

PLANNING COMMITTEE

8 SEPTEMBER 2005

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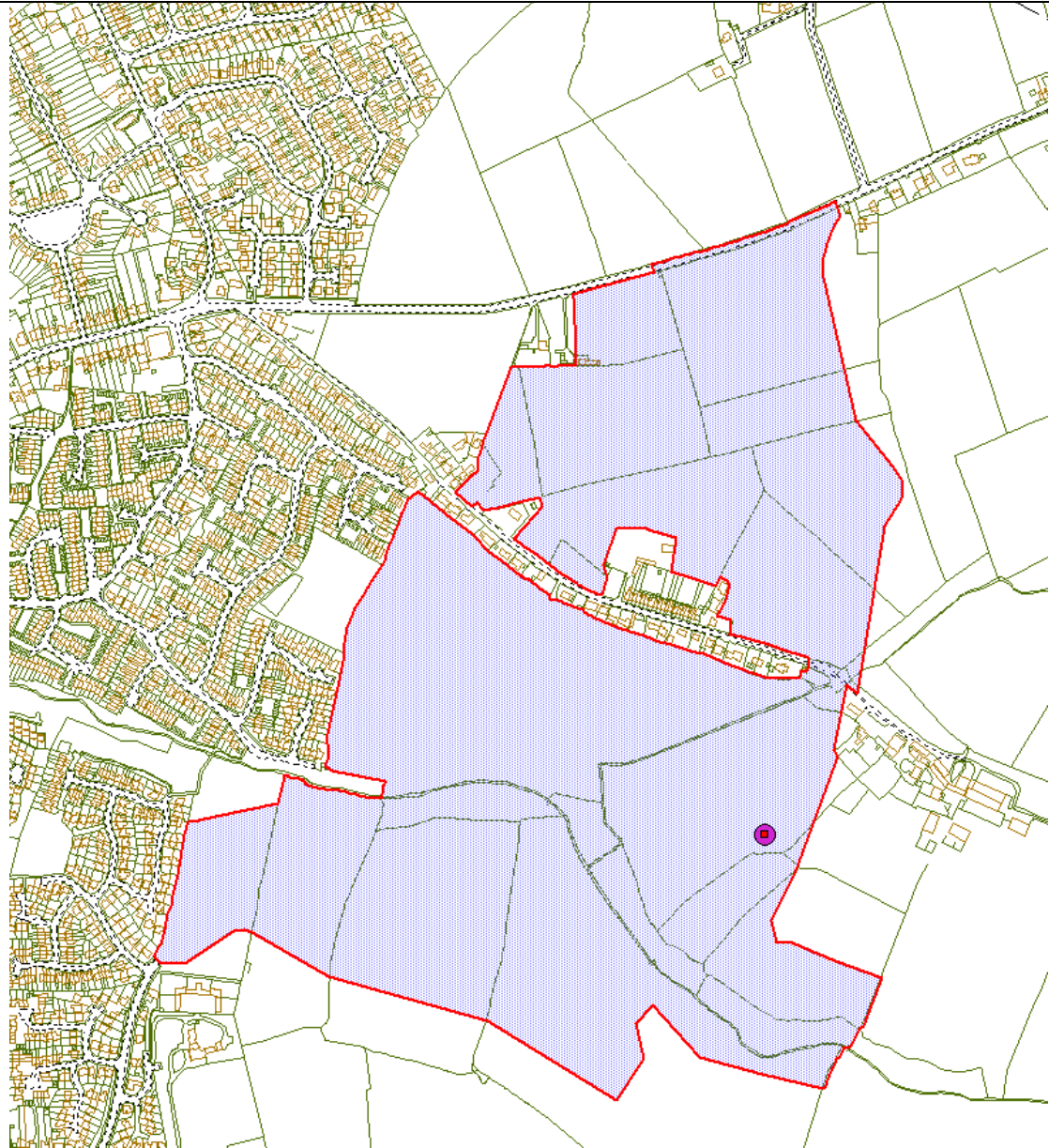
PLANNING COMMITTEE

8 September 2005

ITEM NO: 01

APPLICATION NO: 04/01895/OUTES

LOCATION: Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire



NOT TO SCALE

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SLA: 100022961

01 Application: 04/01895/OUTES

**Site Address: Land North East Of Snowberry Lane And South Of Sandridge Road
Melksham Wiltshire**

Parish: Melksham Without
Melksham (Town)

Ward: Melksham Without
Melksham Spa
Melksham Woodrow

Grid Reference 392138 163580

Application Type: Outline Plan + Environmental Statement

Development: Comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road

Applicant Details: The East Melksham Consortium
(Comprising Hallam Land Management Ltd, J S Bloor (Swindon) Ltd And Persimmon Homes (Wessex) Ltd)

Agent Details: Stephen Bawtree/Mark Fox
Pegasus Planning Group 6-20 Spitalgate Lane Cirencester Glos GL7 2DE

Case Officer: Mrs Rosie MacGregor

Date Received: 27.09.2004

Expiry Date: 22.11.2004

JUSTIFICATION REASON:

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

RECOMMENDATION:

That the application be referred to the First Secretary of State under the terms of the Greenfield Directive as one which the Council has resolved to grant permission subject to conditions and to the prior completion of a Legal Agreement/Agreements to secure the following in accordance with the Development Brief and Master Plan:-

- 30% Affordable Housing;
- Provision of Public Open Space and Maintenance Contribution;
- Provision of Local Centre with up to 870 square metres of retail floorspace and a recycling facility, Community Hall, playing fields and changing room;
- Provision of site for a Primary School together with an index linked commuted sum towards the build cost;
- £110,000 for public art;
- Provision of a distributor road together with highway alterations and improvements, contributions to public transport and traffic regulation orders, and land to facilitate the possible future duelling of the distributor road;
- Provision of a new and upgraded cycleways and footpaths;
- Provision of bus stops and shelters;
- Provision of a Green Travel Plan;
- Provision of surface water attenuation basins.

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 phase to which the reserved matters relate is commenced.

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

- 2 Application for approval of the first reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and all reserved matters for the remainder of the site submitted before the expiry of six years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of five 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 to be approved, whichever is the later.

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

- 4 The development hereby approved shall be carried out in accordance with the principles of the approved Development Brief dated October 2004, and Design Statement dated September 2004 unless otherwise approved in writing by the Local Planning Authority.

REASON: In order to ensure the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H6.

- 5 The number of dwellings to be constructed pursuant to this permission shall be no more than 670 dwelling units.

REASON: In order to comply with the Development Plan.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H6.

- 6 No new dwelling shall be occupied prior to April 2006.

REASON: In order to comply with the Development Plan.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H6.

- 7 Prior to the commencement of any work on site and in association with the submission of the first reserved matters, details of the phasing plan for the development as a whole, the infrastructure and facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. The phasing shall provide for the construction of the Distributor Road, the servicing of the site for the Local Centre, implementation of the surface water attenuation and works to the water course, provision of the primary school, recycling facilities, recreation facilities, public open space and the identification and implementation for the individual residential areas. The development shall be carried out in accordance with the approved details, or any amendment thereto agreed in writing with the Local planning Authority .

REASON: In order to ensure the development is carried out in a satisfactory manner

POLICY: West Wiltshire District Plan Policy H6.

- 8 Pursuant to Condition 7, no more than 250 dwellings shall be occupied until the main area of linear public open space adjoining Clackers Brook has been completed and is available for use unless otherwise agreed in writing with the Local Planning Authority and no more than 200 dwellings shall be occupied until the land for the local centre and recycling facilities, community centre and primary school are serviced and made available for use unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to ensure that these facilities are provided and meet the needs of the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H6.

- 9 The reserved matters for each phase shall include, except on phases where there is no requirement, provision for public open space, amenity areas, play areas and strategic landscape 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. The plans shall also provide for the landscaping of all such areas and the landscaping shall be maintained for a period of five years. Any trees and shrubs which die within that period shall be replaced to the satisfaction of the Local Planning Authority and be maintained for a further period of five years

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.

- 10 Prior to the occupation of any dwellings and pursuant to Condition 7, the submitted details shall also include a full design and build specification for the proposed formal sports pitch area. The submitted details shall include details of land drainage to a standard specified by the Sports Turf Research Institute and provide for its implementation in accordance with the approved details.

REASON: In order to ensure to provision of the sports facilities.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H6.

- 11 Before any development is commenced on any phase of the site, including site works or storage of any description, all trees to be retained on that phase of the 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 out side 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.

- 12 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C40.

- 13 No development on any phase of the site 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 in relation to that phase and those 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.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall in relation to each phase of the site be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development of that phase, 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.

- 15 No development approved by this permission shall be commenced until a detailed scheme for conservation of the Clackers Brook and associated wildlife has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To protect and conserve the Clackers Brook corridor and wildlife.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C1, C7 and C9.

- 16 Prior to any works commencing on site a survey and Method Statement, detailing how works will progress taking into account the presence of Water Voles, together with mitigation measures for any burrows that are likely to be disturbed, shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency and English Nature.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.

- 17 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 any phase of the development, 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.

- 18 Prior to the commencement of work in any phase pursuant to Condition 7, a schedule of the materials to be used in the external surfaces of that phase of the development shall be submitted to and approved by the Local Planning Authority.

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

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

- 19 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of each phase of the development to which the surfacing relates. The development shall be carried out in accordance with approved details.

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

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

- 20 The Distributor Road shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of 200 dwellings taking access from Sandridge Common Road or 150 dwellings taking access via Snowberry lane whichever is the sooner.
- REASON: In the interests of highway safety.
- 21 The internal estate roads shall be completed to the satisfaction of the Local Planning Authority up to the common boundary with the land which is the subject of application number 05/00225/OUT prior to the occupation of 200 dwellings taking access from the A3102 highway.
- REASON: In order to effect the necessary link between the developments and in the interests of highway safety.
- 22 The provision of the emergency link onto the A3102 highway shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of 100 dwellings taking access from the A3102 highway.
- REASON: In the interests of highway safety.
- 23 No retail unit shall be greater than 400 square metres gross floor space.
- REASON: To ensure that the development functions only as a local centre and would not be reliant on, or attractive to, a wider catchment area.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP6.
- 24 No development, hereby permitted, shall take place on any phase of the site 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 in relation to the phase to be developed.
- REASON: To protect the archaeological heritage of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C14 & C15.
- 25 Prior to the commencement of work on any phase of the development pursuant to Condition 7, details of all lighting to roads and footways in that phase shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall be provided in accordance with the approved details prior to the occupation of each phase of the development.
- REASON: In the interest of nature conservation and the protection of the countryside.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C1 and C7.
- 26 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.
- REASON: To ensure there is no risk of flooding.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.
- 27 No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- REASON: To ensure there is no risk of flooding.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.

- 28 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working and restoration and maintenance of the proposed on site attenuation and Clackers Brook flood storage replacement scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- REASON: To safeguard the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.
- 29 There shall be no storage of any materials, including soil, within that part of the site liable to flood (1:100 year) identified as the Clackers Brook Flood Plain.
- REASON: To ensure there is no risk of flooding.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.
- 30 Details of a buffer zone extending from the Clackers Brook on both sides shall be submitted to and approved by the Local Planning Authority. This buffer zone must be protected by the erection of agricultural grade stock-proof fencing or such other alternative approved by the Local Planning Authority. Any physical features, plants within the buffer zone should be left undisturbed by the development and/or associated infrastructure works. The fencing may be removed on final completion of all works, and the buffer zone incorporated into the overall landscaping scheme.
- REASON: To safeguard the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.
- 31 Recycling facilities shall be provided within the site in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.
- REASON: To ensure that the facility is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C6.
- 32 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.
- 33 Building and construction work on the development hereby permitted shall not take place outside 07.30 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 C36.
- 34 Any facilities for the storage of oils, fuels or chemicals 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.

- 35 The development of any phase permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the relevant phase, 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.

- 36 Details of any balancing ponds shall be submitted to and approved by the Local Planning Authority, and the balancing ponds relevant to any phase of the development shall be constructed in accordance with the approved details prior to the first occupation of any building of the development within that phase.

REASON: In the interests of flood prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U3.

- 37 The development of any particular phase of the site shall not be commenced until surface water drainage works have been carried out and completed in relation to that phase 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.

- 38 Details of public art features shall be submitted to and approved in writing by the Local Planning Authority, and implemented in full no later than the occupation of the 335th dwelling of the development.

REASON: To promote public art within the development.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy I2.

- 39 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. In each phase of the development 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 for that phase. 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.

- 40 Development of each phase shall not begin until details of the design, layout, levels, gradients and finished surface materials of all roads including public transport routes, footways and cycleways forming part of each phase of the development have been submitted to and approved in writing by the Local Planning Authority. No new building shall be occupied until that part of the vehicular and pedestrian access thereto has been constructed to a standard agreed in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

REASON: In the interest of highway safety and to ensure the development is satisfactory.

- 41 Notwithstanding the details shown on the submitted drawings for the Distributor Road, no development shall take place until details of the fencing, barriers, noise attenuation measures, landscaping and earthworks have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

REASON: To ensure the development is satisfactory and in the interest of residential amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H6 and C38.

- 42 Prior to the commencement of any work on site, details of a wheel washing facility shall be submitted to and approved in writing by the Local Planning Authority. Such a facility shall be located on the site at a convenient point to the access from Sandridge Road and shall be retained throughout the period of construction.
- REASON: To ensure that materials from the site are not deposited on public roads.
- 43 Before work starts on any phase of the site, detailed plans of the parking and servicing areas for the construction compound, deliveries and personnel, together with the means of access thereto for that phase, shall be submitted to and approved by the Local Planning Authority. The land shall be restored to its former condition once construction work has been completed.
- REASON: In order to ensure that an adequate area for parking and/or servicing is available during the construction phase and in the interests of highway safety.
- 44 No work shall commence on site until the Local Planning Authority has agreed with the developer an arrangement for establishing the site name and local direction signing, both temporary and permanent.
- REASON: In order to avoid confusion for those requiring access to the site, and to ensure that a comprehensive arrangement of local destinations is established at the outset of development.
- 45 The school shall not be opened for use until the access roads, paths and parking arrangements serving the site have been constructed to a standard to be agreed with the Local Planning Authority.
- REASON: To ensure that the school is safely and comprehensively accessible to users and that a choice of approach routes is available to the anticipated catchment area.

Note(s) to Applicant:

- 1 The applicant is advised that there are species in the vicinity which are protected under the Wildlife and Countryside Act 1981 and you should contact English Nature and the Wiltshire Wildlife Trust before and during construction.
- 2 All reasonable steps, including damping down site roads, should be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3 Any stopping-up or diversion to a public footpath or bridleway will require a separate consent and you are advised to contact Wiltshire County Council.
- 4 The applicant is advised to consult with the Environment Agency Technical Services Department regarding the drainage strategy and the works to Clackers Brook may require formal consent under the Land Drainage Act 1991.
- 5 The developer should contact Wessex Water for approval of water supply and foul drainage connections.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by the Planning Committee at its meeting on 13 July 2005 for a report on the medical and dental services and to consult with the PCT regarding the requirement, funding and recruitment of doctors and dentists in the area.

A letter has been sent to the NHS Primary Care Trust requesting this information, and a response has been received, and its contents are reported under a separate heading later in this report.

This application is brought to Committee because the Parish and Town Councils object, contrary to your Officer's recommendation.

This is an outline planning application for a mixed-use urban extension comprising a residential development of 670 dwellings including provision of affordable housing. It includes a distributor road to connect the A3102 highway leading from east Melksham to Sandridge Common, in addition to Snowberry Lane and Bowerhill to the south.

The proposals include a Local Centre, with potential for a children's nursery, public house and/or doctor/dental surgery, a new community building, recycling facilities, Primary School and sports & recreational facilities. There would, in addition, be areas of Public Open Space including a linear landscaped park with a riverside walk along Clackers Brook. A network of footpaths and cycle ways would connect into the existing network. The provision of Public Art is also a requirement of the Development Brief.

Detailed approval is also sought for the means of access to the site and the distributor layout, all of which have been submitted with the application. All other matters are reserved and will be the subject of a subsequent application, or applications, for approval of reserved matters.

A Design Statement has been submitted with the application which broadly outlines the design principles to be followed for this development and sets the planning context. It states that the development proposals and master plan have followed the guidance and aspirations of National, Regional and Local Plan Policies.

The illustrative master plan indicates an area of public open space in a linear alignment following the route of the Clackers Brook and its tributary, together with an existing balancing pond on the edge of the existing residential development together with an additional balancing pond on the opposite side of Clackers Brook and a further balancing pond adjacent to Snarlton Lane.

The proposed footway and cycleway routes would link in with existing rights of way. An area of land of 1.84 hectares is identified for the proposed school, together with a formal Sports provision area of approximately 3.9 hectares. The Local Centre land adjacent to the distributor road would have an area of approximately 0.9 hectares. A descending hierarchy of vehicular routes are proposed from the main distributor road to provide access to the residential development.

A Statement of Community Involvement has been submitted as part of the application, which concludes by stating that the applicants are committed to a continuing programme of public consultation and additional consultation will be undertaken. Once outline planning permission has been granted further public involvement will be facilitated in advance of detailed design of the proposals.

An Environmental Statement (ES) has been submitted with the application and this includes sections on the planning policy context, associated economic issues, landscape and visual issues, ecology and nature conservation, archaeology and cultural heritage, agriculture, transport, drainage and flood risk, air quality, noise environment, and infrastructure services. This concludes by stating that the overall proposal forms a comprehensive mixed-use development, which will provide housing, community facilities and a new school, together with the Local Centre, public open space and landscaping. Any constraints that have been identified have been addressed, researched and effective mitigation measures have been formulated where necessary. It continues that as a result, the mixed-use proposals at east Melksham would not result in any significant environmental harm. On the contrary it will, in some respects, enhance aspects of the environment associated with development and the surrounding area. It concludes by stating that the comprehensive assessment demonstrates how the proposed mixed-use scheme would bring about many significant improvements to the local environment.

Following the consultation process the applicants responded to the issues raised by submitting further information to the Environmental Statement and reduced the number of dwellings from 700 to 670. They also reduced the retail element on the site from 1,300 square metres to 870 square metres, and confined the Local Centre size to about 1 hectare. It is on the basis of these revisions that the application is to be considered.

The land at Clackers Brook East of Melksham Development Brief was adopted in October 2004.

The Flood Risk Assessment demonstrates that the flow control for each balancing pond would limit the discharge from the ponds to less than the corresponding natural greenfield run-off rate for all storm return periods up to a once in a hundred year event.

A Sustainability Checklist has been submitted with the application, which states that new jobs would be created and the Local Centre and School and new community facilities would be included and that the proposals are sustainable.

A contribution of £110,000 has been offered by the developers towards public art which would form part of the S106 agreement.

The site and surrounding area

The site is located immediately to the east of the town of Melksham adjoining the existing built-up area. It has an area of approximately 52 hectares and currently comprises of fields intersected by hedgerows, footpaths and bridleways, with the Clackers Brook flowing in an easterly direction through the southernmost portion of the site. The site is also intersected by Snarlton Lane and by a ribbon of residential development predominately on the southern side of Snarlton Lane.

Snarlton Farm is situated at the eastern end of Snarlton Lane and would, as a result of the proposals, be located to the east of the distributor road. Snarlton Farm and the development along Snarlton Lane is excluded from the development. A new access would be formed to Snarlton Farm from the distributor road and a turning head would be located at the eastern end of Snarlton Lane. No vehicular access is proposed from Snarlton Lane into the proposed development.

MELKSHAM WITHOUT PARISH COUNCIL

Following three public meetings, which were attended by large numbers of local residents, the Parish Council expressed the following concerns: -

It strongly objects to work commencing on the development east of Melksham without the development at Bowerhill being properly completed. The Parish Council requests assurance that for the East of Melksham Section 106 Agreement, all community gains finance will be index linked.

The Parish Council accepts the need for a distributor road to serve the application site but strongly opposes any attempts to use the development to provide part of a future A350 Melksham Eastern Bypass as a strategic through route to M4. Residential development should not be used to force major roads on local residents through back-door schemes. The Parish Council particularly objects to land being reserved for a dual carriageway within the development.

The existing social infrastructure is not sufficient to support this development. Melksham does not have enough doctors and dentists to serve the existing population. The night casualty unit at Melksham Hospital has been closed and the nearest major hospital, Bath RUH, cannot cope with existing demands.

The development includes a new primary school but no provision is made for secondary school needs. George Ward School is already full and under pressure. The new re-located Primary School needs to be put in place early on in the development process, otherwise parents moving into the estate will settle children in other schools around the area.

Melksham does not need the type of housing being offered by the development, which is too expensive for local people. It needs smaller affordable housing units to allow local young people to remain and give their skills to the local community. Large houses are unsustainable and Melksham will become a dormitory town.

Melksham also lacks the necessary employment to make the development sustainable.

In view of the already high levels of vandalism, some of which has originated from recent new estates, more Police officers are required for the Melksham area.

Melksham lacks adequate shops, entertainment and well-placed easily accessible car parks, to encourage people to use the town. The existing traffic controls in the town centre deter would-be shoppers, as there continual congestion and drivers have to queue before they can even park.

While the Council applauds the effort made by the developers to provide a transport plan but the details appear vague and there is no mention of linking in to Melksham Railway Station.

There should be a safe cycle route into the town centre and many of the so-called "committed routes" do not yet exist.

There is concern that the proposed pedestrian access between Snarlton Lane and the new development will encourage parking in the Lane, especially at school drop-off and pick-up times. The Council would expect to see a proper pedestrian bridge over the distributor road so that animals as well as humans can cross safely.

Open space allocation needs to be shared out around the estate and not just concentrated in one or two areas. The formal sports provision is sited next to the Foresters Park Play Area which has had serious drainage problems for years. A geological study needs to be done on this area as it is known to contain rising springs.

Due to the heavy Oxford Clay, the fields around Snarlton Lane are often waterlogged even in the summer. There is considerable concern that the existing sewage and drainage systems will not cope with more development.

All hedgerows and mature trees should be preserved, especially where they provide protection and security for existing communities. Existing meadows currently provide ideal habitats for deer, hares, buzzards, badgers as well as flora and fauna and the Council objects to the disparaging comments made in Environmental Statements that the landscape and wild life are "unremarkable". The Council recommends that developers ask Wiltshire Wildlife Trust to carry out an independent survey and advise on how best to conserve the area's rich natural heritage.

The Spa had a major impact upon the development of Melksham as a town and has many historic features. The Parish Council has pressed for a long time for it to be designated as a conservation area. Snarlton Lane is an ancient Drover's road and parts of it are at least 300 years old. Any new development near the Lane needs to be of lower density and care should be taken to ensure that housing design does not dwarf old cottages. Three or four storey dwellings, for example, would be totally out of character next to Snarlton Lane.

The Parish Council wants to see development which, rather than being a repeat of past mistakes, really does take on board new improved ideas for sustainable living, with people and community needs being given firm priority over traffic demands. The layout as presented is not reassuring.

In commenting on the Statement of Community Involvement the Parish Council's concerns were that it claims that there has been significant community involvement in the Clackers Brook project.

The Parish Council wish to emphasise that involvement is not just about contacting the community and finding out their views and wishes. It is also about delivering the appropriate benefits to serve the new development and ensure that social and community needs of future residents will be properly met.

Please note the Parish Council, as the tier of Local Government closest to the community, does actually represent the community.

MELKSHAM TOWN COUNCIL

The Town Council would like to be involved with developers regarding the preparation of the S106 agreement.

It is understood that the developers will actually provide the community gains but if not any monies provided under this agreement index linked.

A time limit should be placed on the developers to ensure that the community facilities would be provided when 40% of the houses have been built.

The additional 2 roundabouts is welcomed but a temporary traffic order should be introduced preventing building vehicles using Queensway.

The proposed new distributor road should not form part of a future dual carriageway.

There is a medical facility (including dentist provision) in the Development Brief but have concerns over the capacity of the existing surgeries.

George Ward School may not be able to cope with the extra children that could arise from this development.

A minimum of 30% of the new houses must be affordable housing.

The developers and the local community must work together to work out a programme of benefits that would bring community regeneration and funds for extensions to cycleways.

The principles of Safe and Secure by design must be adhered to throughout the site.

The extension of cycleways are welcomed and provision must be made for a comprehensive cycle network throughout the site compatible with pedestrian safety.

Councillors believe there should be a regular bus link between the new estate and the Town Centre and this could link in with the reintroduction of a Town Bus Service something the Town Council has long campaigned for.

The needs of cyclist, pedestrians and car users who must co-exist needs to be built into the designing footpaths that give the maximum safety to users.

The provision of recreational areas is welcomed and the Town Council would like the opportunity to work with the developer to enhance the existing Foresters Park Play area.

There are concerns that adequate infrastructure does not exist (e.g. Gas and Electricity) to cope with this new development.

Wiltshire Wildlife Trust & English Nature's recommendations must be implemented.

Taller properties should be sited in the centre of the development rather than next to existing properties particularly in Snarlton Lane. Sensitive landscaping would be provided which avoids the creation of unsafe hideaways, areas for anti social behaviour etc.

There should be a timetable for the development and clear communications between the interested parties.

HIGHWAY AUTHORITY

The application site does not include the whole of the site allocated in the adopted Local Plan for residential development and associated facilities. It does not include the western area which forms part of a separate application 04/02211/FUL and 05/00225/OUT.

The Transport Assessment has been prepared to include the whole of the allocated site comprising 750 dwellings to give a robust consideration of the highway effects of the development. It was prepared following a Scoping Study, and there have been subsequent discussions and negotiations with the highway authority on requirements for off-site mitigating measures and to encourage use of travel modes other than the car, and to include significant contributions towards public transport.

The proposed distributor road links A3102 at Sandridge Common to Snowberry Lane to the south. It meets the design criteria for the required design speed of 40mph. It will be the subject of detailed design and necessary Safety Audits in due course.

The highway authority considers that the allocated site should be served by only two points of access off A3102, one being the roundabout/distributor road and one other, being necessary to satisfy our second means of access requirements for areas of development for more than 100 dwellings.

The access position proposed under 04/02211/FUL is the preferred position from a highway point of view as it would give greater permeability for buses particularly. The Highway Authority has commented on that application that it meets technical design criteria.

Plans submitted for the current application include a second means of access, Junction 8, a simple priority junction, within its red-line frontage. A ghost-island junction onto Sandridge Common was required however and amended plans were submitted. Again, this could be achieved but whilst it is recognised that both applicants wish for their proposals to be standalone, clearly this should not be permitted under the above-mentioned requirements for limiting the number of accesses onto A3102.

It has been accepted by applicants of 04/01895/OUTES that their land be served off the distributor road with an emergency access only, via a widened footway/cycleway, onto Sandridge Common, and with the requirement that the internal estate road(s) be taken to the common boundary with the 'Wiltshire' land which would therefore apply to both sites within the allocation, with subsequent Agreements to tie the timing of the full link.

There is reference to Snarlton Lane in 04.2211/OUT. It is fully acknowledge that existing residents of Snarlton Lane do not wish to see such link, but to maintain the status quo.

There are no objections to the proposals subject to a legal agreement to secure.

1. A new Toucan crossing and shuttle-working on A3102 at Lowbourne.
2. Minor alterations to the Semington Road roundabout to improve the A3 northbound exit.
3. The provision of a pelican crossing and associated civil engineering works at the West Midlands Farmers roundabout, or alternative equivalent-value measures.

4. A contribution to the up-grading of traffic signals on A350 by the installation of MOVA.
5. A reasonable contribution to the replacement/additional road signage resulting from the re-routing of traffic created by the new road network .
6. The provision of new and up-graded cycleway and pedestrian facilities on Snowberry Lane.
7. A contribution of £25,000 towards consultation and any agreed consequent, appropriate measures on Snarlton Lane.
8. Contributions to public transport, - the developer shall pay to the County Council the sum of
 - a. £25,000 prior to the occupation of the first dwelling
 - b. A further £70,000 on the first anniversary of the first payment;
 - c. A further £25,000 on the second anniversary of the first payment;
 - d. A further £75,000 on the third anniversary of the first payment;
 - e. A further £40,000 on the fourth anniversary of the first payment.

The first year to comprise an on-demand taxi service for residents, and subsequent years to use reasonable endeavours to procure a time-tabled service linking the development with the town-centre.

9 The provision at no cost to the County Council of land adjacent to the distributor road to allow for future dualling.

10. Contribution of £5000 towards Orders and works on Cl55 at Lacock considered necessary following consultation with Lacock Parish Council.

All contributions to be index-linked, with the above reflecting the Heads of Terms for the SIO6 Agreement, and subsequent agreement on triggers for the contribution payments and works.

And subject to the following conditions-

1. The Distributor Road shall be completed prior to the occupation of 200 dwellings taking access from Sandridge Common Road or 150 dwellings taking access via Snowberry Lane whichever is the sooner.
2. The internal estate road(s) shall be completed up to the common boundary with The 'Wiltshire' Land to effect the necessary link prior to the occupation of 200 dwellings off A3102.
3. The provision of the emergency link onto A3102 shall be prior to the occupation of 1 00 Dwellings.

COUNTY EDUCATION

Salisbury Diocese and the local education authority are endeavouring to move the Forest & Sandridge School onto the site proposed by the developer, creating a 14 class school.

The following matters have been discussed and agreed in principle.

1. The trigger for the obligation to provide a contribution to one FE Primary School would not occur until the 201st unit on the development has been occupied. At this point the developer would be obliged to hand over a fully serviced site and to commit to funding the primary school.
2. In principle, the Diocese will take on the responsibility for procuring the school but the developer may wish to reserve the right to build the school to an agreed specification if necessary for the timely progress of the development of the site.
3. The details of the actual procurement of the school are still being discussed between the parties including any additional arrangements necessary for temporary classroom facilities.

There is the risk to the County Council and the Diocese that the developer could construct 200 units on the development and allow them to be occupied and this would not trigger the requirement to pay an education contribution. What the County Council does not want, however to do is to enable the developer to construct and allow that number of units to be occupied on the site without providing a fully serviced site to at least enable the Diocese to relocate its school on the development site in any event.

COUNTY ARCHAEOLOGIST

An Archaeological Evaluation has been undertaken.

It is recommended that archaeological excavation should be undertaken on the site prior to construction to ensure both the medieval and post-medieval material is fully recorded. Furthermore the geophysical survey identified features to the west in the area allocated for 'formal sports provision' and some form of archaeological work may be required here.

The following condition should therefore be placed on the application:

"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 policies contained within the Local Plan. The cost of the archaeological work will fall to the applicant.

WEST WILTSHIRE NHS PRIMARY CARE TRUST

Prior to the introduction of the new Personal Medical Services (PMS) and the General Medical Services (GMS) contracts for general practice (April 2004) the NHS used practice list size through which to determine the number of Doctors that would be funded in each practice.

In contrast the new types of contracts introduced (PMS & GMS) provide practices with the opportunity to employ other healthcare professionals (other than doctors) from their budgets to deliver services from the practice. These healthcare professionals include specialist nurses and therapists.

Because the rules have changed it is now a practice based decision in regards to the number of doctors they employ.

However, if list size were to be used as a measure, there would currently be enough doctors funded in Melksham to provide services to the population.

As for Dentists - the provision of NHS dentistry is a national problem. In Melksham, although there is no shortage of dental practices for Dentists, the availability of NHS dentistry has not been sufficient to meet demand. However, funding has been secured for one of the practices in Melksham to increase NHS registered patients by another 3,500 and the PCT will continue to work with dentists across the whole of West Wiltshire to improve NHS dentistry levels through the introduction of the new dental contract - which the PCT believes is more attractive to dentists than the contract that had been in place.

The proposal of 921 homes will, of course, have an impact on health services and the PCT have been able to determine that one of the practices in Melksham would be willing to register another 2,000 patients and a second surgery has expressed interest in expanding its current service. At this point the PCT is unable to determine exactly how many more GPs will be required to cover this growth in population but it is estimated to be in the region of two additional GPs.

While in the past funding for additional doctors or NHS dentists was triggered automatically by list size growth, any additional funding now required must be applied for through the Department of Health under "exceptional growth" for doctors, or through the new contract for dentists.

At present there are two vacancies for doctors at one of the practices in Melksham and the PCT understands that these vacancies have been advertised on a number of occasions but have yet to be filled. However, in general difficulty has not been experienced in recruiting GPs or dentists to the area.

SPORT ENGLAND

Sport England believes that sport has an important role in modern society and in creating balanced communities. Sport is high on the Government's national agenda as it cuts across a number of important issues, including health, social inclusion, regeneration and anti social behaviour. The importance of sport should be recognised as a key component of major new housing developments, and not considered in isolation.

Sport England is keen to ensure that the needs generated by the new development are provided for, in particular:

Playing Fields and Recreational Open Space

Provision should be made by the developer for changing facilities to meet the needs of users of the new pitches.

Youth Provision

The development may provide an opportunity to provide a skateboarding/BMX track, should there be a lack of any such provision in the area at present. If designed into the layout at an early stage, conflicts with other land uses could be avoided.

Indoor Sports Provision

There is, at present, no requirement for the development to contribute towards new or improved indoor sports facilities and no consideration has been given to the additional demand for indoor sports provision that the development will generate.

It is noted that Local Plan Policy H6 requires the provision of a new community building. It is suggested that it would be appropriate for the District Council to either require that the proposed on-site community hall is designed in such a way as to be able to accommodate sporting uses, or alternatively request a financial contribution from the developer towards enhancements of existing indoor sports provision in the area.

In the case of swimming pool provision, a financial contribution could be sought towards enhancements of an existing indoor pool provision in the area.

Housing Layout/Design

The concept of 'home zones' could be considered as an approach to providing safe streets for children's play.

The provision of a network of footpaths and cycleways should be an integral part of the development, to ensure that open spaces, schools, community facilities and employment areas are well connected in a way that will encourage more walking and cycling.

Good public transport links are in place between the development and major sports facilities in the town.

COUNTY AND STRATEGIC AND COUNTRYSIDE PLANNING MANAGER

The Strategic Planning Manager would also wish to see the following principles conditioned:

1. A Construction Environmental Management Plan (CEMP) that outlines procedures to prevent harm to habitats and species during construction and mechanisms and responsibilities for implementing the CEMP.
2. Mitigation for water voles ie management of the tributary of Clackers Brook and creation of raised banks next to the flood attenuation area.
3. Protection of retained hedgerows, the Clackers Brook corridor, mature trees (in accordance with BS 5387) and relict hay meadows to be retained during construction. Ideally the retained mature trees considered to be "landmark trees" would also be protected through Tree Preservation Orders.
4. Mitigation for otters ie tunnels/ledges to allow otters to travel along the Clackers Brook during flood conditions.
5. Mitigation for breeding birds ie no clearance of vegetation during the bird breeding season.

There will be no objection to an amendment on strategic planning grounds to restrict the proposals to a total of 870 square metres of gross retail floor space, providing that any permission is conditional so that no retail unit can be greater than 400 square metres gross floor space.

The condition is necessary to ensure that the proposal will function only as a local centre and will not be reliance on, or attracted to, a wider catchment area because this would be contrary to National Guidance and strategic and local planning policy.

ENGLISH NATURE

English Nature has no objection to this application subject to appropriate conditions which incorporate the mitigations outlined in the environmental statement paying particular attention to Water Voles.

English Nature endorse all enhancement schemes and in particular a buffer corridor of 20 metres either side of Clackers Brook.

SOUTH WEST OF ENGLAND REGIONAL DEVELOPMENT AGENCY

The SWRDA will support the application providing that it is considered by WWDC that the proposals will:

- Provide an acceptable level and balance of housing, community facilities and infrastructure commensurate to the role and function of Melksham, in order to reinforce the role of the market town.
- Promote the long term sustainable development of Melksham by relating the timing of development to the delivery of employment allocations, in order to help to achieve sustainable development that contributes towards self containment, and reduces car usage and out- commuting.
- Meet demonstrated housing need, including an appropriate level of affordable housing
- Help improve the quality of life in Melksham, including its economic performance, by linking key elements in the proposed master plan with Melksham town centre and other priorities recognised as important to reinforce the role of the market town.

Melksham is a market town within West Wiltshire and, whilst it is appreciated that additional development is likely to be required to support the vitality and viability of the town, it will be important to ensure that the level of development is appropriate to the role and function of Melksham within the sub-region and the region as a whole. Within the wider context of the town it is considered that an acceptable balance of housing (including appropriate level of affordable housing), employment, community facilities and infrastructure will need to be secured for Melksham, in order to ensure that the development is sustainable, and that the role and function of the town is enhanced in the future.

In order to ensure that the development enhances the economic future of Melksham and develops the role of the market town, it will be important to understand that role further. A Community Strategic Plan is being prepared for Melksham by Melksham First with help from the Market and Coastal Town Initiative (MCTI). This examines the role and function of Melksham and explores the development priorities that will be required for Melksham to enhance its role as a market town in the future. It will be important to ensure that the development proposed reinforces this role in order to ensure that the level, type and timing of the development will represent a sustainable and appropriate approach, complimenting the key priorities for Melksham, as a market town.

Work undertaken by the South West Regional Observatory, to review the travel to work data in the 2001 Census, reveals that out commuting to work from Melksham to the other West Wiltshire market towns is apparent. The figures show that 47% of people living in Melksham also work in Melksham. This indicates that Melksham could, through an appropriate balance and phasing of housing, employment and infrastructure provision, achieve better self-containment and a better quality of life for Melksham. This approach will help to achieve sustainable development that contributes towards self containment, and reduces car usage and out- commuting.

In accordance with Strategic Action 2.2 there will be a need to encourage higher proportions of social and affordable housing on all new developments. Therefore the provision of housing and affordable housing, at a level to meet demonstrated need, will be crucial.

It will be important to ensure that the masterplan proposed will help to reinforce the role of the town. Specifically it will be important to ensure that specific elements of the scheme, such as the community facilities, are appropriately located within the development so that they compliment as oppose to compete with existing facilities within the wider area. In addition appropriate linkages need to be made to the existing town centre of Melksham, the existing and proposed employment sites and other priorities recognised as important to reinforce the role of the market town in order to ensure that the development compliments other regeneration and development projects that are being pursued for the town.

WILTSHIRE WILDLIFE TRUST

No objection in principle but attention is drawn to the importance of maintaining wildlife corridors, the Clackers Brook Corridor, provision of a woodland buffer which the Trust would like to see managed principally for nature conservation and believes it could form a valuable part of a network of wildlife corridors, retention of hedgerows, and protection of protected species, especially water voles and otters. Linnet and skylark are present on the site, albeit at low distributions. The Trust asks for clarification as to the location of reptile corridor habitats and whether these areas will be affected by the development. If they are not to be maintained in their current state then opportunities for mitigation should be investigated.

There is potential for incorporation of environmental education and community engagement initiatives. The Trust previously suggested that such activities should be encouraged as an effective way of increasing appreciation of the natural environment. Experience elsewhere shows that such initiatives can pay valuable dividends in terms of quality of life and reducing antisocial behaviour.

Plans for Public Open Space require much better clarity. The Trust is concerned that the allocation of open spaces should reflect the needs of people and wildlife, rather than simply focusing on land unsuitable for development, and should be based around a meaningful framework. Given the difficulties of interpreting the illustrative plans it is not currently clear that this is the case.

The Trust is pleased to note the inclusion of design objectives that consider the need to reduce the environmental impact of the development. An unspecified number of houses are to be built in accordance with Very Good BREEAM standards. The Trust urges the Council most strongly to require 100% of the houses to reach this standard in view of the very real threat of climate change for biodiversity at a local and global level. Any new developments of this scale should utilise the best available sustainable technologies as one of the most sensible and effective ways to contribute to a reduction in greenhouse gas emissions.

The Trust welcomes the intention to employ Sustainable Urban Drainage Systems (SUDS) within the development. However the Environmental Statement appears to deal with SUDS only in respect of drainage and flood risk. SUDS should take account of the impacts of all stages of water use, employing measures to reduce demand for water abstraction, promote efficiency of domestic use and return water to the environment with minimal impact. For example rainwater harvesting could be used as part of a grey water system to augment supply for certain appliances thereby reducing the demand for drinking quality water. The use of permeable surfaces in driveways and other large areas of hard surface would allow water to return to the ground and reduce the volume of surface water runoff. The Trust feels that much greater attention needs to be given to the consideration of a truly sustainable system.

With respect to the details provided the Trust questions the use of a piped surface water system and dry balancing ponds. Open grassy swales would allow for loss of water by evaporation and gradual percolation of water into the soil. The benefit of this is both a reduction in volume of water passing through the system and the cleaning of water before it reaches water bodies or underground water stores.

The intention to develop a full management plan "with nature conservation interests integrated into the overall management of the whole site" is most commendable and the Trust would be happy to provide recommendations, and technical advice, in order to help achieve this. A Section 106 agreement should be considered to fund the cost of such management.

Before any change in management of grassland north of Snarlton Lane, and adjacent compartments, further survey work will need to be carried out to augment survey work carried out for the Environmental Statement which was conducted early in the season and may have missed important later flowering plants. The Trust would be pleased to comment further on appropriate sources of seed and nature of management regimes.

The Trust is concerned that there may be impacts on wildlife by creating a 'throttle' and re-profiling of ground upstream of the site to retain and store flood flows and would expect appropriate ecological assessment to be carried out before any further decisions are made in this respect.

ENVIRONMENT AGENCY

The Environment Agency has no objection in principle subject to the inclusion of conditions.

WESSEX WATER

No objection in principle.

Wessex Water recommend that for both foul and storm drainage the developer must agree details and points of connection with Wessex Water prior to both the submission by the developers and before any commencement of any works on site. Future submissions should provide clarification with regards to ownership of various storm water systems.

It is recommended that the developer contact the development engineer at Wessex Water at the earliest opportunity to discuss the possibilities of drainage adoption in line with Government protocol.

HOUSING OFFICER

There is 30% at nil subsidy requirement for affordable housing from this site. there is a high demonstrable need for housing in Melksham.

The Council's preferred approach to securing affordable housing is for the transfer at no cost of appropriate quantity of land serviced by the developer to a Registered Social Landlord selected by the Council and the transfer of a commuted sum covering the bill costs of the units by the developer to the Council. The affordable housing to be provided in perpetuity.

LANDSCAPE OFFICER

No objection in principle subject to the provision of a commuted sum for the future maintenance of public open space.

ECONOMIC DEVELOPMENT

No objections.

TECHNICAL SERVICES

No objection to the proposals detailed. The main water courses affected by the development are controlled by the Environment Agency and will require land drainage consent.

COUNCIL FOR THE PROTECTION OF RURAL ENGLAND

It would prefer a development which has fewer cul-de-sacs and at least one more road linking into Snarlton Lane. The CPRE objects to the distributor being treated as a potential by-pass for Melksham.

It is aware that it is referred to as such in the Local Plan but it is likely to be withdrawn from the Structure Plan since the Bristol and Bath South Coast Routes Study Report stated that the A350 is not a strategic route, no funding for any major upgrading of this road is likely in the foreseeable future. Furthermore, there are strategic guidelines for funding of any road scheme costing over £5,000,000 and it seems to the CPRE that an A350 by-pass from Melksham is unlikely to qualify for any funding under these guidelines. Bearing all this mind, West Wiltshire District Council could gain by revising its policy on an eastern bypass from Melksham and rethinking the road layout for this development.

MELKSHAM TOWN TRUST

Melksham Town Trust objects to the planning application on the grounds that: -

The outline plan should not include reference to a Melksham eastern bypass, the safeguarding for a route for an eastern bypass was removed by the Inspector dealing with the District Plan in 2003.

The proposal has not fully considered the environmental impact on Clackers Brook.

The proposal has not indicated how public transport will be able to serve the residential area other than by the use of the distributor road. Public transport should be able to circulate within the development.

OPEN SPACES SOCIETY

Is concerned that there are a number of rights of way on the site and the proposals do not show how the rights of way are to be integrated into the development.

This raises the question whether the applicant is seeking full planning permission for the distributor road. If this is the case then a formal objection is raised on the grounds that no provision has been made to accommodate rights of way. There is strong opposition to any of the rights of way being re-routed along the distributor road.

PUBLICITY

The application has been publicised by site notice and press advertisement and the adjoining neighbours have been notified.

A letter has been received from the Spa Countryside Protection Group which lists the names and addresses of the associates of the group, of which there are 21 names of people who reside at the Spa, Melksham and nearby. Their objections are on the grounds of encroachment of housing and associated development onto land in open countryside where new development should not be permitted, and the encroachment of potential high traffic volume road onto land which is similarly protected. This land was formally identified as a rural buffer.

A letter has been received from a Planning Consultant acting on behalf of another major housing provider objecting to the proposals on the basis of the strategic urban extension to Melksham being an unsustainable location for the level of development proposed having regard to the spatial strategy of Regional Planning Guidance Note 10 and the emerging Wiltshire Structure Plan. In summary, he states that Melksham is identified as a settlement that is appropriate for limited development and the proposal cannot be regarded as limited in scale in terms of the number of dwellings or in the level of infrastructure required to facilitate development. If de-allocation of housing site is to be made following the EIP Panels Report on the emerging structure plan then the land east of Melksham should be held back and more priority be given to more sustainable sites principally in Trowbridge. The proposals would adversely impact on the natural environment, would not make prudent use of resources, would impose disproportional costs in terms of nature conservation and other environmental impacts, and would not provide access to other facilities without reliance on the car.

A letter has been received from a consultant acting on behalf of the applicant for a proposed new access junction leading into the adjoining land. He states that it is important that a clear steer is made to confirm the highway authority's preference for this alternative highway access arrangement which offers a significant benefit over the proposals currently under consideration.

9 letters of objection have been received from the occupiers of neighbouring dwellings. The objections are on the following grounds: -

- Substantial population increase
- Destruction of a small market town
- The town would become a commuter town and dormitory for elsewhere
- Lack of existing facilities in the town to sustain this level of development
- Lack of employment facilities in the town
- Lack of secondary education facilities in the town
- Insufficient provision for doctor's surgeries and dentists
- Additional housing is unnecessary
- A road and school are offered in return for destruction of the countryside
- Loss of peaceful environment
- Loss of fields and historic meadows
- Loss of wildlife particularly Newts, wild birds, Water Voles
- Loss of quality of life
- Loss of fields, boundaries, hedgerows, trees and meadow flowers
- Destruction of character of the area
- Urbanisation
- Loss of amenity to existing residents
- Loss of peaceful environment
- Loss of blackberry hedges
- Loss of privacy and security
- Loss of countryside, Drovers Roads and footpaths and bridleways for walkers and recreation
- Loss of valuable area on the edge of town for walking dogs and for pets and animals to roam
- Snarlton Lane residents would be at a disadvantage by vehicles parking and delivery children to school and because access to the countryside beyond the bypass would be impeded
- There should be pedestrian bridges and underpasses to allow existing local residents access to fields beyond the bypass
- Trees and hedgerows must be retained
- Character of any new housing must be in character with the area

- Potential for noise nuisance from increased number of households and additional traffic particularly construction traffic and construction noise during the course of the development
- Lack of infrastructure to accommodate this large number of new houses
- Increase in traffic and busier roads
- Impact on road safety
- Nuisance from additional traffic and pollution from fumes
- Potential for structural damage
- The proposed distributor road would ultimately become a bypass for Melksham linking into other main roads
- Potential for flooding in an area already prone for flooding
- Poor consultation.

RELEVANT PLANNING HISTORY

04/02211/FUL - Ghost Island right turn junction to provide access to future residential development - Pending

05/00225/OUT - Residential development - Pending

05/01256/FUL - Duplicate of 04/02211/FUL - Pending

PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 Town and main settlements

DP7 Housing in towns and main settlements

West Wiltshire District Plan - 1st Alteration 2004

H1B	Phasing
H2	Affordable Housing
H6	Land east of Melksham
H24	New housing design
C1	The countryside
C7	Protected species
C9	Rivers
C14	Archaeology
C15	Archaeology
C16	Archaeology
C31A	Design
C32	Landscaping
C33	Recycling
C34A	Resources
C35	Light pollution
C36	Noise
C37	Contamination
C40	Tree planting
R1	Recreational space
R3	Dual use of educational land
R4	Open space and new housing developments
R5	Recreation land
R8	Green space networks/Country Parks
T4	New distributor roads
T9	Bus services
T10	Parking
T12	Footpaths and bridleways
T11	Cycleways
S2	Primary schools
SP6	Local shopping in towns and villages
CF1	Community facilities
CF5	New community building east of Melksham
U1	Infrastructure
U2	Surface water disposal
U3	Flood risk
I1	Resources
I2	The Arts
I3	Disabled access

Land at East Melksham Development Brief

PPS1 Delivering sustainable development
PPG3 Housing
PPG13 Transportation

PLANNING OFFICER'S COMMENTS

The key issues relating to this application are Development Plan policy which identifies this as a future housing allocation, sustainability, transportation, ecology, recreation and landscaping.

Development Plan Policy

The site is located within an area identified within the West Wiltshire District Plan - 1st Alteration 2004 as a strategic housing allocation. It forms part of an overall site which includes a triangle of land to the west which is not included as part of this application for a total of 750 dwellings together with associated facilities and infrastructure.

The Inspector who assessed the site at the District Plan Local Inquiry considered that "it is a well related urban extension and it is therefore entirely suitable for housing development".

Although the recent Structure Plan Panel Report has recommended to the County Council that there should be a reduction in the future housing supply in West Wiltshire, the County Council has suggested that this reduction could be achieved through the de-allocation of housing sites at Trowbridge, Westbury and Warminster and not at Melksham. The County Council has yet to decide how to take forward the Panel Report as the Structure Plan is not scheduled to be adopted until spring 2005.

The site is allocated for delivery in Phase 2 of the District Plan period, with housing completion to be delivered post April 2006. However, the District Plan recognises the long lead-in time for the strategic sites and it is therefore considered that an outline application at this stage would not be premature.

The outline application relates to the majority of the allocated housing site H6. However, part of the allocated site have not been included with this application and the major policy issue to be addressed is how and when this land will come forward and what the mechanism will be to ensure that it contributes fairly and reasonably to the social infrastructure required of the development. It is considered that this can be achieved by securing Legal Agreements. The District Plan provides for a comprehensive redevelopment at any permission on this major parcel and should not prejudice the delivery of development on the smaller parcels. Conversely, the development of these smaller parcels should not be allowed to come forward without contributing to the social infrastructure. An application for a residential development 05/00225/OUT will be considered later on this agenda.

The H6 policy requirement for this development seeks to ensure that the overall development would be for 750 dwellings. The application currently under consideration is for development is for 670 new dwellings. This was revised from a figure of 700 dwellings as originally submitted. This would enable a development of 80 dwellings to be built on land outside the land covered by the current application but within the overall allocation of 750 dwellings on a total area of 3.5 hectares.

The application has been made in outline form all matters reserved for subsequent approval except for the means of access which includes the design of the distributor road. The Highway Authority has no objection subject to conditions.

The Development Brief for the site was adopted in 2004 following the submission of the planning application and the proposal would appear to be generally in accordance with the Development Brief.

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 and to the distributor road. Matters of detail will be the subject of subsequent applications for Approval of Reserved Matters. All other 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.

The Development Brief requires that the site will comprise 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 community provided a broad range of accommodation to meet the requirements of the community. The proposal would provide for 30% affordable housing and this would be secured through the Legal Agreement.

The Development Brief also requires that the proposals should reflect local distinctiveness, create a sense of place and community, and create an urban form containing a range of densities from high through medium to low. It also requires that the development should be divided into distinct neighbourhood character areas each with its own distinctive character. These matters will also be considered when the detailed plans are submitted as part of any subsequent applications.

The principle of the proposals is therefore in accordance with the Council's Adopted Plan Policy and Supplementary Planning Guidance which includes the Land at Clackers Brook, East of Melksham Development Brief.

Notwithstanding the Parish Council's objections to work commencing on this site prior to Bowerhill being completed, every application is considered on its merits, and the site at Bowerhill is not a material consideration in determining this application.

The Parish Council raises concerns about potential for vandalism, but any future applications either for full planning permission or approval of reserved matters will be expected to be in accordance with Secured by Design.

The Town Council has expressed concerns about the height and design of the proposed houses but since only the principle of development is being considered at this stage, the height and design is not a material consideration and will be considered when subsequent detailed proposals are submitted.

Although there have been objections from the public with regard to the development of this site for housing, this is a site that has been allocated within the Development Plan. There was wide public consultation prior to the site being allocated within the Development Plan and this was supported in the subsequent public local enquiry. Furthermore there has been wide consultation with regard to the current planning application and the Developers and Parish Council have held public meetings. Despite reservations on behalf of the community it is considered that there has been adequate consultation and this is clearly outlined in the Developers Statement of Community Involvement.

When the allocation of this site was considered at the Public Local Inquiry into the Emerging Local Plan the Planning Inspector had full regard to the provisions of Planning Policy Guidance Note 3 - Housing within the West Wiltshire context.

Highways and Transportation

The development would deliver a distributor road with a design speed of 30 miles per hour to provide a link between Sandridge Common Road and the north end of Snowberry Lane providing a distributor road route between Sandridge Common and the Spa. The Development Brief requires that this section of the distributor road should be designed so that at a future date it could be upgraded to form an eastern bypass which would be in accordance with Council policy. The Development Brief also requires that the proposals should provide a route between Sandridge Common and Spa Road for public transport.

Concerns have been expressed about the potential for this distributor road to become part of a link between the A36, the M4 and M5. This is not the case, although in the future it may be upgraded to form an eastern bypass and will connect into Snowberry Lane which has already been constructed to distributor road standards. The road has been designed so as to minimise impact on existing adjacent residential properties and care taken on the crossings on Snarlton Lane where land levels vary and existing residential roads connect to the distributor road network.

Details of landscaping, noise mitigation and lighting on and adjacent to the carriageway can be the subject of planning conditions.

The Highway Authority has no objection to the proposals subject to the necessary legal agreements and conditions.

A separate application for an additional access into the development will be considered later in this agenda, and is clearly a stand alone application that will be considered on its own merits. The Highway Authority wishes to ensure that the number of access points onto the A3102 highway are limited. It has been accepted by the applicants of the current application that their land be served off the distributor road with an emergency access only. This can be secured by way of legal agreement.

The existing public footpaths and bridleways would be retained and enhanced by provision for linkages into existing networks outside the site. It is unlikely that Snarlton Lane would be used as a parking/drop-off area during school pick-up times as much closer links are proposed to the school, together with vehicle access elsewhere.

It is inevitable that the proposals would result in an increase in traffic, but the provision of the distributor road would mitigate against further traffic being taken through existing residential areas. There would be no direct vehicular access into Snarlton Lane.

Ecology

The application is accompanied by an Environmental Statement in which the section on ecology and nature conservation identifies that there was little use of the majority of the site by Bats, although they were observed in the Clackers Brook and Snarlton Lane areas. It is likely that the use of these areas is for foraging and as a corridor habitat and there was no evidence of Bat roosting.

No evidence of Badgers was observed, nor of Great Crested or other Newt species, although one pond just outside the application site supported breeding frogs and a small population of Smooth Newts. No evidence of Otters was found, nor White Clawed Crayfish, but there was evidence of Water Voles and a total of 31 bird species was observed to be associated with the site.

The Environmental Statement includes mitigation measures and these are supported by English Nature. Although the Wiltshire Wildlife Trust has requested additional information and more detailed layouts this is an outline application and this information would form part of a subsequent landscaping scheme and can be controlled by condition.

The Environmental Statement identifies hedgerows within the site as being well managed and being composed of mixed species and that mature trees are rare within the site. It is proposed that where possible existing hedgerows would be retained and that some tree management would be required. Mitigation for the loss of sections of hedgerows would take the form of tree and shrub planting.

Details of landscaping particularly with regard to tree planting and hedgerows would form part of any detailed application following the granting of the outline permission.

Provision of Primary School, Sport and Recreation

A new Primary School is proposed as part of the application within the application site and this is supported by the Local Education Authority.

Also included within the application are sports and recreational facilities and an area each side of the Clackers Brook as a linear Countryside Park.

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.

The provision of sport pitches and public open space would be in accordance with the Council's Supplementary Planning Guidance.

Although there has been some concern within the community that the George Ward School, which is the Secondary School for Melksham is at capacity, the Education Authority has no objection to these proposals and does not require a financial contribution towards the provision of secondary education.

Landscaping

The Council's Landscape Officer had no objection to the proposals subject to the provision of an appropriate commuted sum for the provision and future maintenance of public open space. It is proposed that trees would be retained as part of the development together with the important mature hedgerows, which would ensure a landscape setting for the development. A landscape buffer is proposed on the eastern edge of the development, which would soften the edge of the development and soften the transition between the edge of town and the distributor road and countryside beyond. Additional landscaping and tree planting can be secured by condition together with tree and hedgerow protection measures.

Drainage and Flood Mitigation Measures

The developer has confirmed that the proposals would be expected to comply with the Best Practices of Sustainable Urban Principles. The proposal would require a new foul sewer connection to the existing sewer network, and this is acceptable in principle.

There is no objection in principle from Wessex Water to the proposals, nor from the Environment Agency subject to appropriate conditions and informatives.

Other Considerations

Concerns are expressed about the inadequate social infrastructure and lack of a Health Centre, including Doctors and Dentist Surgeries as part of this application.

It is considered that the proposals would provide adequate social infrastructure by way of the provision of School, Community Centre, sports facilities and retail provision with the possibility of a doctor's or dental surgery as part of the local centre provision. There is an existing Health Centre at Snowberry Lane, which has only recently been built, and a new Primary School together with 30% affordable housing is proposed as part of the development currently under consideration.

It is clear from the response from the Primary Care Trust that there are currently sufficient doctors to provide services to the people of Melksham and there is no shortage of dental practices in the town, although there is a national shortage of NHS dentists, and there are currently two vacancies for doctors. However, whilst the PCT acknowledges that the additional houses will have an impact on health services, it does not foresee difficulty in recruiting additional GPs or dentists in the area, although clearly predictions of future need can only be estimated.

The issue of current and future NHS healthcare provision should not be used as a reason to further delay a decision on this application. Whilst it is a material consideration the Strategic Health Authority was consulted as part of the consultation exercise into the adoption of the 1st Alteration to the West Wiltshire District Plan and had no objections. A requirement for additional provision or funding does not form part of the relevant Council policy for this site.

There has been expansion of employment facilities in recent years at Bowerhill and Hampton Park and this is continuing and there are good public transport links to Melksham, employment facilities, the Secondary School and surrounding towns.

Recycling facilities are proposed and would be located within the local centre and these can be secured by planning obligations.

One issue that has not been resolved is that this application is separate from an application for residential development on land which forms part of the overall Development Brief but is in a separate ownership from the Consortium who submitted the application currently under consideration. However, the approval of this application does not preclude development of the adjoining land, but it is essential in view of this, that the Section 106 obligations which apply to the current application should also apply to the developer of the adjoining land.

CONCLUSION

This is strategic site approved through the Development Plan and Development Brief. The proposals will result in a comprehensive development even though the application is in outline form and therefore only seeks permission for the principle for the development, with the exception of the proposed access and distributor road for which details have been submitted as part of this application.

The proposals are in accordance with Development Plan policy and Development Brief and details of the proposals will be the subject of further applications for reserved matters.

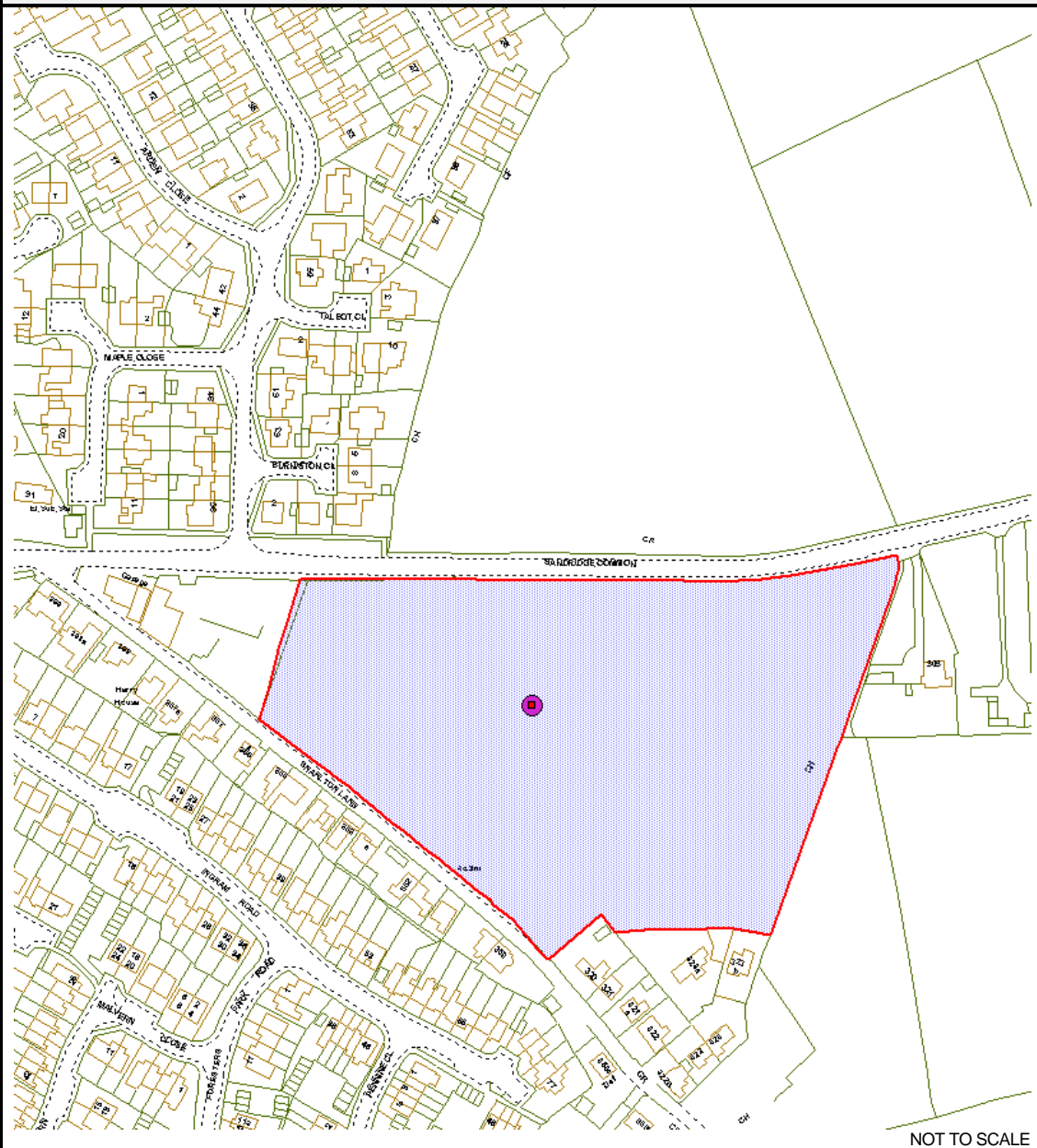
PLANNING COMMITTEE

8 September 2005

ITEM NO: 02

APPLICATION NO: 05/00225/OUT

LOCATION: Land South Of Sandridge Common Melksham Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 05/00225/OUT

Site Address: Land South Of Sandridge Common Melksham Wiltshire

Parish: Melksham (Town)
Melksham Without

Ward: Melksham Woodrow
Melksham Without

Grid Reference 391698 164165

Application Type: Outline Plan

Development: Residential development

Applicant Details: United Land Aquisitions Limited
127 High Street Wootton Bassett Swindon SN4 7AY

Agent Details: DPDS Consulting Group
Old Bank House 5 Devizes Road Old Town Swindon SN1 4BJ

Case Officer: Mrs Rosie MacGregor

Date Received: 09.02.2005

Expiry Date: 11.05.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

That the application be referred to the First Secretary of State under the terms of the Greenfield Directive as it forms part of the overall strategic housing allocation at H6. The First Secretary of State to be advised that the Council has resolved to grant permission subject to conditions and to the prior completion of a legal agreement(s) to secure the following in accordance with the Development Brief and Master Plan:

- (a) 30% affordable housing;**
- (b) Provision of public open space and maintenance contributions;**
- (c) A financial contribution towards the provision of a community hall, playing fields and changing room;**
- (d) A financial contribution to the provision of a primary school;**
- (e) Contribution for public arts;**
- (f) Financial contribution towards a distributor road, together with highway alterations and improvements, contributions to public transport and traffic regulations orders;**
- (g) Provision of new and upgraded cycleways and footpaths;**
- (h) Provision of bus stops and shelters;**
- (i) Provision of Green Travel Plan;**
- (j) Provision of surface water attenuation.**

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 be begun either before the expiration of five 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 to be approved, whichever is the later.

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

- 4 The development hereby approved shall be carried out in accordance with the principles of the approved Development Brief dated October 2004 unless otherwise approved in writing by the Local Planning Authority.

REASON: In order to ensure the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H6.

- 5 The number of dwellings to be constructed pursuant to this permission shall be no more than 85 dwelling units.

REASON: In order to comply with the Development Plan.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H6.

- 6 No new dwelling shall be occupied prior to April 2006.

REASON: In order to comply with the Development Plan.

- 7 A tree and hedge survey of the whole site shall be submitted to and approved in writing by the Local Planning Authority, including any trees which overhang the site from neighbouring land. The survey shall include a schedule detailing the position, species, height, canopy spread and condition of all the trees, and shall specify which of the trees are to be retained and incorporated into a landscaping scheme as part of the development, and what work is to be carried out to the trees in the interests of good forestry practice.

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

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

- 8 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.

- 9 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 out side 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.

- 10 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.

- 11 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.

- 12 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.

- 13 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

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

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

- 14 The proposed estate. roads, footways, verges, junctions, street lighting, sewers, drains, retaining walls, services routes, surface water outfall, margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 15 The internal estate road(s) shall be completed up to the common boundary of the land, which is the subject of application number 04/01895/OUTES to effect the necessary link within the allocated site prior to the occupation of 50 dwellings.
- REASON: To ensure that there is suitable linkage to adjoining land in the interests of sustainability.
- 16 The distributor road shall be completed prior to the occupation of 50 dwellings taking access via Sandridge Road.
- REASON: To ensure that the site is satisfactorily served by the required highway infrastructure.
- 17 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.
- REASON: To ensure there is no risk of flooding.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.
- 18 No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- REASON: To ensure there is no risk of flooding.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U3.
- 19 No materials shall be burnt on site at any time during the building and construction works.
- REASON: In order to minimise nuisance.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 20 Building and construction work on the development hereby permitted shall not take place outside 07.30 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 C36.
- 21 Any facilities for the storage of oils, fuels or chemicals 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.
- 22 The development shall not be occupied until works for the disposal of sewage have been provided on site, 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.

- 23 Details of any balancing ponds shall be submitted to and approved by the Local Planning Authority, and the scheme constructed in accordance with the approved details prior to the first occupation of any building of the development.

REASON: In the interests of flood prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U3.

- 24 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.

- 25 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.

- 26 Prior to the commencement of any work on site, details of a wheel washing facility shall be submitted to and approved in writing by the Local Planning Authority. Such a facility shall be located on the site at a convenient point to the access from Sandridge Road and shall be retained throughout the period of construction.

REASON: To ensure that materials from the site are not deposited on public roads.

- 27 Before work starts on site, detailed plans of the parking and servicing areas for the construction compound, deliveries and personnel, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority. The land shall be restored to its former condition once construction work has been completed.

REASON: In order to ensure that an adequate area for parking and/or servicing is available during the construction phase and in the interests of highway safety.

- 28 No work shall commence on site until the Local Planning Authority has agreed with the developer an arrangement for establishing the site name and local direction signing, both temporary and permanent.

REASON: In order to avoid confusion for those requiring access to the site, and to ensure that a comprehensive arrangement of local destinations is established at the outset of development.

- 29 There shall be no direct vehicular access into Snarlton Lane from the development hereby approved.

REASON: In the interest of highway safety and the proper planning of the area.

Note(s) to Applicant:

- 1 The applicant is advised that there are species in the vicinity which are protected under the Wildlife and Countryside Act 1981 and you should contact English Nature and the Wiltshire Wildlife Trust before and during construction.
- 2 All reasonable steps, including damping down site roads, should be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by the Planning Committee at its meeting on 13 July 2005 to enable it to be considered as part of the overall strategic housing allocation at H6.

This application is brought to Committee because the Parish Council objects to the proposals contrary to your officer's recommendation.

This is an outline planning application for a residential development on land to the south of Sandridge Common and to the east of Melksham.

All matters are reserved and these reserved matters will be the subject of a subsequent application, or applications, for approval of reserved matters.

The site is shown on the illustrative master plan which forms part of the Land East of Melksham Development Brief as a medium and low density residential development.

A supporting statement has been submitted with the application which states that the site forms the northwestern corner of the land allocated for development within the Clackers Brook Development Brief. It continues that the proposed residential development would comply with the objectives set out in the Development Brief, as well as complying with Structure and Local Plan policies. It would include the development of approximately 90 dwellings, of which up to 30% would be affordable in line with Policy H2 of the West Wiltshire District Plan - 1st Alteration 2004 and Development Brief objectives.

The statement continues that the environmental assessment carried out by the developers of the adjacent site, relating to their outline planning application for 700 dwellings, incorporates this area of land and indicates that the site is entirely suitable for residential development and contains no major constraints.

The site is located immediately to the east of the town of Melksham adjoining the built up area. It is an area of relatively flat grassland, with few, if any distinguishing features, bounded to the north by Sandridge Common and to the southwest by Snarlton Lane. A commercial garage is situated on a corner site immediately to the west and there are open fields and small groups of housing to the east and southeast. Immediately to the southwest is a ribbon of residential development on the south side of Snarlton Lane.

The site has an area of approximately 3 hectares and currently comprises a large field bounded by fences and native hedgerows.

The application has been revised as part of the planning process to reduce the area of the site at the western corner. This is because the red line boundary had initially been incorrectly drawn and included an area of land in the ownership of the adjoining garage to the west of the site.

MELKSHAM WITHOUT PARISH COUNCIL

The Parish Council objects in principle to the number of houses being proposed in the outline planning application which is almost twice the number allocated for this site (50 originally allocated). Such dense development adjacent to the old established drover's road of Snarlton Lane, is inappropriate. 90 units comprises gross overdevelopment of the site. It would result in 40 extra units over and above the number agreed in the adopted District Plan.

The Parish Council require assurance that a legally binding Section 106 Agreement will be imposed for this site, to ensure the applicant has to contribute to overall planning benefits for the whole Clackers Brook development, including proportional funding for open space, education, social housing etc.

MELKSHAM TOWN COUNCIL

The Town Council objects to this application on the grounds that there is not enough detail on the principles of this outline planning permission.

More information is needed on the following points before any application could be considered for approval:

- No road development is shown and there is serious concern that access may be from Snarlton Lane. The Council objects to any access from Snarlton Lane to this development.
- There is no flood analysis.
- 90 homes would exceed the total stated in the District Plan for the development to the east of Melksham

- There is no utilities impact study.
- There is no information about improved access for Pedestrians/Cyclists.
- There is no mention of including the principles of Secured by Design.
- No house types shown eg. the Council would not be in favour of 3 storey houses overlooking Snarlton Lane.
- No outline design brief suggesting that properties would be in keeping with Melksham architecturally.
- No details are provided of landscaping/protection of hedgerow provided.
- There is no information on Affordable Housing and the fact that 30% should be on site.
- There is no mention of contributions via 106 agreement - what contribution will there be regarding community facilities, recreational amenities and education?
- There is no highways study on the impact on the estate of the new Distributor Road and the junction with Sandridge Road.

HIGHWAY AUTHORITY

The submitted Site Plan includes within the application site at its western end the parcel of land abutting the garage premises, is this correct as that plot has been the subject of separate enquiries?

The application site lies within the site allocated in the adopted West Wiltshire Local Plan First Alteration for residential development and associated facilities. This sets out the requirements and provisions that have to be met to serve the residential development, that is the whole of the allocated site.

A satisfactory junction can be accommodated within the available frontage and indicate that the second means of access off Sandridge Road should be via this application site and not the land which is the subject of application number 04/01895/OUTES.

The Transport Assessment submitted as part of the Environmental Assessment did consider for robustness the highway implications for the whole of the allocated site.

No separate transport information is submitted, and as a standalone application it is taken therefore that the conclusions of that TA are accepted and acceptable to the applicant, including an equitable contribution to all the provisions and mitigating measures required. If this is not the case then highway reasons for refusal would be forthcoming.

There is on that basis no objection subject to a Legal Agreement to secure on a pro rata basis the requirements set-out as part of that application and which should include all clauses except one which is not within the applicant's control. The following conditions should also apply -

1 The proposed estate roads, footways, verges, junctions, street-lighting, sewers, drains, retaining walls, services routes, surface water outfall, margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

2 The internal estate road(s) shall be completed up to the common boundary of the 'Consortium' land 04/01895/OUTES to effect the necessary link within the allocated site prior to the occupation of 50 dwellings.

Reason: To ensure that there is suitable linkage to adjoining land in the interests of Sustainability

3 The Distributor Road shall be completed prior to the occupation of 50 dwellings taking access via Sandridge Road.

Reason: To ensure that the site is satisfactorily served by the required highway infrastructure.

COUNTY PLANNING AUTHORITY

No strategic comments to make regarding this application.

COUNTY ARCHAEOLOGIST

Nothing of archaeological interest is likely to be affected by the proposal and there is no objection.

HOUSING OFFICER

The requirements for this site will be 30% affordable housing on a non-subsidy basis delivered by a registered social landlord. The affordable housing will be in perpetuity and the mix based on need is 30% one-bed (46 square metres), 60% two-bed (76 square metres) and 10% three-bed (86 square metres).

The overwhelming need is for rented accommodation on site.

WESSEX WATER

No objection in principle.

ENVIRONMENT AGENCY

No objection in principle subject to conditions.

ENGLISH NATURE

No objection to this specific site.

PUBLICITY

The application has been publicised by site notice and press advertisement and the adjoining neighbours have been notified.

A letter has been received from the Snarlton Lane Action Group whose objections are on the grounds that there should be no vehicular access to Snarlton Lane from the proposed estate.

They continue that since a distributor road would bisect a green lane, it is felt that the underpass should be provided to allow horses and riders to access green lane and footpaths on the other side without having to cross what will be a very busy road.

Concern is also expressed by them about the use of the lane by parents taking their children to the new school. There are already parking problems for residents of Snarlton Lane. The lane should be for the use of Snarlton Lane residents only and existing businesses and traffic calming measures should be introduced.

Concern is similarly expressed about flooding and drainage and the effects of the development on this, together with the effects of the development on wildlife generally.

The Snarlton Lane Action Group emphasises that the nature of the houses should be in keeping with the character of Snarlton Lane, notably in terms of height and appearance and that a wide buffer zone should be provided between the new development and existing houses.

A letter has been received from a solicitor acting on behalf of an adjoining owner drawing attention to the fact that the red line boundary has been incorrectly drawn to include land outside the applicant's ownership.

Seven letters of objection have been received from the occupiers of neighbouring dwellings. These objections are on the following grounds:

- Loss of natural hedgerows
- Highway safety
- There should be no vehicular access into Snarlton Lane
- There are already parking problems and access problems into Snarlton Lane for existing road users
- Too many houses are proposed
- Harm to the countryside and character of the area, loss of amenity to local residents
- Snarlton Lane will be used as a shortcut to the new school
- It is unfair that this has been submitted as a separate application as the current applicants should be prepared to contribute to the costs of the public amenity facilities on the adjoining development
- Snarlton Lane is part of the heritage of Melksham and an ancient drove road being the town's natural boundary.

RELEVANT PLANNING HISTORY

04/01895/OUTES - Comprehensive mixed use urban extension - Pending

04/02211/FUL - Ghost island right turn junction to provide access for future residential development - Pending

05/01256/FUL - Duplicate to above 04/02211/FUL - Pending

PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 Town and main settlements

DP7 Housing in towns and main settlements

West Wiltshire District Plan - 1st Alteration 2004

H1B Phasing

H2 Affordable Housing

H6 Land east of Melksham

H24 New housing design

C1 The countryside

C7 Protected species

C9 Rivers

C14 Archaeology

C15 Archaeology

C16 Archaeology

C31A Design

C32 Landscaping

C33 Recycling

C34A Resources

C35 Light pollution

C36 Noise

C37 Contamination

C40 Tree planting

R1 Recreational space

R3 Dual use of educational land

R4 Open space and new housing developments

R5 Recreation land

R8 Green space networks/Country Parks

T4 New distributor roads

T9 Bus services

T10 Parking

T12 Footpaths and bridleways

T11 Cycleways

S2 Primary schools

SP6 Local shopping in towns and villages

CF1 Community facilities

CF5 New community building east of Melksham

U1 Infrastructure

U2 Surface water disposal

U3 Flood risk

I1 Resources

I2 The Arts

I3 Disabled access

Land at East Melksham Development Brief

PPS1 Delivering sustainable development

PPG3 Housing

PPG13 Transportation

PLANNING OFFICER'S COMMENTS

The key issues relating to this application are the Development Plan policy which identifies this land as part of a future housing allocation, sustainability, transportation, ecology, recreation, and landscaping.

Development Plan Policy

The site is allocated within the West Wiltshire District Plan - 1st Alteration 2004 as part of a strategic housing allocation.

The Inspector who assessed the site at the District Plan Local Inquiry considered that "it is a well related urban extension and it is therefore entirely suitable for housing development".

Although the recent Structure Plan Panel report has recommended to the County Council that there should be a reduction in the future housing supply in West Wiltshire, the County Council has suggested that this reduction could be achieved through the de-allocation of housing sites in Trowbridge, Westbury and Warminster and not in Melksham.

The site is allocated for delivery in Phase 2 of the District Plan period, with housing completion to be delivered after April 2006. However, the District Plan recognises the long lead-in time for the strategic sites and it is therefore considered that an outline application at this stage would not be premature.

This outline application relates to a relatively small area of the allocated housing site at H6 within the Development Plan. The major policy issues to be addressed here are how and when the land will come forward and what mechanism will ensure that this site contributes fairly and reasonably to the social infrastructure required of the development as a whole.

It is considered that this can be achieved by securing legal agreements. The District Plan provides for a comprehensive redevelopment but this should not prejudice the delivery of the development on smaller parcels. Conversely, the development of a smaller parcel should not be allowed to come forward without contributing to the social infrastructure on the strategic housing allocation as a whole.

The Development Brief for the whole site was adopted in 2004 and the proposal would appear to be generally in accordance with the Development Brief.

The Development Brief requires that the site will comprise a mix of housing type and sizes including an element of affordable housing in accordance with the Council's policy. The aim being to achieve a mixed and balanced community providing a broad range of accommodation to meet the requirements of the community. The proposal would require 30% affordable housing provision and this can be secured through a legal agreement.

The Development Brief also requires that proposals should reflect local distinctiveness, create a sense of place and community and create an urban form containing a range of densities with the density for this site being medium to low. It also requires that the development of the housing allocation should be divided into distinct neighbourhood character areas, each with its own distinctive character. This can be considered when the detailed plans are submitted as part of any subsequent application or applications.

The principle of the proposal is therefore in accordance with the Council's Adopted Plan policy and Supplementary Planning Guidance which includes the Land at Clackers Brook East of Melksham Development Brief.

This application has been made in outline form and all matters are reserved for subsequent approval.

The design of the proposed dwellings and their layout will be considered at a detailed design stage and the current application only relates to the principle of development.

Matters of detail will be the subject of subsequent applications for approval of reserved matters and all other 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.

Despite the Parish Council's concerns about the overall density, the proposals are consistent with Development Plan policy. The Adopted Plan policy allows for a development of about 750 dwellings. 670 houses are proposed on the adjoining site and the applicant has suggested this site could accommodate 90 dwellings. However, on a pro rata basis relating to average densities no more than 85 would be acceptable. It is considered appropriate that a condition is attached to any permission if granted that the number of dwellings should be restricted to a maximum of 85 houses in order to meet the requirements of the Development Brief.

The Town Council's concerns relating to the design of the development will be addressed when detailed proposals are submitted.

Although local residents have expressed concerns about the loss of this open area of fields and potential harm to the countryside, this site is allocated for housing within the Development Plan and there was wide public consultation prior to the site being allocated for housing which was supported in the subsequent Public Local Inquiry.

Highways and Transportation

The adjoining site would deliver a distributor road and the Highway Authority has no objection to the proposals subject to a legal agreement to secure contributions on a pro rata basis. The Highway Authority has also requested conditions which would secure the necessary highway infrastructure.

The Highway Authority on the parallel application for the major portion of the H6 housing allocation has sought to ensure that the number of access points onto the A3102 highway are limited. In the event of planning permission being granted for the access into the site currently under consideration, a legal agreement would ensure that there is only one access into the H6 housing allocation from the Sandridge Common.

The views of the Highway Authority are supported.

Concern has been expressed about the public footpaths and bridleways and access into the surrounding countryside by local residents. The existing public footpaths and bridleways would be retained and enhanced by provision of linkages into the existing network outside the site. The detail of how this would be achieved would be the subject of the detailed submissions.

Concerns have also been expressed that Snarlton Lane could become a parking/drop off area during school pick up times, but since much closer links are proposed to the school proposed within the Development Brief, it is unlikely that parents would use Snarlton Lane as a vehicular access.

There would be no direct vehicular access into Snarlton Lane from the proposed development and none is shown in the outline plan, but a condition to prevent this could be imposed on any planning permission if granted, and this could form part of the planning obligations forming the legal agreement.

Ecology

The application for the adjoining strategic site was accompanied by an environmental statement which did not identify any specific concerns relating to this site and English Nature has no objection to the proposals. However, conditions requiring the retention of hedgerows and detailed boundary treatments should be imposed, together with standard landscaping conditions.

Provision of Primary School, Sport and Recreation

A new primary school is proposed as part of the strategic allocation, together with sports and recreation facilities and it is considered that a contribution towards the costs of these should form part of a legal agreement with the developer in order to ensure that there is a comprehensive development of the whole strategic site and that infrastructure and other facilities required by the Development Brief are provided on a pro rata basis.

Drainage and Flood Mitigation

The Environment Agency has no objection in principle to the development of this site for residential use but has requested conditions which are considered reasonable and necessary.

There is no objection in principle from Wessex Water to the proposals.

CONCLUSION

This is part of a strategic site approved through the Development Plan and Development Brief and the proposal to develop this land for residential use will result in a comprehensive development overall, even though the application is in outline form.

The proposals are in accordance with the Development Plan policy and Development Brief and details of the proposals will be the subject of further applications for reserved matters.

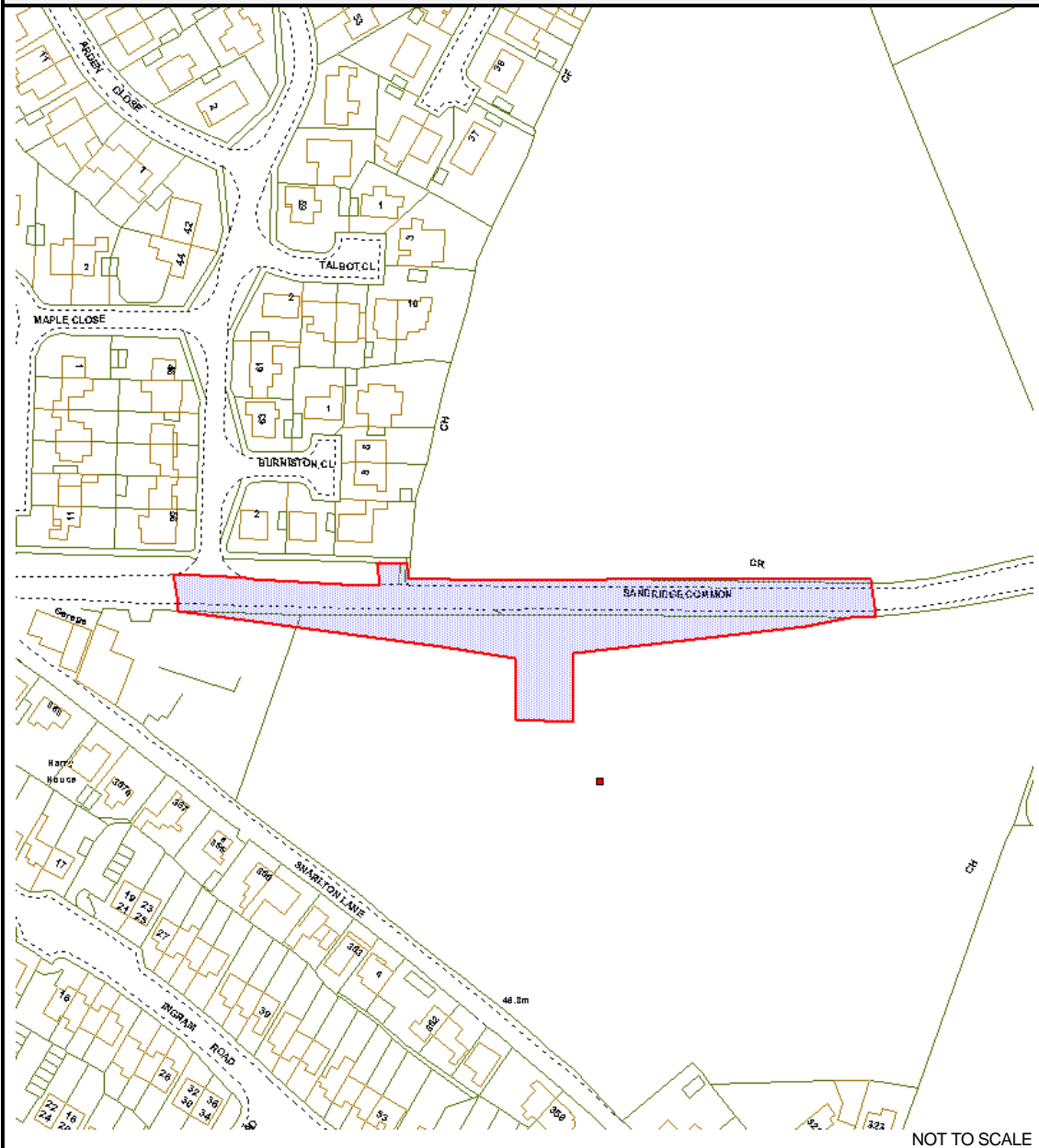
PLANNING COMMITTEE

8 September 2005

ITEM NO: 03

APPLICATION NO: 04/02211/FUL

LOCATION: Land South Of Sandridge Common Melksham Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 04/02211/FUL

Site Address: Land South Of Sandridge Common Melksham Wiltshire

Parish:	Melksham (Town) Melksham Without	Ward:	Melksham Woodrow Melksham Without
Grid Reference	391698 164165		
Application Type:	Full Plan		
Development:	Ghost island right turn junction to provide access to future residential development		
Applicant Details:	Mr J Wiltshire C/o Cole Easdon Consultants York House Edison Park Dorcan Way Swindon		
Agent Details:	Anthony Setter Cole Easdon Consultants York House Edison Park Dorcan Way Swindon		
Case Officer:	Mrs Rosie MacGregor		
Date Received:	22.11.2004	Expiry Date:	17.01.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

That planning permission be granted at a later date in the event of the Development Control Manager being satisfied that the First Secretary of State remits the applications (ref. 04/01895/OUTES & 05/00225/OUT) for residential development on the adjoining land to the Council for a decision and following the completion of a legal agreement/agreements to secure the following:

1) Provision of a financial contribution towards a distributor road, together with highway alterations/improvements, public transport, traffic regulations order, provision of new and upgraded cycleways and footpaths, provision of bus stops and shelters and provision of a green travel plan.

2) The developer shall not undertake any work to implement this permission until the developments permitted under references 04/01895/OUTES and 05/00225/OUT have been commenced.

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 The proposal hereby granted permission refers only to the access and junction details to the A3102, shown within the red edged area on the approved plans and not for any other highway works shown as illustrative on the same plans.

REASON: In order to define the permission and in the interest of highway safety.

- 3 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.

Note(s) to Applicant:

- 1 The applicant is advised that there are species in the vicinity which are protected under the Wildlife & Countryside Act 1981 and the developer should contact English Nature and the Wiltshire Wildlife Trust before and during the construction.
- 2 Notwithstanding the indicative layout submitted with the application, the applicant is advised that there shall be no direct vehicular access into Snarlton Lane.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by the Planning Committee at its meeting on 13 July 2005 to enable it to be considered as part of the overall strategic housing allocation at H6.

This application is brought to Committee because it is part of the strategic development for Melksham, the Parish Council objects contrary to your officer's recommendation, and at Councillor Rosier's request.

This is a full planning application for a new traffic island, together with a right turn junction, which would provide access into a future residential development which is the subject of the two separate planning applications also reported to this Committee.

It is proposed that a T-junction with a turning lane would be formed on Sandridge Common which is the main road running from Melksham towards Bromham. The site to which the T-junction would provide an access is situated to the south of Sandridge Common on the eastern boundary of the town of Melksham, within the parish of Melksham Without. The proposals includes the removal of part of the hedgerow which forms the field boundary adjoining Sandridge Common in order to facilitate visibility. An area would then be kept clear for visibility purposes and a 2m wide footway leading into the proposed development would tie into the existing footway on this side of Sandridge Common.

The speed limit on this stretch of road is currently 60mph and it is proposed that the speed limit would be reduced to 30mph for a length of 500m east along Sandridge Common. Provision is made for road signage within the application.

The applicant's agent with regard to the suggested Heads of Agreement state that any financial contribution towards public transport etc., to serve the future development should relate to any subsequent planning approval for the development land in question. It is inappropriate to have a condition relating to the access which is only a means of servicing such future development. Any financial contributions will need to relate directly to any subsequent approval for development.

The agents continue that the implementation and use of the said access can only be programmed with respect to the development land that it will eventually serve. Its programme for implementation and use cannot relate to land it will not serve.

The agents are of the view this application could be considered in isolation.

The applicants endeavoured to submit an appeal against non-determination which was rejected by the Planning Inspectorate as it was out of time. It therefore remains with the Local Authority to determine in the absence of any further instructions from the applicant.

MELKSHAM WITHOUT PARISH COUNCIL

Strongly objects to this application which forms part of the East of Melksham Development, because:

- The applicant has not participated in any recent Policy Meetings for this development or made any contact with the Parish Council.

- There is no evidence of any finance being offered towards a much-needed community benefits which are needed overall in such a large development. Hallam Land Management Limited is negotiating planning gains, including a school, sports facilities open space etc. Since this application comprises a proportion of the larger development, the applicant should be required to contribute pro rata towards the community benefits. There needs to be co-ordination between developers to prevent it becoming an isolated development with a separate Section 106 Agreement. The Council wants to be informed of what is being put in the Section 106 Agreement prior to any outline permissions being granted for access roads etc.
- The Parish Council feels a roundabout would be safer and more appropriate than a ghost island at this location. The junction to Churchill Avenue is close by and this could be improved at the same time, under the Section 106 Agreement.
- Residents in Snarlton Lane have emphasised that they do not wish to be linked to the new development and therefore all such references to a link should be removed.
- Where possible all mature hedgerows and trees should be retained. Where they have to be removed for road access works, they should be replanted to match the same density and plant variety, as soon as possible. It is important that no hedgerows are removed during the Spring nesting period.

MELKSHAM TOWN COUNCIL

No objection.

HIGHWAY AUTHORITY

Plans submitted by the East Melksham Consortium [ref. W04.1895], Land north-east of Snowberry Lane, provides for the distributor road off a roundabout on A3102 (Junction 7) to the east of this application site, with a second means of access (Junction 8) to the west of the roundabout. It is considered that there should be only two points of access off A3102 to serve the overall development, one being the roundabout/distributor road and one other.

The access proposed under this application is the preferred position from a highway point of view, as it would give greater permeability for buses particularly, thereby better serving a larger part of the development.

It was intended that W04.1895 would also include a ghost-island junction onto Sandridge Common within its red-line frontage. This could be achieved but as both applicants wish for their proposals to be standalone, clearly this should not be permitted under the above-mentioned requirements for limiting the number of accesses onto A3102. The adjoining development has accepted that their land be served off the distributor road with an emergency access only, via a widened footway/cycleway, onto Sandridge Common and that the internal estate road(s) be taken to the common boundary with the 'Wiltshire' land.

The TA submitted under W04.1895 included the development of the adjoining land for robustness and for establishing off-site works and contributions.

The appropriate speed limit(s) to be placed on Sandridge Common west of the proposed roundabout will be dictated by the character of development fronting A3102, which currently is not known. The junction layout shows the appropriate junction visibility splays.

This application is solely for access and there is no objection in technical layout terms but any permission granted should be subject to a Grampian condition that it cannot be implemented until full planning permission has been granted for the residential development it is to serve.

WESSEX WATER

No objection.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified. Nine letters of objection have been received to the proposals and one of these is a letter containing 13 signatories.

The objections are on the following grounds:

- The proposals would be contrary to the Development Brief which does not show a connection at this point.
- Impact on highway safety.
- Likely to result in an access in Snarlton Lane which would end up as a cul-de-sac off the new development.
- There should be no vehicular access at this point.
- Harm to the character of Snarlton Lane.
- Loss of open countryside.
- Loss of amenity to existing residents of Snarlton Lane.

RELEVANT PLANNING HISTORY

04/01895/OUT - Comprehensive mixed use urban extension east of Melksham - Pending

05/00225/OUT - Residential development - Pending

05/01256/FUL - Duplicate of 04/02211/FUL - Pending

PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 Towns and main settlements

DP7 Housing in towns and main settlements

West Wiltshire District Plan - 1st Alteration 2004

H1B Phasing

H6 Land east of Melksham

C1 The countryside

C32 Landscaping

T4 New distributor roads

U1 Infrastructure

U2 Surface water disposal

Land East of Melksham Development Brief

PPS1 - Delivery Sustainable Development

PPG13 - Transportation

PLANNING OFFICER'S COMMENTS

The key issues relating to this application are the development plan policy, the Land at Clackers Brook Development Brief, transportation and highway safety.

This proposal seeks to create a highway access onto a parcel of land that forms part of the land allocated as east of Melksham under Policy H6. The proposal seeks to provide access off the A3102 Sandridge Road onto the site which forms part of the H6 housing allocation, and which is the subject of a comprehensive development brief.

This proposal does not conform to the Development Brief, which shows, for illustrative purposes, an access off the Sandridge Road to the east of the proposal site. Although the precise siting of the secondary access is not set out in the Development Brief, the Development Brief states that it will serve the northern half of the H6 development.

However, the Highway Authority is supportive of the current proposal as it takes the view that this is a preferable location in terms of highway safety for the proposed second access into the H6 development. The Highway Authority have indicated that the applicants for the adjoining land accept that their land could be served by an emergency access off the proposed distributor road.

The Highway Authority has suggested that a Grampian condition be attached to any permission granted to ensure that the proposals cannot be implemented until full planning permission has been granted for the residential development it is to serve. This is considered appropriate in the circumstances. Furthermore, that the proposals should be the subject of a legal agreement to secure the appropriate contributions to the provision of the distributor road, highway alterations/improvements, road traffic regulations, public transport and other related matters.

Concerns have been expressed by the local residents that the proposal would result in an access into Snarlton Lane. This access is shown as an indicative line on the plans but is outside the red line boundary for the site and does not therefore form part of this application for consideration at this stage. Local residents are also concerned about the impact of the proposals on the character of the area and loss of countryside. The adjoining site to which the access would form part, is an existing housing allocation and is well related to the existing town to which it would form an urban extension. Part of the existing hedgerow would be lost to form the proposed access but this relates to a short length which is immediately adjoining the busy main road and would not have a significant impact on the character of the area.

The Parish Council is concerned is that adequate financing towards community benefits should be provided as part of this application. This is more appropriate to be considered as part of the residential development at Land South of Sandridge Common.

Despite the applicant's agent's concerns the proposed access under consideration would be one of two vehicular access points leading into the proposed overall development. It therefore relates directly to the overall development of land allocated under Policy H6 East of Melksham. It would not be reasonable to consider it in isolation as it relates so closely to the future development of the strategic site as a whole. It is reasonable in these circumstances that financial contributions should be made on a pro-rata basis in order to secure the necessary highway infrastructure for the development as a whole to which it is intrinsically linked.

It is anticipated that the proposed access would be programmed to coincide with the adjacent housing development which it would serve. The alternative would be the approval of a new access leading nowhere.

CONCLUSIONS

The proposal would not have an adverse effect on highway safety and although it does not conform to the indicative layout within the Development Brief, there are no policy objections to the proposals.

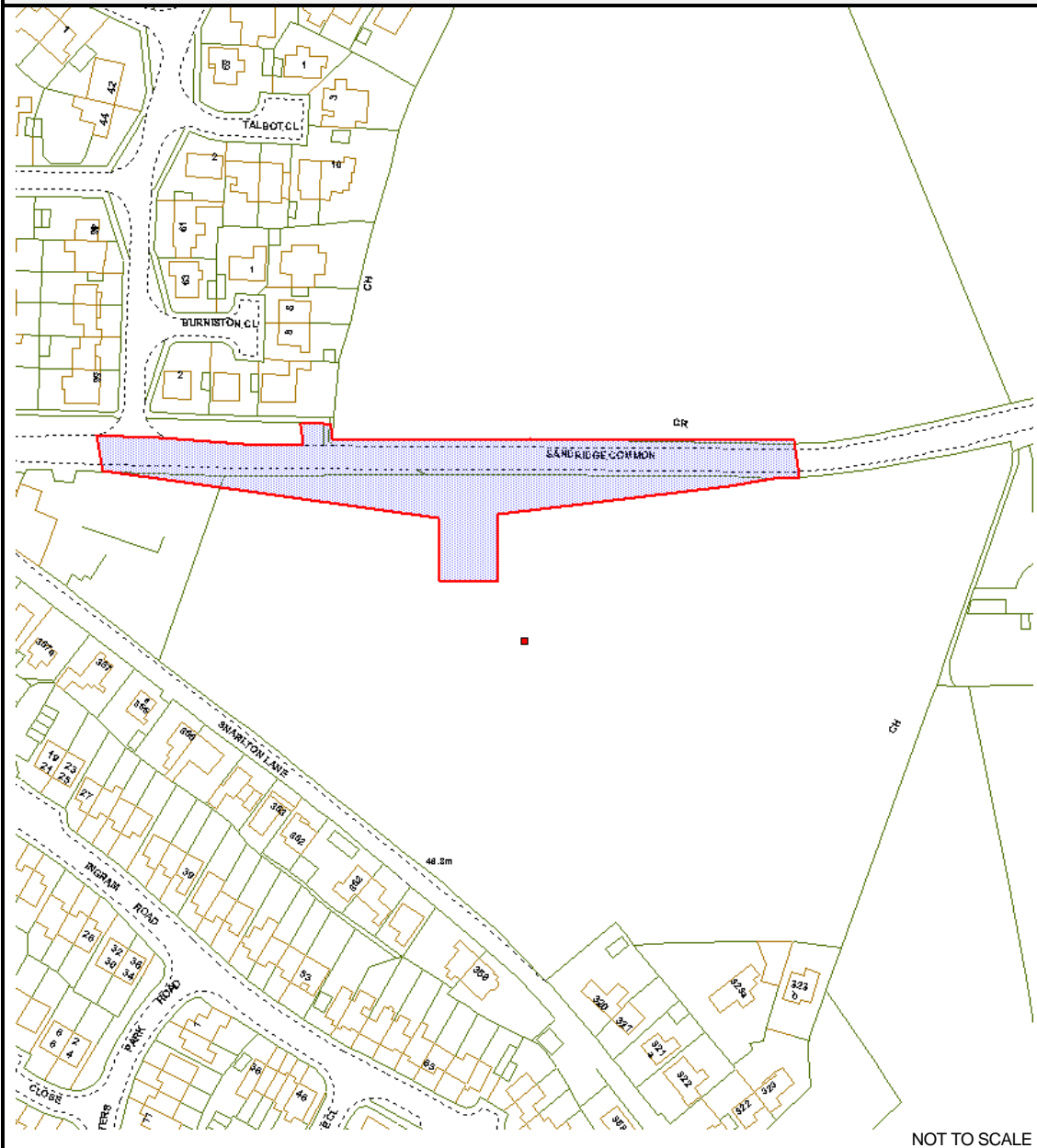
PLANNING COMMITTEE

8 September 2005

ITEM NO: 04

APPLICATION NO: 05/01256/FUL

LOCATION: Land South Of Sandridge Common Melksham Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 05/01256/FUL

Site Address: Land South Of Sandridge Common Melksham Wiltshire

Parish:	Melksham (Town) Melksham Without	Ward:	Melksham Woodrow
Grid Reference	391698 164165		
Application Type:	Full Plan		
Development:	Ghost island right turn junction to provide access to future residential development		
Applicant Details:	John Wiltshire 505 Lemington Road Melksham Wiltshire SN12 6DX		
Agent Details:	Anthony Setter Cole Easdon Consultants York House, Edison Park Dorcan Way, Swindon Wilts SN3 3RB		
Case Officer:	Mrs Rosie MacGregor		
Date Received:	23.06.2005	Expiry Date:	18.08.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

That planning permission be granted at a later date in the event of the Development Control Manager being satisfied that the First Secretary of State remits the applications (ref. 04/01895/OUTES & 05/00225/OUT) for residential development on the adjoining land to the Council for a decision and following the completion of a legal agreement/agreements to secure the following:

1) Provision of a financial contribution towards a distributor road, together with highway alterations/improvements, public transport, traffic regulations order, provision of new and upgraded cycleways and footpaths, provision of bus stops and shelters and provision of a green travel plan.

2) The developer shall not undertake any work to implement this permission until the developments permitted under reference 04/01895/OUTES & 05/00225/OUT have been commenced.

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 The proposal hereby granted permission refers only to the access and junction details to the A3102, shown within the red edged area on the approved plans and not for any other highway works shown as illustrative on the same plans.

REASON: In order to define the permission and in the interest of highway safety.

- 3 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.

Note(s) to Applicant:

- 1 The applicant is advised that there are species in the vicinity which are protected under the Wildlife & Countryside Act 1981 and the developer should contact English Nature and the Wiltshire Wildlife Trust before and during the construction.
- 2 Notwithstanding the indicative layout submitted with the application, the applicant is advised that there shall be no direct vehicular access into Snarlton Lane.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it is part of the strategic development for Melksham, the Parish Council objects contrary to your officer's recommendation, and at Councillor Rosier's request.

This is a full planning application for a new traffic island, together with a right turn junction, which would provide access into a future residential development which is the subject of the two separate planning applications also reported to this Committee.

This application is identical to 04/02211 which was the subject of the previous agenda item.

It is proposed that a T-junction with a turning lane would be formed on Sandridge Common which is the main road running from Melksham towards Bromham. The site to which the T-junction would provide an access is situated to the south of Sandridge Common on the eastern boundary of the town of Melksham, within the parish of Melksham Without. The proposals includes the removal of part of the hedgerow which forms the field boundary adjoining Sandridge Common in order to facilitate visibility. An area would then be kept clear for visibility purposes and a 2m wide footway leading into the proposed development would tie into the existing footway on this side of Sandridge Common.

The speed limit on this stretch of road is currently 60mph and it is proposed that the speed limit would be reduced to 30mph for a length of 500m east along Sandridge Common. Provision is made for road signage within the application.

The applicant's agent with regard to the previous application referred to the Heads of Agreement and stated that any financial contribution towards public transport etc., to serve the future development should relate to any subsequent planning approval for the development land in question. It is inappropriate to have a condition relating to the access which is only a means of servicing such future development. Any financial contributions will need to relate directly to any subsequent approval for development.

The agents continued that the implementation and use of the said access can only be programmed with respect to the development land that it will eventually serve. Its programme for implementation and use cannot relate to land it will not serve.

MELKSHAM WITHOUT PARISH COUNCIL

No response.

MELKSHAM TOWN COUNCIL

In objecting to this application the Council agreed to submit the following concerns to West Wiltshire District Council and to the Highways Department, Wiltshire County Council:

- In the view of the Town Council there are too many junctions planned in a relatively short distance and that more "joined up thinking is needed" regarding the highway issues.

- Safety issues for children walking to school.
- Health provision.

HIGHWAY AUTHORITY

Plans submitted by the East Melksham Consortium [ref. W04.1895], Land north-east of Snowberry Lane, provides for the distributor road off a roundabout on A3102 (Junction 7) to the east of this application site, with a second means of access (Junction 8) to the west of the roundabout. It is considered that there should be only two points of access off A3102 to serve the overall development, one being the roundabout/distributor road and one other.

The access proposed under this application is the preferred position from a highway point of view, as it would give greater permeability for buses particularly, thereby better serving a larger part of the development.

It was intended that W04.1895 would also include a ghost-island junction onto Sandridge Common within its red-line frontage. This could be achieved but as both applicants wish for their proposals to be standalone, clearly this should not be permitted under the above-mentioned requirements for limiting the number of accesses onto A3102. The adjoining development has accepted that their land be served off the distributor road with an emergency access only, via a widened footway/cycleway, onto Sandridge Common and that the internal estate road(s) be taken to the common boundary with the 'Wiltshire' land.

The TA submitted under W04.1895 included the development of the adjoining land for robustness and for establishing off-site works and contributions.

The appropriate speed limit(s) to be placed on Sandridge Common west of the proposed roundabout will be dictated by the character of development fronting A3102, which currently is not known. The junction layout shows the appropriate junction visibility splays.

This application is solely for access and there is no objection in technical layout terms but any permission granted should be subject to a Grampian condition that it cannot be implemented until full planning permission has been granted for the residential development it is to serve.

WESSEX WATER

No objection.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified. Two letters of objection have been received to the proposals.

The objections are on the following grounds:

- It provides access into an unwanted and un-necessary development on pasture land and will add to traffic volume and congestion and provide another potentially dangerous junction.
- Impact on highway safety.
- The proposals would be contrary to the Development Brief which does not show a connection at this point.
- Likely to result in an access in Snarlton Lane which would end up as a cul-de-sac off the new development.
- There should be no vehicular access at this point.
- Harm to the character of Snarlton Lane.
- Loss of open countryside.
- Loss of amenity to existing residents of Snarlton Lane.

RELEVANT PLANNING HISTORY

04/01895/OUT - Comprehensive mixed use urban extension east of Melksham - Pending

05/00225/OUT - Residential development - Pending

04/02211/FUL - Duplicate of 05/01256/FUL - Pending

PLANNING POLICY

Wiltshire Structure Plan 2011

DP4 Towns and main settlements

DP7 Housing in towns and main settlements

West Wiltshire District Plan - 1st Alteration 2004

H1B Phasing

H6 Land east of Melksham

C1 The countryside

C32 Landscaping

T4 New distributor roads

U1 Infrastructure

U2 Surface water disposal

Land East of Melksham Development Brief

PPS1 - Delivery Sustainable Development

PPG13 - Transportation

PLANNING OFFICER'S COMMENTS

The key issues relating to this application are the development plan policy, the Land at Clackers Brook Development Brief, transportation and highway safety.

This proposal seeks to create a highway access onto a parcel of land that forms part of the land allocated as east of Melksham under Policy H6. The proposal seeks to provide access off the A3102 Sandridge Road onto the site which forms part of the H6 housing allocation, and which is the subject of a comprehensive development brief.

This proposal does not conform to the Development Brief, which shows, for illustrative purposes, an access off the Sandridge Road to the east of the proposal site. Although the precise siting of the secondary access is not set out in the Development Brief, the Development Brief states that it will serve the northern half of the H6 development.

However, the Highway Authority is supportive of the current proposal as it takes the view that this is a preferable location in terms of highway safety for the proposed second access into the H6 development. The Highway Authority have indicated that the applicants for the adjoining land accept that their land could be served by an emergency access off the proposed distributor road.

The Highway Authority has suggested that a Grampian condition be attached to any permission granted to ensure that the proposals cannot be implemented until full planning permission has been granted for the residential development it is to serve. This is considered appropriate in the circumstances. Furthermore, that the proposals should be the subject of a legal agreement to secure the appropriate contributions to the provision of the distributor road, highway alterations/improvements, road traffic regulations, public transport and other related matters.

Concerns have been expressed by the local residents that the proposal would result in an access into Snarlton Lane. This access is shown as an indicative line on the plans but is outside the red line boundary for the site and does not therefore form part of this application for consideration at this stage. Local residents are also concerned about the impact of the proposals on the character of the area and loss of countryside. The adjoining site to which the access would form part, is an existing housing allocation and is well related to the existing town to which it would form an urban extension. Part of the existing hedgerow would be lost to form the proposed access but this relates to a short length which is immediately adjoining the busy main road and would not have a significant impact on the character of the area.

The Parish Council is concerned is that adequate financing towards community benefits should be provided as part of this application. This is more appropriate to be considered as part of the residential development at Land South of Sandridge Common.

Despite the applicant's agent's concerns the proposed access under consideration would be one of two vehicular access points leading into the proposed overall development. It therefore relates directly to the overall development of land allocated under Policy H6 East of Melksham. It would not be reasonable to consider it in isolation as it relates so closely to the future development of the strategic site as a whole. It is reasonable in these circumstances that financial contributions should be made on a pro-rata basis in order to secure the necessary highway infrastructure for the development as a whole.

It is anticipated that the proposed access would be programmed to coincide with the adjacent housing development which it would serve. The alternative would be the approval of a new access leading nowhere.

CONCLUSIONS

The proposal would not have an adverse effect on highway safety and although it does not conform to the indicative layout within the Development Brief, there are no policy objections to the proposals.

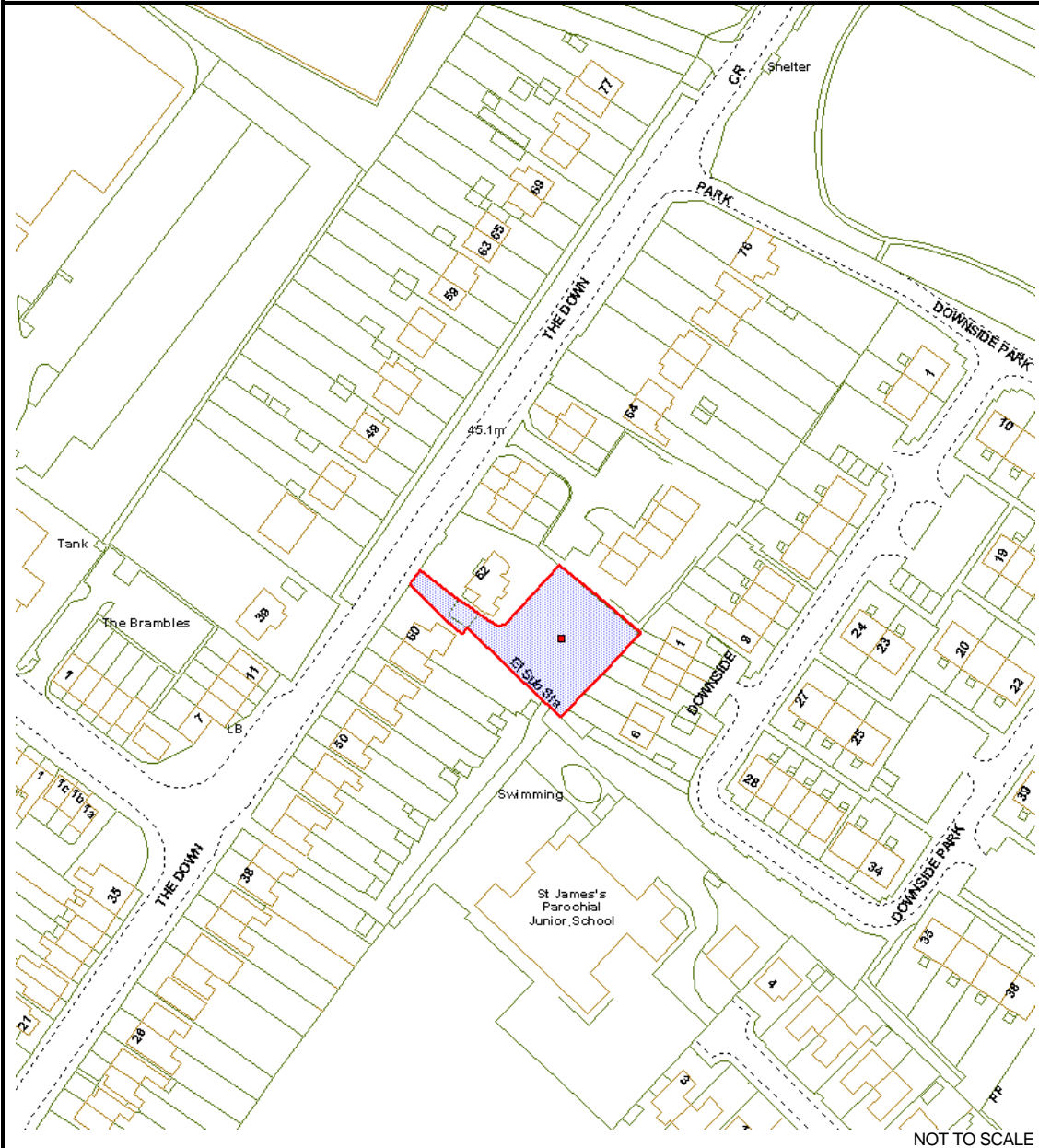
PLANNING COMMITTEE

8 September 2005

ITEM NO: 05

APPLICATION NO: 05/01196/OUT

LOCATION: Land Rear Of 62 The Down Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 05/01196/OUT

Site Address: Land Rear Of 62 The Down Trowbridge Wiltshire

Parish: Trowbridge Ward: Adcroft
Grid Reference 386024 158888
Application Type: Outline Plan
Development: Outline application for up to four dwellings (all matters reserved)
Applicant Details: Mr And Mrs J Davidson
62 The Down Trowbridge Wiltshire BA14 7NQ
Agent Details: T.C. Hounsome MRTPI
40 Churchlands North Bradley Trowbridge BA14 0TD
Case Officer: Mr Russell Brown
Date Received: 20.06.2005 Expiry Date: 15.08.2005

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Permission

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 be begun either before the expiration of five 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 to be approved, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 4 The development hereby approved shall include a minimum of 3No. dwellings.

REASON: In the interests of the proper planning of the area in compliance with Government guidance.

POLICY: Planning Policy Guidance Note 3 - Housing.
- 5 Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4 metres back from the carriageway edge along the centre line of the access and the extremities of the site frontage, in the applicants control, 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.

- 6 The proposed development shall be served by a new access constructed so that pedestrian priority remains across the entrance of the site i.e. it shall be constructed in the manner of a vehicles crossing and not a junction.

REASON: In the interests of highway safety.

- 7 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.

- 8 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

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.

- 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 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.

- 11 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.

- 12 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.

- 13 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.

- | | |
|----|--|
| 14 | <p>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.</p> <p>REASON: To ensure that the development can be adequately drained.</p> <p>POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.</p> |
| 15 | <p>Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.</p> <p>REASON: To minimise the risk of pollution of the water environment.</p> <p>POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.</p> |
| 16 | <p>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.</p> <p>REASON: To ensure that the development harmonises with its setting.</p> <p>POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.</p> |

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee as the Town Council object and Officer's recommend permission.

This is an outline application with all matters reserved for a residential development of up to 4No. dwellings.

The site is located on The Down in a predominantly residential area of Trowbridge. The site is 0.09 hectares in size and is bounded by tall coniferous hedging.

The application includes an illustrative layout which, as stated, is for illustrative purposes only and would not form part of the decision for this application. However, this plan shows a stepped terrace of 4No. houses with 2No. parking spaces for each dwelling in front and access from The Down along the south west of No. 62 The Down.

TROWBRIDGE TOWN COUNCIL

Objection on grounds of over-development and loss of neighbour's amenity

HIGHWAY AUTHORITY

No objection subject to conditions

WESSEX WATER

No objections

PLANNING POLICY AND CONSERVATION

Acceptable in Policy terms and suggest restricting permission to "at least 3 dwellings" to ensure the density does not fall below 30 dwellings per hectare

PUBLICITY

Neighbours have been notified and 3No. letter have been received making the following points:

- Properties in Downside View will become less safe due to a publicly accessible road and parking behind their gardens
- Increase in overlooking and effect on privacy
- Loss of conifer trees - effect on neighbouring gardens

- There has already been two years of building works in the area - do not need further disruption
- Another access onto the main road with 8 parking spaces - even more traffic accessing the road
- Cramped on the site
- Loss of light and overshadowing
- There should be a greater distance from properties in Downside View
- There is already noise from the primary school nearby - 4 new houses will add to noise
- There is too much development in Trowbridge

RELEVANT PLANNING HISTORY

89/00477/OUT - Demolition of existing house and erection of 15 retirement flats - Appeal Allowed
20.11.1989

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C31a - Design
C38 - Nuisance
H1 - Further Residential Development Within Towns
H24 - New Housing Design
T10 - Car Parking

PPS1 - Delivering Sustainable Development (Jan 2005)
Planning System - General Principles (Jan 2005)
PPG3 - Housing
PPG13 - Transport

PLANNING OFFICER'S COMMENTS

The key issue in this application is the principle of the development in this location.

PPG3 - Housing asks local authorities to encourage a density of between 30 and 50 dwellings per hectare on sites within existing settlements (paragraph 58). The application plot is 0.09 hectares in size, which would mean that 4No. dwellings on this plot would create a density of 44 dwellings per hectare and that 3No. dwellings on this plot would create a density of 33 dwellings per hectare. A scheme of 3 or 4 dwellings would therefore be in accordance with the advice given in PPG3. A reduced scheme with fewer than 3 dwellings would create a density below the range given in PPG3 and consequently would not make the best use of the land.

Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for housing development within the built-up areas of existing towns will be permitted subject to the proposal satisfying a number of criteria. These criteria include the siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area, that the proposal would not create inappropriate backland or tandem development and would not create transport problems.

As this application is for outline approval with all matters reserved, the detail of the scheme will be subject to subsequent reserved matters applications. However, the outline scheme must be judged in relation to the principle of development which a detailed scheme may propose. The layout plan submitted, although only illustrative, shows that a terrace of 4No. dwellings could be accommodated on site with adequate access, parking and amenity space. Therefore the proposal is not considered to be inappropriate backland development. The Highway Authority find no objection to the scheme subject to conditions.

The matters regarding the detail of the scheme in relation to neighbouring amenities and design, siting and landscape issues will be dealt with in the reserved matters application stage. If there were any loss of trees or hedging on site, there would be landscaping conditions to ensure an adequate provision of landscaping on site.

To address other points raised by the publicity process: Construction work is temporary and previous building work in the area is not a reason for refusal. The site is within a residential area and the addition of 4No. dwellings would not result in a significant increase in noise over and above that of the existing residential area.

CONCLUSION

The principle of the development is acceptable in Policy terms and the application is therefore recommended for permission.

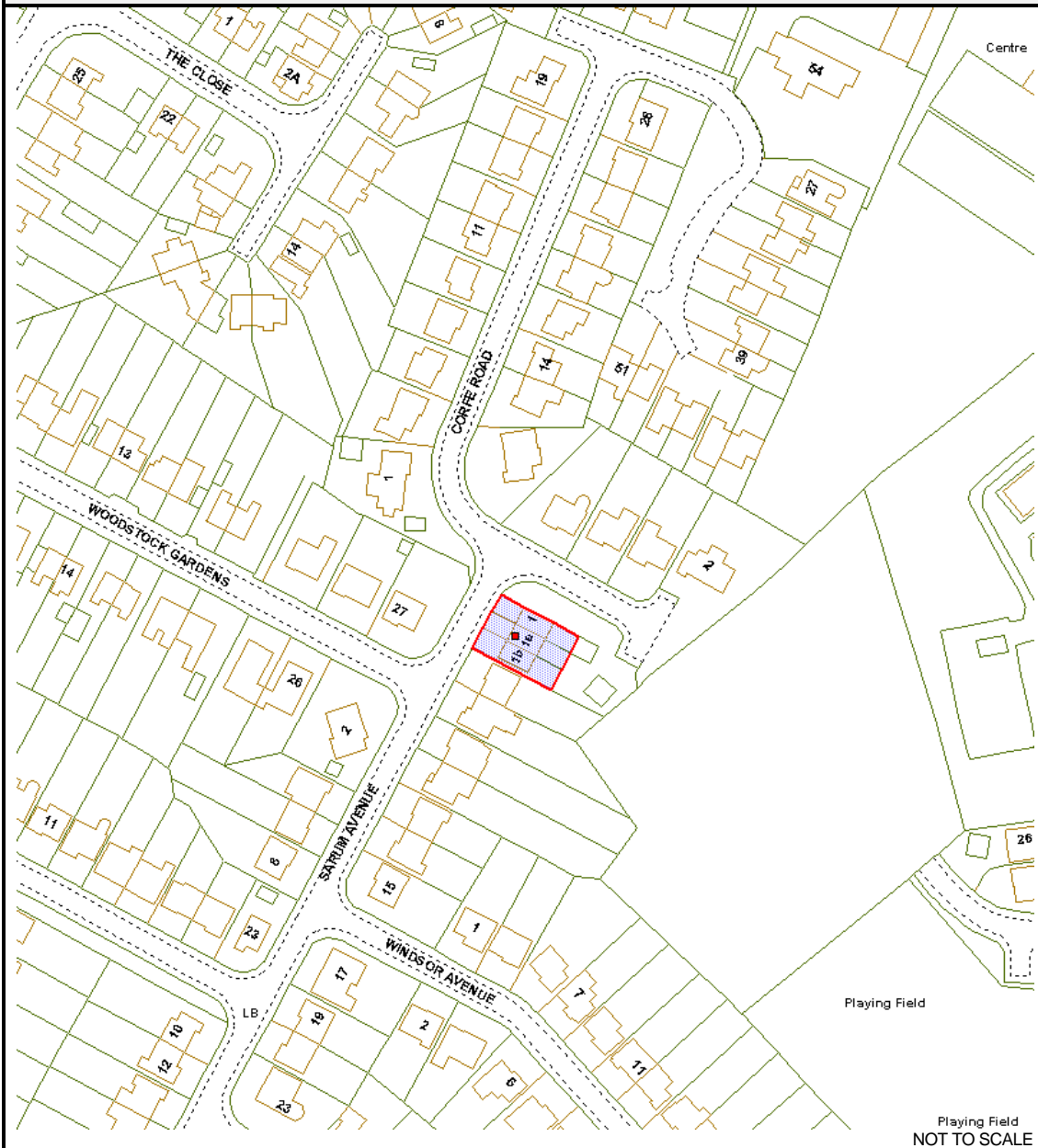
PLANNING COMMITTEE

8 September 2005

ITEM NO: 06

APPLICATION NO: 05/00880/FUL

LOCATION: Previously 1 Sarum Avenue Melksham Wiltshire SN12 6BJ



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 05/00880/FUL

Site Address: Previously 1 Sarum Avenue Melksham Wiltshire SN12 6BJ

Parish: Melksham (Town) Ward: Melksham Spa
Grid Reference 390746 163107
Application Type: Full Plan
Development: Erection of three dwellings with parking (revised)
Applicant Details: Mr P Jenkins
Whaddon Grove House Berryfield Lane Melksham Wiltshire SN12 6EF
Agent Details: Willis And Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Aaron Smith
Date Received: 11.05.2005 Expiry Date: 06.07.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal would, by virtue of the frontage parking, result in an uncharacteristic feature in the street scene contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004 and the advice contained within paragraph 46 of PPG 3.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it has been called in by Councillor Mudge.

This is a retrospective application for the construction of a terrace of three dwellings (nos. 1, 1a and 1b Sarum Avenue) following the demolition of an existing detached house on the site. The dwellings were originally approved under 02/01014/FUL but were not completed in accordance with the permission and a revised application was requested by the Council in order to regularise the situation.

The site, which is located on the east side of Sarum Avenue at the junction with Corfe Road, has an area of approximately 0.084 hectares.

It was originally proposed that the dwellings would be constructed predominantly from brickwork and horizontal timber cladding under concrete tiled roofs to match the existing development in the area. The dwellings were built to a different design resulting in an entirely different appearance to the elevations with the boarding omitted and the fenestration revised.

The original proposals indicated parking and garaging to the rear. It is currently proposed that parking would be provided to the front of the dwellings, with one parking space provided per dwelling. The hardstanding areas would be finished with brick paving. A landscaped garden area would be provided adjacent to each parking space within each residential curtilage.

This application is the second proposal to regularise the situation, this follows the refusal of application 03/01045/FUL by the Council in August 2004, and its subsequent appeal which was dismissed by the Planning Inspectorate in March 2004.

MELKSHAM TOWN COUNCIL

The Town Council objected to this application as the revised plan appears very similar to the original and is therefore objected to for the same reasons.

- Over development of site.
- Lack of amenity space for site
- Concerns over highway issues re: increase of traffic, additional hazards with more parked cars in the road.
- Proposed properties out of character with others in the area.

HIGHWAY AUTHORITY

No objections

PUBLICITY

Two letters of objection have been received on the following grounds: -

- Dwellings are out of character with the area
- Non-compliance with original planning permission and conditions and failure to build the garages originally proposed.

RELEVANT PLANNING HISTORY

02/01014/FUL - Demolish existing house and construction of 3 houses - Permission 12.12.2002.

03/01045/FUL - Erection of 3 dwellings (revised proposal) - Refused 26.08.2004

04/00612/FUL - Erection of two semi-detached dwellings at land to the rear of 1 Sarum Avenue and retention of three dwellings and formation of parking off Sarum Avenue for existing dwellings 1-3 Sarum Avenue, Melksham without complying to Condition 5 of permission W02/01014 (parking) - Refused 01.10.2004

Appeal of 03/01045/FUL & 04/00612/FUL (APP/F3925/A/04/1162271 & 1162272) - Dismissed 15.03.2005

PLANNING POLICY

Regional Planning Guidance Note 10
Annex A - Accessibility and Parking Standards

Wiltshire Structure Plan 2011
DP7 Housing in towns and villages
DP9 Reuse of land and buildings

West Wiltshire District Plan - 1st Alteration
H1 - Further Housing Development within Towns
C31a - Design
T10 - Car Parking

PPS 1 - Delivering Sustainable Development
PPG3 - Housing
PPG13 - Transport

PLANNING OFFICER'S COMMENTS

This is a retrospective application and the site at present contains a terrace of three newly built dwellings.

There is a mix of different size dwellings with the surrounding area but generally these are either detached or semi-detached. The Council previously considered that there was sufficient space to accommodate a small terrace of three, three bedroomed dwellings as currently built on site.

However, the test in this application is whether the differences with the approved scheme are acceptable i.e. the design of the dwellings and external finish.

The design and use of materials respects the overall design of surrounding dwellings and makes use of similar materials. Although the timber boarding has been omitted and the fenestration changed, it is considered that these changes are sympathetic to the overall design.

The use of timber cladding was popular at the time the estate was built, but tastes change, and it is considered that the terrace represents a simply modern design, whilst not 'copying' the design of neighbouring dwellings does not respect them.

This principle of a terrace was not disputed by the Council in the applications 03/01045/FUL and 04/00612/FUL. In addition, the Planning Inspector considered the design of the 3 houses (as built) acceptable during the recent appeals decision (paragraph 6).

However, the recent appeals were dismissed on the effect of the frontage parking arrangement on the character and appearance of the area.

At present, instead of each house having a garage and parking space at the rear, a row of spaces have been provided at the front. They are not marked out, but space is available for 2 parking spaces per dwelling. No landscaping has been carried out on the frontage and the area is covered with chippings. The Inspector's Decision Notice concludes in stating that the existing and revised parking arrangement (under 04/00612/FUL) would "result in a very poor quality frontage that does / would detract from the streetscene".

The current revised proposal would provide 3 off-street parking spaces at the front of the terrace, at total of 1 parking space per dwelling unit. The land to the rear which was previously approved for garages is shown as omitted from this application site. A footpath is shown running alongside the boundary with No.3 Sarum Avenue to provide rear access to the rear gardens of each dwelling.

The retention of frontage parking is not ideal, in view of the proximity of a corner in the highway, and that Sarum Avenue is not a classified road and it appears to be lightly used. Furthermore, it is considered that any additional on street parking which may arise would not prejudice highway safety, a point confirmed by the Highway Authority.

In addition, Wiltshire parking standards (Policy T10 and Appendix G of the West Wiltshire District Plan 1st Alteration 2004) are at a maximum of two parking spaces per dwelling unit, this is a maxima and would therefore be complied with as the provision would not exceed 2 spaces per dwelling. The site is within the built-up area of Melksham, and the site meets the desirable maximum walking distances as defined in Annex A of RPG10, to local facilities. The Highway Authority confirm whilst they would normally seek the provision of 2 parking spaces per unit (i.e. being the maximum), in this instance given the proximity to local facilities and the limited impact of vehicles parked on the highway, they have no objections.

Whilst, one parking space for each unit is acceptable, and there are no highway objections regarding impact on highway safety. The main issue remains as to whether the proposed frontage parking arrangement would have an adverse effect on the character and appearance of the area.

Each residential plot is limited to a width of 4.8 metres, within this narrow space, a parking space, a path to the front door and a small landscaped area is to be provided. This would appear cramped and would leave a greater proportion of hardstanding to landscaped area ratio. The Inspector expressed concerns that in the area, where hardsurfacing of all, or most of a front garden had caused serious harm to the streetscene. The narrow strips of landscaping would be of little benefit to mitigating the continued expanse of hardstanding along the frontage of the development. This is exacerbated by the juxtaposition of two adjoining parking spaces.

Generally, frontage parking in the streetscene has a greater proportion of landscaping, whether entirely grassed, planted, and bounded by walls, hedges or fences. In this case, whilst some landscaping would introduce limited greening features into the streetscene, the amount proposed for each unit and cumulatively as a group would be so insignificant to not achieve the necessary integration of the development into the townscape.

Regard is to be had to that in the future, the gardens could be hardsurfaced using permitted development rights. If parking / garaging had been provided to the rear it seems unlikely that the occupiers of the houses would have wished to introduce hardstanding to the front gardens. Whilst a condition could withdraw the permitted development rights for hardstanding, we would not be able to control car parking on the landscaping areas in the future, unless a wall or other boundary feature restricted access.

In this case, whilst the proposal includes more landscaped areas than that dismissed at the recent appeal, the proposed front parking arrangement would for the reasons above still cause detrimental harm to the streetscene and would not overcome the comments made by the Planning Inspector. The proposal would be contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004, which seeks to respect or enhance the townscape, by taking a harmful element of the existing streetscene and not providing an adequate landscaping setting for the development, and the advice contained within PPG 3.

CONCLUSION

For the reasons stated above this application is recommended for refusal.

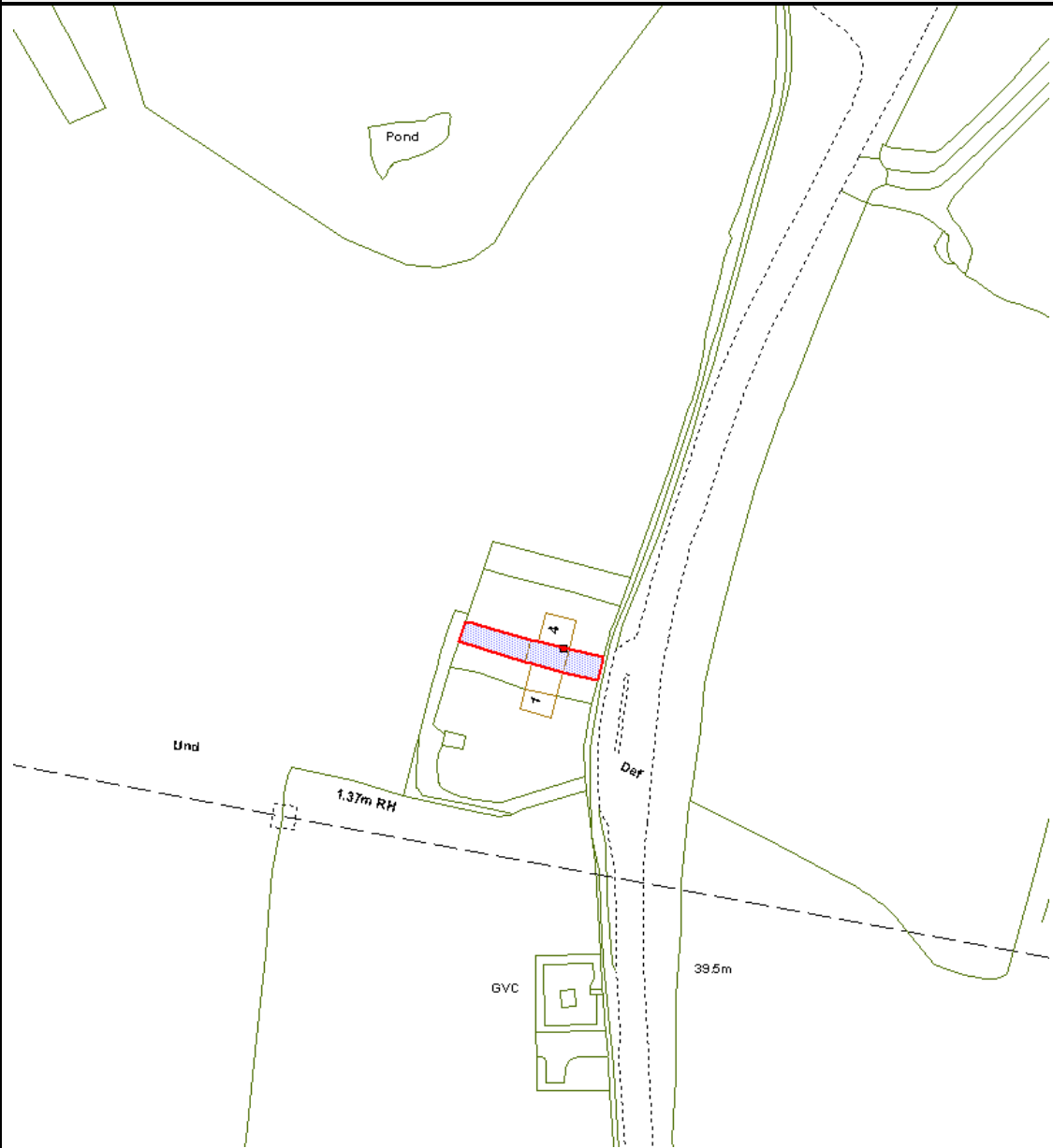
PLANNING COMMITTEE

8 September 2005

ITEM NO: 07

APPLICATION NO: 05/01213/FUL

LOCATION: 3 Burnt Cottages Beanacre Road Beanacre Wiltshire SN12 7PT



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 05/01213/FUL

Site Address: 3 Burnt Cottages Beanacre Road Beanacre Wiltshire SN12 7PT

Parish: Melksham Without Ward: Melksham Without
Grid Reference 390127 165445
Application Type: Full Plan
Development: Two storey rear extension and dropped kerb to access new front parking
Applicant Details: Mr And Mrs D Beard
3 Burnt Cottages Beanacre Road Beanacre Wiltshire SN12 7PT
Agent Details: Mr S Filipowicz
36 The Common Broughton Gifford Melksham Wilts
Case Officer: Mr Aaron Smith
Date Received: 22.06.2005 Expiry Date: 17.08.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 driveway 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 highway safety.

- 4 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.

COMMITTEE REPORT

APPLICATION DETAILS

This planning application is brought before the Planning Committee as officers recommend permission and the Parish Council objects.

This is a full planning application for a two storey extension to the rear of this mid terrace property on Beanacre Road to the north of Melksham. The host building is red brick under a concrete double roman tiled roof.

The existing single storey lean to extension of 2 metres depth would be removed and replaced with a 3 metre deep single storey lean to extension (2.4m high), with a 2 metre deep two storey element above. The two storey element would have a eaves level to match the existing building, with a main ridge of 7 metres high, 0.5 metres below the main ridge. A gable end would be facing west.

This application has been submitted following the refusal of planning application 05/00081/FUL (two storey rear extension, conservatory and parking) in March 2005 for the following reason:

The proposed single storey extension by reason of its close proximity to, and its depth alongside the boundary with No.2 Burnt Cottages, would result in a visually dominant and overbearing structure, significantly harmful to the amenity of the neighbouring property, contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration 2004 and the advice contained within the Council's Supplementary Planning Guidance on House Alterations and Extensions.

MELKSHAM WITHOUT PARISH COUNCIL

Object to this application:

- The proposal contravenes the policy within the Supplementary Planning Guidance on House Alterations and Extensions, and are concerned that if this development were permitted, it would prevent a similar extension being constructed at the adjacent property.
- The proposal takes away parking space and residents would then have to use the lay-by outside their property for parking.

HIGHWAY AUTHORITY

No objections subject to conditions on surface and surface water disposal.

PUBLICITY

1 letter of objection has been received:

- Effect on the level of daylight and privacy to No.4
- Design and appearance not in keeping with the whole property
- Loss of amenities
- Effect on property values
- Noise and nuisance caused by the works
- Resultant parking on the grass verge would be inappropriate

RELEVANT PLANNING HISTORY

05/00081/FUL - Two storey rear extension conservatory and parking to front - Refusal 02.03.2005

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C31a - Design
C38 - Nuisance

PPS 1 - Delivering Sustainable Development
Supplementary Planning Guidance (House Alterations and Extensions)

PLANNING OFFICER'S COMMENTS

The main issue for this planning application is whether the revised design has overcome the previous reason for refusal on 05/00081/FUL. The considerations are the effect upon neighbouring amenity, design and form of the proposed extensions and highways.

The Supplementary Planning Guidance on House Alterations and Extensions states that the design of a new extension or an alteration should be sympathetic to the existing development and surrounding area in character, style, proportion and materials. In addition it recommends that, for dwellings in close proximity to neighbouring properties, a depth at first floor level for a proposed two storey extension should not exceed 2 metres in depth.

In this case the proposed design and form of this two storey element would not adversely affect neighbouring amenity of either Nos.2 or 4. The depth is considered to be appropriate and would not significantly affect the level of daylight to No.4. Concern has been raised of the proximity of the extension to the first floor bathroom window of No.4. A bathroom window is not a habitable room and a depth of extension at first floor level of 2 metres would be entirely acceptable. In addition, the design, angle and style of the original roof would be reflected in the roofline of the proposed extension with the gable end roof, this is recommended.

The Supplementary Planning Guidance on House Alterations and Extensions also recommends that at ground floor level for adjoining or houses which are closely related to each other, a single storey extension which exceeds 3 metres in length at or near the boundary is more likely to have an adverse impact on the neighbour. In this case, the proposed depth of extensions adjacent to both the north and south boundaries would be 3 metres from the rear of the terraced properties. A depth of 3 metres at ground floor level and in close proximity to the boundaries would be a reasonable arrangement. This also overcomes the sole reason for refusal on 05/00081/FUL, which concerned the depth of the extension adjacent to No.2.

The application also includes an access onto the lay-by off the A350 at the front of the terrace, and a section of hardstanding for two parking spaces is proposed. The Highway Authority state that although it would not be ideal to have an access off a lay-by, due to the location of the lay-by it would appear that the majority of use would be by residents in that locality and the provision of off-street parking would be of some benefit to general road users who wish to pull into the lay-by. No objections are raised to the creation of the access subject to two conditions.

CONCLUSION

For the reasons stated above this application is recommended for permission.

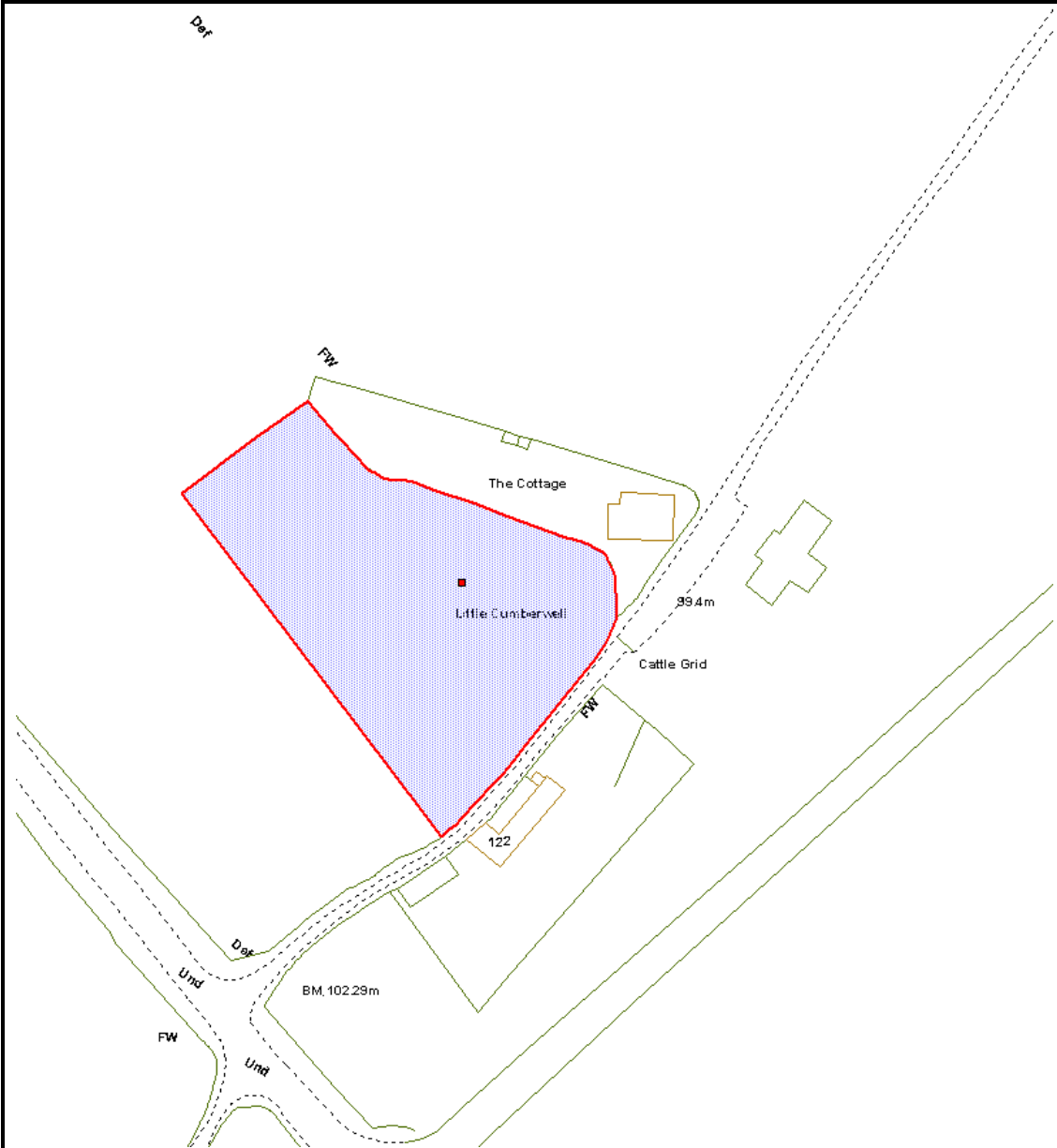
PLANNING COMMITTEE

8 September 2005

ITEM NO: 08

APPLICATION NO: 05/01315/FUL

LOCATION: Land Adjacent The Cottage Little Cumberwell Bradford On Avon Wiltshire



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SLA: 100022961

08 Application: 05/01315/FUL

Site Address: Land Adjacent The Cottage Little Cumberwell Bradford On Avon Wiltshire

Parish: Winsley
South Wraxall

Ward: Manor Vale

Grid Reference 381702 162948

Application Type: Full Plan

Development: Construction of a tennis court and associated landscaping to include a change of use of land adjoining the existing residential curtilage

Applicant Details: Chris James
C/o Hunter Page Planning Thornbury House 18 High Street Cheltenham
GL50 1DZ

Agent Details: Hunter Page Planning
Thornbury House 18 High Street Cheltenham GL50 1DZ

Case Officer: Mr Aaron Smith

Date Received: 29.06.2005

Expiry Date: 24.08.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed development by reason of the extension of the residential curtilage into the open countryside and the construction of a tennis court and perimeter fencing would result in a material change of use of land that would not maintain the openness of the Western Wiltshire Green Belt, and would be in conflict with the purposes of including land within it, it therefore constitutes inappropriate development in the Western Wiltshire Green Belt, which is by definition harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt, and any other harm. This development is therefore contrary to Policy DP12 of the Wiltshire Structure Plan, Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 and contrary to the Government advice contained within paragraphs 1.4, 1.5 and 3.12 of Planning Policy Guidance Note 2.
- 2 Recreational land within the District will be protected from development and this application is not supported with a satisfactory justification for the loss of the recreational land, contrary to Policy R2 of the West Wiltshire District Plan 1st Alteration 2004.
- 3 The proposal by reason of the unacceptable intrusion of a domestic curtilage on this prominent site into the open countryside would neither conserve or enhance the Special Landscape Area, detrimental to the character of the landscape. This proposal is contrary to Policies C1 and C3 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee at the request of Cllr Viles as this application raises issues of public debate.

This is a full planning application for the change of use of recreational land (part of Cumberwell golf course) to residential curtilage and the construction of a tennis court and associated landscaping.

The proposed tennis court would be set within the existing ground contours, centrally within the application site. It would be 18.29 by 36.5m in ground area (669.8sqm), with a 3 metre high ball stop around its entire perimeter. Other landscaping, including tree and scrub planting is shown around the proposed tennis court.

The applicants have confirmed that the proposed tennis court would be used ancillary to the enjoyment of the dwellinghouse and would be used for personal purposes. They have also confirmed that a change of use is sought for. A new 1.2 metre gravel path would link the proposed tennis court with the existing domestic curtilage.

The Cottage is located in an informal group of dwellings with access off the A363, and to the west of the Cumberwell Golf Course. The application site is located to the south west of The Cottage and its existing residential curtilage. The existing residential curtilage is defined on its boundary by a minimum 1.4 metre high, dry stone wall. There is also other existing golf club associated landscaping on its boundary with The Cottage. The application site is fairly level, with the main road risen above the site, the site is approximately 0.59 hectares. On the approach from the narrow access onto the A363 the application site is in prominent view characterised by its openness.

The applicant has submitted a full supporting statement.

A revised site location plan and block plan has been submitted to confirm this application includes a change of use, to clarify the inconsistent extent of the site area and to include the existing residential curtilage in blue.

WINSLEY PARISH COUNCIL

- Have concern over the application site area and that the plans are inconsistent.
- Proposals should be tested against green belt policy.

PUBLICITY

No comments received from neighbours

South Wraxall Parish Council were also consulted as an adjoining Parish Council, they state:

- Hope to see this application looked at rigorously by the planners
- If permission were granted, the use of the tennis court should be restricted to the residents of the Cottage
- The Parish Council supports the planting scheme
- Would oppose any floodlighting of the tennis court

RELEVANT PLANNING HISTORY

00/01741/FUL - Side extension and replacement porch roof - Permission 01.10.2001

PLANNING POLICY

Wiltshire Structure Plan 2011
DP12 - Western Wiltshire Green Belt

West Wiltshire District Plan 1st Alteration 2004
GB2 - Green Belt
C1 - The Countryside
C3 - Special Landscape Area
R2 - Protection of Recreational Space

PPS 1 - Delivering Sustainable Development
PPG 2 - Green Belts
PPS 7 - Sustainable Development in Rural Areas
PPG17 - Open Space, Sport and Recreation

PLANNING OFFICER'S COMMENTS

The main issue for this planning application are the presumption against inappropriate development in the Western Wiltshire Green Belt and the effect of the development upon the landscape character of the countryside and the loss of recreation land.

Green Belt:

The starting consideration for this application within the Western Wiltshire Green Belt, is Policy GB2 (iii) of the West Wiltshire District Plan 1st Alteration 2004. This states that approval will not be given, except in very special circumstances for development other than the change of use of land which maintains the openness of the land and does not conflict with the purposes of including such land in the Green Belt. In addition, as the formation of the tennis court and erection of perimeter net amounts to engineering operations, paragraph 3.12 of PPG 2 advises that the carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

If a proposal would not meet this requirement then it would represent 'inappropriate development' as defined in PPG2 (Green Belts). There is a strong presumption against inappropriate development within Green Belts. Such development shall not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.

The applicant has confirmed the proposed tennis court and associated garden would be for their own leisure / domestic use and not of any public recreational purposes. It is on this basis that the application must be judged in respect of the Green Belt policies.

Dealing firstly with openness, there would be hard surfaced tennis court covering an area of 669.8 sqm, there would also be a gravel track leading to the existing domestic curtilage and a 3 metre high ball stop perimeter net around the tennis court. These elements would be substantial in significantly altering the appearance of the land, and would cover an extensive amount of land currently open and undeveloped. The application site is fairly level, with the main road rising above the site to the west. On the approach from the narrow access off the A363 the application site is in prominent view, with the curtilage boundary for The Cottage clearly defined. It protrudes out from the dwelling with the golf course land surrounding it. By changing the use of this land from recreational to domestic curtilage, the resultant alterations in appearance and the addition of assorted domestic trappings (many beyond the scope of planning control i.e. washing lines) this proposal would not maintain the openness of the Green Belt, contrary to Policy GB2 and paragraphs 1.4 and 3.12 of PPG2.

The openness of the Green Belt is its greatest attribute. This would be likely to be prejudiced by the addition of the paraphernalia associated with the domestic use of the land. The visual amenities of the Green Belt should not be injured by proposals for development within, or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Secondly, PPG 2 sets out the purposes of including land within Green Belts. One of these purposes is to assist in safeguarding the countryside from encroachment. Extending a residential use into the countryside amounts to encroachment of an urban type of development into the undeveloped countryside.

Therefore, the proposed change of use and engineering operations would not maintain the openness of the Green Belt and would also conflict with the purposes of including land within the Green Belt, it is therefore contrary to Policies GB2 and DP12 and the advice in PPG 2. The proposal is therefore inappropriate development, which is by definition harmful to the Green Belt.

Turning to whether the applicant has demonstrated any very special circumstances. Paragraph 3.2 of PPG 2 states that it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

Although the applicant has not expressively stated any very special circumstance in their supporting statement as they consider this application to amount to appropriate development in the Green Belt, three issues raised need to be discussed.

Firstly, the applicant considers that the proposed siting of the tennis court, being sunken into the ground and the accompanied tree planting scheme would minimise its visual impact on the surrounding area. The visual prominence of development within Green Belt has less relevance due to the presumption in favour of maintaining its openness per se. Also the proposed mitigation of visual impact when peripheral planting matured is not considered a sufficient reason to allow incursions of a domestic curtilage in a Green Belt area.

Secondly, the applicant considers that a tennis court is a recreational use, and that no greater harm would arise due to the existing recreational use of the land. The application site forms part of the Cumberwell Golf course, the land use of this existing public recreational facility has a positive role to play in fulfilling certain Green Belt land use objectives, including, providing opportunities for outdoor sport and recreation near urban areas. It has been shown above that the proposed engineering operations would harm the openness of the Green Belt and the change of use would conflict with the purpose of including land within it. This objection would reasonably apply whether the land is recreational or agricultural. Furthermore, the proposed tennis court would not be a public facility and this application proposes a substantial change of use of land to become an enlarged domestic curtilage. Within a permitted domestic curtilage there would be elements of domestic paraphernalia which would be out of the scope of planning control (such as washing lines, play equipment etc) therefore, harm would arise to the character of the area caused by the change of use.

Thirdly, the applicant considers that there are three examples in the surrounding area where other tennis courts have been allowed outside the residential curtilage and within the Western Wiltshire Green Belt (permitted in 1990, 1996 and 1997 respectively). The applicant considers that due to these examples the principle of development should be acceptable. Your Officers consider harm would be caused to the Green Belt, also bearing in mind that each case should be considered on its individual merits, and the existence of other examples does not create a precedent.

In addition, notwithstanding the above, more recent examples have been refused, most notably the planning application for the erection of a tennis court and change of use of land to domestic curtilage at No.2 Wingfield House, which was refused by the Planning Committee on the 6 January 2005. This recommendation is consistent with the most recent decisions and planning appeals.

It is concluded that there are no other material considerations which would clearly outweigh the harm caused by the proposed development and therefore justify the development on the basis of very special circumstances. The proposal would be contrary to Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004, Policy DP12 of Wiltshire Structure Plan 2011 and the advice contained within PPG 2.

Special Landscape Area:

The application site is located within the Special Landscape Area designation covering the southern fringes of the Cotswolds not covered by Area of Outstanding Natural Beauty designation. The proposed substantial change of use of land to domestic curtilage and the associated proposed structures would have a significant adverse impact on the character of the countryside. The application site is extremely prominent and visible from a wide area. Also the application plot bears little relation to adjoining land uses and introduces domestic features into the open countryside.

Loss of recreational land:

The proposed development would involve the loss of 0.59 hectares of recreational land at the Cumberwell Golf Club. This land is protected from development by Policy R2 of the West Wiltshire District Plan 1st Alteration 2004. No justification has been provided to justify the loss of such recreational provision in accordance with the criteria of Policy R2.

CONCLUSION

The change of use to residential curtilage and the erection of a tennis court and perimeter fence would not maintain the openness of the Western Wiltshire Green Belt and would not safeguard the countryside from encroachment. Therefore, it amounts to inappropriate development, which is by definition harmful to the Green Belt. In addition, recreational land would not be protected in accordance with Policy R2. No very special circumstances have been provided by the applicant to clearly outweigh the harm by reason of inappropriateness and the other serious planning harm which would result from the proposed development.

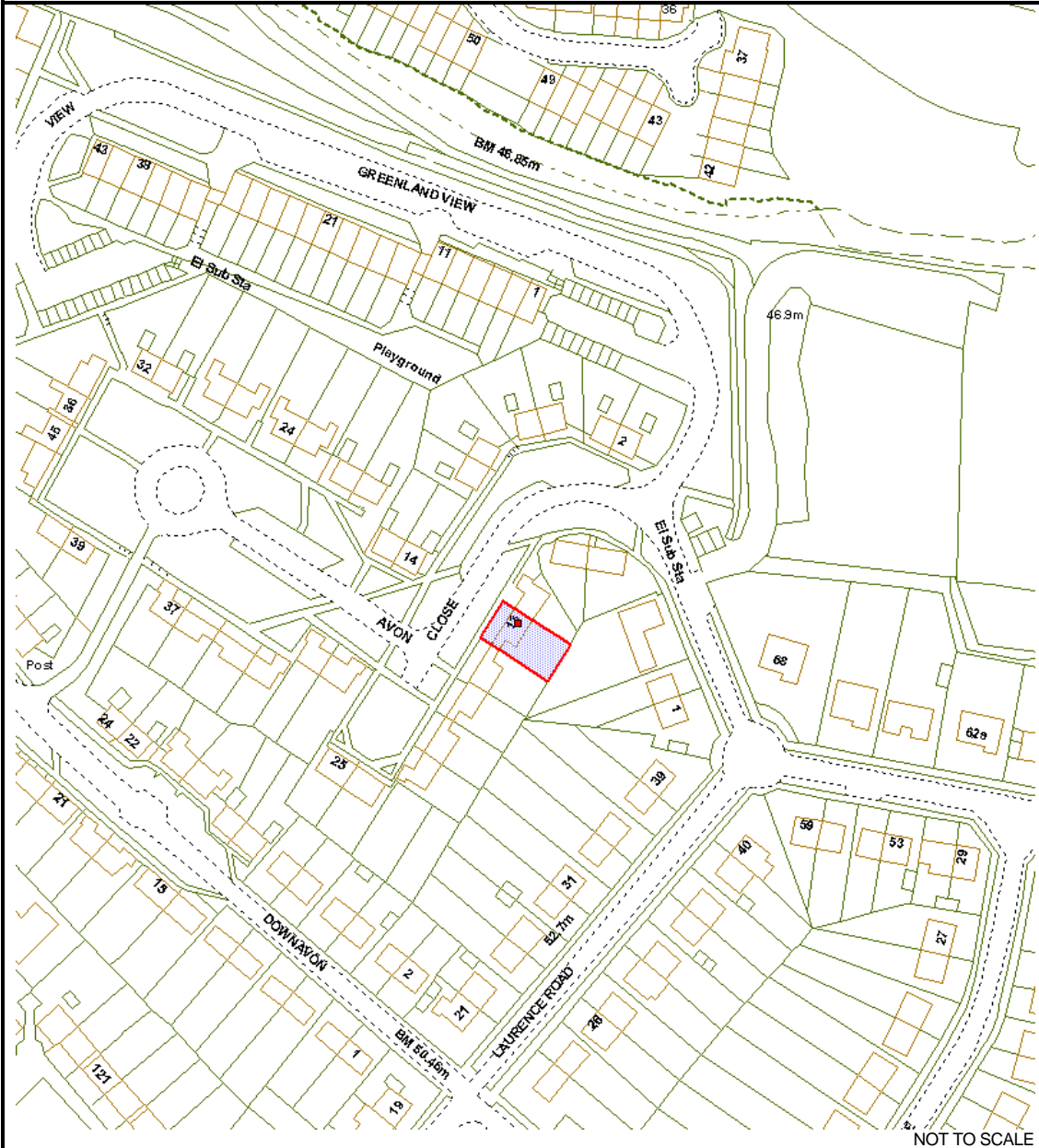
PLANNING COMMITTEE

8 September 2005

ITEM NO: 09

APPLICATION NO: 05/00957/FUL

LOCATION: 13 Avon Close Bradford On Avon Wiltshire BA15 1JJ



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SLA: 100022961

09 Application: 05/00957/FUL

Site Address: 13 Avon Close Bradford On Avon Wiltshire BA15 1JJ

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383105 160421
Application Type: Full Plan
Development: Demolition of single shed, construction of single and two storey extension
Applicant Details: Mr R Head
13 Avon Close Bradford On Avon Wiltshire BA15 1JJ
Agent Details: Peter Grist
Furlong House 61 East Street Warminster BA12 9BZ
Case Officer: Mr James Taylor
Date Received: 20.05.2005 Expiry Date: 15.07.2005

REASON(S) FOR PERMISSION:

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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 Notwithstanding the submitted plans details of the windows, size, design and materials to be used in the extension 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.

Note(s) to Applicant:

- 1 The applicant is advised that this permission does not convey or imply any civil consents required to undertake work on property outside their ownership.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Bradford on Avon Town Council object to the application and officers recommend permission.

The proposal is for the demolition of a single storey shed to the side of a semi-detached property, and the construction of a 2-storey side extension, with a single storey rear extension and a rear conservatory.

The host building is a semi-detached 2-storey property made of reconstituted block, in a bath stone style with concrete pantiles on the roof. It is located in a modern housing estate of similar dwellings, and some terraced houses. On the ground floor adjoining stone sheds are common. This has created a terraced effect on the ground floor level only, with no dwellings having external access to the rear of their properties, except those on the end of the 'terrace'.

The two storey extension would be flush with the front elevation on the ground floor, however it would be set back on the first floor by 1 metre. It would be 3 metres wide, up to the boundary with the neighbouring property, and 5.3 metres long at the first floor. The ridge height of the extension would be 0.3 metres below the ridge of the host building. It would have a hipped roof matching the lines of the existing roof.

A single storey extension is proposed to the rear of the two storey extension measuring 3 metres in length and 3.75 metres in width. It would have a hipped roof to a height of 3.5 metres at the ridge. A symmetrical design has been adopted for an adjoining conservatory. This would have a dwarf wall to 0.7 metres.

The proposal has been modified at the officer's recommendation so that the single storey extension and conservatory to the rear project 3 metres beyond the rear of the host dwelling to avoid any loss to neighbour amenity. Originally it was proposed to extend 4 metres.

BRADFORD ON AVON TOWN COUNCIL

The Town Council is very concerned that the extension will be too close to the neighbour's boundary and therefore recommends refusal. The new build would go up to and include the boundary wall. Whilst the adjacent neighbours are unconcerned the Town Council feels that they may not appreciate the significance of this. It is possible that the freeholder is a Housing Association who is unaware of the plans. The Town Council is unclear whether appropriate notices have been given under the Boundary Walls Act

PUBLICITY

1 letter was received from a neighbour confirming they have seen the plans and have no objection for the extension next door. A Certificate of Ownership Notice (Certificate B) has been served on neighbours at 15 Avon Close, no comments have been received to date and the consultation period expired on the 20/08/2005.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)
C31a - Design
C38 - Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

PLANNING OFFICER'S COMMENTS

The main issues for this development are firstly the potential terracing effect and associated impact on the street scene. And secondly the potential impact for the neighbouring properties, from the two-storey extension and the 3-metre long single rear extension.

The street is characterised by semi-detached houses linked at ground floor level by adjoining single storey flat roof utility rooms flush with the front elevation of the host buildings. Therefore it would be out of keeping with the character of the area to set the frontage of the property back from the existing. The first floor extension would be set back by 1 metre from the front of the house. This has had the effect of reducing the ridge height of the roof by 0.3 metres, creating a degree of subservience and would therefore be in line with the SPG on house alterations and extensions. The existing roof style would be maintained with matching materials and a hipped design. It would therefore minimise any terracing effect on the street scene, and maintain the symmetry of the building as a whole.

The neighbouring property to the south, No. 15 has a side bathroom window facing the proposal. Since this window faces north it does not receive any direct sunlight and bathrooms are not habitable rooms. The window looks out onto the neighbours existing side window, if the proposal was to take place this slightly awkward arrangement would no longer exist. The window would look at a wall, some 5.5 metres away, but retain a reasonable level of light because the first floor extension would be set back.

The ground floor extension at the rear and the conservatory can be considered as one development projecting 3 metres out of the rear of the building and totalling 7.5 metres in width. It would have two symmetrical hipped roofs. The lines of the roof would be set at the same angle as the hip on the proposed two-storey extension and the host building, and is therefore of a sympathetic design. Utilising a hipped style would reflect the existing roof design and would minimise any potential impact on the adjacent properties.

As a result of negotiations these extensions have been reduced from 4 metres length to 3 metres. This would cause no significant loss of amenity to the neighbouring property and complies with the SPG on house alterations and extensions. The dwelling to the south is set back from the boundary by 3.5 metres, with only a brick shed existing on the boundary. This proposal is on the boundary with the neighbour to the south therefore there would be no direct loss of light to the adjacent property, and when applying the 45-degree rule from the neighbour's living room window a reasonable outlook would be maintained. There are no windows proposed on the new side elevation, therefore there are no issues of overlooking or loss of privacy. Therefore there would not be any significant loss of amenity to the neighbour to the south at number 15.

The neighbour to the north would also maintain a reasonable outlook, and with the conservatory being proposed over 3.5 metres away from their boundary, the proposal would not cause any overshadowing, especially with the existing conifer hedge on the boundary that is over 2 metres in height.

Land ownership is a civil issue, and not a planning consideration. The appropriate certificates appear to have been served. Neighbour consultation has taken place, and no objections were raised in writing to West Wiltshire District Council.

CONCLUSION

The proposal has a sympathetic, subservient 2-storey side extension, which would not be detrimental to the host building's symmetry or create a terracing effect. It has not been set back on the ground floor, and will therefore maintain the existing linear frontage. The rear single-storey extensions would not cause a loss of amenity to the neighbours due to the relative positioning of the proposal and the existing dwellings. Therefore the proposal conforms to the West Wiltshire District Plan 1st Alteration (2004) and the Supplementary Planning Guidance on house alterations and extensions, so planning permission is therefore recommended.

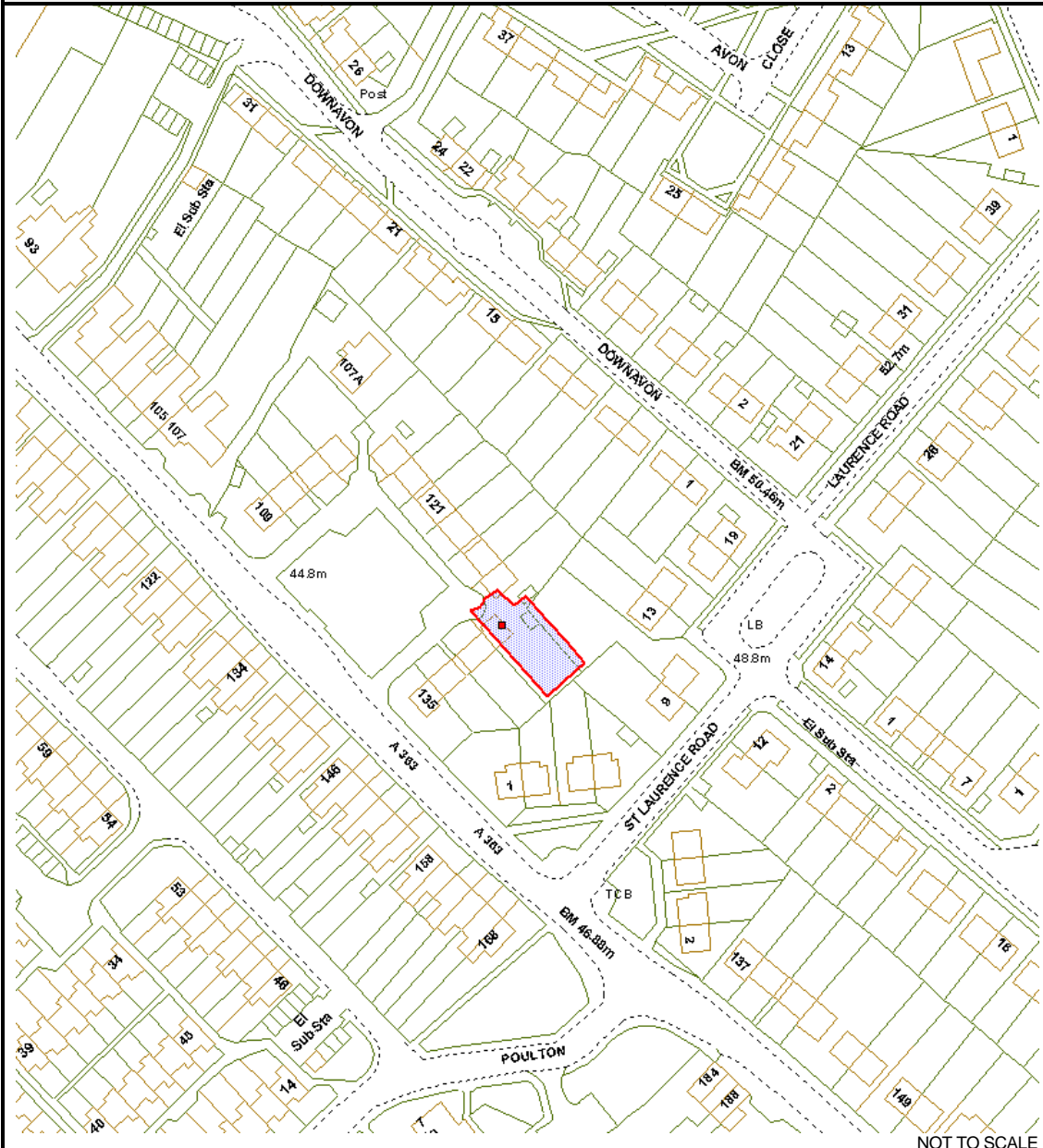
PLANNING COMMITTEE

8 September 2005

ITEM NO: 10

APPLICATION NO: 05/00761/FUL

LOCATION: 129 Trowbridge Road Bradford On Avon Wiltshire BA15 1EQ



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SLA: 100022961

10 Application: 05/00761/FUL

Site Address: 129 Trowbridge Road Bradford On Avon Wiltshire BA15 1EQ

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383019 160273
Application Type: Full Plan
Development: Erection of garage and garden room
Applicant Details: Mr R Payne
129 Trowbridge Road Bradford On Avon Wiltshire BA15 1EQ
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr James Taylor
Date Received: 20.04.2005 Expiry Date: 15.06.2005

REASON(S) FOR PERMISSION:

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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 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 & E2.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning committee because Bradford on Avon Town Council objects to the application and officers recommend permission.

The proposal is to demolish the existing garage and erect a new garage with a garden store to the side and rear of the host building. The garage would be made of reconstituted brick with clay tiles to the roof, matching the locality. It would be 9.5 metres long, 3.4 metres wide, 2.5 metres to the eaves and 4.2 metres to the ridge.

Due to the layout of the garden and the topography, the garden store, which occupies the last 2.8 metres of the structure, is raised up 0.4 metres. This means that there is a step in the ridge set back 6.7 metres from the front of the garage.

The proposal is located on a corner plot of a residential area. The neighbour has a garage made of breezeblocks; a corrugated iron sheeted roof, and a metal door. The host dwelling is an end of terrace house made of reconstituted blocks and clay pantiles to the roof. The area is characterised by similar dwellings, and there is an open green to the front of the properties, setting them back from Trowbridge Road.

BRADFORD ON AVON TOWN COUNCIL

'The erection of a garage and garden room in this location will mean that it will be part of the street scene and views. The houses in the square are all Ashlar faced and therefore it is essential that the whole building should be built in Ashlar, or at least the façade which can be seen from the square. The Town Council appreciates that the garage door is now proposed to be made of wood.'

HIGHWAY AUTHORITY

Raised no objection to the proposal, as no reversing onto the main Trowbridge Road would be necessary.

PUBLICITY

The neighbouring properties were consulted, but no comments were received to the original plans or the revised plans.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)
C31a - Design
C38 - Nuisance

SPG - Planning Design Guidance on House Alterations and Extensions

PLANNING OFFICER'S COMMENTS

The main issues to be considered with this application are the potential impact on the neighbour amenity and the impact on the street scene.

The garage would be made of reconstituted block and clay pantiles to the roof, to match the main dwelling, which are materials characteristic of the area. The Town Council objects to the proposal on the grounds that all the houses in the square are Ashlar faced and therefore it is essential that the whole building should be Ashlar. The proposal would not be prominent in the street scene, the host dwelling would obscure the rear of the proposal, and the materials would blend with the surroundings. The proposal would therefore harmonise with the area and have no significant impact on the street scene or the character of the area. The site is located outside the conservation area and there is no requirement for the use of natural materials. The proposed materials would be sympathetic to the original materials and a condition requires the submission of materials to be approved by the Local Planning Authority.

The existing garage is a pre-fabricated construction, which does not harmonise with the character of the dwelling houses in the vicinity. Its replacement with a structure made of materials characteristic to the locality would improve the appearance of the area.

The proposal would have no detrimental impact on the neighbour amenity due to its relative siting compared to the houses in the locality. The nearest neighbour is located to the north 8 metres away and would therefore suffer no loss of light, and would face the width of the proposal rather than the length, so it would not be overbearing. The other neighbours that can see the proposal would be located over 20 metres away to the south and east.

CONCLUSION

The proposal would have no detrimental impact on the neighbouring amenity, and would harmonise with the surrounding area's character and appearance due to its use of materials. The proposal would actually lead to a tidying up of the site by replacing the existing garage, which is made of inappropriate materials. The proposal conforms to the West Wiltshire District Plan 1st Alteration (2004) and the SPG on house alterations and extensions, and since there are no material considerations to outweigh policy the proposal should be recommended for permission.