

The Planning Statement accompanying the application states that the existing school is proposed to be relocated to the south east of the town at Woolmore Farm. Although the new school will be funded as part of the government's Building Schools for the Future programme this will be insufficient to cover the total cost of relocation. The redevelopment of the existing site is required to fund these additional costs.

The site is located on the western side of the town of Melksham between Melksham and Shaw. It comprises two separate areas of land divided by Dunch Lane.

The first of these, the site of the George Ward School adjoining Bath Road, is currently occupied by a variety of different educational buildings, the caretaker's house and playing fields with tennis courts. George Ward School is a comprehensive with approximately 1,600 pupils. This part of the overall site is proposed for housing.

The second of these is to the north on the opposite side of Dunch Lane and is currently meadows and playing fields. This part of the overall site is proposed for recreation and leisure uses. A public footpath crosses the site.

The application was accompanied by an indicative layout plan, a Planning Statement, a Design and Access Statement, a Statement of Community Involvement, a Transport Assessment, a Flood Risk Assessment, an Ecological Report and a Ground Investigation Report.

Additional information has been provided as part of the planning process to provide further clarification of the above matters particularly in relation to transport in the form of a revised Transport Assessment and archaeology in the form of a Geophysical Survey Report.

The indicative layout plan shows the existing main vehicular access point to the school site on Bath Road retained as a traffic signal controlled junction with two further potential foot/cycle access points, one on Bath Road and the other off Dunch Lane where there is an existing gateway. An area of Public Open Space is shown adjacent to an existing children's playground which is outside the site on its northern boundary. A second area of Public Open Space is shown within the southern part of the site and identified for water attenuation. An on-site foul sewage pumping station is also shown in the southern area of the site.

The existing recreation ground on the northern side of Dunch Lane is shown as comprising three pitches together with vehicular access, parking and changing facilities.

The Geotechnical and Contaminated Land Report concludes that in view of the relatively large site area it will be necessary to consider further investigative work which could be controlled by a planning condition requiring detailed contamination assessment.

The Flood Risk Assessment concludes that there is a low probability of flooding but that finished floor levels should be set a minimum of 600mm above the 1 in 100 year flood level including 20% for climate change.

The Transport Assessment concludes that Melksham is well provided for in terms of highway infrastructure and that the proposed development will have little impact and will be sustainable in transport terms.

SITE VISIT / STATUTORY SITE NOTICES

A site visit was made and site notices attached to each of the site frontages on 17 September 2007.

CONSULTATIONS

Parish/Town Council :

MELKSHAM WITHOUT PARISH COUNCIL: Melksham Without Parish Council strongly objects to the above planning application and recommends that it be rejected in its present form, for the following reasons:

1. The application contravenes several current District Plan policies viz:-

(a) Policy R1 because the proposals destroy recreational facilities which are well used by the general public as well as by the school.

(b) Policy R2 which states that any alternative replacement facilities for the community should be provided in the immediate locality. The replacement facilities are to be placed over two miles away at the new School site.

(c) Policy H1 (D) which states that the development should not result in the loss of an open area or visual gap important for recreation and amenity reasons. This development erodes an important rural visual gap between Melksham and Shaw. The village boundary is only 150 yards away. Clause 3.2.17 No 4 prohibits development off Beanacre Road to prevent coalescence between Beanacre and Melksham yet this development will effectively join up Shaw with Melksham.

(d) The area proposed for this major large development has not been approved by the Local Plan process. While some are classing it a "windfall" site, it is not really this because a windfall site is defined in Clause 3.2.3. as a "small or medium sized site" However the number of dwellings proposed on this site is more than twice the whole District windfall allocation per annum (117.6).

(e) It has not been approved in the District Plan as a recognised urban "brownfield" site. The Urban Extension Allocation for Melksham introduction to Policy H6, Clause 3.2.17 states that "The Trowbridge-Chippenham railway line is considered as a firm boundary to the west of Melksham. Land to the west of the railway line is poorly related to the rest of the town". This statement must surely be applicable to this large site.

(f) Policy C31a states that new development will be required to respect and enhance townscape and landscape features, architecture of surrounding buildings and historic layout and spatial characteristics. This application does none of these things. At present there is low density housing which pleasantly lessens as the town blends into open countryside, tapering down to one single row of semi-detached houses at the Shaw end of Dunch Lane. Houses include a variety of styles such as attractive nineteenth century cottages to the right of the school at Shurnhold and close by in Shaw on the Bath Road. All existing dwellings are well-spaced with good gardens. These proposals are for a high urban density, at least three times the ratio of the surrounding area. The design and density are more in keeping with a centre of town site, than edge of town in open countryside. The proposed 3 storey dwellings are out of keeping with surrounding dwellings which are mainly two storey cottages with a few small terraces. To place a large, dense housing estate on this site will substantially alter the whole rural character of the area. It will also be detrimental to the setting of the listed building Shaw House and its gateway, opposite the site.

2. The proposed development offers no community benefits. Although the project is akin to the size of the East of Bowerhill development built in late 1990s, (which then financed a new village hall and several other community enhancements) this is just a block of housing. It will put additional pressure on health services in Melksham. Doctors' and dentists' books in the town are already full. The present George Ward School has an excellent Training Centre, known as the Old Animal House, which would make a superb village hall for the whole area, including the existing community which has nowhere to meet. This building should be retained as it has recently been completely refurbished with Meeting rooms, kitchen, disabled facilities etc.

3. The application will exacerbate the existing highway hazards in Dunch Lane. Dunch Lane is a narrow rural lane with a narrow railway bridge at one end and a dangerous blind corner at the Bath Road end it is already congested and used for parking by existing residents who have no garages. It is just not fit for purpose to take any more traffic or to have any vehicular accesses on to it, especially so close to the bend. If the whole site is developed for housing, with no parking for recreational purposes on the George Ward site, the overspill traffic from both the development and the remaining three senior pitches will be jostling to park in the Lane, putting existing residents under enormous stress. In the past the Parish Council has tried without success to obtain extra land for a footway down to A365 to allow children to walk safely to Shaw School. No traffic from the development should be permitted to use Dunch Lane at all.

4. The development would result in the loss of playing fields which are in short supply in the Melksham area. The school playing fields have been used by the local residents for community events for many years.

5. The proposed changing and car parking facilities are inadequate to meet the needs of three senior pitches. If all three pitches are in use at the same time, it can generate between 50 - 100 cars. Changing facilities need to be constructed to Sport England requirements. There should be no sports car parking in Dunch Lane.

6. The proposed development is not sustainable. The travel to school distance is a far more significant factor for primary school children than for secondary pupils. Cycling proficiency certificates are generally not issued until children are 8 - 9 years old. Children from the new development will be unable to go to Shaw School because it is already oversubscribed and so they will have to be bussed elsewhere. At present the main secondary school from a site is easily accessible with cycleways, shared paths and three separate accesses. However if housing is put on this site, a lot of traffic will be generated because of the lack of community facilities and no usable schools nearby.

Should the Planning Authority be minded to grant permission, despite their own policies, the Parish Council requests the following amendments:

a. The rural visual gap between Shaw and Melksham should remain to prevent any coalescence between town and village.

b. The existing playing fields on the southern George Ward site should be fully preserved and parking incorporated on this site to serve all the open recreational space, including the 3 senior pitches in the northern part of the site.

c. Housing should be built on the brown field section of this site only i.e. on the area occupied by the current George Ward School buildings.

d. Housing density should be substantially reduced to match the density of surrounding dwellings.

e. The Training Centre should be retained as a new Community Village Hall for the whole community.

f. There should be no traffic allowed from the development on to Dunch Lane and no permission allowed for sports field parking on this lane.

g. The rural character of Dunch Lane should be preserved and existing trees and hedgerows retained.

h. Any widening in Dunch Lane should be on the eastern side of the corner to avoid loss of trees or hedgerow on the Shaw side.

i. There should be a proper Section 106 Agreement with the planning application which stipulates community facilities and a financial contribution in proportion to the number of houses permitted on site.

j. The variety of building materials and styles used should reflect the materials and styles of surrounding housing.

k. There should be no 3-storey dwellings. A greater variety of housing types are needed, including some bungalows.

l. Environmental and transport impact studies need to be done.

MELKSHAM TOWN COUNCIL: The Town Council objects.

Councillors thanked those residents of the George Ward area for attending and considered their comments and correspondence. Councillors agreed with residents that they support the development of a new school being built, but, having discussed it in great detail, found the application unsatisfactory in its current format and therefore objected to the application for the following reasons:

- * Overwhelming impact of proposed development on current local community due to the number of houses (270) being proposed and the high density.

- * The high density of dwellings proposed will be out of keeping with local area.

The plan infers that there will be (3-storey buildings) which will be out of character with the local area. However, the Town Council recognise this is only outline planning at this stage and they suggest the site should have more mixed development incorporating bungalows – C18/H1.

- * The plan makes no reference to the impact on the infra structure for existing and future residents in the area and Melksham as a whole, specifically education and healthcare provision-U1.

- * There will be a negative impact on the rural buffer zone between Melksham and Shaw. This development will reduce the gap to 100 metres.

- * The rural gateway to Melksham would be lost if development was approved.

- * Loss of Greenfield site - loss of important play facilities and informal recreational facilities - RI/R2.

Councillors also raised the following concerns:

- * There has not been an Environmental Impact Assessment carried out to show how water, drainage and sewerage will be managed. The committee has concerns as this is an area that floods (Southbrook floods and the entrance to Shaw on the A365). Also the increase traffic movements and subsequent noise increase and pollution- U2, H1 - C/Ca.

- * There is no Transport or Highway impact assessment. The effect on extra transport (noise levels, congestion, routes to school/travel plans, travel to employment and town facilities). There is a lack of understanding of traffic impact on Dunch Lane and access across bridge (road safety, vehicles exiting properties safely)-C36/R1 and R2.

- * Concerns regarding emergency access to existing properties in area (specifically, access across the playing field to Dunch Lane cul-de-sac).

As well as voicing the above concerns, Councillors requested that Dunch Lane be able to retain its 'lane' status, therefore protecting the hedgerow and surrounding wildlife habitat. Councillors also asked for assurances that the land north of Dunch Lane would be protected from any development in the future and that adequate parking and changing facilities were included in the plans. Finally, Councillors asked for clarification regarding the rural buffer zone, which they understand to be from the Melksham boundary to the Shaw County House Hotel a distance of 100 metres. If the development were to be granted permission the Council would ask that the Section 106 agreement includes a substantial amount towards Health Service provision and Education.

External :

SOUTH WEST OF ENGLAND REGIONAL DEVELOPMENT AGENCY: On commenting on additional information received. Whilst the proposals fell within the South West RDA's statutory consultation criteria, the Agency considered that insufficient information was submitted with the application originally to enable us to support the proposals.

Since submitting that response, the South West RDA has received further elaboration and explanation from the applicant's agent demonstrating how the proposals will help to deliver the Regional Economic Strategy (RES) and responding to our three specific areas of interest. The Agency welcomes the receipt of this information for clarification and is grateful for the opportunity to respond.

Overview

The South West RDA supports the proposals subject to mechanisms (such as S106 agreement) being put in place to ensure that:

* Good practice urban design and sustainable construction measures are adopted in the development of the site, and;

* Provision of a new secondary school for Melksham is secured.

It is important for market towns to plan for, and deliver, sustainable economies in order to ensure that they become the economic hubs of wider rural areas. This can be achieved through initiatives such as the Market and Coastal Towns initiative, in which Melksham participates. It is therefore important that development proposed for such towns reflects the role, function, need and potential of such places in order to help to achieve a sustainable economy, and as such help to deliver the RES and the local community strategy.

In this regard the Agency considers that there is now sufficient evidence to demonstrate that the proposals can help to deliver a number of the key Strategic Objectives identified in the Regional Economic Strategy (RES) 2006-2015.

Background

The Agency's response is set in the context of a strong planning policy framework identified in PPS3, the Regional Spatial Strategy, the Wiltshire Structure Plan and the West Wiltshire Local Plan and emerging Local Development Framework and the Agency makes no further comment about this. However the application has been assessed on the ability of the proposals to help deliver the Regional Economic Strategy (RES) and it is within this context that our response should be considered.

Delivery of the Region's Economic Strategy 2006-2015

As stated above, in order to respond to the consultation, the South West RDA required clarification as to how the proposals will help to deliver the RES. Specifically, the Agency sought clarity in respect of three key aspects. The applicant has now provided further detail with regard to these three areas and our position is set out below.

1. How the proposal and associated new school provision will help to meet the role, function, needs and potential of Melksham in order to ensure that the level of housing will help to deliver a sustainable economy in the town and therefore help to deliver the RES.

Strategic Objective S01:	Successful and Competitive Businesses
Regional Priority 1C:	Deliver skills for the economy
Delivery Activity 1C.3:	Inspire people to improve their employability skills.
Confirmed Activity:	Support schools and education authorities to Improve basic skills and employability for school leavers.

The proposed development (07/02806/0UT) is closely allied to proposals to provide a new secondary school for Melksham under the Government's Building Schools for the Future programme. It is understood that the proposed residential development for the George Ward site will therefore facilitate the development of the new secondary school on a separate site.

The applicant highlights the linkages made in the RES between a strong education system and improvements in business productivity and competitiveness. The RES Delivery Framework elaborates on this, prioritising support for schools to improve basic skills and employability with a view to developing a more efficient and adaptable labour market to meet the needs of business. This in turn will help to achieve more successful and competitive businesses. It is therefore considered that the proposed development and associated new school provision could help to deliver a sustainable economy for Melksham and its surrounding rural area.

Strategic Objective S02:	Strong and Inclusive Communities
Regional Priority 2B:	Regenerate the most disadvantaged areas
Delivery Activity 2B.2:	Support communities of greatest need in rural area
Confirmed Activity:	Deliver increased levels of affordable Housing to address specific needs of deprived rural areas.

The RES supports the delivery of higher levels of affordable housing as a key ingredient in achieving the strong and inclusive communities that will drive the region's economy. The Planning Statement accompanying the application states that the proposed development will contribute affordable housing at 30% of the total provision, to meet local needs and in accordance with the West Wiltshire District Plan 1st Alteration. It is therefore considered that the proposals will help to achieve the ambitions of the RES in respect of affordable housing provision.

2. How the proposed development supports the objectives of the Melksham Area Community Strategy, produced under the Market and Coastal Towns initiative.

Strategic Objective S02:	Strong and Inclusive Communities
Regional Priority 2B:	Regenerate the most disadvantaged areas
Delivery Activity 2B.2:	Support communities of greatest need in rural areas
Confirmed Activity:	Support the regeneration of towns as economic hubs of wider rural areas through programmes including the Market and Coastal Towns Initiative (MCTi)
Regional Priority 2C:	Plan sustainable and successful communities
Delivery Activity 2C.2:	Secure a sustainable future for rural areas
Confirmed Activity:	Plan for, and deliver, sustainable economies in rural towns as economic hubs of wider rural areas using programmes such as the Market and Coastal Towns Initiative.

Strategic Objective S02 of the RES recognises the need to plan for sustainable and successful communities, and to encourage economic diversification in market and coastal towns and rural areas. In this regard Melksham takes part in the Market and Coastal Towns Initiative (MCTi) for the South West.

The Melksham Area Community Strategy 2004 - 2014 identifies some of the key issues for Melksham. These include low skill and aspiration levels amongst the resident community. The Strategy therefore identifies an aspiration to raise the skills levels and aspirations of local residents, through increased access to and promotion of training and education opportunities as a key objective to achieve economic regeneration in Melksham.

This ambition is echoed in the Melksham Community Plan which identifies a priority to provide adequate opportunities and facilities for young people. This includes improving access to educational, employment and recreational opportunities.

The South West RDA is satisfied that the applicant has demonstrated how the proposed residential development and playing fields, together with the new secondary school that this facilitates, helps to address some key objectives of the Community Strategy and Plan. It is therefore recognised that these proposals have the potential to help to regenerate Melksham as an economic hub of the wider rural area and as such help deliver the RES.

3. How good practice urban design and sustainable construction measures will be adopted in the development of the site.

Strategic Objective S03:	An Effective and Confident Region
Regional Priority 3B:	Promote and enhance what is best about the region
Delivery Activity 3B.2:	Build on existing strengths to develop the South West as the leading region for sustainable development.
Confirmed Activity:	Promotion of sustainable construction techniques for new developments in the region.

The South West RDA welcomes the design principles and sustainability considerations included in the Design and Access Statement accompanying the application such as use of energy efficient building techniques and achievement of high levels of passive solar gain. The Agency considers that mechanisms (such as S106 agreement) should be put in place to ensure that good practice sustainable construction measures are adopted in the development of the site.

This is in line with RES Strategic Objective 3B.2 which seeks to develop the South West as the leading region for sustainable development through the promotion of sustainable construction techniques. In this vein, the Agency would suggest use of the new on line 'Sustainability Checklist' tool (available at: <http://www.checklistsouthwest.co.uk/>) as the design is developed.

HIGHWAY AUTHORITY: 'With regard to policy H1 of the West Wiltshire Local Development Framework we feel this is an appropriate location for the proposed development. The site falls within the boundary for the policy and it would be on previously developed land. The effect on the surrounding road network would be acceptable, the modelling undertaken shows that the key A350/A365 junction could cater for the additional traffic. It is reasonably well catered for from a public transport point of view with hourly buses past the site and the train station being close. Pedestrian and cycle facilities locally are also of a good standard and with some minor upgrades will provide reasonable links to key destinations.

Following discussions with the transport consultants, a number of modifications have been made to the proposals.

The signalised access has been redesigned to include a pedestrian crossing island and footway to provide access to the westbound bus stop on the A365. This redesign is shown on diagram W302/3 in the revised Transport Assessment (issue 2, dated 14/11/07), we agree this in principle. The 3m shared footway/cycleway along the east side of the access has been shown not to be viable further to the east so should be omitted from the final design.

Also, in the final design additional footways are to be provided between where the footway ends near the gas pumping station on the west side of Dunch Lane and the A365, and from the Dunch Lane site access down to the A365 on the east side of Dunch Lane.

There are a couple of modifications to the outline design that I feel should be reflected when the detail of the internal layout is undertaken:

- 1) A contra-flow cycle lane should be provided at the Dunch Lane access, so cyclists can exit at this point.
- 2) An additional pedestrian and cycle access should be provided along the side of the playground to allow direct access into the site from the north.

Plans to upgrade the current sports pitches and for transfer of ownership to the community are still in progress. It will not be acceptable for users of these facilities to park on Dunch Lane, and a TRO (Traffic Regulation Order) needs to be considered and advertised in due course. An on-site car park is proposed but this has yet to be finalised. Proposals and designs must be finalised before the development can commence. I would recommend that the District Council requires a condition for a management plan for this facility to make sure its increased use does not have a detrimental impact on local residents.

Concern has been expressed locally that Dunch Lane can be used as a cut-through by vehicular traffic from the A365 to the A350 so a contribution will be sought to advertise and implement either a closure near the railway bridge or a modification to the existing vehicle restrictions, with associated signing.

If you are minded to approve the application, I would recommend the following conditions:

Before the start of development, the detailed design for the main access junction and the changes to the Dunch Lane/A365 junction shall be approved in writing by the planning authority; and the main access junction and additional works shall be constructed in accordance with the approved drawings before commencement of the development.

A Travel Plan, which must include targets, shall be approved by the planning authority before occupation and a travel information pack must be provided to residents on occupation.

Detailed plans for parking (including coaches) and on-site turning at the sports pitches, access to this site and alterations to improve the sight lines around the corner of Dunch Lane must be agreed with the Local Planning Authority before the development can commence.

A management plan for the sports pitches should be submitted, approved in writing by the Local Planning Authority and implemented prior to occupation of the development.

The following matters should be the subject of an S106 agreement:

1) A contribution of £45,000 towards implementing the following traffic management measures if deemed necessary by the Highway Authority:

a) A TRO to restrict or limit on-street parking on Dunch Lane;

b) Design and implementation of traffic management measures relating to the access from Dunch Lane to the A350;

c) A TRO for modification of the speed limit on the A365 to 40 mph past the site and moving the existing gateways.

2) Provision of 2 bus stops with shelters and raised kerbs within the site.

3) A residential Travel Plan, which is to include targets, should be undertaken and agreed by the local planning authority prior to the first occupation and a Travel Plan co-ordinator is to be appointed. This is to include a welcome pack for new residents, the final contents of which must also be agreed by the local planning authority prior to occupation. This pack must include a map of cycle routes around the town and recommended routes to key destinations such as the new George Ward School, a map of bus routes and bus timetables.

4) A contribution of £15,000 towards pedestrian and cycle signing to the town centre and other key locations.

5) A contribution of £25,000 for upgrading the footway along the A365 to improve pedestrian (and if possible cycle access if conditions permit) to Shaw School.'

COUNTY EDUCATION OFFICER: No response.

COUNTY ARCHAEOLOGIST: 'The Proposed Development Area is of archaeological interest. River valleys are one of the richest areas for archaeological activity, particularly along the gravel terraces which formed a favoured location for earlier settlement and related activity and therefore, the potential for previously undiscovered archaeological material in this area is high. Indeed to the south of the PDA a number of ring ditches are recorded around Roundponds Farm.'

Given the high archaeological potential I would recommend that in order to determine the impact of the development of any buried archaeology more information should be supplied prior to the determination of the application.

Initially I would advise a geophysical survey is completed on the site which may identify areas of greater archaeological potential. Dependent on the results it may then be necessary to undertake an archaeological evaluation to target areas of interest. To facilitate this work I would advise you employ the services of an archaeological consultant.

No decision on approval of this scheme should be made until the results of the evaluation have been made known. If the evaluation results are positive, it may be necessary for me to recommend to you that further excavation will need to be specified by an appropriate planning condition to be carried out prior to development. The cost of the archaeological work will of course fall to the applicant.

Further to my letter of 5th October 2007 I have now received the geophysical report undertaken on the above site. The results have shown there is only limited archaeological potential within the development area. Three possible features were identified which may be archaeological in origin. The possible enclosure would ordinarily be of the most interest, however, local knowledge suggests this may relate to a cycle track.

I would recommend an archaeological watching brief is undertaken to confirm the nature of all three features noted during the survey in accordance to a brief set out by this office. Provision should be made to allow the archaeologists to examine and record any archaeological deposits, features or finds uncovered. To ensure this, occurs I would suggest that the Standard Condition be attached to any approval granted:

"No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."

This approach is in line with the advice given in PPG16 and follows Policy C16 of the Local Plan.'

NATURAL ENGLAND: Have no objection as it considers the proposals will not have a significant effect on protected species. The applicants should be informed that planning permission does not absolve them from complying with the relevant legislation.

WILTSHIRE WILDLIFE TRUST: No objections subject to the following comments:

Agree with all recommendations regarding protected species, including the need for surveys for great crested newts and bats which should be conditions of planning permission.
The buffer of 5 metres from the watercourse is not sufficient. Best practice suggests a figure of 8 metres should be applied. The buffer from the hedgerow should be at least the height of the trees. Adequate buffer zones should be conditions of planning permission.
If the recommendations contained within the ecological report are adhered to substantial enhancements to the site for wildlife should result.
Maintenance of the pond and brook, hedgerows and any retained rough grassland should be subject to and Environmental Management Plan detailing responsibilities for the site for a substantial length of time and this should be a condition of planning permission.
The inclusion of sustainable drainage systems and use of energy efficient building techniques is supported.
Each house should have access to recycling and composting facilities to reduce its ecological footprint.

SPORT ENGLAND: As you may be aware, Sport England has already commented on the related planning application for a replacement school at Woolmore Farm - for information we did not raise any objection to that application, although we did make comments on the need to ensure that the grass pitches are built in line with Sport England Technical Guidance, and that the community use of the new sports facilities is secured by way of a Community Use Agreement.

Also, for information, I have had a pre-application meeting to discuss the proposals for the George Ward School with Neil Ward (Wiltshire County Council) and Steve Clark (Head teacher) on 14 November 2006.

In commenting on any planning applications referred to us as a statutory consultee, we assess whether the proposals meet any of the 5 exceptions to our Playing Field Policy 'A Sporting Future for the Playing Fields of England' (available at:

<http://www.sportenqland.org/planningpolicystatement.pdf>). If we do not consider any of the 5 exceptions apply, then we will oppose the development. Our policy relates to all or any part of a playing field or land last used as a playing field, or land allocated for use as a playing field in an adopted or draft deposit local plan.

In relation to this application, in order for us not to object, we would need to be satisfied that Exception E4 of our policy is being met. This requires that:

The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

Sport England is supportive in principal of the proposed school redevelopment, as the new site will provide a range of good quality sports facilities which will in turn provide opportunities for participation in both indoor and outdoor sports, both within the curriculum and for the wider community. However, in order for the current proposals to meet the requirements of our Playing Field Policy (Exception E4), we would need to be satisfied that adequate replacement playing fields are secured as part of any planning permission that is granted. In the light of this, we have the following comments to make on this application:

1. Land North of Dunch Lane

We support the retention of the existing playing fields north of Dunch Lane, to be made available for community use. However, we note from the supporting statement (para 3.3) that it is proposed to provide only a 'small changing facility' with associated car parking area. We would wish to see any changing rooms that are built to be 'fit for purpose' and as such we would request that they are built in accordance with Sport England's Technical Guidance Note 'Pavilions and Clubhouses' (available at: http://www.sportenqland.org/index/qet/resources/resource_downloads/facilities_guidance.htm)

We would therefore request that a planning condition be included as part of any planning approval that is granted along the lines of the following Sport England model condition:

Condition: Prior to commencement of the development, details of the design and layout of the proposed changing rooms shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed changing rooms shall comply with Sport England's Technical Design Guidance Notes 'Pavilions and Clubhouses' and access for Disabled People'. The changing rooms shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with Local Plan Policy.

2. Loss of School Playing Fields South of Dunch Lane

As mentioned above, Sport England's policy is to oppose the loss of playing fields, unless one of the five exceptions to our policy is met. In the case of these playing fields, we are aware that the proposed new school at Wool more Farm includes the following grass pitches:

- * 2 no. large winter pitches (96m x 59m)
- * 3 no. medium winter pitches (82m x 55m)
- * 2 no. small winter pitches (80m x 50m)
- * 2 no. grass cricket pitches
- * 1 lane grass 400m running track

In addition to these grass pitches, the following all-weather pitches are proposed:

- * Full size floodlit artificial turf pitch (102m x 63m) fenced and floodlit
- * Multi Use Games Area (MUGA) - 4 netball courts / 6 tennis courts - fenced and floodlit.

Subject to the above replacement pitches being provided, and made available for community use by way of a Community Use Agreement prior to the commencement of development on the application site, Sport England would be satisfied that Exception E4 of our Playing Field Policy was being met. We would therefore request that a planning condition be included as part of any planning approval that is granted along the lines of the following Sport England model condition:

Condition: The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England, for the provision of facilities that are at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality as the existing facilities, and shall include a timetable for the provision of the new facilities. The new facilities will be provided in accordance with the approved scheme.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Local Plan Policy.

3. 'Multi Use Games Area' (MUGA) on the Existing School Site

We note that it is proposed to replace the existing MUGA with a similar facility on the new school site. However, the applicant needs to be made aware that this facility was grant-aided by the New Opportunities Fund (now the Big Lottery Fund), and as a lottery distributor they will need to be consulted on the issue of possible 'claw -back' of grant aid should the facility be taken out of use.

As an alternative, we would suggest that consideration be given to retaining the existing floodlit MUGA on the application site, and making it available for community use, to be managed in the same way as the grass pitches to the north of Dunch Lane. In our view the existing MUGA could be integrated into the design of the housing layout, and could help meet the recreational needs of the new development.

In conclusion, subject to the inclusion of the above two planning conditions as part of any planning approval that is granted (or including these requirements in a Section 106 Planning Obligation or Unilateral Undertaking), Sport England does not wish to object to this application, as we are satisfied that the proposals meet Exception E4 of our playing fields policy.

However, if the Council decides not to attach the above conditions, nor include the requirements in a Section 106 Planning Obligation or Unilateral Undertaking, then Sport England would wish to object to this application. Therefore, should the Council be minded to approve the application without the above conditions, then in accordance with the Town and Country Planning (Playing Fields)(England) Direction 1998, the application should be referred to the Government Office under this direction.

ENVIRONMENT AGENCY: No objection in principle subject to conditions and informatives.

WESSEX WATER: No objection in principle but state as follows:

Foul Drainage - Network modelling is underway to determine the point of adequacy for a new connection and the possible need for any off-site reinforcements, to serve the proposed development.

Surface Water Drainage - There are no separate public surface water sewers available to serve the proposals. Storm flows should be discharged direct to land drainage with the approval of the appropriate authorities.

Sewage Treatment - A review of capacity to deal with flows from this and other new development sites in Melksham is underway by Wessex Water.

Water Supply - Network modelling is underway to determine the point of adequacy for a new connection and the possible need for any off-site reinforcements, to serve the proposed development.

WILTSHIRE POLICE LIAISON OFFICER: Would be very keen to work with the developers in an advisory capacity due to the scale of the development and is happy to examine detailed plans with a general view to designing out crime or with specific Secured By Design advice.

PRIMARY CARE TRUST: Whilst there are no plans currently in place for an additional GP surgery in Melksham it is recognised that access to GP services in this part of town is not as easy as elsewhere and the PCT needs to be cognisant of this as it plans for the future and it reserves the option to reconsider if this development goes ahead.

Internal :

PLANNING POLICY: 'This proposal has to be considered alongside the application to relocate the George Ward School to Woolmore Farm, Melksham. This application involves the redevelopment of the existing site and will help to fund a new school which will provide an enhanced range of playing field facilities on a site better located in relation to its catchment.

The existing school site located to the south of Dunch Lane is located within Melksham town policy limits and the development of land for housing is therefore acceptable in principle, subject to the satisfaction of detailed criteria. In this case, bearing in mind the link between this application and the application for a new school, the development of the existing school building land for housing is acceptable. The site is located in close proximity to existing housing areas.

Part of this existing site is laid out as school playing fields with an artificial pitch. Loss of playing fields can be acceptable if one of the tests in policy can be satisfied. The replacement of playing fields lost is one way of satisfying policy. In this case, the application states that playing fields at the new school at Woolmore Farm will "at least match those at the existing site." A detailed breakdown confirms that the new school will provide for new playing fields and recreation provision in excess of the current school provision.

In terms of community provision, the protection and changing room enhancement of facilities north of Dunch Lane, together with dual use arrangements at Woolmore Farm, will probably see a net gain in community accessible playing field provision at Melksham overall, although the alternative provision will not be within the immediate locality of existing residents.

In addition to providing replacement open space to address losses, a development of up to 270 dwellings has to provide open space provision to meet the needs of new residents. In this case, such a proposal should provide up to 1.5 hectares of new open space. This should include children's play areas and a contribution towards formal sports provision. (i.e. pitches). Further evidence has demonstrated that in addition to the new school provision, this development will provide for 6.05 ha of playing fields and changing facilities.

The proposed number of dwellings suggests a net density of 37 dwellings per hectare. This is above the national minimum site density of 30 dwellings per hectare. Given the location of the site on the edge of Melksham this is considered acceptable.

The development of new housing on this scale should include the provision of up to 30% affordable housing provided at nil public subsidy and clustered throughout the development. Housing services can provide a detailed breakdown of needs.

There will additionally need to be a contribution made towards meeting the education requirements of the new residents and a contribution towards public art.

Acceptable in policy terms.'

LEISURE MANAGER: Makes the following comments:

'Ordinarily I would be concerned about a proposal to develop open space/pitches, however I am aware that this proposal is required to deliver the proposed new school at Woolmore Farm and I am in support of that project as it provides replacement open space and the potential for additional pitches.

I am disappointed that the proposed pitches and changing facilities to the north of the development are to be sited on a flood plain, however as long as they are drained effectively then I support the provision of the pitches.

I would like to see the changing facilities to be constructed in accordance with Sport England's planning guidance in relation to changing facilities.

I welcome the provision of parking facilities for up to 40 cars next to the changing facilities.

I am pleased to see that the proposal includes the provision of additional play provision at the existing Dunch Lane play area. I would like to stress that I expect to see a commuted sum to enhance the existing play area, possibly into the proposed new Public Open Space rather than for new play equipment to be installed alongside the existing older equipment/play area.

I would like to see the design of the play equipment to be in accordance with the District Council's Play Strategy, Everything To Play For.

I am disappointed that there is no provision for an all weather pitch (AWP) on the development site. I appreciate that the proposed school at Woolmore Farm includes a replacement AWP, however we have identified a deficit of AWP provision and ideally I would like to see either the existing AWP to remain on site or to be relocated to the playing fields north of the site (depending on flood plain restrictions).

HOUSING OFFICER: 'I understand this is an "infill" site within Melksham Town boundary but an unallocated site. I am sure the Planning Policy Officer will comment on the effect on the overall housing supply in relation to the LDF.

A town site would be expected to make an up to 30% provision towards affordable housing. I can confirm that there is sufficient AH need to justify the full 30% and I would be seeking the following~ mix: -

Mix required	Total AH	Tenure split	1BF	2BF	2BH	3BH	Totals
Rented on site	81	83%	6%	49%	26%	19%	100
		67	4	32	18	13	67
LCHO as commuted sum		17%	0%	40%	50%	10%	100
		14	0	5	7	2	14

This is based on the 270 units proposed and would, of course, change if the numbers change in any detailed application. As usual we would expect the on site units to be conveyed to one of our RSL PDP partners on a nil subsidy basis and be available as affordable housing in perpetuity. For rented this means not let at more than target rent and for LCHO the commuted sum will be calculated on the difference between market value and what we consider an affordable property to cost and with a specimen transfer to ensure its recyclability.'

LAND DRAINAGE AND CIVIL ENGINEER: Land drainage is unlikely to be affected. The new housing site is within 150m of the Environment Agency 1 in 100 year flood zone but do not believe this will have any effect on the use of the land. Details of the SUDS measures to be used in controlling surface water run-off from the new housing site will need to be submitted.

ENVIRONMENTAL HEALTH: No objection subject to conditions.

Neighbours : Neighbours were notified and 24 letters of objection have been received including a letter from a County Councillor. The objections are on the following grounds:

- * Loss of valuable recreation ground to housing.
- * The current playing fields should be used as a village green.
- * Housing density too high.
- * Too many houses.
- * 3 storey dwellings and terraces are not in keeping with the character of the area and should be resisted.
- * Harm to amenity of existing residents.
- * The affordable housing should provide low cost homes for local people.
- * There should be a buffer zone surrounding the site between the existing and proposed houses to provide privacy and separation and it should include a substantial boundary wall or fence.
- * Creation of a concentrated ribbon of development along Bath Road.
- * The land should be retained as countryside.
- * Harm to the rural/semi-rural character of the area.
- * Unjustified urban development except for financial gain to assist with costs of new school.
- * The identity of Shaw as a separate village will be lost.
- * Melksham lacks the facilities to cater for such a large increase in population.
- * Highway safety.
- * It flouts local plan policy that clearly indicates new development should be concentrated towards Bowerhill and East of Melksham.
- * There are already traffic problems in Dunch Lane and at its junction with Bath Road.
- * New roundabouts rather than traffic lights should be provided on the Bath Road and Dunch Lane should remain unchanged.
- * Loss of rear pedestrian and vehicular access to some properties that have been allowed access over many years through the school site by various head teachers.
- * Loss of visual separation between Shaw and Melksham. There is no buffer and nothing to prevent the coalescence of Shaw and Melksham.
- * Loss of open space and green buffer.
- * Impact on wildlife.
- * Proposed car parking on the north playing fields would be inadequate.
- * Security concerns with regard to playing field car park and potential for access by travellers, vandalism and drug taking.
- * The north fields recreation ground is likely to be lost in the future to pressure for additional housing.
- * The excellent all weather floodlit pitches should be retained for recreation use as these provide many sections of the community with facilities for sport all year round.
- * Potential for flooding which will be exacerbated by climate change and need for additional surface water drainage.
- * George Ward School should be retained at this site and upgraded for the future. The costs are likely to be less than building a completely new school.
- * The merits of a new school should not override planning legislation and policy.

- * Loss of valuable playing fields and recreation facilities of which there is a shortage in the town.
- * Lack of facilities for the youth of the town.
- * Contrary to development plan.
- * This is not a windfall site as much of the site is greenfield.
- * The proposals are poorly thought out and ill-considered.
- * Nuisance to existing residents during demolition works.
- * Harm to the environment.
- * Impact on road infrastructure.
- * It is emotional blackmail for the County Council to suggest that the whole site must be re-development to fund the new school.

A letter and various statements have also been received from the George Ward School Site Residents Liaison Group who do not object to the re-siting of the school or re-development of part of the site for housing but do object to the scale of the development and loss of recreation space. They take the view that although it is a windfall site there is the need to protect important spaces, visual gaps, etc in line with Council Policy. The fundamental concern is the loss of valuable recreation land, loss of the buffer between Melksham and Shaw, dominance of the proposed development and change in character of the area.

A further 71 responses in the form of a duplicated letter to which an address and signature has been attached have been received. These state support for the matters raised by the George Ward School Site Residents Liaison Group.

NEGOTIATIONS / DISCUSSIONS

Meetings and telephone conversations with applicant's agents to inform of responses to consultations and any requirements for additional information.

CONSTRAINTS

Previously developed land including existing school premises, recreation land and sports facilities
 Existing residential development nearby
 Highway safety
 Infrastructure

POLICIES

RPG/RSS 10 Regional Spatial Strategy

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP3 Development strategy
- DP4 Town and main settlements
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- DP9 Re-use of land and buildings
- RLT1 Recreation Sport and Leisure

West Wiltshire District Plan - 1st Alteration 2004

- H1 Housing in towns
- H2 Affordable Housing
- H24 New housing design
- C1 The countryside
- C9 Rivers
- C14 Archaeology
- C15 Archaeology
- C31A Design
- C32 Landscaping

C33	Recycling
C34A	Resources
C35	Light pollution
C37	Contamination
C40	Tree planting
R2	Protection of Recreational Space
R3	Dual use of educational land
R4	Open space and new housing developments
R5	Recreation land
S1	
T10	Parking
CF1	Community facilities
U2	Surface water disposal
I1	Resources
I2	The Arts
I3	Disabled access
SPG	Residential Design Guide
SPG	Affordable Housing
SPG	Public Open Space
PPS1	Delivering sustainable development
PPS3	Housing
PPG13	Transportation

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The key issues relating to this application are Development Plan policy, principle of residential development, affordable housing, amenity, sustainability, highway safety, recreation, ecology and landscaping.

OFFICER APPRAISAL

Principle of Residential Development and Density

The existing school site, once the new school has been built and occupied, will be redundant as an educational facility and the redevelopment of the site must now be considered.

The site is well related to existing housing development on the edge of the town at Shurnhold and Dunch Lane.

It is located within Melksham town policy limits and as such residential redevelopment of the land is acceptable in principle, subject to the proposals meeting the necessary policy criteria. It is not a greenfield site but is previously developed land occupied by the school buildings and associated structures.

Planning permission has recently been granted by Wiltshire County Council for the relocation of George Ward School to Woolmore Farm at Bowerhill, Melksham and this is a material consideration since the current application involves the redevelopment of the existing school site to assist in funding the new school. The existing school premises at George Ward School date from the 1950s and 60s and typically contain buildings that are of a lower technical specification than those designed to meet the more rigorous environmental standards of today and are of utilitarian design and appearance. The relocation of the comprehensive school will allow for its expansion on a site better located for its catchment area and will enable it to deliver enhanced educational and sports facilities. The new school buildings will be more fit for purpose and better able to deliver education in the 21st century.

It is improbable that sufficient funding would be available for the relocation of this comprehensive school, the only secondary school in the Melksham area, to Bowerhill unless it could be funded in part through the re-development of this site. The proposal is therefore enabling development that is key to the future provision of education in Melksham. The proposal as such is welcomed.

The application has been made in outline form with all matters reserved for subsequent approval. Although an indicative layout has been submitted the design of the proposed dwellings and their layout will be considered at detailed design stage and the current application relates only to the principle of the development. Matters of detail will be the subject of a subsequent application or applications for Approval of Reserved Matters.

The detailed proposals will need to reflect local distinctiveness as well as creating a sense of place and being in accordance with Secured by Design. These matters will also be fully considered when the detailed plans are submitted.

Concerns have been expressed by local residents and the parish councils with regard to the density of the proposed development at 37 dwelling per hectare. However, Government guidance requires that all new residential development should be at an average density of 30 dwellings per hectare with higher densities encouraged in appropriate locations and given the location of the site on the edge of Melksham this is considered acceptable.

The density of this site is consistent with government guidance given that there is a need to make the most efficient use of land to meet local housing needs and is consistent with other parts of Melksham. It is acknowledged that housing in the immediate vicinity, much of it dating from the early 20th century is at a lower density but there is higher density development nearby at the former GEC site and the proposed density is in response to a specific and deliberate change in Government policy to move away from these low density, land-hungry developments. There is no justification for saying that the proposed density is too high.

Similarly concerns have been raised with regard to 3 storey dwellings and terraced housing forming part of the development. Only the principle of development is currently being considered. The height and design of the proposed new development is not therefore a material consideration at this stage. However, buildings at a height of 2.5 and 3 storeys, as well as terraced houses, together with a wider mix of different house types is consistent with government guidance and will help to add interest to the overall layout. Many of the existing school buildings, albeit on 2 storeys, are higher than comparable 2 storey dwellings because of the need for higher ceilings in institutional buildings. The detail of the design and how 2 and 3 storey dwellings and terraced houses as well as detached and semi-detached dwellings integrate into the overall design and respond to the existing built environment will be considered as part of a future detailed submission.

The site will need to deliver a mix of housing types and sizes including an element of affordable housing in accordance with Council policy, the aim being to achieve a mixed and balanced development provided a broad range of accommodation to meet the requirements of both local policy and government guidance and serve the needs of the community.

The parish council is concerned that the application lacks an Environmental Statement. It is considered that the proposals for this site which is well related to the existing town boundary will not have a significant urbanising effect. Furthermore, the application is accompanied by detailed reports and additional information comparable to that which would be required by an Environmental Impact Assessment. The Council took the view that this did not represent development that would require an Environmental Statement.

The site is very well related to the established boundary of the town. Although concerns are raised about the coalescence of Melksham with the nearby village of Shaw there will be no encroachment of development beyond the existing school, its playing fields and adjoining recreation land. It is considered that since the large swathe of open countryside between the town and surrounding villages of Shaw and Whitley would be retained that this important visual gap will not be harmed.

Affordable Housing

There is a requirement for 30% affordable housing in accordance with council policy and this can be secured by a planning obligation as part of a S106 legal agreement.

Design and Amenity of Residents

The existing residential properties at Shurnhold and Dunch Lane are considered to be sufficiently far away from the development site to prevent any harm to residential amenity. However, the amenity of the occupiers of adjoining properties will be considered more fully when any applications for approval of reserved matters are submitted. It is likely that any detailed scheme can be designed with the new dwellings orientated to prevent any overlooking and possible loss of privacy.

Details of materials, landscaping and noise mitigation can be the subject of planning conditions.

Highway Safety

It is inevitable that the proposals would result in an increase in traffic, but the design of the access points into the site, including both vehicular and pedestrian, will be considered as part of any subsequent approval of the details together with provision of measures to mitigate the impact of the increased vehicular movements on highway safety.

The highway authority has no objection to the proposals subject to necessary conditions and planning obligations. The views of the highway authority are supported.

Recreation and Public Open Space

The existing school playing fields form a substantial area of the site and these include an all weather pitch. The proposals would result in the loss of some recreation provision at this site. However, in this instance it is stated that the playing field provision at the new school site at Woolmore Farm will at least match that at the existing school site and this will include an all weather pitch.

A breakdown of the proposed facilities in comparison to the existing has confirmed that there would be no overall loss, in fact it would provide new playing fields and recreation provision in excess of that which would be lost.

On that basis the protection and improvement of the three pitches north of Dunch Lane together with the enhanced range of facilities including the new changing rooms plus the future proposal for dual education/community use arrangements at the new school, are likely to result in a net gain in community accessible playing field provision in Melksham.

Sport England is supportive of the proposals and they are welcomed by the Regional Development Agency.

The proposed housing development would also generate a need for its own public open space provision to meet the needs of the new residents including children's play areas and a contribution towards formal sports provision. It has been demonstrated that this development can provide for 6.05 ha of playing fields and changing facilities. This necessary requirement can be secured through the s106 legal agreement.

It is considered that the provision of sport pitches and public open space would therefore be in accordance with the Council's Supplementary Planning Guidance.

Ecology and Landscaping

The proposals are unlikely to have any adverse impact on protected species but further survey information is required and this can be controlled by condition and informatives.

Similarly landscaping conditions including the retention of hedgerows are recommended.

Other Matters

Concerns are expressed about the inadequate infrastructure, sustainability and lack of a Doctors and Dentist Surgeries.

The Primary Care Trust has confirmed that there are no surgeries on this side of the town, and that none are currently planned but reserves the option to reconsider healthcare facilities on this side of town in the future.

However, there are good road and public transport links to Melksham town centre and east of the town centre where there are existing surgeries.

The site is in a sustainable location within easy reach of employment facilities, the proposed new Secondary School at Bowerhill, other community facilities, shops and surrounding towns.

There is no objection in principle from Wessex Water to the proposals, nor from the Environment Agency subject to appropriate conditions and informatives. Issues regarding the potential for flooding have been addressed within the Flood Risk Assessment and mitigated by the design of the proposed drainage and flood attenuation. There is a significant difference between land that is drained, such as playing fields incorporating land drainage and agricultural land which has no artificial drainage.

There are listed buildings at Shurnhold and at Shaw House on the opposite side of the road but these are considered to be sufficiently far away for the setting of these listed buildings to be harmed. The historic environment is not therefore a material consideration in determining this application.

A contribution to recycling facilities can be secured by a planning obligation.

A further contaminated land survey can be controlled by condition.

A condition requested by the County Archaeologist requiring a watching brief is supported.

A contribution towards meeting the education requirements of the new residents can be controlled by way of a legal agreement.

The provision of public art either as a feature incorporated into the design or by the provision of a separate installation is likely to broaden public perception of art and add interest to the scheme. The details of the public art provision would form part of any subsequent application for approval of reserved matters and would form part of a planning obligation.

RECOMMENDATION

The proposed housing site is currently designated as within the town policy limits for Melksham and there is no reason why planning permission should not be granted. Similarly, the proposals for enhancement of the recreation land at Dunch Lane are considered acceptable. All relevant issues can either be addressed through planning conditions attached to the outline permission if granted, or through planning obligations as part of a Section 106 Legal Agreement or Agreements.

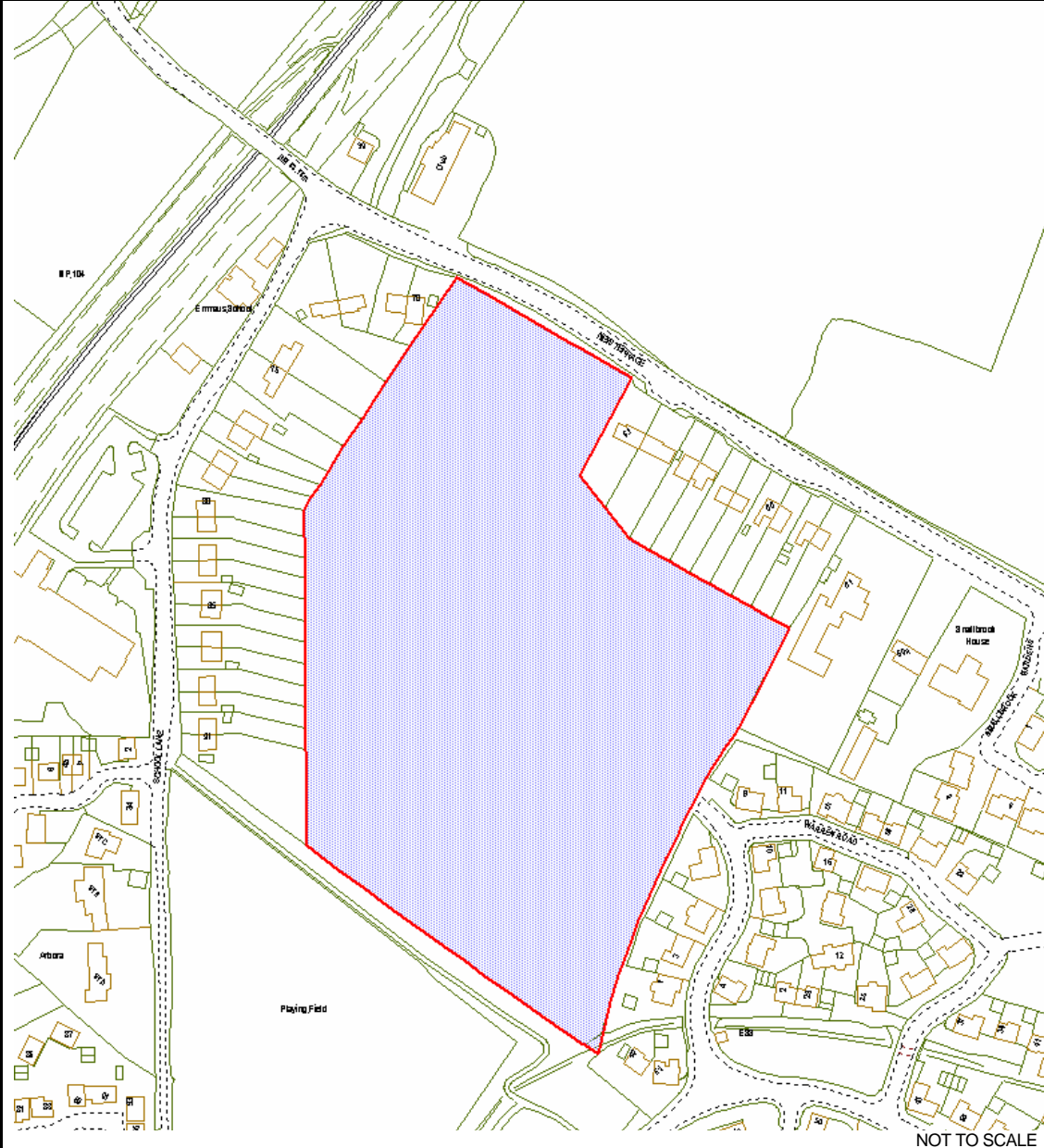
PLANNING COMMITTEE

31 January 2008

ITEM NO: 02

APPLICATION NO: 07/01903/REM

LOCATION: Land Between New Terrace And Marina Drive
Staverton Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 07/01903/REM

**Site Address: Land Between New Terrace And Marina Drive Staverton
Wiltshire**

Parish: Staverton Ward: Avonside
Grid Reference 385755 160318
Application Type: Reserved Matters
Development: 96 dwelling houses and public open space
Applicant Details: Persimmon Homes (Wessex)
Cedar House Riverside Business Village Swindon Road
Malmesbury Wiltshire
Agent Details: Pegasus Planning Group
FAO Glenn Godwin 6-20 Spitalgate Lane Cirencester
Gloucestershire GL7 2DE
Case Officer: Mrs Rosie MacGregor
Date Received: 04.06.2007 Expiry Date: 03.09.2007

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Approval

Note(s) to Applicant:

- 1 You are advised that the developer must comply with the conditions and planning obligations imposed on Outline Permission reference 04/02307/OUT.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Clark and because Staverton Parish Council objects to the proposals.

This is an application for approval of reserved matters for a residential development on land allocated within the Development Plan which has an area of approximately 3.48 hectares, situated south of New Terrace on the B3105 at Staverton.

The application proposes a total of 96 new dwellings, consisting of 1, 2, 3, 4 and 5 bedroom dwellings ranging from detached, semi-detached and terraced to flats and flats above garages. The dwellings vary in height from 2 storeys to 2.5 and 3 storeys. The density equates to 36 dwellings per hectare.

The houses are arranged on either side of the link road that runs diagonally through the site and has been approved under a separate permission and around two new access roads leading off the main link route. An area of public open space is proposed to the south which includes a children's play area. The existing hedgerows are shown as retained and 1.8 metre high close boarded fencing is proposed on the north and western boundaries with existing residential development.

The site is located to the northeast of the existing Staverton Marina development and to the south of School Lane.

The site was previously used as arable land and is relatively flat over the majority of the site, but falls away towards its southern boundaries. It is bounded in part by the main road, known as New Terrace, and by existing development at Marina Drive, New Terrace and School Lane. It is bounded on the remaining sides by existing mature hedgerows and native trees. A ditch runs parallel with the hedgerow on the southern boundary adjacent to the Marina development.

Work on site has already commenced to carry out the archaeological works in accordance with a condition imposed on the outline permission prior to the commencement of development the subject of the current application and previously approved new link road between New Terrace and the Staverton Marina Development.

A Design Guide was been submitted with the outline application and it contained a Concept Master Plan indicating areas of public open space, highways and footpath links and areas for residential development. The current detailed proposals are consistent with these proposals.

An Ecological Assessment submitted with the outline application identified two badger sets on the boundaries of the site and mitigation recommendations.

An Archaeological Evaluation was also submitted which concluded that prehistoric and Roman activities are confined to the northern third of the site. A detailed programme of archaeological works has already commenced as stated above.

The current application is accompanied by a Design and Access Statement, a Sustainability Checklist and a Flood Risk Assessment.

SITE VISIT / STATUTORY SITE NOTICES

A site visit was made on 27.06.07 and site notices were displayed.

CONSULTATIONS

Parish/Town Council :

STAVERTON PARISH COUNCIL

On commenting originally the Parish Council expressed the following concerns:

1. There are inadequate parking facilities for the number of homes.
2. The link road will be like a tunnel with the high number of tall buildings flanking the road. There are too many 2.5 and 3 storey homes.
3. Residents are concerned that there are major gas and sewer pipes in this field and that consideration has not been given to these pipes.
4. The field is particularly wet in the lower parts and again residents are concerned about whether adequate consideration has been given to drainage.
5. Where will the bin stores be for the flats.
6. Reference is made to both affordable and social housing. What will the 24 units be?

On commenting further on revised plans the Parish Council has the following objections to these plans:

* Tunnel Effect: as per objection to the previous planning application, the design of two and three storey buildings fronting most of the main road through the site suggests a "tunnel effect".

* Parking: One space per flat/2 Bed/3 Bed property and 2 visitor parking spaces per 11 households, are considered completely insufficient. The planned layout for several houses arranged around a courtyard square also provides inadequate parking. Blease Close is a very good example of how such insufficient parking provision at the design stage materialises once the dwellings are occupied. It is regularly littered with cars, especially during evenings. The cars obstruct the road and footway restricting service and emergency vehicle access.

* Parking Layout: The plan shows nearly all the houses and flats front along the roadways with most of the parking at the rear. In some cases the parking is some distance away. As at Blease Close, this has been found to encourage on street parking on the main road through the site, which is also a secondary egress from the whole Marina development and a suggested bus route. Private parking provision to the rear of properties in other phases of the Marina development, have shown that this leads to higher levels of on street parking. This is vividly demonstrated on the Thestfield Drive roundabout where nearly all the residents park on the roundabout. The roadways illustrated are too narrow to facilitate on street parking and therefore it will lead to obstruction and access problems.

* Visitors' Parking: The car park is shown on the plan as visitors' parking but should be the main car park for the sports ground, as required under Section 106 provision. No method has been demonstrated for securing this car park solely for the use of visitors to the sports ground. Who will own this car park and how will this be enforced? If this car park is to be used by visitors to the sports ground, then it should be secured for this use only and owned by Staverton Parish Council. It should not be used by residents or their visitors. This has not been clearly demonstrated and needs more clarification and a method of enforcement.

* Boundary Vegetation: It states that existing vegetation will be cut back around the perimeter; does that mean vegetation will only exist on the outside edge of the boundary?

* Impact on local traffic: Have the authorities considered the impact of the extra traffic on the local road network? Does the envisaged traffic calming shown, take into account that traffic calming humps are very awkward for buses and these measures are intended for the main road through the site, which is also intended to be a bus route? What lighting provision is envisaged for the illustrated pedestrian crossing on the B3105 at New Terrace? What other traffic calming measures on the B3105 will be made other than the roundabout shown at the entrance to the site? How far back into the site do the planners anticipate the traffic will queue to access the main road at rush hour and have the developers taken this into account?

The Councillors are particularly concerned that both Blacklands and the Staverton Triangle developments are not blighted by the parking problems and issues experienced elsewhere on the Marina and would ask that this be taken into consideration. Whilst we are aware that government advice is for a minimum of 1 space per dwelling, we urge the planning department and committee to prevail on the developers to increase the parking provision to a more generous allowance per dwelling than the minimum required. As so amply demonstrated at Blease Close, Thestfield Drive etc, inadequate parking provision creates congestion, obstruction, frustration, and dissatisfied residents and purchasers. In a rural environment it is impractical to expect joint households to have a single vehicle, where public transport is infrequent and subject to profitability. A similar development at Bradford on Avon has just been passed by planners with a proviso that occupants will have to sign up to a low car use lifestyle. Were this to be the case at Blacklands and Staverton Triangle this plan may be just adequate, but unless such a provision is made upon occupants, provision is just completely inadequate.

On commenting further the Parish Council made the following observations.

'I am now enquiring with regard to the road improvements associated with the Blacklands site exit onto the B3105. This is because the Holt Staverton cycle link group have identified a route for this cycle link, which includes a cycle crossing of the B3105. Plans have been drafted on behalf of the group, but not yet submitted, but I note on viewing the plans that the proposed route includes the cyclists following the link road out of the Blacklands site and crossing the B3105 at its exit. I am aware of having seen some highway improvement plans for this junction with the B3105 but they were not with the set for Blacklands/New Terrace which were issued to the parish council for comment in December. Please can you arrange, as a matter of some urgency, to get plans for these proposed improvements to the B3105 to our parish clerk or myself (8 School Lane, Staverton, Wilts, BA14 6NZ), so that they can be reviewed in light of the requirements of the cycle link, and the relevant information supplied to the appropriate parties so the cycle link provisions can be properly designed.

I have other concerns about the cycle link following the route of the link road. I anticipate that the link road will carry significant volumes of traffic, particularly at peak hours, and suspect that it will not be a suitable route for this cycle route. Can you advise what provision is being made for cycle routes across the Blacklands site, and whether these can be incorporated into the cycle link project? Can you also take this as a comment on the planning application, that the Parish Council request a suitable non-road cycle link for the transit of cycle traffic across the Blacklands site.

Incidentally, the cycle link is a project supported by a West Wilts District Council grant towards the cost of this feasibility study.

Also incidentally, whilst trying to find the planning application on the WWDC website, I note that when outline planning was granted for the site on 22 Sept 2005 (your ref 04/02307/OUT), it was for "a residential development for about 60 dwellings". This appears to have increased on the current reserved matters to 94 dwellings, a huge increase as I am sure you will agree. '

External :

HIGHWAY AUTHORITY: No objection subject to the position of the bus shelters being shown on plan.

COUNTY ARCHAEOLOGIST: An archaeological excavation should be undertaken prior to development taking place.

WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: Its records indicate that there are badgers within 500 metres of this site.

WILTSHIRE WILDLIFE TRUST: No objection.

ENVIRONMENT AGENCY: No objection.

WESSEX WATER: No objection in principle. Advise that the statutory easements for existing public sewers crossing the site must be maintained. The developer will be asked to contribute to the cost of downstream sewerage improvements.

SUSTRANS: Local communities in Holt and Staverton have commissioned Sustrans to develop a feasibility study for a walking and cycling route between Holt and Staverton. The inclusion of appropriate provision for walking and cycling would be welcomed. It would be feasible for pedestrians to use the pavement and for cyclists to use the lightly trafficked road but would ideally prefer a 3 metre wide shared use along the pavement to be incorporated into the design and that as any S106 agreement secures its surfacing to a high standard and a financial contribution made available for its completion to Holt.

Internal :

PLANNING POLICY: The site is allocated for housing development in the Local Plan and is located within the town policy limits for Trowbridge. Outline permission for residential development has already been permitted. The principle of housing on this site is therefore accepted.

The site is allocated for about 60 dwellings. However, the Inspector at the inquiry considered that 90 was a more sustainable number of dwellings. The development of this site at a density of 36 dwellings per hectare is appropriate, given the need to make the most efficient use of land, to meet local housing needs and to reflect the character of the rest of the Staverton Triangle development.

Associated road infrastructure providing a second access to the Staverton Triangle development has already received approval and this application identifies a layout of proposed housing which is in accordance with the previous road permission.

30% affordable housing is to be provided, which is in accordance with affordable housing policy, although on-site provision is for only 83% of this requirement. I assume that the remaining 17% is to be provided off site via a commuted sum and would suggest the Council's Housing Services confirm that this provision is to be made. Policy requires that provision should be made in "small clusters" through the development. I note that the on site provision is to be made within the central and eastern part of the site only. No provision is to be made within the northern, western or southern part of the development. Again, the Council's Housing Services should be consulted on whether this is acceptable.

A development of 96 dwellings is required to provide 0.55 hectares of formal open space, to include land for pitches/courts and an equipped children's play area in accordance with the Council's adopted standards. However, the proposed layout appears to show informal open space and an equipped children's play area. This variation in actual provision may be appropriate, given the ecological interest to the south of the development, but should be approved by the Council's Leisure Services Manager. Future management and maintenance arrangements should also be considered in the light of the contents of the Council's open space SPG.

Policy Recommendation:

Acceptable in policy terms, subject to detailed affordable housing and public open space requirements being met.

URBAN DESIGN AND CONSERVATION ASSISTANT: The scheme has many positive points and the final revised layout is acceptable.

HOUSING OFFICER: The S106 Legal Agreement requires 30% affordable housing with 83% on site and 17% as a commuted sum. The mix and location of the affordable housing are acceptable.

LANDSCAPE AND ARBORICULTURAL OFFICER: The layout is acceptable.

Neighbours : The application has been publicised by site notice and press advertisement and neighbours have been notified. Objections have been received from the occupiers of 8 neighbouring dwellings on the following grounds:

- Too many dwellings
- There should be no further residential development in this area
- The new development will result in a considerable increase in traffic
- The link road will become a 'rat run'
- Road layout and highway safety
- Impact on wildlife, particularly badgers, and loss of hedgerows
- Drainage problems and flooding
- Noise disturbance
- The position of the social housing will create a ghetto
- Confusion as to whether affordable or social housing is proposed
- A car park for 18 cars is unnecessary and will create an area where local youths can congregate
- A gas main crosses the site
- The redline boundary is incorrect where it adjoins Warren Road.

The owner of an adjoining residential home objected to the proposals but has since withdrawn his objection following the submission of revised plans.

NEGOTIATIONS / DISCUSSIONS

The application has been the subject of detailed pre-application discussions and negotiations during the course of the application between the developer, the Case Officer and the Council's Urban Designer in the context of the consultation process. The scheme has been revised as a result.

CONSTRAINTS

Greenfield location.
Surrounding residential development.
Agreed position of link road.

POLICIES

RPG/RSS 10 Regional Spatial Strategy

Wiltshire Structure Plan 2011

DP1 Sustainable development
DP7 Towns and main settlements
T4 Cycling and walking
T5 Car parking

West Wiltshire District Plan - 1st Alteration 2004

H1 Housing developments within towns
H2 Affordable housing
H7A New Terrace, Staverton
H24 Housing design
C7 Protected Species
C15 Archaeology
C16 Archaeology
C31A Design detail
C32 Landscaping
C34A Resources
C36 Noise
C38 Nuisance
T10 Car parking
T11 Cycleways
T12 Footways
R4 Public open space
S1 Education
U1 Infrastructure
U2 Surface water disposal
U3 Flooding
IL Implementation
I2 The Arts

PPS1 - Delivering Sustainable Development

PPG3 - Housing

PPG13 - Transport

PPG16 - Archaeology and Planning

SPG - Open Space Provision

SPG - Affordable Housing

SPD - Residential Design Guide

By Design - Document issued in 2000 dealing with urban design within the planning system.

RELEVANT PLANNING HISTORY

98/00284/OUT - Residential development - Approved 04.09.98

01/01616/OUT - Outline application for link road and associated works between Marina Drive and New Terrace - Approved 28.02.02.

04/02307/OUT - Residential development - Approved on Appeal 23.09.05

06/01036/REM - Construction of link road - Approved 11.05.06

KEY ISSUES

The main issues raised by this application are the principle of residential development and density, highways, flooding, affordable housing, archaeology, ecology and amenity.

OFFICER APPRAISAL

The site, which is a greenfield site, is located at New Terrace, Staverton and is identified within the Adopted District Plan at Policy H7A as a housing allocation for approximately 60 new dwellings and the principle of residential development has been accepted by the granting of the outline permission. The only matters that can be considered as part of this current application are the reserved matters, in other words the detailed design of the scheme. This application is therefore acceptable in principle - it is the layout, urban design, housing design and landscaping of this phase that is before members to determine now.

The Planning Inspector at the appeal inquiry, at which an indicative layout was submitted, took the view that provision of some 90 new dwelling rather than the 60 identified in the policy would be more sustainable and consistent with current government guidance at that time. He stated that he did not see the necessity to limit the number of dwellings by condition and that a limitation on numbers of houses would be arbitrary and would not achieve any beneficial planning purpose. Although 96 dwellings are currently proposed the layout is almost identical to that submitted at the inquiry, is only a little more intensive and there would be no harm to the character of the area. It represents a density of approximately 36 dwellings per hectare and this is considered to be appropriate in this location and consistent with government guidance. This will make the most efficient use of land, will meet local housing needs and is consistent with the overall character of the Staverton Marina development.

Government guidance requires that all new residential development should not be below a minimum average density of 30 dwellings per hectare with higher densities encouraged in appropriate locations. The density of this site is comparable with that in most other parts of the wider development at Staverton Marina and some areas have higher densities. It may be higher than most residential development from the late 20th century, but this in response to a specific and deliberate change in Government policy to move away from these low density, land-hungry developments. The proposed density on this basis is considered to be acceptable.

The provision of 18 parking spaces within the site were at the request of the Parish Council and are in an appropriate location to serve the adjacent playing fields and sports hall at Staverton Marina and are a requirement of the Legal Agreement.

Two car parking spaces including garaging are shown as provided for each of the houses, and one parking space for each of the flats plus visitor parking. Car parking standards are now expressed as maximum standards dwelling, not minimum standards. It is now only possible to say that an application fails to meet standards by providing too many spaces, not too few. The proposal is acceptable in terms of the parking provision made.

The existing hedgerows on the perimeter of the site, and the mature trees contained within these, are shown as being retained and will ensure a green setting to soften the built environment and enhance visual amenity.

The site is currently an area of arable land over which neighbours have views and concerns have been expressed about loss of open countryside. The site is allocated as a future residential development and its allocation within the development plan followed public consultation. Furthermore, the principle has been established by the outline permission.

It is considered that the submitted scheme provides a reasonably attractive and appropriate development in its setting. The majority of the houses face either the roads through the development or the public open space. In addition, care has been taken to close vistas by placing houses at junctions to create focal points.

There is no specific restriction to the height of dwellings in the relevant outline permission. Therefore 3 and 2.5 storey buildings are acceptable. Higher buildings help to give interest in key locations and they respect the overall character and appearance of Staverton Marina area in which there is a mix of different height buildings. Local distinctiveness and character are important but this must be viewed over the whole locality, not just in conjunction with some immediately adjoining dwellings of a different style. In this case, the proposed development relates to the rest of the Staverton Marina development as much if not more than it does to School Lane and New Terrace.

It is considered that the existing dwellings at New Terrace and on School Lane, which have longer than average gardens, would not suffer any loss of privacy. Nor would those on the adjoining Marina development because of the proposed location of public open space and the existing mature hedgerows.

The affordable housing layout and mix together with the commuted sum for off-site provision equates to 30% affordable housing and is acceptable to the housing officer. It is consistent with the legal agreement forming part of the outline permission. Affordable housing in this instance equates to social housing for rent through a registered social landlord.

The proposals have been prepared in accordance with the recommendations of the Ecological Assessment submitted with the outline planning permission. The badger setts are unaffected by the proposals.

A neighbour is concerned that local youths will congregate within the proposed parking area but this seems unlikely since there is a large area of public open space within the site and this adjoins a large sports and recreation ground. However, in the unlikely event of the parking area being used for anti-social activities this would be controlled by other legislation.

The link road together with the junction, roundabout, pedestrian crossing and location of bus stops and shelters have been previously approved. The relationship of housing fronting the highway represents a traditional streetscene pattern and is in line with current best practice for housing layouts.

The Parish Council together with Sustrans make observations with regard to a feasibility study currently being carried out into the possibility of a Holt Staverton Cycle Link but as yet not finalised. It expresses concerns about the exit onto the main highway at New Terrace and the relationship of the cycleway with the link road. This matter was not raised at outline planning stage and does not form part of the legal agreement nor was it raised when the detailed plans for the link road were submitted and approved. In fact no reference has previously been made to Planning Services with regard to this proposal and no one either in Planning Policy or Development Control was aware of its existence. Furthermore, the highway authority has made no reference to this issue and has no objection to the current proposals. It is not considered to be a material consideration in determining the current application which relates to the residential layout and not to the detail of the previously approved link road.

The easement for the gas main and public sewer is shown on the drawings and issues of drainage have been addressed within the Flood Risk Assessment. The surface water storage pipe zone forms part of the sustainable urban drainage scheme and has been agreed in consultation with the developer, Wessex Water and the Council's own Drainage Engineer.

The developer has confirmed that the red line boundary is correctly shown and it is consistent with the outline permission. Issues of land ownership are not matters for consideration as part of the planning process and any conflict between adjoining owners would be a private legal matter.

RECOMMENDATION

This proposal is in line with the outline permission and the density is acceptable when considered as part of the wider development at Staverton Marina. Approval of these reserved matters is recommended.

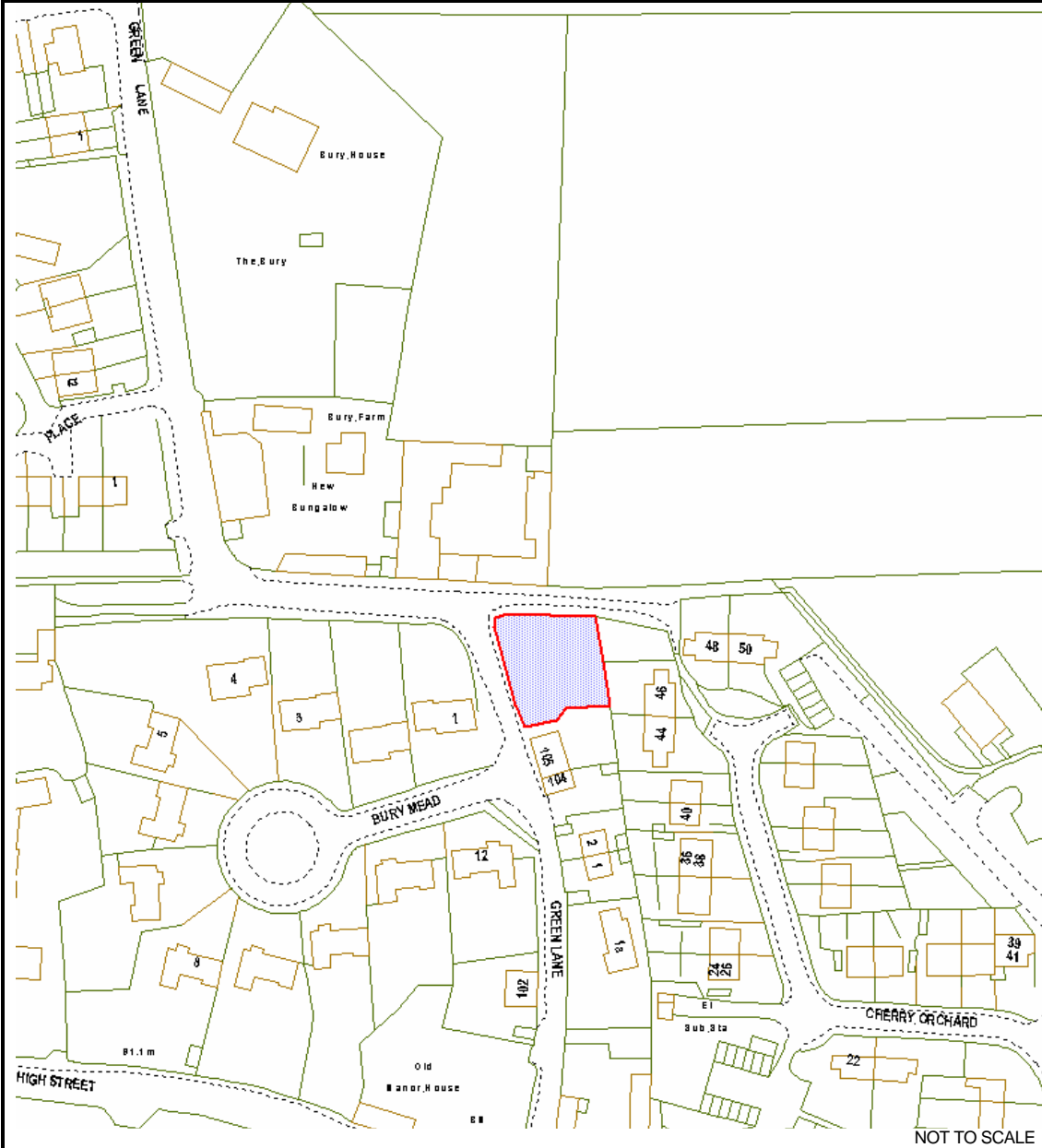
PLANNING COMMITTEE

31 January 2008

ITEM NO: 03

APPLICATION NO: 07/00364/OUT

LOCATION: Land Adjacent 105 Green Lane Codford Wiltshire



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SLA: 100022961

03 Application: 07/00364/OUT

Site Address: Land Adjacent 105 Green Lane Codford Wiltshire

Parish: Codford Ward: Mid Wylze Valley
Grid Reference 396745 140011
Application Type: Outline Plan
Development: One detached dwelling with detached double garage, with new access
Applicant Details: Mr R Hope Jones
The Old Kennels Teffont Salisbury Wiltshire SP3 5RR
Agent Details: David Beck
Three Gables Frog Lane Chilmark Salisbury Wiltshire
Case Officer: Mr James Taylor
Date Received: 08.05.2007 Expiry Date: 03.07.2007

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

1 Approval of the details of Design, external appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

3 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 8 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 10 Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2m back from the carriageway edge along the centre line of the access for the proposed dwelling and the extremities of the site frontage shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 11 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

- 12 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

- 13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors shall be added to the first floor of the east and west elevations of the dwelling other than those approved in a reserved matters application.

REASON: In the interests of amenity and privacy.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

- 14 Any windows approved in a subsequent reserved matters application to the first floor of the east and west elevations of the dwelling shall be obscure glazed prior to the first occupation of the development and maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

- 15 The height of the dwelling hereby approved shall be no higher than the adjacent ridge level of 105 Green Lane, Codford based on ordnance survey datum.

REASON: In order to protect the neighbouring amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy C38.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred from the meeting of 15 November 2007 so that further negotiations could take place to consider the following:

The orientation of the dwelling, whether a 1.5 storey height would be achievable, a condition restricting windows on the front and rear elevations to ground floor level only, drainage and landscaping.

The applicant is unwilling to make any further changes as this is an outline application.

Previously this application was deferred from the meeting of 25 October 2007 so that a site visit could be conducted. This application is brought to the Committee because Codford Parish Council object to the proposals and your officers recommend permission.

This is an outline planning application, all matters are reserved other than access, and following negotiation approval is sought for the means of access only at this stage. The indicative plan is for a 2-storey detached dwelling with a detached garage and turning space within the site. Access would be to the south west corner of the site and indicative information on siting, landscaping, heights and materials have also been included. A 2-storey property is indicated with a rendered finish and plain clay tiles to the roof. It's siting and orientation is indicated on the submitted plans.

The application site is a residential garden of an existing dwelling in a rural village location. The garden is extensive for the existing property and is enclosed on all sides by mature vegetation. To the north of the site is a public right of way and then open countryside and farm buildings. To the east, west and south are residential properties of a variety of types, heights, materials and layouts.

CONSULTATIONS

Parish/Town Council : - CODFORD PARISH COUNCIL: Object to the application on the following grounds (summarised):

- Overlooking and loss of privacy
- Inappropriate in size and style
- Road safety and vehicular access
- Parking
- Service Vehicles
- Sewerage

Additional comments have been received on Tuesday 8 January 2008 and are reported in full:

'In addition to its previous submissions, the Parish Council contends that its original objections remain and oppose this outline application on the following grounds:

1. ROOF HEIGHT. The Planning Committee requested 1.5 storeys as acceptable but the application seems to suggest that the building could be 2.0 storeys with a condition that the roof height does not exceed that of 105 Green Lane. The ground at the site slopes upwards. Two storeys would overshadow the Cherry Orchard bungalows but 1.5 storeys would help to rectify height objections.

2. PARKING. The new property would appropriate most of the garden of 105 Green Lane which is presently inhabited by a 93 year old lady. In the future it is likely to change hands and it is vital that on site parking for the two properties accommodate at least 4 parking spaces.

3. FOUL DRAINAGE. The proposed siting of the septic tank does not meet the requirements specified by the Building Regulations i.e. 7 metres from habitable accommodation, with the soakaway 10 metres from a watercourse or drain and 15 metres from a building. It would appear to be in proximity to both 105 Green Lane and 1 Bury Mead. It would also be subject to an Environmental Licence to discharge.

4. SIZE OF PROPERTY. The Council wish to reiterate that the proposed building is too big for the plot, a smaller property or a bungalow would be more appropriate and acceptable. Planning guidelines state that 'a proposal must relate to its surroundings' and given that the new building would tower over the bungalows at Cherry Orchard, which are significantly lower, the size remains an appropriate reason for refusal.

5. DETAILED PLANNING. The Parish Council reserves the right to comment further on receipt of the full planning application in order to assess compliance with the Planning Committee's decisions regarding details of position, orientation, height, size and landscaping.'

Further additional comments have been received on Thursday 10 January 2008:

'Further to its previous submission regarding this application, the Parish Council has been made aware that the existing septic tank serving 105 Green lane and the attached cottage is located on the plot where the proposed dwelling is to be sited.'

External :

HIGHWAY AUTHORITY: No objection subject to conditions:

- Visibility splays for access
- Consolidated surfaces

WESSEX WATER: No objection

Internal :

HOUSING SERVICES: No comments received.

Neighbours :

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. 7 letters of objection have been received raising the following comments:

- Highway safety (vehicular and pedestrian) in proximity to sharp bend.
- Conservation of Trees / Landscaping
- Overlooking, loss of privacy and loss of light
- Drainage / sewerage disposal
- Lack of consultation and clarity of application site
- Executive style property
- Overdevelopment
- Disagree with some of the officer comments in Committee report for 25 October 2007

Since the previous Committee one further letter has been received from a previous objector, the comments to which have been summarised below:

- Height of the proposed house
- Orientation of windows
- Site drainage

POLICIES

West Wiltshire District Plan 1st Alteration (2004)

- C2 Area of Outstanding Natural Beauty
- C31a Design
- C32 Landscaping
- C38 Nuisance
- H2 Affordable Housing Within Towns and Villages
- H17 Village Policy Limits

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS7 Sustainable Development in Rural Areas
- PPG13 Transport

SPD Residential Design Guide (2005)

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The key issues to consider with this application are the principle of a dwelling, potential impact on the street scene, character of the area, neighbour amenity and highway safety.

OFFICER APPRAISAL

Following negotiation and discussion with the applicant carried out by officers at the members' request the following additional comments can be made in light of further written information submitted by the applicant's agent, and discussions with senior officers of the Council.

The indicative orientation of the building is for the front elevation to be facing south. The agent suggests a condition to limit the roof height of the proposal to the same as number 105 rather than making it 1, 1.5 or 2 storeys. However their client is happy for a 1.5 storey house and with some creative design their agent is of the view that this should be achievable. Your officers consider that a 2-storey dwelling would be acceptable and a condition to limit the height to the same as 105 Green Lane would be prudent and reasonable in terms of the character of the area and the neighbouring amenity. A 2-storey dwelling would not cause any demonstrable harm.

The agent has indicated that a condition to limit windows on the east and west elevations to obscure glazing would be acceptable to them. A condition to this effect has now been suggested.

Manufacture details of the subterranean sewerage treatment plant and its location have been received. Full details will be submitted within a reserved matters application and can be dealt with through building control legislation. The position has been determined in order to allow for 'easy access for servicing and emptying'. Following the fresh consultation on these details which raises further concerns the agent has stated that they would welcome a condition of planning consent to the effect of two independent sewerage treatment plants being installed in the new plot and in 105 Green Lane.

The agent states that further details of landscaping will be determined by the eventual house owner. However they suggest that as many of the existing trees and bushes as possible are retained except those necessary to clear the footprint of the house, garage and sightlines as recommended by the Highway Authority.

Finally it should be noted that the application title has been amended so that the number of bedrooms is open to further negotiation and the siting of the built form can be dealt with under a reserved matters application.

CONCLUSION

In summary further information has been supplied which goes beyond what would normally be reasonable to expect from an outline planning application and it is hoped that members now feel able to make a decision on this application. This application is for the principle of erecting a detached dwelling with detached double garage and new access. Only prior approval for the means of access is sought and all other matters are reserved.

The following are the comments as at the Committee of 15 November which was the last time members considered the application and have been left on the report for information and refreshment:

The application site is located within the defined village policy limit and therefore the principle of further housing development is acceptable subject to criteria set out in Policy H17 of the West Wiltshire District Plan 1st Alteration (2004). This includes development being in keeping with the character, appearance and distinctive spatial form of the settlement; protecting the natural environment; avoiding the loss of an important visual gap and it being satisfactorily serviced including highway safety.

The proposal is at this stage in outline form and approval is only sought at this stage for siting and means of access. However indicative information received in the design and access statement highlights the intention is for a 2-storey property with a simple render finish and plain clay tiles to the roof.

The proposed site is considered to be sufficient to accommodate a detached family house with associated parking. This allows for a respectable level of amenity space commensurate with a family home and to maintain the open and low-density residential character of this part of the village. At the same time the proposal makes a more efficient use of land in accordance with national government guidance in PPS3 on housing. It is lower than the recommended density, however given the densities typical of the area and its edge of village position it is considered to be acceptable. Similar detached family homes in the immediate area, such as those in Bury Mead are of a similar density. Based on this information and the character of the surrounding building

plots it is not considered that this is overdevelopment of the site. The proposal would front onto and relate generally to the west and south, where the built form is spacious, detached and two-storeys in height. The dwellings to the east are slightly different with a higher density and include bungalows, however the site is less well related to this area.

The proposal includes a detached garage which in principle is acceptable with further space for parking and turning of vehicles. This should enable vehicles to enter and leave the site in a forward gear. It is acknowledged that there is a sharp bend in the road to the north of the site however this is not considered to create a significant highway hazard beyond the existing level of use, especially if the Highways recommended conditions are applied to any permission. This proposal would ensure better visibility for the existing and proposed access. The Highway Authority raises no objection. Parking provision in the site is sufficient and would not lead to on-street parking, as such no conflict with existing movements would be caused, including service vehicles.

The principle of two-storey development is considered acceptable given the character of the area and it is likely that the proposals could be designed to prevent any loss of amenity to neighbours. Given that this is an outline permission and design is still reserved then issues of overlooking can be fully addressed within the final design stage over which the Council retains control.

It is considered that the proposal is unlikely to lead to any harm in terms of dominance or overbearing, impact on neighbouring dwellings, as it would be set within a relatively large and well-established garden sufficiently away from the neighbouring properties. In summary there are no amenity concerns from the proposed development based on the scale parameters submitted.

The proposal is for the creation of one additional dwelling only and therefore it is no longer a requirement for an affordable housing contribution to be made.

The proposal has a public right of way running to the north of the site which would be unaffected. Details of landscaping are reserved, however, it is noted that some information has been indicated on the plan. The only trees to be lost would be the ornamental trees within the garden and 3 within the frontage hedge. A landscaping condition would ensure future replanting.

There are no other objections and disposal of surface water and sewerage can similarly be controlled by condition.

RECOMMENDATION

It is considered that the proposed development would not cause any demonstrable harm to any acknowledged planning interests and should be encouraged in light of the national government advice to encourage suitable infill development and the need for additional housing.

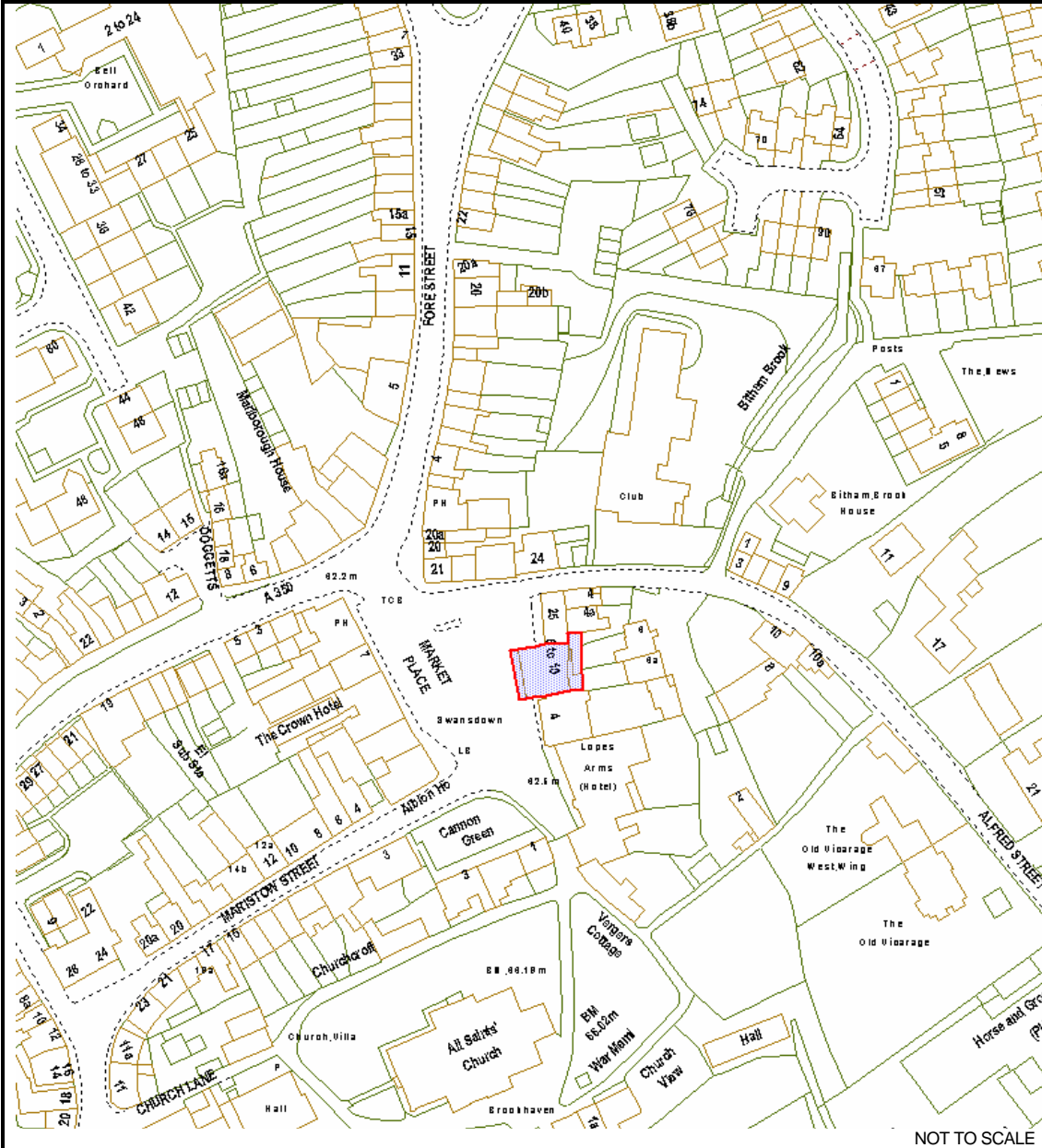
PLANNING COMMITTEE

31 January 2008

ITEM NO: 04

APPLICATION NO: 07/03387/FUL

LOCATION: Old Town Hall Market Place Westbury Wiltshire BA13 3DQ



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SLA: 100022961

04 Application: 07/03387/FUL

Site Address: Old Town Hall Market Place Westbury Wiltshire BA13 3DQ

Parish: Westbury Ward: Westbury Laverton
Grid Reference 387393 151524
Application Type: Full Plan
Development: Continued use of premises as a restaurant with the removal of Condition 1 on planning permission 01/00823/FUL
Applicant Details: Mr Colin Walker
21 Branksea Ave Poole Dorset BH15 4DW
Agent Details: Nash Partnerships
FAO Mr C Beaver Somerset Coalhouse 23A Sydney Buildings
Bath BA2 6BZ
Case Officer: Mr Matthew Perks
Date Received: 30.10.2007 Expiry Date: 25.12.2007

REASON(S) FOR RECOMMENDATION:

The removal of this condition will enable the premises to provide a takeaway service ancillary to a restaurant, and other controls in the form of listed building consent are in place to protect the appearance and character of the listed building.

RECOMMENDATION: Permission

Condition(s):

- 1 The hours of operation shall be limited to between 0900 and 2300 on Mondays to Thursdays, 0900 to 2330 on Fridays and Saturdays, and 1230 and 2230 on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 2 In order that the Local Planning Authority shall reserve full control over subsequent uses of the site, and thereby safeguard the use as A3 (restaurant and café) under the terms of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, and any food for sale off the premises shall be ancillary to the A3 use.

REASON: In order to define the terms of the permission.

- 3 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall be maintained at all times thereafter.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 4 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 5 The ventilation equipment shall include a specification for the attenuation of noise and vibration which is to be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first used, and maintained in effective condition at all times thereafter.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

COMMITTEE REPORT

APPLICATION DETAILS

Members will recall that this matter was deferred at the meeting of 3 January 2008 to enable consultation with English Heritage and Council's Conservation Officer. This has now been done and neither party has any objection or additional comments. The report to the previous meeting (updated to reflect the consultation) follows:-

This application is brought to Committee because Westbury Town Council object to the proposal and officers recommend Permission.

The application site is the Old Town Hall, Market Place, Westbury. Planning permission was granted in 2001 for the change of use of the premises to an A3 use.

This is an application for the removal of Condition 1 applicable to planning permission Ref. 01/00823/FUL which reads as follows:

"In order that the Local Planning Authority shall reserve full control over subsequent uses of the site, and thereby safeguard the character of the Listed Building and the amenities of the area in which the development is located, the building shall not be used for the sale of food for consumption off the premises."

Supporting documentation to the application states that:

"Our client is in the process of marketing the property for sale as an A3 restaurant, and is concerned that the condition No.1, preventing the sale of food for consumption off the premises may deter prospective occupiers. The property has been vacant for over a year, despite vigorous marketing by local commercial agents, Derek Walker. Given the property's listed status it is important that the building is brought back into beneficial use as soon as possible.

Restaurateur applicants have all expressed the wish to undertake a small scale take away service ancillary to the main restaurant use. This is a usual part of running a restaurant as some customers prefer to eat at home on occasion. They are disappointed when told that the present consent forbids any take away at all. The proposed removal of Condition 1 would enable this normal activity to take place as an ancillary part of restaurant use.

The premises were granted permission for a change of use from offices to an A3 Restaurant in 2001, when the A3 use class included takeaways. As I am sure you are aware the Use Class Order was amended in April 2006 to create a separate A5 Use Class specifically for Takeaways. The creation of the A5 Use Class would act as a safeguard to prevent the ancillary take away service from becoming the dominant use, which would then require a further change of use planning application. In light of the change to the UCO 1987 we do not consider that condition 1 is compliant with the 'necessary' test set out in Circular 11/95, and can therefore be deleted as we have requested."

CONSTRAINTS

The Old Town Hall is a Grade II* listed building situated within the town centre commercial area and the Conservation Area.

POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C17 - Character and appearance of conservation areas
C27 - Character and setting of Listed Buildings
C38 - Effects of development on neighbouring properties

RELEVANT PLANNING HISTORY

01/00823/FUL: Change of use from office/retail to A3 use : Permission : 17/08/2001

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 02/11/2007, when a site notice was put in place.

KEY ISSUES

The only issue in this case relates to the acceptability of the removal of the condition in terms of the likely impact on the listed building and the amenity of the general area.

CONSULTATIONS

Parish/Town Council

The Town Council is of the view that nothing has changed to warrant the removal of the condition. "Use as a takeaway is considered inappropriate for a listed building in such a sensitive site."

The Town Council subsequently re-considered the application in the light of additional information on the wording of the condition. The committee did not wish to change the previous comments. There remains an objection to this application on the grounds that nothing had changed to warrant removal of this condition.

External

Highway Authority

No objection

English Heritage

No objection. The application should be determined in accordance with national and local policy guidance.

Internal

Conservation Officer

Supports the views of the Heritage Officer (see below).

Heritage Officer

"I have no objections to this proposal. The use of the premises for take-away food sales would not in itself harm the character of the listed building. Any further signage required due to this take-away use, that would be attached to the building, would require further listed building consent and therefore control over the character of the building would be maintained. I do not consider that there is a listed building reason to prevent a take-away use in this building."

Environmental Health

No objection.

Neighbours

A site notice was posted and 1 letter of response was received objecting to the removal on the grounds that a takeaway use will be inappropriate in this building, there are already too many takeaways in the Market place and lifting the restriction would be contrary to the proposed regeneration of Market Place.

OFFICER APPRAISAL

It is frequently the case for a take-away use to be ancillary to an A3 use, with restaurants offering this service. With A3 uses, any takeaway food sold on an ancillary basis is usually taken home for consumption.

It appears from the wording to the condition that the intent was to avoid harm to the listed building or to the general amenity of the area. Any alteration, affecting the character and appearance of the building would require listed building consent. It is considered that any use that resulted in the primary function of the business becoming a hot-food takeaway an A5 use would require an application for planning permission.

There are no highway objections to the proposal.

The proposed removal of condition is therefore considered acceptable where the building is protected by listed building legislation and the other conditions applicable to the use. Removal would furthermore create a situation where a subsidiary takeaway function normally associated with restaurant would be allowed.

RECOMMENDATION

The condition should be removed.

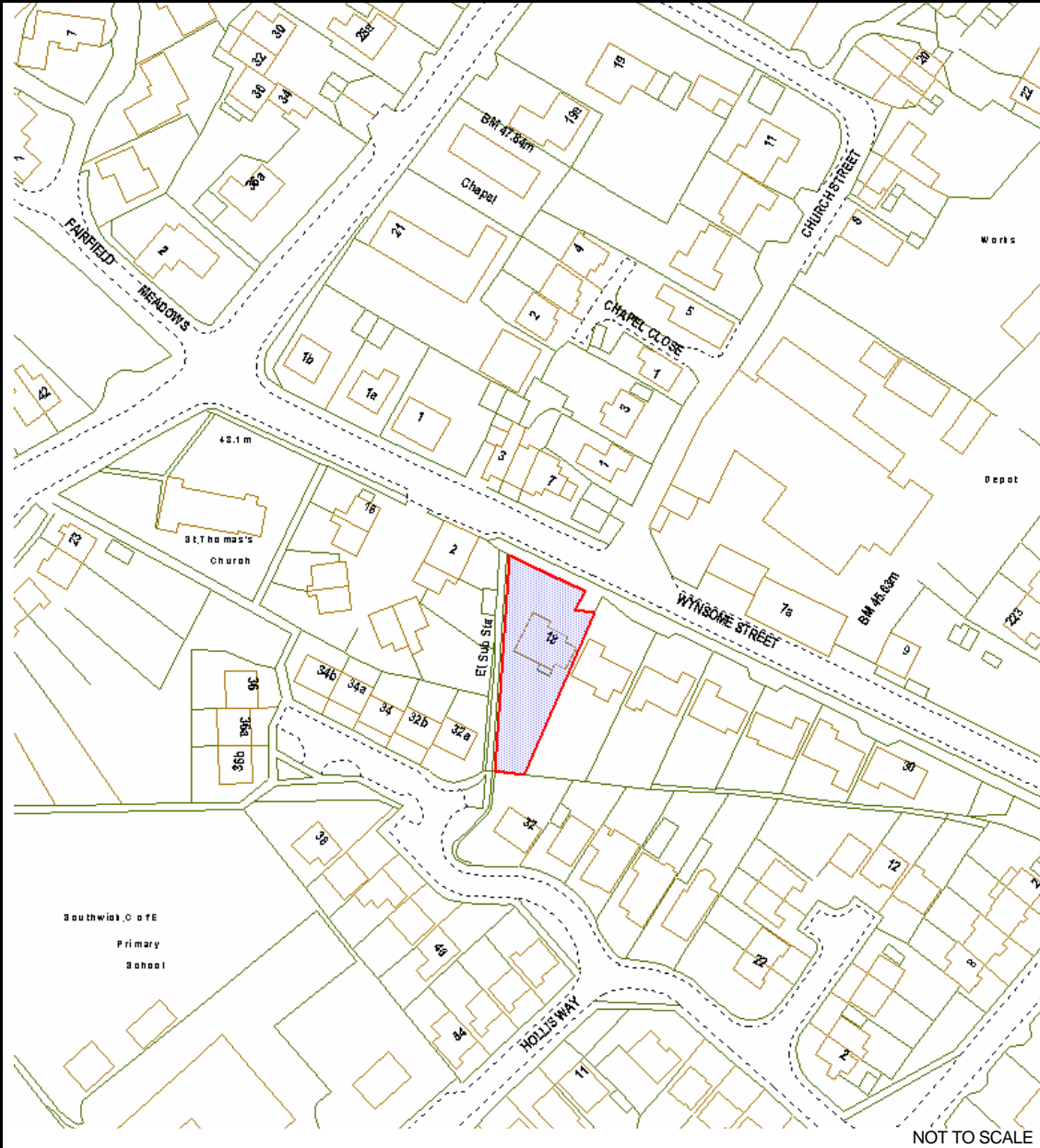
PLANNING COMMITTEE

31 January 2008

ITEM NO: 05

APPLICATION NO: 07/03487/FUL

LOCATION: 18 Wynsome Street Southwick Wiltshire BA14 9RB



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SLA: 100022961

05 Application: 07/03487/FUL

Site Address: 18 Wynsome Street Southwick Wiltshire BA14 9RB

Parish: Southwick Ward: Trowbridge And Southwick

Grid Reference 383828 155214

Application Type: Full Plan

Development: Boundary wall/fence and gates

Applicant Details: Mr Richard Jefferies
18 Wynsome Street Southwick Wiltshire BA14 9RB

Agent Details:

Case Officer: Ms Margaretha Bloem

Date Received: 07.11.2007 Expiry Date: 02.01.2008

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee as the Parish Council objects to the proposal.

This is a retrospective application for a boundary wall/fence and gates.

The wall is 1.87 metres high with timber insets fronting Wynsome Street and along the western side boundary a close boarded fence is set on a low brick wall with a height of 1.87 metres. The wooden gates fronting Wynsome Street is at a maximum height of 1.9 metres.

SITE VISIT / STATUTORY SITE NOTICES

Site visited 13.11.2007 and neighbours notified 12.11.2007.

CONSULTATIONS

Southwick Parish Council : Not in keeping with the general character of the other dwellings in Wynsome Street and the fence is over one metre in height.

External : Highways: No objection.

Neighbours : Notified by letter. 1 Letter received highlighting that the proposal is retrospective as it was built 3 months before the application.

CONSTRAINTS

Village policy limits

POLICIES

West Wilts District Plan 1st Alteration 2004

C31a - Design

C38- Nuisance

H1 - Town Policy Limits

SPG - Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

07/02644/FUL Single storey extension and detached double garage - Granted
Enforcement file regarding the operation of a car sales business from the site.

KEY ISSUES

- Impact on the street scene
- Highway Safety
- Neighbouring amenity

OFFICER APPRAISAL

Street scene

The streetscene along Wynsome Street is characterised by a mixture of front boundary treatment, from no boundary marking, low brick walls to 1.8 metre high close boarded fencing. Taking into account the close boarded fencing along the boundary fronting No 2 Wynsome Street, the proposal is not an alien feature in the streetscene and is on balance considered acceptable.

Highways Safety

The proposal will not have any impact on highways safety.

Neighbour amenity

The wall and gate does not have any impact on the neighbour amenity.

RECOMMENDATION

For the reasons above planning permission is recommended.

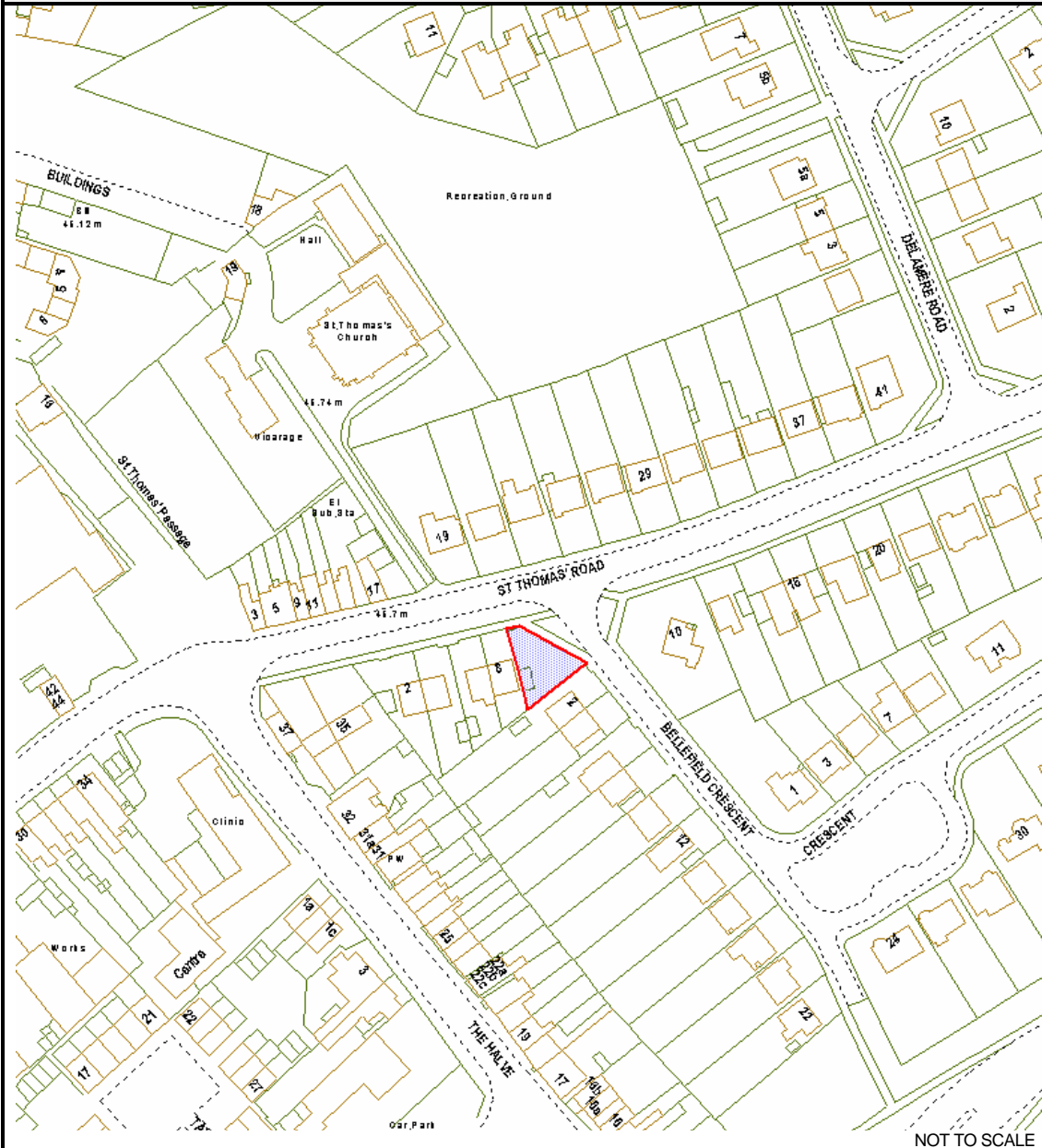
PLANNING COMMITTEE

31 January 2008

ITEM NO: 06

APPLICATION NO: 07/03309/OUT

LOCATION: Land Adjacent 8 St Thomas Road Trowbridge
Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 07/03309/OUT

Site Address: Land Adjacent 8 St Thomas Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge North East
Grid Reference 385922 158290
Application Type: Outline Plan
Development: Erection of one house
Applicant Details: Mr J Bettioui
8 St Thomas Road Trowbridge Wiltshire BA14 8SF
Agent Details: Mr Clive A Webb
12 Fleece Cottages Trowbridge Wilts BA14 7ST
Case Officer: Ms Kim Linden
Date Received: 15.10.2007 Expiry Date: 10.12.2007

REASON(S) FOR RECOMMENDATION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.

- 6 The driveways/parking areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highways safety.

POLICY: West Wiltshire District Plan 1st Alteration - Policy T10 - Car Parking.

- 7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration - 2004 - Policy T10 - Car Parking.

Note(s) to Applicant:

- 1 The following plans, documentation are hereby approved:

Location Plan.

Received 15 October 2007.

Drawing No. 627/3A - Site Layout.

Drawing No. 627/5 - Floor Plans.

Both received 5 December 2007.

- 2 You are advised to contact Wessex Water in relation to the connection for disposal of foul and surface water flows generated by the proposal and water supply mains. Please contact Wessex Water on 01225 526 000.

COMMITTEE REPORT

APPLICATION DETAILS

Councillor Andrew Bryant and Councillor Tom James have requested that this application be decided at Committee. Town council object to the proposal and the case officer recommends permission.

This application is an outline planning application for the erection of one new three bedroom dwelling. It is a resubmission of a previous scheme refused in September 2007 (Application no. 07/02591/OUT). The application has been amended to show the correct ordnance survey plan and plot layout. It deletes the garage as proposed in the previous application and incorporates some of the suggestions made by the Highway Authority on the previous refused scheme. It includes car parking spaces for four (4) car spaces - 2 proposed for no. 8 St Thomas' Road and 2 for the new dwelling. The current proposal also slightly reduces the size of the proposed dwelling and deletes all windows facing toward the adjacent property at 2 Bellefield Crescent. The proposal includes materials to match the existing dwelling on the site.

The property forms a corner plot with primary frontage to St Thomas' Road and secondary frontage to Bellefield Crescent. The subject part of the property is currently used as garden area for 8 St Thomas' Road. The property contains a semi-detached dwelling at no. 8 St Thomas' Road and a detached garage. It is enclosed by an attractive hedge along its boundary which forms a feature on this corner lot. There are utility boxes located at the front of the hedge facing the corner of the two roads and adjacent to the footpath.

The surrounding area is residential and comprises a variety of housing styles and a variety of materials. Diagonally opposite the site, to the north west, on St Thomas Road, are small older style terrace dwellings which are clearly visible from the site and as such would also form a reference point for the context of the site. Directly opposite the site, to the north, are large detached dwellings with very narrow and almost nil side setbacks, giving the appearance of a denser built form when viewed from the street. To the east of the site are detached and semi-detached dwellings. To the south of the site are semi-detached and detached dwellings. To the south west of the site, along The Halve, are some detached but predominantly attached dwellings/terraces. Effectively the subject site forms the edge of an area which contains a variety of styles of housing. The existing dwelling on site is similar in style and design to the newer lower density housing to the north, south and east of the site.

The site is approximately 500m from the centre of Trowbridge and approximately 200m from the Tesco Express off Hilperton Road. The subject part of the site is approximately 180 square metres. St Thomas' Road is a relatively busy road which can have some circulation problems and on-street parking difficulties, although there is available on-street parking in nearby streets.

The case officer negotiated a reduction in the floor area and footprint of the proposed dwelling, including the deletion of the third bedroom on first floor level. Revised plans were submitted on 5 December 2007 showing these changes.

SITE VISIT / STATUTORY SITE NOTICES

Site visit conducted on 29 October 2007. Case officer met with applicant on site and discussed the fact that the current scheme is still unacceptable but a revised reduced scheme (reduced footprint and reduced number of bedrooms) might be considered. Recommended revised plan be submitted as plans as originally submitted would be refused.

CONSULTATIONS

Parish/Town Council : Trowbridge Town Council: Objection to the proposal on the basis that the proposal results in the detracting from the street scene and the over development of the area.

External : Highways - No objections raised subject to conditions. Refer correspondence on file.

Internal : N/A

Neighbours :The following neighbours were notified of the original plans as submitted by calling card on 29 October 2007:

- 2 and 4 Bellefield Crescent;
- 4, 6, and 10 St Thomas' Road;
- 19, 21, 23, 25, and 27 St Thomas' Road.

Three (3) submissions were received in response to the first round of notification. The issues raised in submission, which effectively include a reiteration of previous reasons for refusal, are as follows:

1. Not in keeping with the surroundings
2. Increased traffic and on road parking and highway safety impacts, particularly of proposed access to St Thomas Road
3. Over development of the area
4. Size, siting and relationship with the existing buildings is out of keeping with scale and contrary to Policy H1 of West Wiltshire District Plan 2004.
5. Cramped development particularly in view of its relationship with 2 Bellefield Crescent and 8 St Thomas' Road
6. Plans still inaccurate as do not show proposed dwelling will be right up to the boundary
7. Insufficient space to support a new dwelling
8. Lack of consideration for the electricity boxes at front of property
9. Disruption during construction of a new dwelling (This issue cannot be addressed within the ambit of this planning application).

Issues 1 to 8 are addressed below in the officer's appraisal.

The revised plans were notified by site notice only. Expiry date for submissions is 27 December 2007.

NEGOTIATIONS / DISCUSSIONS

Kim Linden negotiated a smaller footprint.

CONSTRAINTS

- prominent corner lot
- proximity to adjacent dwellings
- utility boxes at front of property

POLICIES

Wiltshire and Swindon Structure Plan 2016:
DP1 - Sustainable Development
DP7 - New housing in towns and main settlements

West Wiltshire District Plan 2004:
Policy C31a - Design
Policy C32 - Landscaping
Policy C38 - Nuisance
Policy H1 - Further housing development within towns
Policy T10 - Parking

Supplementary Planning Guidance - Residential Design Guide (2005)

Planning Policy Statement 1 - Delivering Sustainable Development
Planning Policy Statement 3 - Housing
Planning Policy Guidance Note 13 - Transport

RELEVANT PLANNING HISTORY

07/02591/OUT - Application for the erection of one house and garage was refused on 10 September 2007 for the following reasons:

"1. The proposed development would because of its massing, siting and relationship with the existing built form result in a incongruous form of development. This would be out of keeping with the existing scale and grain of development and would be to the detriment of the street scene and character of the area, contrary to Policy H1 of the West Wiltshire District Plan 1st Alterations 2004.

2. The proposed development would because of its massing and siting close to the side boundary of No 2 Bellefield Crescent and No 8 St Thomas' Road result in an unsatisfactory layout that would appear cramped. It would result in a loss of neighbouring amenity due to an overbearing presence and cause overlooking for the occupants of these dwellings contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

3. It has not been demonstrated that adequate provision can be made on the site for the parking of vehicles in a satisfactory manner and is therefore contrary to Policy T10 of the West Wiltshire District Plan 1st Alteration 2004.

4. The block plan is an inaccurate representation of the size of the site and is therefore not a true representation of the site or the proposal. This represents an incorrect application procedure."

In a subsequent informal pre-application inquiry, the agent requested comments from the previous case officer for the refused application in relation to a revised scheme. The plans submitted for comment included the proposed dwelling as proposed in the current scheme but included a garage and different parking layout. The case officer advised that in that officer's opinion the draft proposal did not overcome the previous reasons for refusal. Refer correspondence on file.

SITE VISIT / STATUTORY SITE NOTICES

Site visit conducted on 19 October 2007. Case officer met with applicant on site and discussed the fact that the current scheme is still unacceptable but a revised reduced scheme (reduced footprint and reduced number of bedrooms) might be considered. Recommended revised plan be submitted as plans as originally submitted would be refused.

KEY ISSUES

- impact on street scene and design;
- impact on amenity of adjoining properties;
- principle of development efficient use of land;

CONSULTATIONS

Parish/Town Council : TROWBRIDGE TOWN COUNCIL: Objection to the proposal on the basis that the proposal results in the detracting from the street scene and the overdevelopment of the area.

External : HIGHWAY AUTHORITY: - No objections subject to the imposition of relevant conditions.

Neighbours : The following neighbours were notified of the original plans as submitted by calling card on 29 October 2007:

- 2 and 4 Bellefield Crescent;
- 4, 6, and 10 St Thomas' Road;
- 19, 21, 23, 25, and 27 St Thomas' Road.

Three (3) submissions were received in response to the first round of notification. The issues raised in submission, which effectively include a reiteration of previous reasons for refusal, are as follows:

1. Not in keeping with the surroundings;
2. Increased traffic and on road parking and highway safety impacts, particularly of proposed access to St Thomas Road;
3. Overdevelopment of the area;
4. Size, siting and relationship with the existing buildings is out of keeping with scale and contrary to Policy H1 of West Wiltshire District Plan 2004;
5. Cramped development particularly in view of its relationship with 2 Bellefield Crescent and 8 St Thomas' Road;
6. Plans still inaccurate as do not show proposed dwelling will be right up to the boundary;
7. Insufficient space to support a new dwelling;
8. Lack of consideration for the electricity boxes at front of property;
9. Disruption during construction of a new dwelling (This issue cannot be addressed within the ambit of this planning application).

Issues 1 to 8 are addressed below in the officer's appraisal.

The revised plans were notified by site notice only. Expiry date for submissions is 27 December 2007.

OFFICER APPRAISAL

The Principle of Development

When considering the acceptability of a site for development the provisions of PPS 1 and PPS 3 need to be taken into account. PPS1 and PPS3 encourage the efficient use of land so as to achieve sustainability objectives of higher densities in areas where this can be supported. PPS3 also provides guidance on other criteria to be considered including design and amenity impacts. Policy H1 of West Wiltshire District Plan 2004 and supplementary planning guidance contained in councils Residential Design Guide also provide further guidance on criteria for further housing development.

The principle of development of the lot for a new dwelling is considered to be acceptable in this instance as the site is within close proximity to Trowbridge town centre and is very close to a Tesco Express store on Hilperton Road. It is also on a bus route. The site is therefore in a sustainable location.

The site is approximately 180 square metres in area. While this is smaller than other lots immediately adjoining the proposed new lot it is not unusual when compared to the overall size of lots in the locality, namely to the south and north west of the site. The new lot will form an unusual triangular shaped corner plot, but it will result in a frontage which is not out of keeping with the area. There is sufficient area for the creation of a new lot and dwelling which will not affect the utility boxes located at the front of the site.

Issues of design and other relevant criteria are dealt with in further detail below.

Design

The proposal has been reduced in footprint size so as that the front building line is aligned with the neighbouring property at 2 Bellefield Crescent. This assists in reducing the bulk and massing of the proposed dwelling and ensuring the dwelling is in keeping with the character of the area.

While the preference would be to have a dwelling which effectively forms an end terrace, this would however unbalance the character of the semi-detached pair at 6 and 8 St Thomas' Road. The proposed new dwelling being detached is therefore considered acceptable. The side setback of the new dwelling to 8 St Thomas Road is also acceptable given that other detached dwellings have a very smaller narrow side setback between dwellings.

The hedge around the boundary of the site makes a positive contribution to the street scene. This hedge has not been shown to be retained or even partly retained on proposed plans. In the event of any consent it would be recommended that a landscaping condition be applied requiring landscaping details be submitted so as to ensure the hedge be retained as far as is possible. This would need to be assessed further in view of visibility issues for proposed parking etc.

Amenity

The proposal overcomes issues of amenity relating to overlooking and privacy to 2 Bellefield Crescent by deletion of the windows on the rear elevation. There is not considered to be any adverse impact of the proposed car spaces for the new dwelling on 2 Bellefield Crescent given that there is an existing garage at 2 Bellefield Crescent located on the boundary of the subject site where the spaces will be located. The car spaces will not impact of the amenity on the garden area of 2 Bellefield Crescent.

There is already considerable overshadow of 2 Bellefield Crescent onto the subject part of 8 St Thomas' Road which is closest to the dwelling at 2 Bellefield Crescent. There is sufficient garden area overall for use as private outdoor space for the proposed new dwelling which will not be adversely affected by the existing shadow. The internal solar access to the habitable rooms in the proposed new dwelling will also be satisfactory and will not be adversely affected by existing shadow or self-shadow from the proposed development.

There are not considered to be any adverse impacts on the existing dwelling at 8 St Thomas' Road. The existing dwelling will have sufficient garden area for use as private outdoor space and will have its own separate access and car parking spaces. There is sufficient room for both dwellings to allow for adequate site facilities such as waste bin store.

Highway

The proposal provides adequately for car parking. The preference would be to have a greater area dedicated to outdoor garden space for both 8 St Thomas' Road and the new dwelling which could be achieved by the deletion of one of the proposed car spaces for each dwelling, leaving only one car space per dwelling. This would be sufficient given the proximity of the site to the town centre and good shopping facilities. However, in view of Highways Authority requirements for two car spaces to be provided for two bedroom plus dwellings, the parking is considered acceptable, if contrary to broader sustainability objective, including opportunity to provide for further soft landscaped area and private outdoor space. The proposed spaces would nonetheless relieve the circulation and on street parking problems experienced on St Thomas' Road during busy times.

RECOMMENDATION

The application is recommended for permission subject to conditions as it overcomes the previous reasons for refusal in determination no. 07102591/OUT.

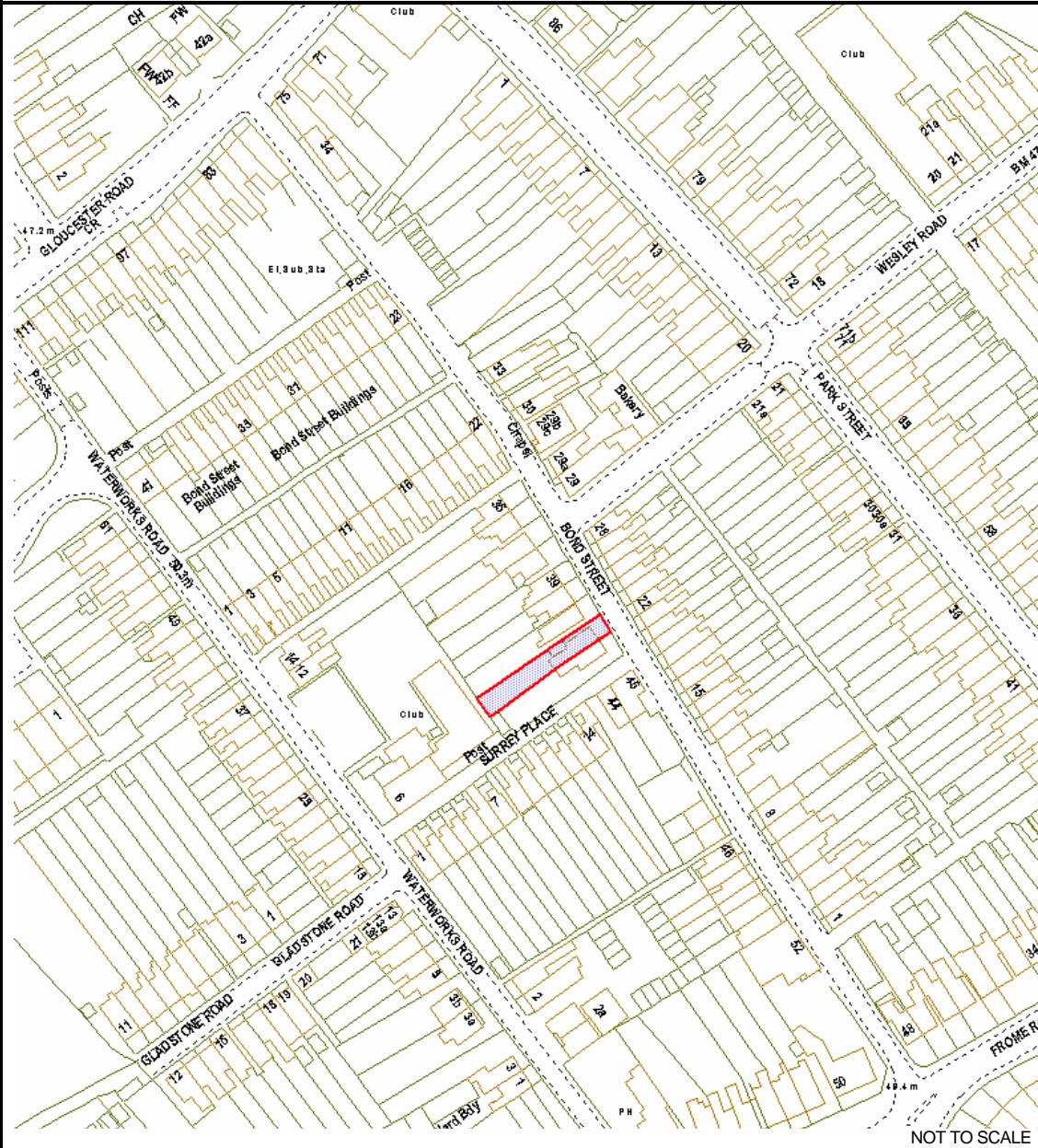
PLANNING COMMITTEE

31 January 2008

ITEM NO: 07

APPLICATION NO: 07/03493/FUL

LOCATION: 42 Bond Street Trowbridge Wiltshire BA14 0AS



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SLA: 100022961

07 Application: 07/03493/FUL

Site Address: 42 Bond Street Trowbridge Wiltshire BA14 0AS

Parish: Trowbridge Ward: Trowbridge Central

Grid Reference 385078 157333

Application Type: Full Plan

Development: Conversion of dwelling house in to two flats

Applicant Details: Mr T Seaford
The Bungalow Flintford Rodden Nr Frome BA11 5LD

Agent Details:

Case Officer: Miss Andrea Levin

Date Received: 07.11.2007 Expiry Date: 02.01.2008

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Note(s) to Applicant:

- 1 The applicant is advised that they should contact Wessex Water prior to the commencement of any works on site in order to negotiate a connection onto Wessex Water infrastructure.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee because Trowbridge Town Council object and your Planning Officer recommends permission.

This is an application for full planning permission for the conversion of a single dwelling into two flats. The proposal is for the creation of two 1-bedroom flats. No alterations are proposed to the exterior of the building.

The building is one of a pair of semi-detached properties located in the Trowbridge Conservation Area. The surrounding area is characterised predominantly by high density terraced properties.

CONSTRAINTS

Conservation Area.

POLICIES

West Wiltshire District Plan 1st Alteration 2004 – Policies: C17, C18, C31a, C38, H16
PPS3 - Housing

RELEVANT PLANNING HISTORY

07/00440/FUL – Two-storey rear extension to form kitchen and bedroom – Permitted 06.08.2007

Site Visit/statutory site notices

Site visit carried out 14.11.07 to assess site context and surroundings. Site notice put up 14.11.07
Expiry date 05.12.07

KEY ISSUES

Impact upon host building and street scene
Impact upon neighbouring amenity

CONSULTATIONS

Parish/Town Council :

TROWBRIDGE TOWN COUNCIL: objections due to lack of street parking.

External :

HIGHWAY AUTHORITY: No objection. Although there is no car parking provision for the development, I do not feel that the conversion to 2 x 1 bedroom flats will intensify the current use.

Therefore, no Highway objection is raised.

WESSEX WATER: No objection. The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to 'existing system.' As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

With respect to water supply, there are mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

Internal :

HOUSING SERVICES: No objection. The application site itself does not fall within an allocation area and the number of units to be provided do not meet the trigger for affordable housing provision, therefore we will not be seeking an Affordable Housing Allocation.

With regard to housing need in general I can confirm that the greatest need across all tenures is for 2 bedroom accommodation. I am not sure if this application is to provide one or two bedroom flats, but the formation of smaller units will meet local housing need.

Neighbours :

41 and 43 Bond Street notified on 14.11.07 by way of neighbour notification cards. Expires 05.11.07 - Two letters of objection were received raising the following issues:

- Would further intensify parking issues
- Any emergency service vehicles would have serious problems gaining access
- Negative impact upon the character of the Conservation Area.

OFFICER APPRAISAL

Policy H16 of the West Wiltshire District Plan, 1st Alteration 2004 states that proposals for the conversion of properties into flats will not be permitted if they are any of the following:

- An unreasonable and over intensive sub-division of an inadequate sized property;
- Detrimental to the outward appearance of the building of which they form a part of the character of the local area;
- Have inadequate access or insufficient or inadequate car parking provision;
- Have inadequate or insufficient amenity space around the building;
- Detrimental to the amenity of neighbouring residents;
- Subject to flood risk.

PPS3 guidelines for housing provision states that authorities should seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors. The Guidance also states that Local Planning Authorities should adopt positive policies to promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

In this case the development would be within less than a mile from the centre of Trowbridge, alongside one of the primary access routes. It is therefore considered acceptable in this instance that there is no parking provided within the application. Highways Authority have provided response stating that the conversion of the dwelling into two flats is unlikely to intensify the current issue of parking, therefore do not object to the proposed development.

As there would be no alterations to the exterior of the building, the proposed change of use would have no impact upon the character of the host dwelling or the surrounding Conservation Area.

Wessex Water have requested to be contacted by the developer prior to the commencement of works in order to negotiate a connection onto their infrastructure. This will be put onto the decision notice as an informative to the applicant.

The proposed development would, by reason of its location and the division from one unit into two units would not require any Affordable Housing Allocation.

RECOMMENDATION

Permission.

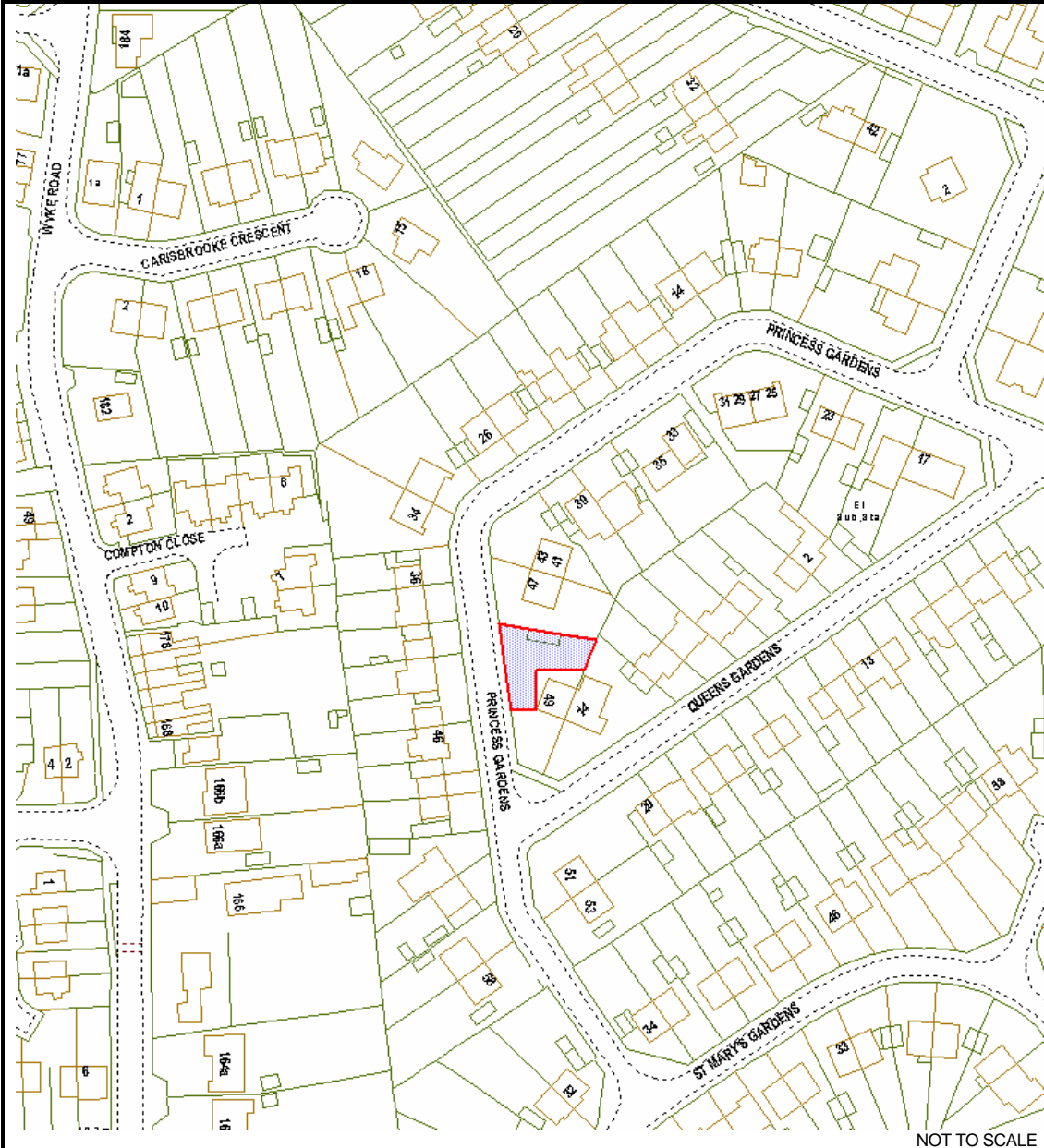
PLANNING COMMITTEE

31 January 2008

ITEM NO: 08

APPLICATION NO: 07/03811/FUL

LOCATION: Land Between 47 And 49 Princess Gardens Hilperton Wiltshire



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SLA: 100022961

08 Application: 07/03811/FUL

Site Address: Land Between 47 And 49 Princess Gardens Hilperton Wiltshire

Parish: Hilperton Ward: Avonside
Grid Reference 386295 159965
Application Type: Full Plan
Development: Removal of condition 7 of allowed appeal APP/F3925/A/07/2047553 (LPA ref; 06/02473/FUL)
Applicant Details: Silverwell Developments
Unit 31D West Wiltshire Trading Estate Westbury
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr James Taylor
Date Received: 06.12.2007 Expiry Date: 31.01.2008

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The works shall be completed before the building is occupied or in accordance with a timetable agreed in writing with the local planning authority.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 5 The dwelling shall not be occupied until works for the disposal of both sewerage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

REASON: To provide satisfactory drainage for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H17.

- 6 No development shall take place until details of the garage door to be used in the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To avoid creating an obstacle to the highway.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H17

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the full Planning Committee because Hilperton Parish Council is opposed to removal of the condition, contrary to your officer's recommendation of permission.

This is an application for the removal of Condition 7 from planning permission allowed by the Secretary of State at appeal under local planning authority reference 06/02473/FUL. Condition 7 states:

'No development shall begin until details of a scheme for the provision of affordable housing to meet the requirements of West Wiltshire District Plan Policy H2 have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.'

The allowed appeal granted permission for the erection of a single three-bedroom detached dwelling with integral garage and alternative parking for 49 Princess Gardens.

CONSTRAINTS

None

POLICIES

West Wiltshire District Plan 1st Alteration (2004) Policies C31a, C38, H2 and H17
Supplementary Planning Guidance on Affordable Housing

RELEVANT PLANNING HISTORY

06/02473/FUL - Construction of three-bedroom detached house with integral garage and alternative parking for 49 Princess Gardens – Refused 27/04/2007 and subsequently allowed at appeal on 09/11/2007.

SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 18 December 2007 and a site notice erected to publicise the application on the frontage of the application site.

KEY ISSUES

Material changes to policy and interpretation since the planning decision.

CONSULTATIONS

Parish/Town Council : HILPERTON PARISH COUNCIL: We are aware that the District Council's policy on affordable housing has changed in some respects since the appeal but it is felt that the condition should remain as it conformed with West Wiltshire District Council's policy at the time of the application.

Neighbours : No comments received.

OFFICER APPRAISAL

The appeal was dealt with at approximately the same time as the Local Planning Authority was conducting an internal review of its policy in regard to seeking affordable housing contributions in connection with applications for single dwellings in Village Policy Limits.

The outcome of this review was that the Council no longer seeks a contribution unless the proposal is for 2 or more dwellings – paragraph 5.1.2 of the Council's SPG is in effect no longer applicable. This has been the case since early October, but unfortunately would not have formed part of the appeal case and the inspector was likely to be unaware of this when making the decision on 9 November 2007.

The full merits of the case need to be reassessed in the light of the planning history and any material alterations in circumstances since the original decision. The only material alteration since the Planning Inspectorate allowed the development is that Council policy no longer seeks a commuted sum towards affordable housing for development involving the creation of one dwelling in village policy limits. Given that the Council's policy on this matter has changed and the proposal is for a single dwelling it is considered reasonable and justified to remove Condition 7.

The appropriate course of action and the correct planning approach is to allow Condition 7 to be removed.

RECOMMENDATION

Permission with Conditions 1 - 6.

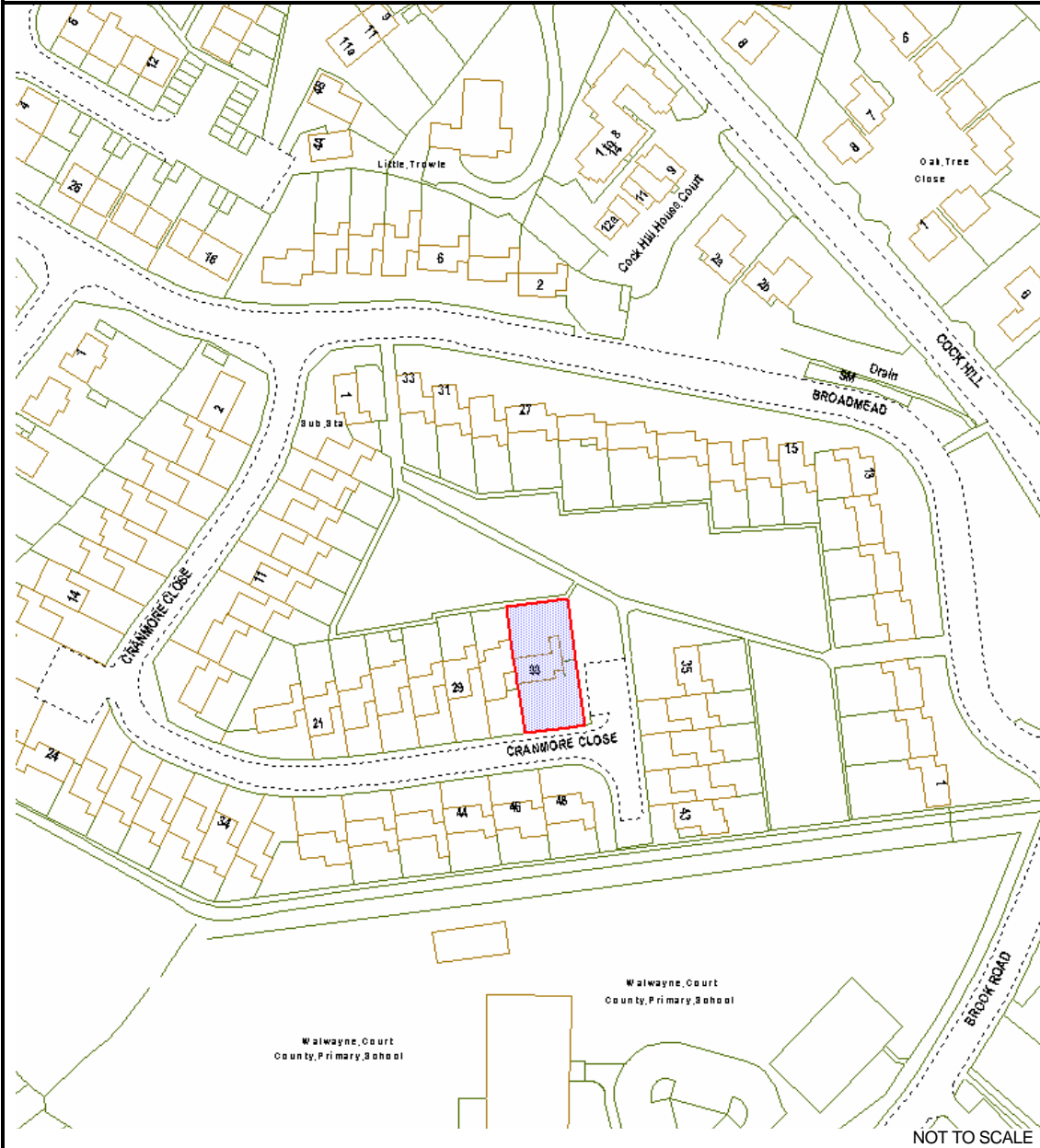
PLANNING COMMITTEE

31 January 2008

ITEM NO: 09

APPLICATION NO: 07/03431/FUL

LOCATION: 33 Cranmore Close Trowbridge Wiltshire BA14 9BU



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SLA: 100022961

09 Application: 07/03431/FUL

Site Address: 33 Cranmore Close Trowbridge Wiltshire BA14 9BU

Parish: Trowbridge Ward: Trowbridge North West
Grid Reference 384508 158125
Application Type: Full Plan
Development: Ground floor extension to create granny annexe
Applicant Details: Mr G J Stone
33 Cranmore Close Trowbridge Wiltshire BA14 9BU
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Miss Andrea Levin
Date Received: 31.10.2007 Expiry Date: 26.12.2007

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 The property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, the main dwelling and it shall not be let or sold as separate accommodation.

REASON: Because the creation of a separate dwelling unit would be contrary to planning policy in this area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy H19.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Trowbridge Town Council objects and your officers recommend permission.

This is an application for full planning permission for a single-storey extension to provide annexe accommodation in association with the host dwelling. The proposal would be constructed from materials to match the host dwelling.

CONSTRAINTS

None

POLICIES

West Wiltshire District Plan 1st Alteration 2004 – Policies: C31a, C38.

RELEVANT PLANNING HISTORY

None

SITE VISIT / STATUTORY SITE NOTICES

Site visit carried out 06.11.07 to assess site context and surroundings.

KEY ISSUES

Impact upon host building and street scene;
Impact upon neighbouring amenity.

CONSULTATIONS

Parish/Town Council : TROWBRIDGE TOWN COUNCIL: Objects. Notified 01.11.07. The following comments were received:

“The scale of the development, design and size of the rear extension, the flat roof on part of the extension and wall treatment, materials are not in keeping with the rest of the building.”

Revised plans were submitted reducing the depth of the annexe.. Following receipt of this, Trowbridge Town Council submitted the following comments:

“Original objection stands due to flat roof and materials proposed not in keeping with the original building.”

External : None

Internal : None

Neighbours : 31, 35 and 48 Cranmore Close notified on 06.11.07 through neighbour notification cards. Expires 27.11.07 - No comments received

Revised plans notices put up 19.12.07, expires 11.01.08 - no comments received.

OFFICER APPRAISAL

The SPG for house alterations and extensions states that in most cases a flat roof will be considered inappropriate even on a single storey extension. However, in this instance the existing garage has a flat roof and the proposal would raise the roof height by 300mm, meaning that the annexe would retain the existing subservience and low profile; therefore there would be limited change to the character of the host dwelling.

The Town Council objected to the development due to the proposed materials. However the materials used would match the existing dwelling and this is addressed by the recommended Condition 2, therefore this objection does not stand.

The proposal would not impact upon the neighbouring amenity.

RECOMMENDATION

Permission.

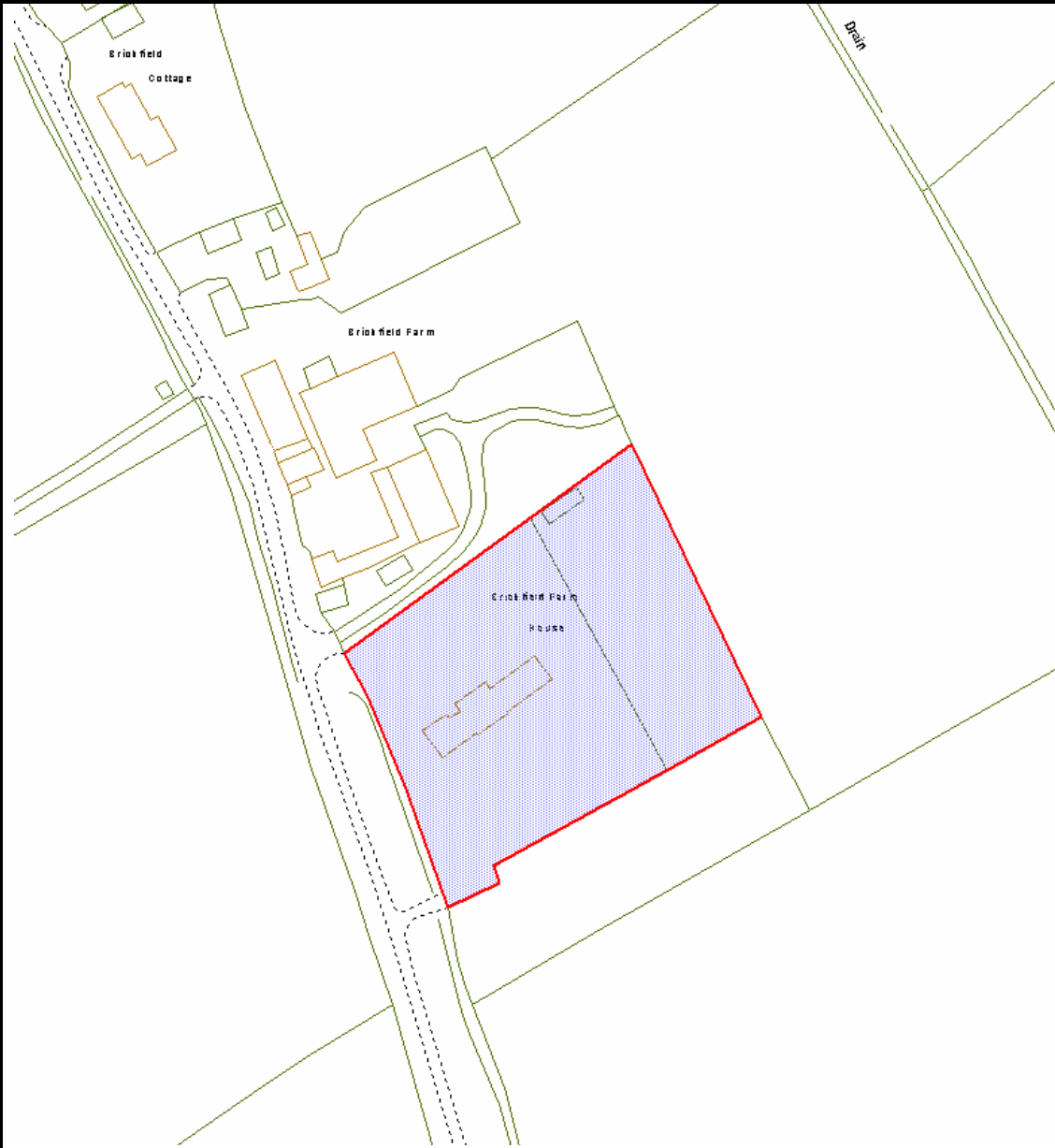
PLANNING COMMITTEE

31 January 2008

ITEM NO: 10

APPLICATION NO: 07/03459/FUL

LOCATION: Brickfield Farm House Stokes Marsh Coulston
Wiltshire BA13 4NZ



NOT TO SCALE

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SLA: 100022961

10 Application: 07/03459/FUL

Site Address: Brickfield Farm House Stokes Marsh Coulston Wiltshire BA13 4NZ

Parish: Coulston

Ward: Ethandune

Grid Reference 395044 155314

Application Type: Full Plan

Development: Removal of agricultural restriction

Applicant Details: Mrs S M Jennings
Brickfield Farm House Stokes Marsh Coulston Wiltshire BA13 4NZ

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 05.11.2007

Expiry Date: 31.12.2007

REASON(S) FOR RECOMMENDATION:

The proposed removal of this condition would accord with PPS7 guidelines.

RECOMMENDATION: Permission

Note(s) to Applicant:

- 1 The applicant is reminded that the removal of this condition does not have any effect on the conditions applicable to application 92/00997/FUL in terms of which an extension for linked accommodation was granted permission. Condition 1 applicable to that permission requires that the building be occupied as one dwelling unit, and that the extension then approved may not be sold, let or otherwise used as a separate unit of living accommodation.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Coulston Parish Council recommends refusal and officers recommend permission.

This is a Section 73 application for the removal of Condition 01 from planning permission 91/01154/FUL. This condition reads: -

"As the site is within an area within which it is the policy of the Local Planning Authority to limit residential development to that which is essential for agricultural or forestry purposes, the occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such person residing with him or her) or a widow or widower of such a person."

CONSTRAINTS

The site is located in the open countryside.

POLICIES

West Wiltshire District Plan 1st Alteration, 2004
H19 - Housing in the Countryside
PPS7 - Sustainable Development in Rural Areas

RELEVANT PLANNING HISTORY

91/01154/FUL: Construction of one detached 3 bed bungalow for agricultural worker: Permission
92/00997/FUL: Linked accommodation: Permission

SITE VISIT / STATUTORY SITE NOTICES

The site visit was carried out on 30 November 2007, when a site notice was posted.

KEY ISSUES

The only issue in this case is whether or not the removal of the occupancy condition is justified.

CONSULTATIONS

Parish/Town Council : COULSTON PARISH COUNCIL: Is opposed to the planning application Ref: 07/03459. Coulston Parish Council does not want to endorse the use of our surrounding countryside or agricultural land for development in any way. Please make the Council's view clear to the Committee".

Neighbours :

There was no response to the site notice.

OFFICER APPRAISAL

Guidance on considering the removal of agricultural occupancy conditions is provided by PPS7, which states that:-

Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness."; and

"Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made."

In this case the applicants occupied the property in 1996, having bought the dwelling with .97 ha. of land. As it now stands the building is a fairly substantial residence made up of the original cottage and an annexe, with five bedrooms in total.

Assessing the proposal in terms of the PPS7 guidance, consideration should be given to whether or not there is still an agricultural need for the tie on this property, and whether or not there is demand for an agricultural dwelling of this size within the area.

With regard to the latter, the applicant has submitted documentation showing that the property has been marketed as a property with an agricultural tie since approximately May 2007. Earlier marketing without reference to the tie was also undertaken. Evidence has been provided of parties who were interested in the property, but who would not qualify under the occupancy condition. The property has therefore been tested with the agricultural tie in the marketplace without success for a reasonable period.

With regard to agricultural need it is evident from the marketing exercise that there is no demand from local agriculture for a dwelling of this size. Further there is no evidence of viable agricultural activity on the site and there is no realistic probability of developing a going agricultural concern that could support a dwelling of this size on the small land portion (in agricultural terms). On balance of probability there is thus no longer a functional or financially viable agricultural reason for the retention of the occupancy condition

Based on the above permission should be granted for the removal of the tie in accordance with PPS7 guidelines.

RECOMMENDATION

Permission.

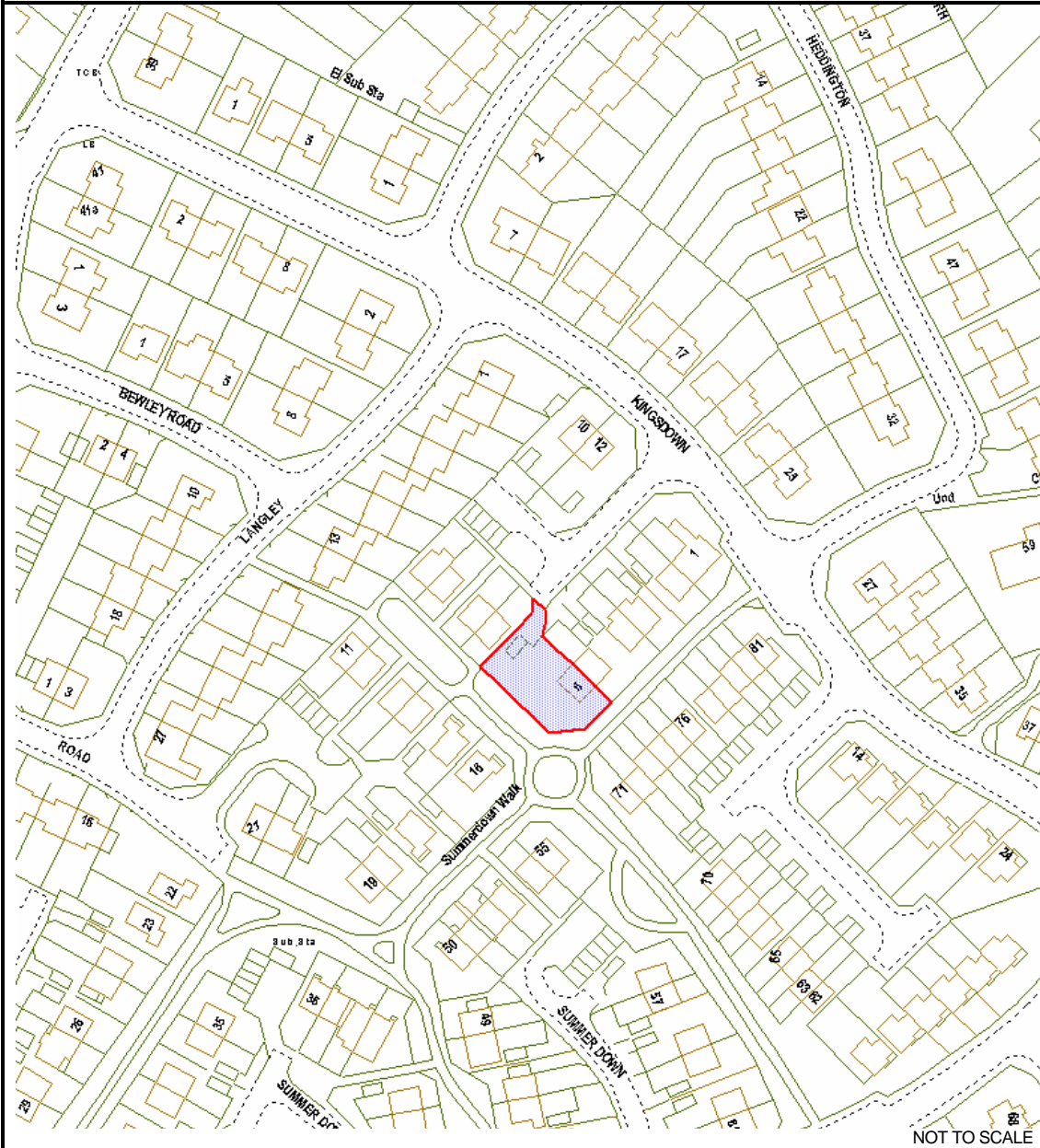
PLANNING COMMITTEE

31 January 2008

ITEM NO: 11

APPLICATION NO: 07/03825/FUL

LOCATION: 6 Summerdown Walk Trowbridge Wiltshire BA14 0LJ



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SLA: 100022961

11 Application: 07/03825/FUL

Site Address: 6 Summerdown Walk Trowbridge Wiltshire BA14 0LJ

Parish: Trowbridge Ward: Trowbridge South West
Grid Reference 385190 156073
Application Type: Full Plan
Development: Conversion of existing house into two one bedroom flats and new build creating a further two one bedroom flats
Applicant Details: Mr M Ledbury
2 Waldron Square Trowbridge BA14 8PA
Agent Details: FMH Architectural Services
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14 7NY
Case Officer: Mr Rudolf Liebenberg
Date Received: 06.12.2007 Expiry Date: 31.01.2008

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 5 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 The parking and servicing areas indicated on the approved plans together with the means of access thereto shall be completed and made available for use before the premises are occupied and shall be maintained as such thereafter.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

- 7 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

- 8 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

Note(s) to Applicant:

- 1 No construction rubble shall be burned on site and no delivery of any goods/materials associated with the construction phase shall be delivered on Sundays, Bank Holidays or after 2pm on Saturdays.

COMMITTEE REPORT

APPLICATION DETAILS

The application is brought before Committee because your officer recommends approval and the Town Council objects. Cllr Osborne has also requested the application go before Committee.

This is a full application for the conversion of the existing house into two one-bedroom flats and a further new build creating another two one-bedroom flats. Number 6 is a corner plot hidden by a row of Fir trees and forms part of a row of semi-detached dwellings and all have rear vehicle access and rear on-street parking. The site also has a single garage and car port and additional hard standing for vehicles.

This proposal seek to provide three additional dwellings of a type and size which are 4 one bedroom flats which would appeal to the first time buyers market but not consistent with the current character of the area. The proposal includes the provision of 4 car parking spaces.

The existing dwelling will remain the same in front and rear elevation and be converted into two flats whilst the new built will be attached to the existing house and a porch has been provided to give the appearance of a large extension to the side of the existing dwelling. The entrance and porch give access to the first floor flats and is a common feature on these type of properties. The rear elevation is of similar design to the front except for a more modest entrance door for the ground floor flats. The development does not extend beyond the building line of the opposite terrace.

The application site falls within the urban confines of Trowbridge and is surrounded by two storey semi-detached and terrace properties.

SITE VISIT / STATUTORY SITE NOTICES

Done

CONSULTATIONS

Parish/Town Council : TROWBRIDGE TOWN COUNCIL: The proposal is over development which is out of character for the area and a detraction from street scene together with no adequate parking provision makes this development unacceptable.

External : HIGHWAY AUTHORITY: No comments received.

WESSEX WATER: No objection.

Neighbours : Various objection letters received raising the following concerns:

- 1) This is over development that does not support family housing;
- 2) The development is out of character for the area;
- 3) Parking provision is inadequate and the development will contribute to parking demand in the area;
- 4) Overlooking onto neighbouring properties;
- 5) Pedestrian access will be obstructed;
- 6) Severe impact on existing drainage load;
- 7) The distance from an already overloaded drainage system: A clay based substrate would cause the ground to become completely water logged with spent waste from the proposed cess pit.
- 8) Another major concern is the substrate in this particular area is mainly clay and is totally unsuitable to take any absorption from either a cess pit or septic tank. And indeed with a cess pit draining either directly into a soak away or into a clay base substrate this could cause potential movement to the existing drain pipes caused by seepage from the cess pit.

The objections are carefully considered.

NEGOTIATIONS / DISCUSSIONS

Case Officer Kim Linden had discussions on revisions with the applicant after the previous application was withdrawn.

CONSTRAINTS

N/A

POLICIES

West Wilts District Plan 1st Alteration 2004

H1 - Further Housing Development within Towns

C31a - Design

C38 - Nuisance

PPS3- Housing

SPG - Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

See file.

KEY ISSUES

The main issues to consider regarding this application are the potential impact on the host dwelling and the neighbouring amenity.

OFFICER APPRAISAL

Principle

The back land location of the new dwelling with a minimal amount of amenity and parking space would result in a form of overdevelopment which could be detrimental to the character of the area and to the residential amenities of the nearby dwellings. The proposal is considered to be acceptable as the development is for residential and the primary use of this area is residential.

The application site is located within the town policy limit for Trowbridge. Both national and local policy is to make the best use of urban land for new housing and the sub-division and extension of existing dwellings to create flat developments can enhance the range and increase the housing stock despite the fact that this area is characterised by semi-detached and terrace properties.

Design

The host building forms, with its adjoining neighbour a pair, which has a distinctive symmetrical appearance. The SPG on house alterations and extensions states that an extension to a semi-detached house should be a subservient element to the host building and not upset the symmetry of the building as a whole. By siting the proposed two storey side extension flush with the front elevations of the host building it creates a balance to the symmetry of the pair. The proposal would not significantly harm the appearance of the host building and its setting in the street scene adhering to C31a West Wiltshire District Plan 1st Alteration 2004.

The proposal for a new dwelling within the same plot as an existing dwelling, and sharing the same access is known as tandem development. This form of development within an area of properties with a well-defined frontage would generally be unacceptable as the two properties would be sharing one access, which would be likely to result in a loss of amenity to the host dwelling, as well as increased pressure upon highway safety. As the development caters for apartments it is likely that the increase in traffic would be significant. However the Highway Authority raised no formal objection to the reduction in parking spaces from 6 to 4.

The design does not exactly follow the design guidelines of the West Wiltshire Local Plan and SPG with a 0.5m set back, but then the proposal should be seen as a separate development rather than an extension to the existing dwelling.

Highway

4 Parking spaces is provided and the Highway Authority has negotiated better turning space and is now satisfied with the parking arrangements for the site.

Character

The area is characterised by semi-detached properties and terrace properties with regular spacing between each pair. The addition of the two-storey proposal would not have an unbalancing effect upon the symmetry of the host building and furthermore it is noted that the proposal would not come very close to the neighbouring properties as this is a corner plot location. The lack of amenity space is a concern. The new extension would not harm the street scene as the new addition complies with the two storey character of the area.

Regarding the issue of neighbouring amenity the following is noted. The proposal would be obscured from the view of the adjoining property to the east by the host building; therefore there would be a limited but not severe adverse impact on the amenity of the occupiers of 4 as a result of the development.

Drainage

There is great concern about the proposed drainage for the application site. The distance from an already overloaded drainage system and a clay based substrate would cause the ground to become completely water logged with spent waste from the proposed cess pit. Another major concern is the substrate in this particular area is mainly clay and is totally unsuitable to take any absorption from either a cess pit or septic tank.

And indeed with a cess pit draining either directly into a soak away or into a clay base substrate this could cause potential movement to the existing drain pipes caused by seepage from the cess pit. The drainage system details will be subject to conditions and the approval of Building Control

Objections

Various planning objections have been raised but after careful consideration I conclude that there is not sufficient enough reason to warrant a refusal.

Material Considerations

Kim Linden (the planning officer which has left the LPA now) had extensive discussions about this proposal with the applicant/agent and after initial concerns from the present officer she advised that she accept the revised scheme based on the discussions and revisions she had with the client.

Conclusion

The proposal would not be detrimental to the character and appearance of the area and the street scene and would not be contrary to C31a and C38 of the West Wiltshire District Plan 1st Alteration (2004) and the SPG for house alterations and extensions, therefore the proposal is recommended for approval.

RECOMMENDATION

PERMISSION

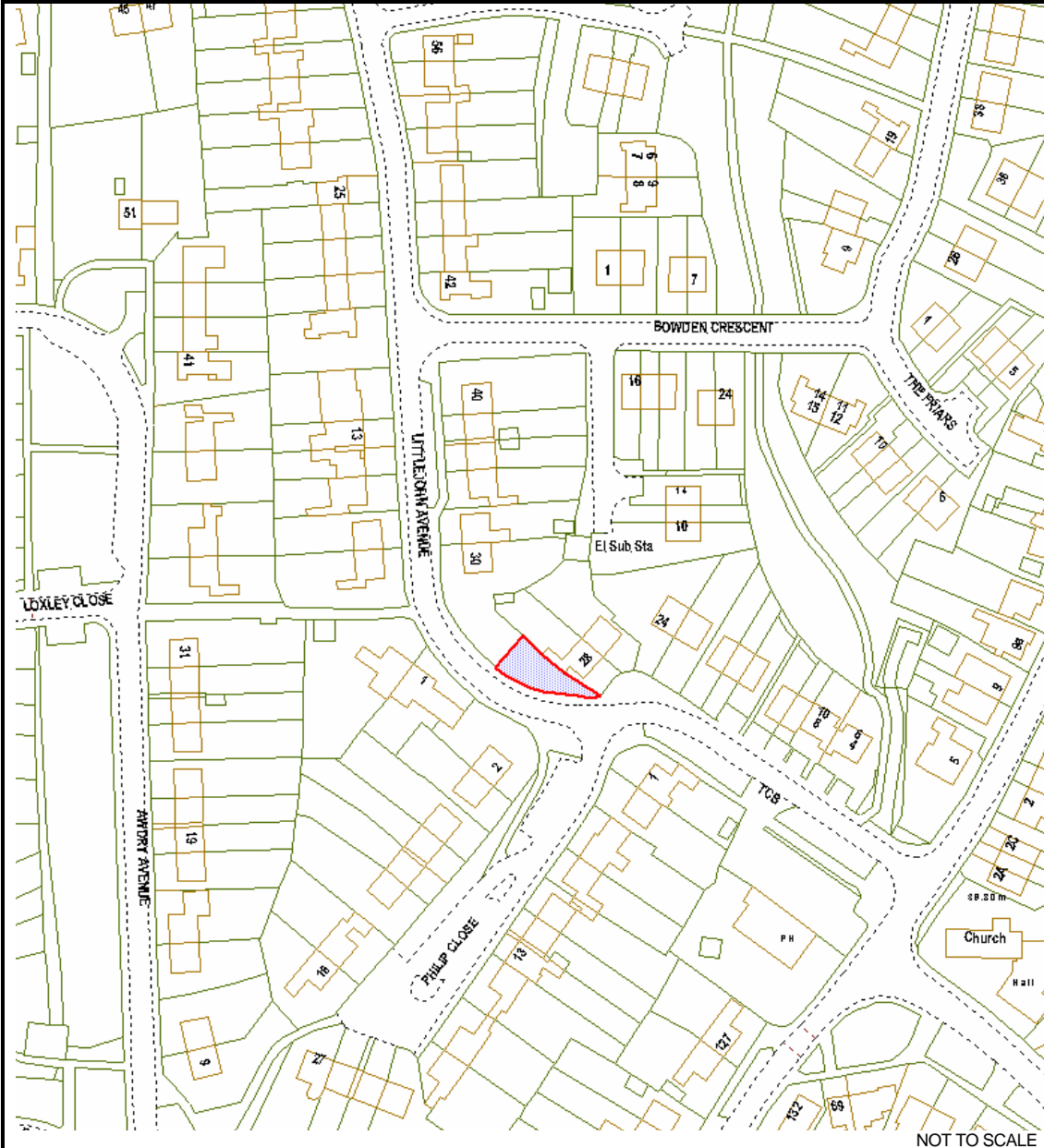
PLANNING COMMITTEE

31 January 2008

ITEM NO: 12

APPLICATION NO: 07/03844/FUL

LOCATION: Land Adjoining 28 Littlejohn Avenue Melksham
Wiltshire



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SLA: 100022961

12 Application: 07/03844/FUL

Site Address: Land Adjoining 28 Littlejohn Avenue Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham East
Grid Reference 391127 164811
Application Type: Full Plan
Development: Construction of two 2 bedroom flats with parking
Applicant Details: Mr Lee
28 Littlejohn Avenue Melksham Wiltshire SN12 7AN
Agent Details: Mr Peter Grist
Eversfield House Station Road Warminster Wiltshire BA12 9BP
Case Officer: Mr Rudolf Liebenberg
Date Received: 05.12.2007 Expiry Date: 30.01.2008

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 3 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 4 The parking and servicing areas indicated on the approved plans together with the means of access thereto shall be completed and made available for use before the premises are occupied and shall be maintained as such thereafter.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 6 The development hereby permitted shall not be occupied until the existing hedge to the north of the access, for a distance of 8m, is lowered to and maintained at a height not exceeding 900mm.

REASON: In the interests of highway safety.

Note(s) to Applicant:

- 1 No construction rubble shall be burned on site and no delivery of any goods/materials associated with the construction phase shall be delivered on Sundays, Bank Holidays or after 2pm on Saturdays.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before Committee because your officer recommends approval contrary to the recommendation of Melksham Town Council.

This is a full application for the new build of two 2-bedroom flats at 28 Littlejohn Avenue, Melksham. Number 28 is a corner plot and forms part of a row of semi-detached dwellings and all have vehicle access and on-street parking.

This proposal seek to provide one additional dwelling of a type and size which are two 2-bedroom flats which would appeal to the first time buyers market and consistent with the current character of the area.

The new dwelling will remain the same in front and rear elevation as the adjacent existing dwelling and create two flats whilst the entrance and porch give access to the first floor flat and is a common feature on these type of properties. The rear elevation is of similar design to the front except for a more modest dwelling. The development does not extend beyond the building line of the opposite terrace.

The application site falls within the urban confines of Melksham and is surrounded by two storey semi-detached and terrace properties.

SITE VISIT / STATUTORY SITE NOTICES

Done

CONSULTATIONS

Parish/Town Council : MELKSHAM TOWN COUNCIL: Object to the application because of highway concerns, back land development and lack of amenity space contrary to provisions of Policy C38 and H1.

External: HIGHWAY AUTHORITY: No objection subject to conditions.

WESSEX WATER: No objection.

Neighbours : No objection letters received.

NEGOTIATIONS / DISCUSSIONS

N/A

POLICIES

Wiltshire and Swindon Structure Plan 2016

DP3 Development strategy
DP7 Housing in towns and main settlements
T5 Parking

West Wiltshire District Plan 1st Alteration (2004)

H1 Further Housing Development within Towns
H16 Flat conversion
H24 New housing design
C31a Design
C32 Landscaping
C38 Nuisance
T10 Car parking

PPS 1 Delivering Sustainable Development
PPS 3 Housing

RELEVANT PLANNING HISTORY

There is no relevant planning history.

KEY ISSUES

The main issues to consider regarding this application are the potential impact on the host dwelling and the neighbouring amenity.

OFFICER APPRAISAL

Principle

The back-land location of the new dwelling comprising the two apartments, with a minimal amount of amenity space would result in a form of development which would not be detrimental to the character of the area and to the residential amenities of the nearby dwellings. The proposal for residential development is considered to be acceptable and not contrary to policy H1. The application site is located within the town policy limit for Melksham. Both national and local policy is to make the best use of urban land for new housing and the sub-division and extension of existing dwellings to create flat developments can enhance the range and increase the housing stock despite the fact that this area is characterised by semi-detached and terrace properties.

Design

The host building forms, with its adjoining neighbour a pair, which has a distinctive symmetrical appearance. The SPG on house alterations and extensions states that an extension to a semi-detached house should be a subservient element to the host building and not upset the symmetry of the building as a whole. By siting the proposed two storey house adjacent, but set back with the front elevations of the host building it creates a balance to the symmetry of the pair. The proposal would not significantly harm the appearance of the host building and its setting in the street scene adhering to C31a West Wiltshire District Plan 1st Alteration 2004.

Highway

The Highway authority is satisfied with the parking arrangements. The proposal for a new dwelling within the same plot as an existing dwelling, and sharing the same access is known as tandem development. This form of development within an area of properties with a well-defined frontage would generally be unacceptable as the two properties would be sharing one access, which would be likely to result in a loss of amenity to the host dwelling, as well as increased pressure upon highway safety. As the development caters for apartments it is likely that the increase in traffic would not be significant and the impact on amenity not significant enough to warrant a refusal.

Character

The area is characterised by semi-detached properties and terrace properties with regular spacing between each pair. The addition of the two-storey proposal would not have an unbalancing effect upon the symmetry of the host building and furthermore it is noted that the proposal would not come very close to the neighbouring properties as this is a corner plot location. The lack of amenity space is a concern. The new development would not harm the street scene as the new addition complies with the two-storey character of the area.

Regarding the issue of neighbouring amenity the following is noted. The proposal would be obscured from the view of the adjoining property to the south-east by the host building; therefore there would be no adverse impact on the amenity of the occupiers of 28 and beyond as a result of the development.

Conclusion

The proposal would not be detrimental to the character and appearance of the area and the street scene and would not be contrary to C31a and C38 of the West Wiltshire District Plan 1st Alteration (2004) and the SPG for house alterations and extensions, therefore the proposal is recommended for approval.

RECOMMENDATION

PERMISSION