

PLANNING COMMITTEE

22 SEPTEMBER 2005

Planning Applications for Determination

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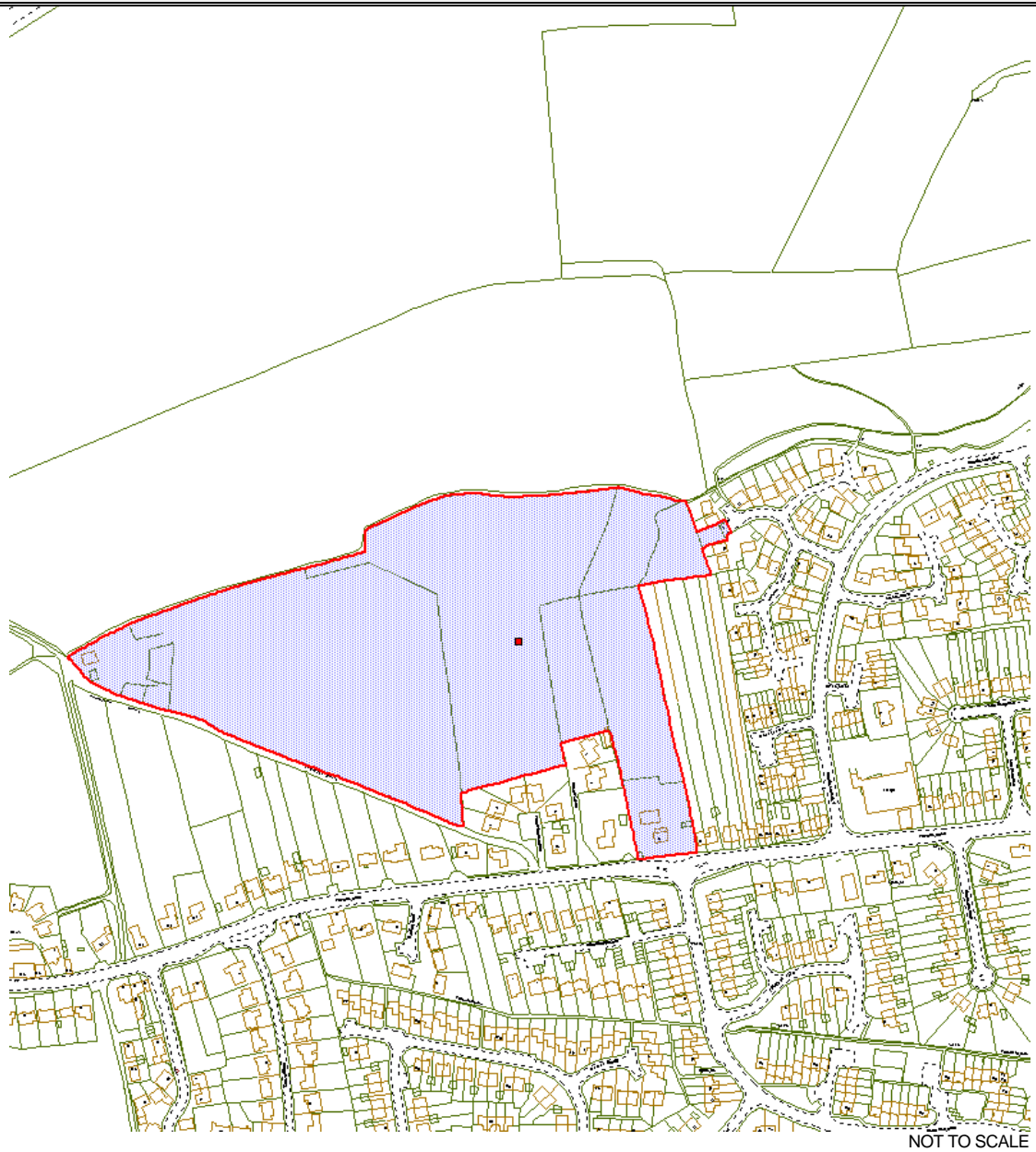
PLANNING COMMITTEE

22 September 2005

ITEM NO: 01

APPLICATION NO: 04/02156/OUT

LOCATION: Land North Of Victoria Road Warminster Wiltshire



NOT TO SCALE

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SLA: 100022961

01 Application: 04/02156/OUT

Site Address: Land North Of Victoria Road Warminster Wiltshire

Parish: Warminster Ward: Warminster West

Grid Reference 385878 145057

Application Type: Outline Plan

Development: Application for outline planning permission for residential development and associated infrastructure

Applicant Details: Persimmon Homes (Wessex) Ltd
C/o Pegasus Planning Group 6-20 Spitalgate Lane Cirencester
Gloucester GL7 2DE

Agent Details: Pegasus Planning Group
6-20 Spitalgate Lane Cirencester Gloucester GL7 2DE

Case Officer: Mr Peter Westbury

Date Received: 15.11.2004 Expiry Date: 14.02.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

The Development Control Manager be authorised to grant planning permission once the application has been referred to the First Secretary of State under the terms of the Greenfield Directive as one which the Council has resolve to grant planning permission subject to conditions itemised below and once a legal agreement under Section 106 of the 1990 Town and Country Planning Act to secure the provision of:

- 1. A new building to accommodate the Noah's Ark Nursery School at Princecroft School site.**
- 2. A financial contribution of £15,200 per annum for 5 years to enhance school transport.**
- 3. Provision of at least 30% of the total dwellings to meet affordable housing needs at Warminster.**
- 4. Provision of enhanced contributions towards off-site pedestrian and cycle link improvements.**
- 5. A contribution towards the provision of public art.**
- 6. Provision of relevant Ecological Management Plans.**

Condition(s):

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

REASON: In accordance with Section 92 of the Town and 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 first of the reserved matters to be approved, whichever is the later.
- REASON: In accordance with Section 92 of the Town and Country Planning Act 1990.
- 4 The development hereby granted permission shall be carried out in accordance with the principles of the approved Development Guide 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 policy H12.
- 5 The number of dwellings to be constructed pursuant to this permission shall be in the range of 185 to 195.
- REASON: In order to comply with the Development Plan.
- POLICY: West Wiltshire District Plan policy H12.
- 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 policy H12.
- 7 Prior to the commencement of any work on site and in association with the submission of the first reserved matters, details of a 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 provision of affordable housing, construction of the Access Road, implementation of the surface water attenuation and works to the water course, provision of the local shop, provision for recycling, recreation facilities, public open space, provision of cycle way and pedestrian facilities, provision of traffic calming, provision of bus stops and shelters, provision of a building heights plan adjoining the existing housing, and the identification and implementation for the individual residential areas. The development shall be carried out in accordance with the approved details.
- REASON: In order to ensure the development is carried out in a satisfactory manner.
- POLICY: West Wiltshire District Plan policy H12.
- 8 Pursuant to condition No 7, the development hereby granted permission shall ensure that no more than 100 dwellings are occupied until the main public open space is completed and available for use, unless otherwise agreed in writing with the local Planning Authority.
- REASON: In order to ensure the facilities are provided and to meet the needs of the development.
- POLICY: West Wiltshire District Plan 1st Alteration policy H12.
- 9 The reserved matters for each phase shall, include where relevant any related 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 any 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. The amenity spaces, play areas and landscaping for each respective phase shall be completed and available for use by the public before 50% of the houses in that phase are occupied.

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

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

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

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

The fences shall not be removed without the consent of the Local Planning Authority until the respective phase of the development referred to in condition Nos. 7 and 8 has been completed.

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

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

- 11 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.

- 12 Pursuant to condition No 7, a programme for the phased implementation of the hard and soft landscaping of each phase of the site shall be submitted to the Local Planning Authority. No development shall take place in any phase until full details of the landscape works for that phase 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a programme of implementation; and any trees or plants which within a period of five years from planting 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 otherwise agreed by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy H12 and C40.

- 13 Prior to the commencement of work on each phase pursuant to Condition No 7, a schedule of the materials to be used in the external surfaces of all buildings in each phase of the development shall be submitted to and approved by the Local Planning. The submitted details shall provide for the phased implementation of the development which shall be carried out in accordance with the approved details.

REASON: In order to ensure the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31a.

- 14 Prior to the commencement of development details of the secondary access to the site from Virginia Drive shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will provide for either:

- a) Pedestrians and cyclists only or
- b) Pedestrians, cyclists and emergency vehicles only or
- c) Pedestrians, cyclists, emergency and other vehicles.

The development will be carried out in accordance with these approved details.

REASON: In order to ensure that the access to site is satisfactory.

POLICY: West Wiltshire District Plan 1st Alteration.

- 15 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 and footways 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.

- 16 No development approved by this permission shall be commenced until a scheme for the phased 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 prevent the increased risk of flooding.

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

- 17 All construction traffic associated with the development of the site shall enter and leave the site via Victoria Road access only.

REASON: In the interest of highway safety.

- 18 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. Any such site shall be located at a position easily accessible from the Victoria Road entrance to the site. This land should be restored to its former condition or in accordance with any approved scheme whichever is appropriate 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.

- 19 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.

- 20 A strip of land a minimum of 4 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls, fences etc). Ground levels must not be raised within such a strip of land.

REASON: To preserve access to the watercourse for maintenance and improvement

- 21 Prior to the commencement of any work on site, details of the Local Shop shall be submitted to and approved by the Local Planning Authority. The development shall be carried out strictly in accordance with the details submitted.

REASON: To ensure that the scale of the proposed Local Shop is appropriate for the proposed development and the surrounding area.

POLICY: West Wiltshire District Plan 1st Alteration Policy SP6

- 22 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 the existing highway network and shall be retained throughout the period of construction.

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

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 from 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 Berryfield Brook may require formal consent under the land Drainage Act 1991.
- 5 It is recommended that at least 25% of the houses should be built to 'very good' BREEAM standards in order to mitigate greenhouse emission contributions
- 6 The developer should contact Wessex water for approval of water supply and foul drainage connections.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee because Warminster Town Council objects and your Officer's recommend permission.

This is an application for outline planning permission for residential development restricted to about 190 dwellings on land to the north of Victoria Road, Warminster. All matters are reserved for subsequent approval except the means of access to the site. The main means of access to the site will be from Victoria Road, via an improved roundabout junction where Victoria Road meets Masefield Road. The application has been amended to remove reference to a secondary access from Virginia Drive. This will be a matter to be considered as a reserved matter.

The Applicants have indicated that they will provide the following as part of the application proposal:

- The provision of 30% of all the units as affordable housing. The balance of the affordable housing provision will be 83% for rent and 17% shared equity in the form of a contribution to off site provision. This will be secured through a Section 106 Agreement.
- The provision of 1.2 hectares of public open space. Of this space, 0.134 hectares will be provided as an equipped play space. The remainder would be provided as casual play space.
- An area of 10 square metres will be provided as a recycling facility.
- The provision of a local shop within the site. The exact details of which would be the subject of a subsequent reserved matters application.
- A new building to accommodate the Noah's Ark Nursery School at Princecroft School.
- A contribution of £76,000 towards the provision of enhanced school transport in the area. This will be secured through a Section 106 Agreement.
- Enhanced contributions towards enhanced cycle and walkway provision.
- Contribution towards the provision of public art.

In support of their application, the Applicants have submitted:

- An indicative layout for the residential development on the site.
- A Planning Statement in Support of the Application
- A Design Guide
- An Environmental Appraisal (including a Construction Environment Management Plan, Construction Method Statement and Ecological Management Plan)
- A Transport Assessment
- Letter relating to Persimmon's overall strategy for the provision of affordable housing.
- Details of the open space provision for the proposal (although this is reserved for subsequent approval).

The Design Statement submitted with the Application sets out the broad principles for the purposes of an Outline Planning application. Further detailed would follow as part of Reserved Matters applications. The Statement sets out the framework for further details that would be submitted.

The application site is a predominantly level greenfield site located to the west of Warminster town centre on the edge of a predominantly residential area of Warminster. The site is to the east of the Grovelands Estate and in particular Virginia Drive and to the north of residential development in Perriwinkle Close and Victoria Road itself. The surrounding residential development is predominantly two storey. The application site has area of approximately 7 hectares. The site is currently in use as agricultural land. There are a number of mature trees and hedgerows on the site, including a mature hedgerow which runs from the south of the site at North Lane to the centre of the site. There is also a brook which runs from the rear of single storey residential properties in Meadow Lane, at the south of the site, to the centre of the site.

WARMINSTER TOWN COUNCIL

Object.

This is the second largest site since Grovelands. It was felt that the Applicants should look at the aspects of this development again, including parking. It was concluded that this was not the right location for this development. Concern was expressed that there would be a "drain on the present Surgery and no facility for a shopping complex". There is always the possibility of flooding. It was agreed that the application should be refused on the following grounds:

1. Increased noise and overlooking of Perriwinkle Close.
2. Adverse impact on neighbouring roads.
3. Highway safety of Grovelands and West Street
4. Loss of privacy
5. Flooding risk, would exacerbate the problem there.
6. Have not addressed any community shops.
7. Surgery would have to cope with more people.
8. The Applicants need to give something back to the community.

CONSULTATIONS

LOCAL PLAN SECTION

Acceptable in policy terms.

The site is allocated in the adopted District Plan 1st Alteration for housing development. Full weight should be given to the provisions of this adopted Plan.

The Local Plan Section's detailed comments are included in the Planning Officer's comments.

HOUSING OFFICER

No objection

"There is a high demonstrable need for affordable housing in Warminster which supports a 30% affordable housing contribution from this site. Details on mix and tenure are now being discussed direct with the developer.

Preferred method of delivery = Transfer at no cost of an appropriate quantity of serviced land by the developer to a Registered Social Landlord selected by the Council and the transfer of a commuted sum covering the build costs of the units by the developer to the Council. RSL to be confirmed in due course.

The AH to be provided in perpetuity. AH to be provided in small clusters (max 15 units) throughout the site. AH should meet Housing Corporation Scheme Development Standards - nominated RSL will be able to advise Developer further. Design and layout of the AH to be approved by the Council/RSL".

ENVIRONMENTAL HEALTH

No comments received.

LANDSCAPE OFFICER

No comments received.

HOUSING SERVICES

No comments received but reached agreement with the applicants on the provision of affordable housing as set out above.

HIGHWAYS AUTHORITY

No objection subject to the provision of a secondary access at Virginia Drive and the imposition of relevant conditions set out below.

Have objected to the provision of a shop shown on the indicative framework plan.

COUNTY ARCHAEOLOGIST

No objection

CHIEF EDUCATION OFFICER

No objection

"The primary school has sufficient school places, however there are aspects of the accommodation, which makes it unsuitable for the curriculum in the 21st century, The LEA is seeking from Persimmon Homes enhanced ICT facilities for the school, which will be of benefit both to pupils and to the wider community for after school activities".

COUNTY PLANNING

Object to the application, commenting:

"Whilst the site, north of Victoria Road, is allocated in the West Wiltshire District Plan 1st Alteration (June 2004) for housing development, under Policy H12, it must also be considered against the phasing policy (Policy H1b) which states that sites will be subjected to phasing restrictions as set out in Appendix Da of the Plan, which clearly shows that this site as an 'other Greenfield' site to be developed in Phase 2 (04/2006-03/2011) of the Plan. In addition to this paragraph 3.2.6c states that Phase 2 'Other Greenfield' sites will not be released prior to the phasing start date as the premature release of sites could reduce the ability of the planning system to respond to changes in the strategic housing requirements.

In line with its allocation as an 'Other Greenfield' site in the District Plan this allocation has been identified in the preparation of the Wiltshire and Swindon Structure Plan 2016 as a site for de-allocation due to over supply of housing land in West Wiltshire District up to 2016. This view was supported in the Wiltshire and Swindon Structure Plan 2016 Examination in Public Report of the Panel (October 2004).

COUNTY ECOLOGIST

Object

"It is considered that the Environmental Appraisal does not contain adequate information to determine whether the development would result in impacts to the River Avon cSAC."

The Environmental Appraisal contains insufficient information on who will be responsible for implementing the Ecological Management Plan in the long-term to ensure the predicted benefits for wildlife will occur.

Recommend the imposition of conditions relating to bat protection.

Recommend that the receptor site for reptiles should be identified before any planning permission is issued.

Further information is required to determine the impact of the proposed development on barn owls.

THE COUNTY LANDSCAPE OFFICER

Has reviewed the Environmental Appraisal and is in agreement with the findings therein. It is noted:

"There is little information submitted with regard to proposed mitigation planting."

ENVIRONMENT AGENCY

No objection subject to the imposition of conditions.

WESSEX WATER

No objection:

"Wessex Water is in discussion with the developer/ their agent with regard to this site, and we have previously indicated discharge points for foul flows. This is likely to involve a section 98 requisition to provision a foul drainage connection to the system.

With regard to surface water, the applicant has identified discharge to a watercourse, via a holding pond. Details of these proposals will need to be agreed both with Wessex Water in advance of development commencing on the site.

WILTSHIRE WILDLIFE TRUST

No comments received.

ENGLISH NATURE

No objection.

English Nature endorse the comments contained in the Environmental Appraisal attached to the application.

WARMINSTER CHAMBER OF COMMERCE

Support

"We believe that, provided they (the Applicants) satisfactorily complete all that they presented to us, this development is in the best interests of the town, and we support their application.

WARMINSTER CIVIC SOCIETY

Object

"The lack of an overall vision plan for Warminster will compound the environmental problems already raised by WCT in previous correspondence. Our concerns, and those expressed by the residents appear to be heavily glossed over where they are contentious by developers, including the impact on environment, traffic, schools and medical infra-structures".

Detailed objections:

1. Application refers to the provision of cycle and walkways. There are no cycleways in Warminster for the proposal to link to.
2. Concern about the impact on West Street traffic.
3. Concerns about potential loss of hedgerows and TPO trees.
4. Concern about light pollution
5. Concern about surface water disposal
6. Mitigation of the visual impact on the general landscape is required.
7. Scepticism about the provision of recycling facilities which should be redirected to the provision of reducing light pollution.
8. Strong case for including a general store in the proposal.
9. Ask who will be responsible for maintaining a 3m strip along North Lane

10. Concern "about the list of subjects given in the Notification of Application that may not be considered. If the matter of future development cannot be discussed, how can we make a sensible contribution to the true impact this site will have on planning? This means that yet again we are dealing with piecemeal development that does not reflect the wider issues of the town. Our confidence in the way planning has evolved thus far is not strong. In 2003, the 1st Alteration of the District Plan, H12 was shown as a very low priority, with a probability that it would not be used in the current building programme up to 2011. In WWDC letter, Reference DSC4/Victoria Road/CMC dated 18 May 2003, the Principal Planning Officer stated that WWDC was "unlikely to agree to an early grant of planning permission in advance of April 2007". It now appears that plans will be pushed through to let work commence in April 2005 for first occupation in 2006".

PUBLICITY

A thorough consultation exercise has been undertaken by both the Applicants and the Local Planning Authority. The Applicants have undertaken a thorough consultation exercise, including presentations to the Town Council and local residents.

A site notice was erected and neighbouring properties were consulted. As a result, 13 representations were received each objecting to the application.

The objections made the following comments:

- No more housing required
- Loss of greenfield land
- Concerns about phasing, this site should only come forward after 2006.
- Existing access is adequate and there is no need for major alterations to the highway.
- There is not a safe gap between numbers 72 and 76 Victoria Road for the access.
- A public footpath would be lost.
- Loss of privacy to surrounding residents.
- Concern about the maintenance of hedges near Perriwinkle Road
- Concern about the movement of construction traffic.

RELEVANT PLANNING HISTORY

There have been no previous applications for planning permission submitted on the site.

PLANNING POLICY

The Development Plan
RPG10 Regional Guidance for the South West

Wiltshire Structure Plan 2011
DP4 Main Settlements
DP7 Housing in Towns and Main Settlements

West Wiltshire District Plan - 1st Alteration 2004

H1B	Phasing
H2	Affordable Housing
H12	Land north of Victoria Road, Warminster
H24	New Housing Design
C1	The Countryside
C7	Protected Species
C14	Archaeology
C15	Archaeology
C15	Archaeology
C31A	Design
C32	Landscaping
C33	Recycling
C34A	Resources
C35	Light Pollution
C36	Noise
C37	Contamination
C40	Tree Planting
R1	Recreational Space
R4	Open Space in New Housing Development
R5	Recreation Land
T9	Bus Services
T10	Parking

T11	Cycleways
T12	Footpaths and Bridleways
S1	Education
S2	Primary Schools
U1	Infrastructure
U2	Surface Water Disposal
U3	Flooding
SP1	Town Centre Shopping
SP6	Local Shopping in Towns and Villages
CF1	Community Facilities
I1	Resources
I2	The Arts

PPS1	Delivering Sustainable Development
PPG3	Housing
PPS6	Planning for Town Centres
PPG13	Transport

PLANNING OFFICER'S COMMENTS

The main considerations in the determination of this application are whether the proposal complies with current up-to-date development plan policy and whether there are any material considerations to outweigh this policy consideration.

The Development Plan

The Statutory Development Plan comprises Regional Planning Guidance for the South West (RPG10), published in January 2001, the Wiltshire Structure Plan 2011 and the West Wiltshire District Plan First Alteration (2004).

The Government's guidance "The Planning System: General Principles" (PPS1) states that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. In some circumstances, where proposed development is so substantial or the cumulative effect is so significant that granting permission would prejudice an emerging Development Plan Document (DPD) by predetermining decisions about the scale of new development, then this may be appropriate. However, a proposal for development which has an impact on only a small area would rarely come into this category. In this case, it has been concluded in consultation with your officers in the Policy Section that the application proposal fall within this category.

The Regional Planning Guidance for the South West (RPG10), published in January 2001, now constitutes part of the development plan for West Wiltshire. The document promotes sufficient housing to enable the economic strengths of the northern sub region to develop, particularly at the principal urban areas (e.g. Bristol, Swindon) but also states the objective of fostering urban renaissance and developing greater self containment in the west Wiltshire towns. Although housing figures are given for Wiltshire, there is no specific policy for its distribution within Wiltshire.

The Wiltshire Structure Plan 2011 published in January 2001, is a "saved" Plan under the new planning system. About 14,000 dwellings are allocated in the Plan for West Wiltshire for the period 1991 to 2011. New housing development should be concentrated at the major settlements. This Plan provides the strategic framework for the District Plan 1st Alteration which is in conformity with the Adopted Structure Plan. The Structure Plan identifies Warminster as a main settlement (Policy DP4). Policy DP7 states that new housing development at towns and main settlements should have good access to nearby employment area, community facilities, other services and open space including sufficient provision for the safe movement by cycling or walking.

The District Plan 1st Alteration was adopted in June 2004, and under the new planning system is "saved" for a period of at least 3 years. Therefore, the Plan is part of the adopted development plan for West Wiltshire and full weight should be given to the contents of the Plan.

This site is allocated as an "other greenfield" housing site in the adopted District Plan 1st Alteration for about 190 dwellings, and phased for release post April 2006 District Plan (Appendix Da). The Inspector who assessed this site at the District Plan Local Inquiry considered that "the site performs reasonably well in relation to the criteria set out in PPG3 and I consider that it should be allocated for development for about 60 dwellings to help meet the shortfall in housing land".

Phasing the Release of Housing Sites in the District Plan

The site is allocated for delivery in Phase 2 of the District Plan period, with housing completions to be delivered post April 2006.

The Government guidance "Planning to Deliver" advises that "unnecessarily long lead in times should be resisted as they may reduce the ability of the planning system to respond to changing circumstances." The guidance suggests that an authority may be justified in rejecting a site on the grounds of prematurity if an application for a non-strategic site were to be submitted two years before a phase start date.

However, an authority must base its decision on the objectives of the phasing policy and on up to date monitoring information. In this case, the objective of the policy is to give priority to the development of urban brownfield land. In considering whether this objective has been achieved to date, your officers consider there are five main indicators:

- 1) The percentage of completions on previously developed land;
- 2) the take up of allocated brownfield sites;
- 3) the windfall rate;
- 4) the overall Plan housing requirements;
- 5) annual completions;

- 1) The percentage of completions on previously developed land since 1991 is over 42% and 50% was achieved in 2004/5.
- 2) 19 of the 25 allocated brownfield sites have been or are subject to development proposals.
- 3) The windfall rates are at or above the allowance set out in the Local Plan.
- 4) The overall predicted housing supply indicates that the Plan target will be met with a 6-7% anticipated over supply.
- 5) Average annual house completions since 1991 now total 664 per annum, below the required 700 per annum.

On balance the objectives of the phasing policy have been met to date. The progress of brownfield allocated sites through the planning process is on target and brownfield windfall rates are encouraging. Although completion rates have increased in recent years, the historically low completion rates require land supply to be maintained. The percentage of completions on brownfield land through the whole Plan period is just below the regional target of 50% but was reached in 2001/02 and 2004/05 and it is anticipated that this will continue to rise in the short term as the brownfield housing allocations in Phase 1 are built out.

A decision to approve this application in September 2005 would only be 7 months before the commencement of Phase 2.

On the basis of the objectives of the phasing policy H1b in the District Plan 1st Alteration there is no compelling housing land supply reason to justify a refusal of this application on prematurity grounds.

Material Considerations

The key material consideration in the determination of this application is the weight to be attached to emerging development plan policy.

Emerging Policy

The County Council is currently preparing a Structure Plan 2016, which will provide strategic policy for the period 1996-2016. Although the Plan has passed its examination stage, it is still in a draft form and currently subject to further consultation. It may not be adopted until well into 2006. Some weight can be given to this document but not full weight until adopted.

The draft Structure Plan 2016 proposes an overall reduction in the future housing supply in West Wiltshire, but the supply levels are split between Trowbridge and the rest of the District. Currently, it is estimated that the actual supply of housing land likely to be developed in West Wiltshire for the period 1996-2016 totals 12,640 dwellings (6,822 in the District outside Trowbridge) (April 2004 figures). The draft Structure Plan 2016 proposes a total of 11,750 dwellings (6,750 outside Trowbridge), although draft policy DP4 does state that the development of suitable brownfield sites "should not be inhibited solely on the grounds that the housing land requirement is met on other sites." The County Council has suggested that this overall reduction could be achieved through the deallocation or rephasing of smaller greenfield housing sites at Trowbridge and Warminster, including this site. However, this suggestion does not form part of the draft Structure Plan 2016 itself and any deallocation or rephasing is a matter for this Council to consider when reviewing the District Plan 1st Alteration and not for the Structure Plan authorities to prejudge.

The Regional Planning Body is currently preparing a Regional Spatial Strategy(RSS) for the period 1996-2026, which will include housing figures for West Wiltshire. The RSS is also likely to enhance the strategic role of Trowbridge, which does not have a particular status in the current Regional Planning Guidance (RPG10). This is significant, because the estimated current oversupply compared with the draft Structure Plan 2016 is almost entirely at Trowbridge. A draft RSS is due to be submitted to Government in March 2006. When it is adopted, in 2007, it will replace the Structure Plan 2016, if adopted by then.

The issue is therefore whether the draft provisions of the emerging Structure Plan 2016 are sufficient to outweigh the allocation of this site in the adopted District Plan 1st Alteration.

In this case, the application by itself is not considered substantial, nor does it effect more than a small area of the District. It could be argued that the cumulative effect of this application, together with others for the development of other greenfield allocations in the Plan, could be significant, in that they could lead to an oversupply compared with the emerging Structure Plan 2016. However, this would only represent a 7.6% oversupply, well within the 10% flexibility allowance supported by the County Council at the Local Plan Inquiry in 2002. In addition, the draft Structure Plan 2016 is proposing 6,750 dwellings to be built in the District outside Trowbridge, and this application will contribute to an actual supply of 6,822 in the District outside Trowbridge. This is not considered to represent a level of oversupply that would justify refusal.

The situation is complicated by the fact that the emerging Structure Plan 2016 is not an emerging Development Plan Documents but an old style Structure Plan and it is itself likely to be replaced by the emerging RSS within a year. Whilst Structure Plans remain material considerations, new Local Development Documents are no longer required to be in general conformity with them. The exact contents of the RSS are unknown at this stage, although levels of growth well above the levels proposed in RPG10 (on which the Structure Plan 2016 is based) are currently being tested. Whilst early drafts do not appear to indicate higher levels of growth for West Wiltshire, the ranges being tested include levels above the Structure Plan 2016 levels. Trowbridge is also likely to be identified as a strategic centre of growth.

With the relatively recent adoption of the District Plan 1st Alteration and with so much uncertainty surrounding current and future strategic planning at this stage, it is appropriate that full weight is given to the provisions of the District Plan 1st Alteration and limited weight to the draft Structure Plan 2016. Within this context, the fact that outside Trowbridge there is likely to be no oversupply, means that it is doubtful whether refusal of this application on the grounds of prematurity would be appropriate.

Other Considerations

Highway Considerations including access to the site.

Policy H12 states that there should be a secondary access from Virginia Drive.

The applicants have indicated three alternatives for this access. It will be either:

- 1) Access for pedestrians and cyclists only
- 2) Access for pedestrians, cyclists and emergency vehicles,
- 3) Access for all vehicles

These will be assessed as part of the reserved matters application.

The Highways Authority have indicated that they would object to any proposal that did not include a secondary access. Warminster Town Council have indicated that they object to the provision of a secondary access at Virginia Drive because of the adverse impact on neighbouring roads. On balance, your Officers will be seeking an access from Virginia Drive, consistent with Policy H12. The exact details of this will be the subject of further negotiation.

The impact of additional traffic on surrounding roads, including West Street has been considered by the Local Plan Inspector, who heard evidence at the Local Plan Inquiry. In addition, no objection on the grounds of impact of the proposed development on surrounding roads has been raised by the Local Planning Authority.

Ecology

There are a number of ecological issues that are to be resolved in advance of any development commencing on site. this relates to: -

- Loss of wetland grassland
- Impact on Bats
- Impact on Reptiles (in particular Common Lizard)
- Barn Owls.

The advice received from the County Ecologist is that the mitigation proposed within the applicant's Environmental Assessment is acceptable, but should be undertaken prior to any development taking place on the site. Suitable conditions are proposed to achieve this.

Bicycle and Walkways

The application proposal complies with Policies H12 and T11 of the District Plan in that it would support and enhance facilities for cyclists, specifically the provision of an integrated cycleway connecting to the existing network. This will be achieved through the imposition of a relevant condition.

The application proposal will ensure that the existing footpaths will be retained. The application proposal is therefore consistent with Policy T12 of the District Plan.

The Applicants have indicated that they would be prepared to contribute to the extension of the Victoria Road/ West Street Cycle way between the proposed access to the site and the existing most easterly junction of West Street and Virginia Way.

Affordable Housing

The application proposal would secure a sufficient amount of affordable housing for a development of this scale.

Light Pollution

The application proposal complies with the requirements of Policy C35.

The impact of residential development in this location was considered in detail by the Local Plan Inspector.

Any potential harm in the form of light pollution can be mitigated through the imposition of a relevant condition to require the submission of details of the street lighting.

Surface Water Disposal

The Environment Agency have considered the application proposals and require the submission of additional details in respect of surface water disposal before development can commence on the site.

Landscape Considerations

As landscaping of the site is reserved for subsequent approval, the details of any landscaping along the boundary of the site and on North Lane are matters for subsequent approval.

Provision of Recycling Facilities

The application proposal is consistent with Policies C33 of the District Plan in that it will make provision for a 10 square metre recycling facility. A condition is proposed to ensure the delivery of this.

Provision of a General Store

The application proposal has been amended to include the provision of a general store. The scale of the proposed store is such that a statement of need is not considered to be necessary. This will provide a useful local facility. The Highways Authority have indicated their objection to the location of the general store as shown on an indicative layout for the site. The exact details of this provision, including any parking provision associated with it will be dealt with at the reserved matters stage.

Provision of Public Open Space

Policy H12 requires the provision of 1.2 hectares of public open space. This level of provision forms part of the application proposal.

Amenity of Neighbours

The siting of the proposed housing is reserved for subsequent approval. When the detailed design of the application proposal is determined a key consideration will be the impact on surrounding residential development including the existing housing in Perriwinkle Close. Relevant conditions are proposed to ensure that a detail landscape scheme is produced for the boundary treatment for the site. This will ensure that the proposal is consistent with Policy C32 of the District Plan.

Flood Risk

The Environment Agency have indicated that they are satisfied that the Environment Appraisal submitted with the application does provide sufficient detail with respect to flood risk and provides a strategy for the acceptable disposal of surface water. Relevant conditions are attached to ensure the delivery of this strategy.

Health Provision

The provision of health care provision for the additional housing was considered when the housing allocation was made. No objection to the proposal was raised by the NHS Trust.

Provision of Public Transport

Policy H12 requires the provision of bus stops to serve the development. At the site visit it was apparent that there are at least 4 bus stops within easy walking distance of the site in Victoria Road and Grovelands Way, including one stop that is close to the junction of Grovelands Way with Virginia Drive. It is therefore considered that there is ample provision of public transport within easy access of the application site.

The Section 106 Agreement to be attached to any permission would also include the provision of £15,200 per annum for 5 years for the provision of enhanced school transport.

Provision of Public Art

Policy I2 states that where appropriate a contribution will be sought through negotiation for a contribution towards the arts.

CONCLUSION

The application proposal is consistent with development plan policy. It involves residential development on a site allocated for residential development in the West Wiltshire District Plan 1st Alteration. This is up to date policy.

The objection raised by the County Council cannot be supported. There remains uncertainty about the status of strategic policy that it is considered to be prudent to give full weight to the Local Plan documents.

The principle of residential development therefore is supported. There are not considered to be constraints on the site to outweigh this policy consideration and accordingly the application is supported.

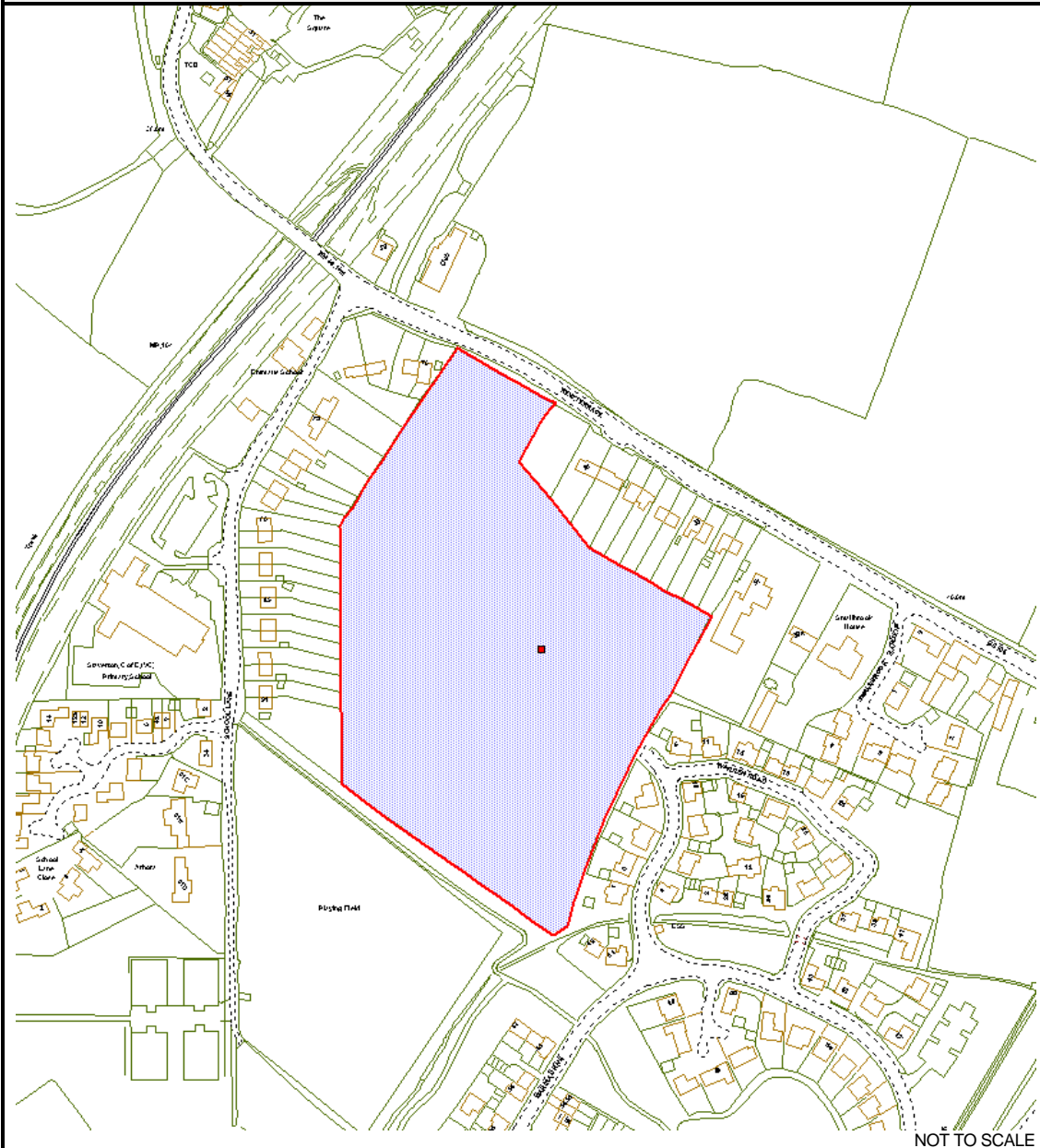
PLANNING COMMITTEE

22 September 2005

ITEM NO: 02

APPLICATION NO: 04/02307/OUT

LOCATION: Land Between New Terrace And Marina Drive Staverton
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 04/02307/OUT

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

Parish: Staverton Ward: Paxcroft

Grid Reference 385755 160318

Application Type: Outline Plan

Development: Residential development and associated works

Applicant Details: Persimmon Homes (wessex) Ltd
C/O/ G.Jones Pegasus Planning Group 6-20 Spitalgate Lane Cirencester
Glos

Agent Details: Pegasus Planning Group (G. Jones)
6-20 Spitalgate Lane Cirencester Glos

Case Officer: Mrs Rosie MacGregor

Date Received: 06.12.2004 Expiry Date: 07.03.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date subject to conditions and to the prior completion of a legal agreement/agreements to secure the following:

- **30% affordable housing**
- **Provision of public open space together with a financial contribution to secure its future maintenance.**
- **An index linked and bonded contribution by the developer to the County Education Authority towards the costs of providing additional education provision within the locality.**
- **Provision of a contribution towards public art.**
- **Provision of a contribution to public transport facilities through the provision of bus stops, together with appropriate bus stop kerbing and bus shelters.**
- **Provision of footpaths and cycleways connecting into the existing network.**
- **Provision of a link road to serve the new development and traffic calming within the locality.**
- **A contribution towards infrastructure to serve the development including off site water mains reinforcements as required by Wessex Water, and the provision of a surface water attenuation basin.**
- **Provision of car parking within the site to serve the adjacent playing field and provision of changing rooms.**

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces in any relevant phase 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.
- 6 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.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 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.

- 9 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.
- 10 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.
- The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres 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.
- 11 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.
- 12 No development shall take place until the applicant, or their agent or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- REASON: To protect the archaeological heritage of the area.
- POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policy C16.
- 13 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating the design, layout, levels, gradients, materials and method of construction shall be submitted for the prior approval of the Local Planning Authority.
- REASON: To ensure that the roads are laid out and constructed to the satisfaction of the Local Planning Authority.
- 14 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.

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

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

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

- 16 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.

- 17 Prior to the commencement of the development hereby permitted, a scheme for the construction, landscaping and ecological management of the pond and its adjacent area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use or occupation of the development.

REASON: In order to protect wildlife habitats.

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

- 18 Prior to the commencement of the development hereby permitted, a method statement shall be submitted to retain and safeguard the badger setts, badgers and links between setts and to foraging resources, and to safeguard against disturbance. The mitigation measures shall include a 20m buffer strip around the main sett, protective planting or fencing, and the enhancement of hedgerows. The method statement, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation and a watching brief. The scheme shall be carried out in accordance with the approved details.

REASON: In order to protect badgers and their habitat.

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

- 19 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, and details of species to be used in the creation of new habitats, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats.

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

- 20 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. Any such site shall be located at a position easily accessible from the Victoria Road entrance to the site. This land should be restored to its former condition or in accordance with any approved scheme whichever is appropriate 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.

- 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 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 prevent the increased risk of flooding.

POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policy U3.

- 23 No dwellings shall be occupied until a new road link between New Terrace and Marina Drive has been completed to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

- 24 No new dwellings 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 H7A.

- 25 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 the existing highway network and shall be retained throughout the period of construction.

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

Note(s) to Applicant:

- 1 You are advised that the Environment Agency recommend that a strip of land 5m wide adjacent to the top of any watercourse or ditch bank is left clear of all buildings, structures, fences and trees to facilitate access, essential maintenance and possible future improvements, and provide an ecological corridor. Ground levels should not be raised within this area.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Any culverting of a watercourse requires the prior written approval of the Environment Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Clarke in the interests of wider public debate.

This is an outline planning application for a residential development on land which has an area of approximately 3.48 hectares, situated south of New Terrace on the B3105 at Staverton. The site is located to the northeast of the existing Staverton Marina development and to the south of School Lane.

This is an outline planning application for which all matters are reserved.

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

A Design Guide has been submitted with the application which contains a Concept Master Plan indicating areas of public open space, a balancing pond, highways and footpath links and areas for residential development.

The Planning Statement accompanying the application concludes by stating that the site is allocated within the Development Plan. It constitutes a comprehensive planning application supported by appropriate studies, together with detailed design guidance. The developer will be prepared to enter into legal agreements to cover reasonable contributions to education, provision of affordable housing, provision of pedestrian and cycling facilities, provision of open space and a contribution to future management or infrastructure to serve the development, and parking spaces and changing rooms on the adjoining playing fields.

An Ecological Assessment has been submitted with the application. This concludes that the arable scrub and amenity boundary features are of negligible ecological interest and the only protected species present within the site are badgers and common nesting birds. Two badger setts are identified on the boundaries of the site and mitigation recommendations are set out in the report. The report states that no significant adverse impacts will arise to protected species within or adjacent to the site, and there is no evidence to suggest that there are any overriding ecological constraints on the site.

An Archaeological Evaluation has been submitted with the application. This concludes that prehistoric and Roman activities are confined to the northern third of the site and that details of a programme of archaeological works will be agreed with the County Council.

STAVERTON PARISH COUNCIL

Persimmon Homes have put forward proposals which the Parish Council have considered in a favourable light and the Parish Council would be prepared to support the outline planning application subject to the necessary Section 106 agreement safeguarding the benefits to the community.

STRATEGIC PLANNING AUTHORITY

Whilst the site, known as "New Terrace", is allocated in the West Wiltshire District Plan 1st Alteration (June 2004) for housing development under Policy H7A, it must also be considered against the phasing policy (Policy H1b) which states that sites will be subjected to phasing restrictions as set out in Appendix Da of the Plan, which clearly identifies this site as an 'Other Greenfield' site to be developed in Phase 2 (04/2006-03/2011) of the Plan. In addition to this paragraph 3.2.6c states that Phase 2 'Other Greenfield' sites will not be released prior to the phasing start date as the premature release of sites could reduce the ability of the planning system to respond to changes in the strategic housing requirements.

In line with its allocation as an 'Other Greenfield' site in the District Plan this allocation has been identified in the preparation of the Wiltshire and Swindon Structure Plan 2016 as a site for deallocation due to over supply of housing land in West Wiltshire District up to 2016. This view was supported in the Wiltshire and Swindon Structure Plan 2016 Examination in Public Report of the Panel (October 2004).

In light of the above considerations, Wiltshire County Council as strategic planning authority raises an objection to the proposed development.

HIGHWAY AUTHORITY

Has no highway objections in principle subject to the requirement that no dwelling shall be occupied until a new road link between New Terrace and Marina Drive has been provided.

Improvements to public transport facilities will be required through the provision of bus stops, together with appropriate bus stop kerbing and bus shelters.

The following condition is suggested:

The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing 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.

EDUCATION AUTHORITY

The developer contribution would be £44,350 for primary places only.

COUNTY ARCHAEOLOGIST

The proposed development area is of archaeological interest. Two phases of evaluation and a geophysical survey have revealed both prehistoric and Romano-British activity, confined largely to the northern third of the site. Late Neolithic/early Bronze Age linear features, Iron Age post holes and a Romano-British enclosure with associated ditches were all noted.

It is recommended that an archaeological excavation is undertaken on the site prior to development in order to gain further information on the prehistoric and Romano-British remains in Staverton. This work should be undertaken in accordance to a brief set out by this office (please find enclosed) by a professional archaeological contractor. The following condition as set out in paragraph 55 of DoE circular 11/95 should 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 Policy C16 of the Local Plan. The cost of the archaeological work will fall to the applicant.

COUNTY LANDSCAPE OFFICER

The Countryside Section would like to see conditions on any planning permission to ensure that hedgerows and trees are retained in accordance with the submitted Design Guide and Concept Master Plan. Details of how the public open space will be managed to provide habitats for wildlife will need to be submitted and it is strongly recommended that a habitat management plan is prepared for the site stating operations to be undertaken and by which organisation/individuals.

WESSEX WATER

No objection in principle subject to appropriate conditions.

However, with respect to water supply the developer should be informed that hydraulic modelling of the total Staverton Marina development has identified the need to provide additional system reinforcement to link into the existing distribution system. A contribution payment towards this link main, in proportion to the proposed number of dwellings/units will be required.

ENVIRONMENTAL HEALTH

Has no objections to the proposals.

ENGLISH NATURE

Badgers are a material consideration for this site and suitable mitigation, such as those outlined in the report will have to be discussed with the consultant. English Nature will be able to assess any application for licences once mitigations have been proposed.

ENVIRONMENTAL AGENCY

No objections in principle provided all surface water discharges to the watercourse to the south of the site are attenuated to existing greenfield rates. It recommends the use of dry ponds and wetland reed beds as used elsewhere on the overall site. These can be subject to condition.

HOUSING OFFICER

There is a high demonstrable need for affordable housing in Staverton which supports the 30% affordable housing contribution from this site. Details of the mix and tenure are currently being discussed with the developer. The preferred method of delivery transfer at no cost an appropriate quantity of service land by the developer to a registered social landlord selected by the Council and the transfer of a commuted sum covering the build cost of the units by the developer to the Council.

The affordable housing should be provided in perpetuity, in small clusters, throughout the site.

PUBLICITY

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

Letters have been received objection to the proposals from the occupiers of four neighbouring dwellings and from a planning consultant acting on behalf of another house builder. The objections are as follows:

- A link road entering the main road at the most dangerous part of the B3105 should not be considered as it will create a traffic hazard.
- Danger to parents and children walking to school as a result of the increased traffic and new junction.
- Presence of badgers and badger setts at the site.
- Need to preserve hedgerows and trees.
- Potential for overlooking of existing dwellings to the detriment of privacy.
- Destruction of open countryside.
- Prematurity.
- Development of a non-strategic greenfield site is not justified.
- Contrary to strategic policy.

A copy of a letter sent to the Government Office requesting that the First Secretary of State uses his powers to call-in the application for his own determination has been received.

RELEVANT PLANNING HISTORY

01/01616 - New road link between New Terrace and Marina Drive - Approved 19.02.02

05/00324 - Reserved matters relating to new road link - Refused 21.02.05

PLANNING POLICY

Wiltshire Structure Plan 2011
DP1 Sustainable development
DP7 Towns and main settlements
T4 Cycling and walking
T5 Car parking

West Wiltshire District Plan - 1st Alteration 2004

H1	Housing developments within towns
H2	Affordable housing
H7A	New Terrace, Staverton
H24	Housing design
C7	Protected Species
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C31A	Design detail
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T10	Car parking
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PPS1 - Delivering Sustainable Development

PPG3 - Housing

PPG13 - Transport

PPG16 - Archaeology and Planning

RPG10 - Regional Planning Guidance

SPG - Open Space Provision

SPG - Affordable Housing

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

PLANNING OFFICER'S COMMENTS

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

The Principle of the Development

The site, which is a greenfield site, is located at New Terrace, Staverton and is identified within the Adopted District Plan at Policy H7A as a housing allocation for approximately 60 new dwellings.

Development Plan Policy

The Regional Planning Guidance for the South West (RPG10), published in January 2001, now constitutes part of the development plan for West Wiltshire. The document promotes sufficient housing to enable the economic strengths of the northern sub region to develop, particularly at the principal urban areas (e.g. Bristol, Swindon) but also states the objective of fostering urban renaissance and developing greater self containment in the west Wiltshire towns. Although housing figures are given for Wiltshire, there is no specific policy for its distribution within Wiltshire.

The Structure Plan 2011, published in January 2001, is a "saved" Plan under the new planning system. About 14,000 dwellings are allocated in the Plan for West Wiltshire for the period 1991-2011. New housing development should be concentrated at the major settlements. This Plan provides the strategic framework for the District Plan 1st Alteration which is in conformity with the Structure Plan.

This site is allocated as an "other greenfield" housing site in the adopted District Plan 1st Alteration for about 60 dwellings, and phased for release post April 2006. The Inspector who assessed this site at the District Plan Local Inquiry considered that "in my view the site performs reasonably well in relation to the criteria set out in PPG3 and I consider that it should be allocated for development for about 60 dwellings to help meet the shortfall in housing land". The District Plan 1st Alteration was adopted in June 2004, and under the new planning system is "saved" for a period of at least 3 years. Therefore, the Plan is part of the adopted development plan for West Wiltshire and full weight should be given to the contents of the Plan.

The County Council is currently preparing a Structure Plan 2016, which will provide strategic policy for the period 1996-2016. Although the Plan has passed its examination stage, it is still in a draft form and currently subject to further consultation. It may not be adopted until well into 2006. Some weight can be given to this document but not full weight until adopted.

The draft Structure Plan 2016 proposes an overall reduction in the future housing supply in West Wiltshire. Currently, it is estimated that the actual supply of housing land likely to be developed in West Wiltshire for the period 1996-2016 totals 12,640 dwellings (5,818 in Trowbridge) (April 2004 figures). The draft Structure Plan 2016 proposes a total of 11,750 dwellings (5,000 in Trowbridge), although draft policy DP4 does state that the development of suitable brownfield sites "should not be inhibited solely on the grounds that the housing land requirement is met on other sites." The County Council has suggested that this reduction could be achieved through the deallocation or rephasing of smaller greenfield housing sites at Trowbridge and Warminster, including this site. However, this suggestion does not form part of the draft Structure Plan 2016 itself and any deallocation or rephasing is a matter for this Council to consider when reviewing the District Plan 1st Alteration and not for the Structure Plan authorities to prejudge.

The Regional Planning Body is currently preparing a Regional Spatial Strategy(RSS) for the period 1996-2026, which will include housing figures for West Wiltshire. The RSS is also likely to enhance the strategic role of Trowbridge, which does not have a particular status in the current Regional Planning Guidance (RPG10). This is significant, because the estimated current oversupply compared with the draft Structure Plan 2016 is almost entirely at Trowbridge. A draft RSS is due to be submitted to Government in March 2006. When it is adopted, in 2007, it will replace the Structure Plan 2016, if adopted by then.

The issue is therefore whether the draft provisions of the emerging Structure Plan 2016 are sufficient to outweigh the housing supply provision set out in the adopted Structure Plan 2011 and the allocation of this site in the adopted District Plan 1st Alteration.

The Government's guidance "The Planning System: General Principles" states that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. In some circumstances, where proposed development is so substantial or the cumulative effect is so significant that granting permission would prejudice an emerging Development Plan Document(DPD) by predetermining decisions about the scale of new development, then this may be appropriate. However, a proposal for development which has an impact on only a small area would rarely come into this category.

In this case, the application by itself is not considered substantial, nor does it effect more than a small area of the District. It could be argued that the cumulative effect of this application, together with others for the development of other greenfield allocations in the Plan, could be significant, in that they could lead to an oversupply compared with the emerging Structure Plan 2016. However, this would only represent a 7.6% oversupply, well within the 10% flexibility allowance supported by the County Council at the Local Plan Inquiry in 2002.

The situation is complicated by the fact that the emerging Structure Plan 2016 is not an emerging DPD but an old style Structure Plan and it is itself likely to be replaced by the emerging RSS within a year. Whilst Structure Plans remain material considerations, new Local Development Documents are no longer required to be in general conformity with them. The exact contents of the RSS are unknown at this stage, although levels of growth well above the levels proposed in RPG10 (on which the Structure Plan 2016 is based) are currently being tested. Whilst early drafts do not appear to indicate higher levels of growth for West Wiltshire, the ranges being tested include levels above the Structure Plan 2016 levels. Trowbridge is also likely to be identified as a strategic centre of growth.

With the relatively recent adoption of the District Plan 1st Alteration and with so much uncertainty surrounding current and future strategic planning at this stage, it is appropriate that full weight is given to the provisions of the Structure Plan 2011 and the District Plan 1st Alteration and limited weight to the draft Structure Plan 2016. Within this context, it is doubtful whether refusal on the grounds of prematurity would be appropriate.

Site Phasing for Release

The site is allocated for delivery in Phase 2 of the District Plan period, with housing completions to be delivered post April 2006.

The Government guidance "Planning to Deliver" advises that "unnecessarily long lead in times should be resisted as they may reduce the ability of the planning system to respond to changing circumstances." The guidance suggests that an authority may be justified in rejecting a site on the grounds of prematurity if an application for a non-strategic site were to be submitted two years before a phase start date.

However, an authority must base its decision on the objectives of the phasing policy and on up to date monitoring information. In this case, the objective of the policy is to give priority to the development of urban brownfield land. In considering whether this objective has been achieved to date, I consider there are five main indicators:

- 1) The percentage of completions on previously developed land;
- 2) the take up of allocated brownfield sites;
- 3) the windfall rate;
- 4) the overall Plan housing requirements;
- 5) annual completions;

- 1) The percentage of completions on previously developed land since 1991 is over 42% and 50% was achieved in 2004/5.
- 2) 19 of the 25 allocated brownfield sites have been or are subject to development proposals.
- 3) The windfall rates are at or above the allowance set out in the Local Plan.
- 4) The overall predicted housing supply indicates that the Plan target will be met with a 6-7% anticipated over supply.
- 5) Average annual house completions since 1991 now total 664 per annum, below the required 700 per annum.

It is considered that the objectives of the phasing policy have been met to date. The progress of brownfield allocated sites through the planning process is on target and brownfield windfall rates are encouraging. Although completion rates have increased in recent years, the historically low completion rates require land supply to be maintained. The percentage of completions on brownfield land through the whole Plan period is just below the regional target of 50% but was reached in 2001/02 and 2004/05 and it is anticipated that this will continue to rise in the short term as the brownfield housing allocations in Phase 1 are built out.

A decision to approve this application in September 2005 would only be 7 months before the commencement of Phase 2. Furthermore, an application for approval of reserved matters would take about another 3 months before the developer could think of starting on site.

It is therefore considered that on the basis of the objectives of the phasing policy H1b in the District Plan 1st Alteration there is no compelling housing land supply reason to justify a refusal of this application on prematurity grounds.

However, any permission should be subject to a planning condition seeking to restrict occupancy until April 2006. Such a restriction would ensure that priority continues to be given to brownfield site completions until April 2006, the beginning of Phase 2.

It should be noted that the draft wording of the District Plan 1st Alteration which had stated that Phase 2 sites will not be released prior to the phasing starting date, and that the Council will respond to any changes in the strategic housing requirements through its plan, monitor and manage process, has now been deleted from the Plan after a successful legal challenge. It would therefore not be appropriate for this Council to give any weight to this previous wording.

The application is made in outline with all detailed matters reserved for subsequent approval. The development will be required to provide all of the necessary infrastructure, set out in the adopted District Plan 1st Alteration. This will include affordable housing, public open space, tree planting and landscaping, cycleway and footpath provision, traffic calming.

The site is allocated in the adopted District Plan 1st Alteration for housing development. Full weight should be given to the provisions of this adopted Plan. The proposals would therefore be acceptable in policy terms

Highways

The Highway Authority has no objection to the proposals but this is subject to the prior completion of the link road that was previously approved by this Council under an outline planning application. Unfortunately, this is no longer an extant permission. Prior to its expiry an approval of reserved matters application for the detailed design of the proposed link road was refused contrary to officer's recommendation by West Wiltshire District Council's Planning Committee. Since the original outline has now expired the only way that outline could be kept alive would be by an appeal lodged by the applicants, or by the submission of a further detailed application.

It is understood that the applicants are considering their options at the present time with regard to the link road decision.

The Design Guide submitted with the current application clearly provides for the link road, and without this link it is unlikely that further development at the Marina would be acceptable. The provision of a link road is a requirement of Policy H7A. The application was refused because inadequate pedestrian crossings to ensure a safe route to school and bus stops had been provided. It is likely these matters can be overcome. It is considered in these circumstances appropriate to impose a Grampian condition to prevent the occupation of any dwellings until such time as the road link has been completed.

The developer has committed to the Parish Council that it will provide car parking within the site in an appropriate location to serve the adjacent playing field at Staverton Marina and construct changing rooms. These proposals can form part of the Legal Agreement and this is acceptable to the developer.

Archaeology

The proposed development area is of archaeological interest and the County Archaeologist is satisfied that a programme of archaeological work can be secured by condition.

Ecology

The hedgerows on the perimeter of the site, and the mature trees contained within these, are shown as being retained. Their retention can be controlled by condition, as can future landscaping of the site in order to secure a green setting to soften the built environment and enhance visual amenity.

Badgers are known to frequent the site and mitigation measures can also be controlled by condition on any permission granted.

Amenity of Neighbours and loss of countryside.

Neighbours currently enjoy views over an area of arable land and concerns have been expressed about loss of privacy, and the loss of open countryside. The site is allocated as a future residential development and its allocation with the development plan followed public consultation.

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

The matters of design and detail to ensure that there would be no unacceptable level of overlooking or loss of privacy would be considered at the detailed planning stage.

Other Matters

The Education Authority has requested a contribution towards primary school places and this is supported.

The Environment Agency and Wessex Water have no objections subject to appropriate conditions and, in the case of the latter, a contribution to infrastructure including an additional system reinforcement to link into the existing system.

CONCLUSIONS

The proposals are considered to be in accordance with Council policy. A residential development of about 60 dwellings, as defined in the Local Plan, would be in character with the area.

There are no planning objections to the proposals and it is recommended that planning permission should be granted at a future date subject to the applicants being prepared to enter into a Section 106 agreement to secure the necessary planning obligations.

There is no requirement to refer this application to the Secretary of State as it falls outside the provisions of the Greenfield Direction as the site is less than 5 hectares in area and less than 150 dwellings.

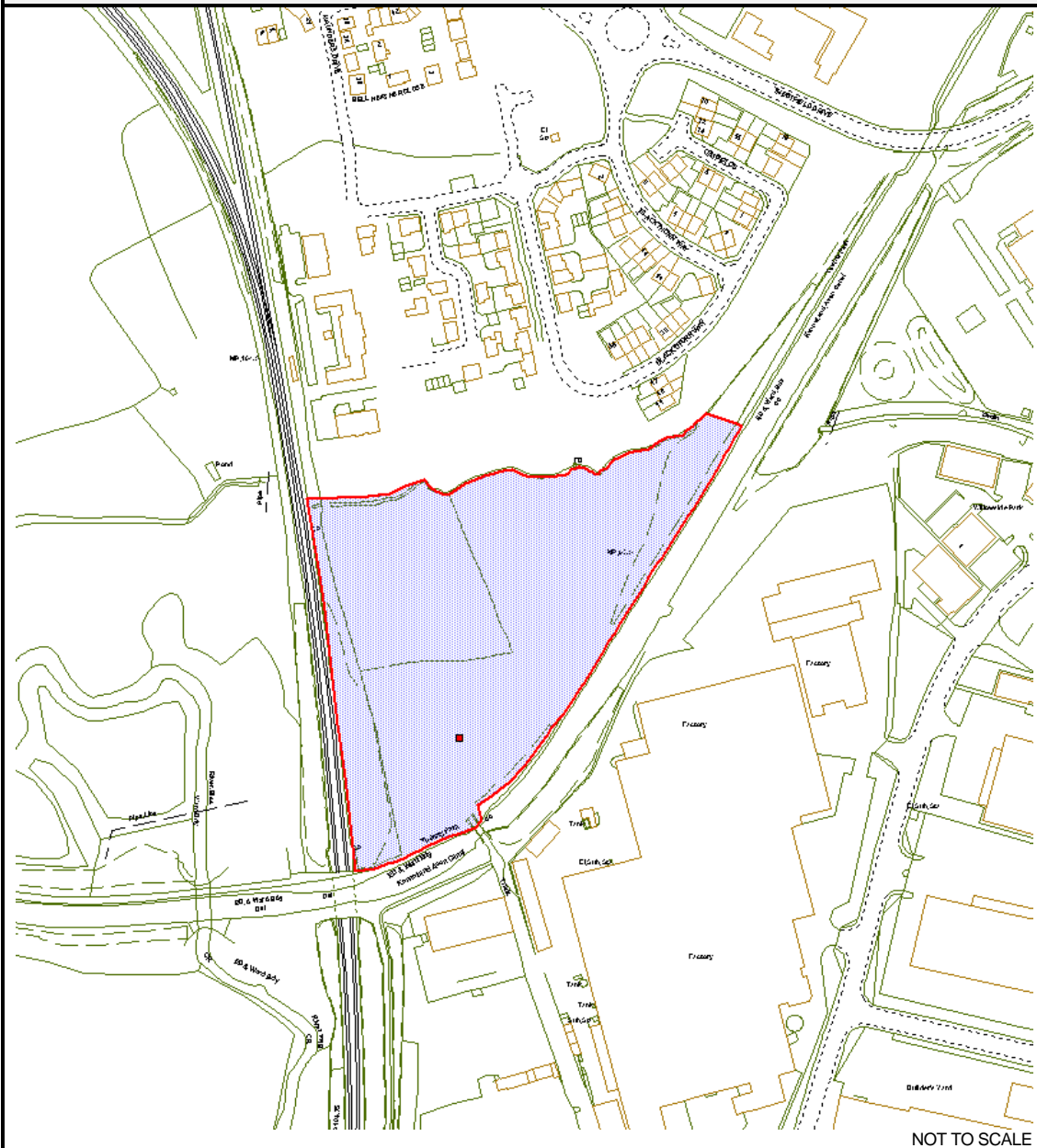
PLANNING COMMITTEE

22 September 2005

ITEM NO: 03

APPLICATION NO: 04/02303/OUT

LOCATION: Land At Staverton Triangle Staverton Wiltshire



NOT TO SCALE

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SLA: 100022961

03 Application: 04/02303/OUT

Site Address: Land At Staverton Triangle Staverton Wiltshire

Parish: Staverton Ward: Paxcroft

Grid Reference 385581 159506

Application Type: Outline Plan

Development: Residential development and associated works

Applicant Details: Persimmon Homes (wessex) Ltd
C/O G. Jones Pegasus Planning Group 6-20 Spitalgate Lane Cirencester
Glos

Agent Details: Pegasus Planning Group (G. Jones)
6-20 Spitalgate Lane Cirencester Glos GL7 2DE

Case Officer: Mrs Rosie MacGregor

Date Received: 06.12.2004 Expiry Date: 07.03.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date subject to conditions and to the prior completion of a legal agreement/agreements to secure the following:

- **30% affordable housing**
- **Provision of public open space including retention of an area of woodland, a landscaped river corridor in relation to the Hilpertion Brook and a fully equipped children's play area together with a financial contribution to secure its future maintenance.**
- **An index linked and bonded contribution by the developer to the County Education Authority towards the costs of providing additional education provision within the locality.**
- **Provision of a contribution towards public art.**
- **Provision of a contribution to public transport facilities through the provision of bus stops, together with appropriate bus stop kerbing and bus shelters.**
- **Provision of footpaths and cycleways connecting into the existing network.**
- **Provision of traffic calming within the locality.**
- **Provision of a recycling mini-bank station.**
- **A contribution towards infrastructure to serve the development including off site water mains and sewerage reinforcements as required by Wessex Water, and the provision of a surface water attenuation basin.**

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces in any relevant phase 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.
- 6 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.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 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.

- 9 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.

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

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

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

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

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

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

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

- 11 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.

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

REASON: To ensure that the roads are laid out and constructed to the satisfaction of the Local Planning Authority.

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

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

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

- 15 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.

- 16 Prior to the commencement of the development hereby permitted, a scheme for the construction, landscaping and ecological management of the pond and its adjacent area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use or occupation of the development.

REASON: In order to protect wildlife habitats.

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

- 17 Prior to the commencement of the development hereby permitted, a method statement shall be submitted to retain and safeguard the badger sett, badgers and links to foraging resources, and to safeguard against disturbance. The mitigation measures shall include a 20m buffer strip around the sett, protective planting or fencing, and the enhancement of hedgerows. The method statement, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation and a watching brief. The scheme shall be carried out in accordance with the approved details.

REASON: In order to protect Badgers and their habitat.

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

- 18 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, and details of species to be used in the creation of new habitats, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats.

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

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

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

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

- 20 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. Any such site shall be located at a position easily accessible from the Victoria Road entrance to the site. This land should be restored to its former condition or in accordance with any approved scheme whichever is appropriate 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.

- 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 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 prevent the increased risk of flooding.

POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policy U3.

- 23 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 H7A.

- 24 The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey related to Ordnance Datum of existing ground levels contoured at 0.1 metre intervals, together with details of proposed finished levels.

REASON: To enable the Local Planning Authority to assess the effects of the proposed development on flood defence/land drainage.

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

- 25 No development approved by this permission shall be commenced until details of the proposed finished floor levels have been submitted to and approved by the Local Planning Authority. Floor levels should be set at least 600mm above the estimated 1% risk flood level in Hilpert Brook at the site, including an allowance for possible climate change effects. The risk of blockage of the downstream railway culvert shall also be considered. The scheme shall be completed in accordance with the approved plans.

REASON: To ensure that the development is subject to minimum risk of flooding.

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

- 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 prevent the increased risk of flooding.

POLICY: West Wiltshire District Plan - 1st Alteration - 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 alleviate the increased risk of flooding.

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

- 28 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. 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, which ever 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.

REASON: To prevent pollution of the water environment.

- 29 The development shall not commence until an assessment of the impacts of railway and industrial noise, including vibration, has been carried out and a scheme of noise attenuation and mitigation measures have been agreed in writing with the Local Planning Authority. The works shall be carried out strictly in accordance with the approved scheme and shall be completed prior to the first occupation of the dwellings.

REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.

- 30 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 the existing highway network and shall be retained throughout the period of construction.

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

Note(s) to Applicant:

- 1 You are advised that under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Hilperton Brook, designated a 'main river'.
- 2 The Environment Agency has advised that the proposed development is partially situated within 250 metres of a known landfill site. Before commencement of the development, the developer must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Clarke in the interests of wider public debate.

This is an outline planning application for a residential development on land known as Staverton Triangle which has an area of approximately 2.33 hectares. The site is located to the south of the existing Staverton Marina development on a triangular shaped piece of land between the canal and railway.

This is an outline planning application for which all matters are reserved.

The site is currently agricultural grassland of scrubby appearance and slopes upwards from its northern boundary towards the railway embankment. There are a number of existing mature hedgerows, vegetation and native trees on the edge and in-groups within the site, including a large oak tree. A partially tree lined stream comprising mainly willow runs parallel with the boundary with the existing Marina development.

An Ecological Assessment has been submitted with the application. This concludes that the semi-improved grassland is of some ecological interest at local level and recommends that some areas of grassland and damp grassland are retained and incorporated into the proposals wherever possible. Similarly a mature oak is identified as being ancient in nature and providing opportunities for roosting bats. It continues that the only protected species present within the site are Badgers and common nesting birds, while potential for roosting bats and reptiles also exist and the water vole is known to be present along the adjacent Kennet and Avon canal. Arable scrub and amenity boundary features are of negligible ecological interest and the only protected species present within the site are Badgers and common nesting birds. A Badger sett was identified within the site and mitigation recommendations are set out in the report. The report concludes that no significant adverse impacts will arise to protected species within or adjacent to the site, and there is no evidence to suggest that there are any overriding ecological constraints on the site.

A Flood Risk Assessment has been submitted with the application.

A Design Guide has been submitted with the application which contains a Concept Master Plan indicating areas of public open space, a balancing pond, footpath links and areas for residential development.

The Planning Statement accompanying the application concludes by stating that the site is allocated within the Development Plan. It constitutes a comprehensive planning application supported by appropriate studies, together with detailed design guidance. The developer will be prepared to enter into legal agreements to cover reasonable contributions to education, provision of affordable housing, provision of pedestrian and cycling facilities, provision of open space including a fully equipped children's play area, landscaped corridor, additional tree planting and retention of trees within the site, traffic calming, and a reasonable contribution towards recycling facilities.

STAVERTON PARISH COUNCIL

The Parish Council initially made the following comments about this planning application:

1. Open Space/Green Buffer - The open space provision needs to be usable open space for residents to enjoy and for children to play. A drainage lake/pond is shown on the Plan, so although technically this all counts as open space it is not suitable for children to play. The existence of balancing ponds is dangerous within open space areas.
2. Footpath from Staverton to Trowbridge - This needs to be preserved and to take an attractive and safe route.
3. Height of Buildings - Careful consideration needs to be given to the type and height of housing adjacent to the canal and should not be terraced and/or 2.5/3 storey housing.
4. Trees and Hedgerows - These need to be preserved.
5. Access Points onto the Towpath - There needs to be sufficient numbers of these in order that residents can access the towpath through proper pathways.

The Parish Council asks that these comments be given serious consideration.

Subsequently on commenting further, the Parish Council stated that it understands that land at Staverton Triangle has been put forward as possible land for de-allocation. The Parish has discussed this and in view of the fact that this land has been misused in the past (motorcycle nuisance) the Parish feels that it may be better that the land is developed.

The Parish trusts that this comment will be given consideration at the appropriate time.

STRATEGIC PLANNING AUTHORITY

Whilst the site, known as "Staverton Triangle", is allocated in the West Wiltshire District Plan 1st Alteration (June 2004) for housing development under Policy H7, it must also be considered against the phasing policy (Policy H1b) which states that sites will be subjected to phasing restrictions as set out in Appendix Da of the Plan, which clearly identifies this site as an 'Other Greenfield' site to be developed in Phase 2 (04/2006-03/2011) of the Plan. In addition to this paragraph 3.2.6c states that Phase 2 'Other Greenfield' sites will not be released prior to the phasing start date as the premature release of sites could reduce the ability of the planning system to respond to changes in the strategic housing requirements.

In line with its allocation as an 'Other Greenfield' site in the District Plan this allocation has been identified in the preparation of the Wiltshire and Swindon Structure Plan 2016 as a site for de-allocation due to over supply of housing land in West Wiltshire District up to 2016. This view was supported in the Wiltshire and Swindon Structure Plan 2016 Examination in Public Report of the Panel (October 2004).

In light of the above considerations, Wiltshire County Council as strategic planning authority raises an objection to the proposed development.

HIGHWAY AUTHORITY

Has no highway objections in principle subject to a pedestrian/cycle link down to the Kennet and Avon towpath/canal bridge to link with other cycle paths.

Public footpath No 2 runs across the site, and if the current route is not incorporated into the proposed layout, the route may need to be diverted prior to the development commencing.

The following condition is suggested:

The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing 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.

EDUCATION AUTHORITY

Would be looking for a developer contribution of £53,220 for primary level only.

COUNTY ARCHAEOLOGIST

Nothing of archaeological interest is likely to be affected by the proposals.

COUNTY LANDSCAPE OFFICER

The Countryside Section would like to see conditions on any planning permission to ensure that hedgerows and trees are retained in accordance with the submitted Design Guide and Concept Master Plan. Details of how the public open space will be managed to provide habitats for wildlife will need to be submitted and it is strongly recommended that a habitat management plan is prepared for the site stating operations to be undertaken and by which organisation/individuals.

One area that will require some careful consideration is the boundary treatment between the development and the canal towpath, particularly the appearance of the towpath and access onto the towpath.

WESSEX WATER

No objection in principle subject to appropriate conditions.

However, with respect to water supply the developer will be required to contribute to the cost of off-site mains reinforcement.

A point of adequacy study will be required for foul sewerage, but it is likely that off site sewerage reinforcements will be needed. In this event Wessex Water will seek contributions to the cost of the work from the developer.

Site surface water should discharge to land drainage.

ENVIRONMENTAL HEALTH

Has no objections to the proposals subject to appropriate conditions.

ENGLISH NATURE

English Nature understands that the site is likely to host protected species. Whilst it considers that it should be possible to develop the site in a way that would avoid damage to the relevant species and allow their continued survival at this location, achieving this will require information on the presence and distribution of protected species and appropriate mitigation to ensure that suitable habitats are maintained.

If permission is granted for development, relevant species on the site should be protected from harm (as legally required) and that their presence on the site is maintained, which may require mitigation. This would require survey for likely species, and the provision of replacement habitat(s) for any that would be damaged or destroyed by the development.

At present English Nature has not seen any information that indicates whether or not reptiles are present on the site, nor any proposals for mitigation that would provide replacement habitats if necessary. Survey work and mitigation proposals are required. However this could be addressed by the provision of conditions that would ensure - a) that competent surveys of reptiles were carried out before any ground works are started, and - b) that, if reptiles are present, mitigation measures are agreed with your Council and put in place before the commencement of any works that would be likely to damage the animals or their habitats.

ENVIRONMENT AGENCY

No objection in principle subject to conditions and informatives including that Hilperton Brook has recently been 'en-mained' and is therefore subject to the 'main river' powers and Byelaws of the Agency.

HOUSING OFFICER

There is a high demonstrable need for affordable housing in Staverton which supports the 30% affordable housing contribution from this site. Details of the mix and tenure are currently being discussed with the developer. The preferred method of delivery transfer at no cost an appropriate quantity of service land by the developer to a registered social landlord selected by the Council and the transfer of a commuted sum covering the build cost of the units by the developer to the Council.

The affordable housing should be provided in perpetuity, in small clusters, throughout the site.

KENNET AND AVON CANAL TRUST

No objection to the development per se although the application provides scant information on the scale, type, density, etc of the development.

PUBLICITY

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

Letters have been received objecting to the proposals from the occupier of one neighbouring dwelling and from a planning consultant acting on behalf of another house builder. The objections are as follows:

- Harm to Badgers and Badger setts at the site.
- Need to preserve hedgerows and trees.
- Prematurity.
- Development of a non-strategic Greenfield site is not justified.
- Contrary to strategic policy.

A copy of a letter sent to the Government Office requesting that the First Secretary of State uses his powers to call-in the application for his own determination has been received.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

Wiltshire Structure Plan 2011

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

West Wiltshire District Plan - 1st Alteration 2004

H1	Housing developments within towns
H2	Affordable housing
H7	Staverton Triangle
H24	Housing design
CA1	Kennet and Avon Canal
C7	Protected Species
C15	Archaeology
C16	Archaeology
C31A	Design detail
C32	Landscaping
C34A	Resources
C36	Noise
C38	Nuisance
T10	Car parking
T11	Cycleways
T12	Footways
R4	Public open space
S1	Education
U1	Infrastructure
U2	Surface water disposal
U3	Flooding
IL	Implementation
I2	The Arts

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG16	Archaeology and Planning

RPG10 Regional Planning Guidance

SPG	Open Space Provision
SPG	Affordable Housing

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

PLANNING OFFICER'S COMMENTS

The main issues raised by this application are the principle of residential development, highways, flooding and ecology.

The Principle of the Development

The site, which is a greenfield site, is located at Staverton Triangle, Staverton and is identified within the Adopted District Plan at Policy H7 as a housing allocation.

Development Plan Policy

The Regional Planning Guidance for the South West (RPG10), published in January 2001, now constitutes part of the Development Plan for West Wiltshire. The document promotes sufficient housing to enable the economic strengths of the northern sub region to develop, particularly at the principal urban areas (eg Bristol, Swindon) but also states the objective of fostering urban renaissance and developing greater self containment in the West Wiltshire towns. Although housing figures are given for Wiltshire, there is no specific policy for its distribution within Wiltshire.

The Structure Plan 2011, published in January 2001, is a "saved" Plan under the new planning system. About 14,000 dwellings are allocated in the Plan for West Wiltshire for the period 1991-2011. New housing development should be concentrated at the major settlements. This Plan provides the strategic framework for the District Plan 1st Alteration which is in conformity with the Structure Plan.

This site is allocated as an "other greenfield" housing site in the adopted District Plan 1st Alteration for about 80 dwellings, and phased for release post April 2006. The Inspector who assessed this site at the District Plan Local Inquiry considered that "in my view the site performs well in relation to the criteria set out in PPG3 (paragraph 31) and I consider that it should be allocated for development for about 80 dwellings, to help meet the shortfall in housing land". The District Plan 1st Alteration was adopted in June 2004, and under the new planning system is "saved" for a period of at least 3 years. Therefore, the Plan is part of the adopted Development Plan for West Wiltshire and full weight should be given to the contents of the Plan.

The County Council is currently preparing a Structure Plan 2016, which will provide strategic policy for the period 1996-2016. Although the Plan has passed its examination stage, it is still in a draft form and currently subject to further consultation. It may not be adopted until well into 2006. Some weight can be given to this document but not full weight until adopted.

The draft Structure Plan 2016 proposes an overall reduction in the future housing supply in West Wiltshire. Currently, it is estimated that the actual supply of housing land likely to be developed in West Wiltshire for the period 1996-2016 totals 12,640 dwellings (5,818 in Trowbridge) (April 2004 figures). The draft Structure Plan 2016 proposes a total of 11,750 dwellings (5,000 in Trowbridge), although draft policy DP4 does state that the development of suitable brownfield sites "should not be inhibited solely on the grounds that the housing land requirement is met on other sites." The County Council has suggested that this reduction could be achieved through the de-allocation or re-phasing of smaller greenfield housing sites at Trowbridge and Warminster, including this site. However, this suggestion does not form part of the draft Structure Plan 2016 itself and any de-allocation or re-phasing is a matter for this Council to consider when reviewing the District Plan 1st Alteration and not for the Structure Plan authorities to prejudge.

The Regional Planning Body is currently preparing a Regional Spatial Strategy(RSS) for the period 1996-2026, which will include housing figures for West Wiltshire. The RSS is also likely to enhance the strategic role of Trowbridge, which does not have a particular status in the current Regional Planning Guidance (RPG10). This is significant, because the estimated current oversupply compared with the draft Structure Plan 2016 is almost entirely at Trowbridge. A draft RSS is due to be submitted to Government in March 2006. When it is adopted, in 2007, it will replace the Structure Plan 2016, if adopted by then.

The issue is therefore whether the draft provisions of the emerging Structure Plan 2016 are sufficient to outweigh the housing supply provision set out in the adopted Structure Plan 2011 and the allocation of this site in the adopted District Plan 1st Alteration.

The Government's guidance "The Planning System: General Principles" states that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. In some circumstances, where proposed development is so substantial or the cumulative effect is so significant that granting permission would prejudice an emerging Development Plan Document(DPD) by predetermining decisions about the scale of new development, then this may be appropriate. However, a proposal for development which has an impact on only a small area would rarely come into this category.

In this case, the application by itself is not considered substantial, nor does it effect more than a small area of the District. It could be argued that the cumulative effect of this application, together with others for the development of other greenfield allocations in the Plan, could be significant, in that they could lead to an oversupply compared with the emerging Structure Plan 2016. However, this would only represent a 7.6% oversupply, well within the 10% flexibility allowance supported by the County Council at the Local Plan Inquiry in 2002.

The situation is complicated by the fact that the emerging Structure Plan 2016 is not an emerging DPD but an old style Structure Plan and it is itself likely to be replaced by the emerging RSS within a year. Whilst Structure Plans remain material considerations, new Local Development Documents are no longer required to be in general conformity with them. The exact contents of the RSS are unknown at this stage, although levels of growth well above the levels proposed in RPG10 (on which the Structure Plan 2016 is based) are currently being tested. Whilst early drafts do not appear to indicate higher levels of growth for West Wiltshire, the ranges being tested include levels above the Structure Plan 2016 levels. Trowbridge is also likely to be identified as a strategic centre of growth.

With the relatively recent adoption of the District Plan 1st Alteration and with so much uncertainty surrounding current and future strategic planning at this stage, it is appropriate that full weight is given to the provisions of the Structure Plan 2011 and the District Plan 1st Alteration and limited weight to the draft Structure Plan 2016. Within this context, it is doubtful whether refusal on the grounds of prematurity would be appropriate.

Site Phasing for Release

The site is allocated for delivery in Phase 2 of the District Plan period, with housing completions to be delivered post April 2006.

The Government guidance "Planning to Deliver" advises that "unnecessarily long lead in times should be resisted as they may reduce the ability of the planning system to respond to changing circumstances." The guidance suggests that an authority may be justified in rejecting a site on the grounds of prematurity if an application for a non-strategic site were to be submitted two years before a phase start date.

However, an authority must base its decision on the objectives of the phasing policy and on up-to-date monitoring information. In this case, the objective of the policy is to give priority to the development of urban brownfield land. In considering whether this objective has been achieved to date, I consider there are five main indicators:

- 1) The percentage of completions on previously developed land;
- 2) the take up of allocated brownfield sites;
- 3) the windfall rate;
- 4) the overall Plan housing requirements;
- 5) annual completions;

- 1) The percentage of completions on previously developed land since 1991 is over 42% and 50% was achieved in 2004/5.
- 2) 19 of the 25 allocated brownfield sites have been or are subject to development proposals.
- 3) The windfall rates are at or above the allowance set out in the Local Plan.
- 4) The overall predicted housing supply indicates that the Plan target will be met with a 6-7% anticipated over supply.
- 5) Average annual house completions since 1991 now total 664 per annum, below the required 700 per annum.

On balance I consider that the objectives of the phasing policy have been met to date. The progress of brownfield allocated sites through the planning process is on target and brownfield windfall rates are encouraging. Although completion rates have increased in recent years, the historically low completion rates require land supply to be maintained. The percentage of completions on brownfield land through the whole Plan period is just below the regional target of 50% but was reached in 2001/02 and 2004/05 and it is anticipated that this will continue to rise in the short term as the brownfield housing allocations in Phase 1 are built out.

A decision to approve this application in September 2005 would only be 7 months before the commencement of Phase 2. Furthermore, an application for approval of served matters would take about three months before the developer could think of starting on site.

It is therefore considered that on the basis of the objectives of the phasing policy H1b in the District Plan 1st Alteration there is no compelling housing land supply reason to justify a refusal of this application on prematurity grounds.

However, any permission should be subject to a planning condition seeking to restrict occupancy until April 2006. Such a restriction would ensure that priority continues to be given to brownfield site completions until April 2006, the beginning of Phase 2.

It should be noted that the draft wording of the District Plan 1st Alteration which had stated that Phase 2 sites will not be released prior to the phasing starting date, and that the Council will respond to any changes in the strategic housing requirements through its plan, monitor and manage process, has now been deleted from the Plan after a successful legal challenge. It would therefore not be appropriate for this Council to give any weight to this previous wording.

The application is made in outline with all detailed matters reserved for subsequent approval. The development will be required to provide all of the necessary infrastructure, set out in the adopted District Plan 1st Alteration. This will include affordable housing, public open space, tree planting and landscaping, cycleway and footpath provision, traffic calming.

The site is allocated in the adopted District Plan 1st Alteration for housing development. Full weight should be given to the provisions of this adopted Plan.

Highways

The Highway Authority has no objection to the proposals subject to an appropriate condition and provision of footpaths and cycle links which can be controlled by way of a legal agreement.

Ecology

The hedgerows, mature Oak and other mature trees can be retained as part of any future landscaping proposals. Their retention and protection can be controlled by condition, as can future landscaping of the site in order to secure a green setting to soften the built environment and enhance visual amenity.

The protection of Badgers and their setts together with mitigation measures can also be controlled by condition on any permission granted. Likewise other protected species, and any further survey work required by English Nature.

Flooding

The Environment Agency has no objection to the proposals subject to conditions and this view is supported.

Other Matters

The Education Authority has requested a contribution towards primary school places and this is supported.

The Environment Agency and Wessex Water have no objections subject to appropriate conditions, and in the case of the latter contributions to infrastructure including off site water mains and sewerage reinforcements.

CONCLUSIONS

The proposals are considered to be in accordance with Council policy. A residential development of about 80 dwellings, as defined in the Local Plan, would be in character with the area. There are no planning objections to the proposals and it is recommended that planning permission should be granted at a future date subject to the applicants being prepared to enter into a Section 106 agreement to secure the necessary planning obligations.

There is no requirement to refer this application to the Secretary of State as it falls outside the provisions of the Greenfield Direction as the site is less than 5 hectares in area and less than 150 dwellings.

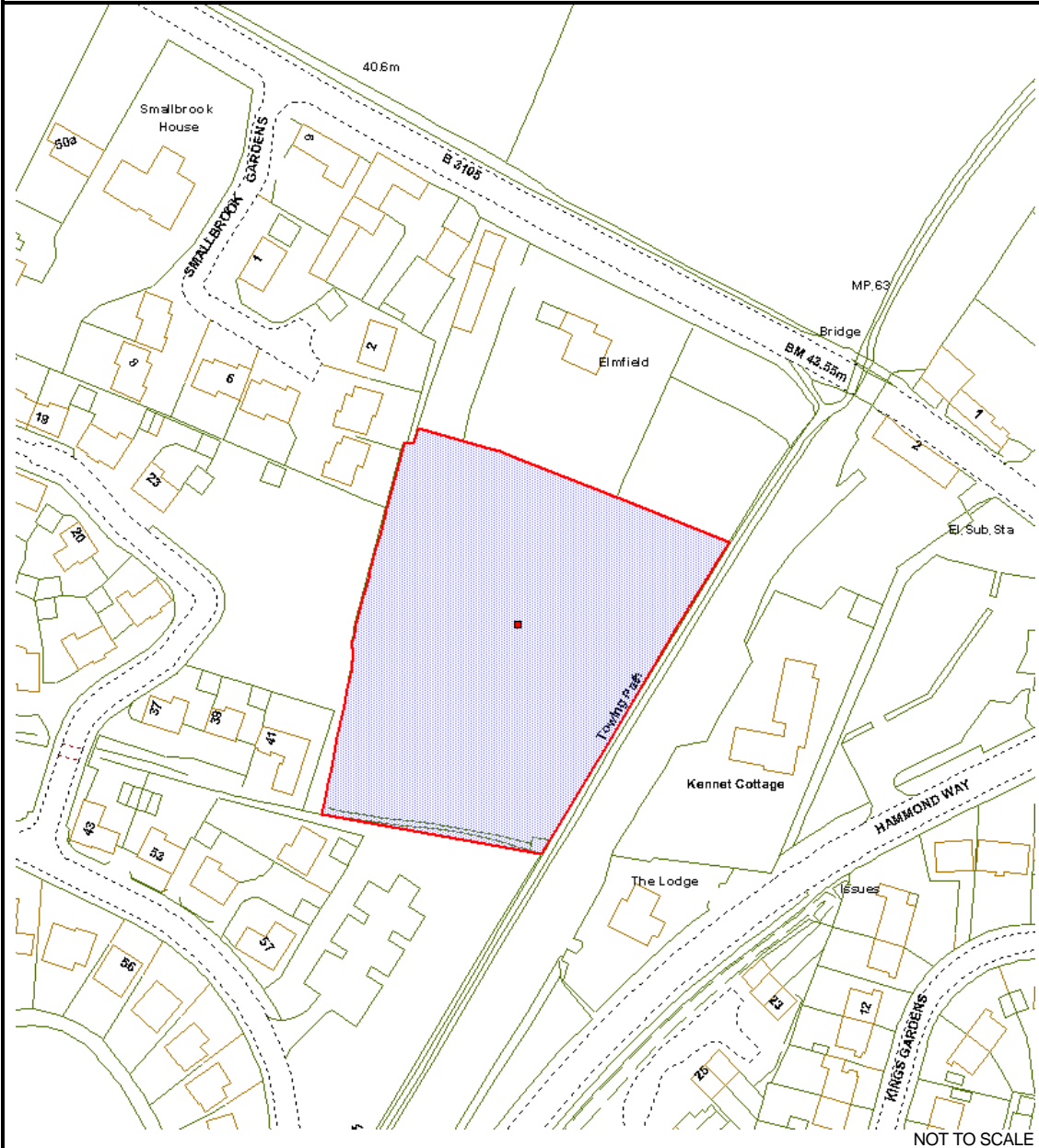
PLANNING COMMITTEE

22 September 2005

ITEM NO: 04

APPLICATION NO: 05/01352/FUL

LOCATION: Land South West Of Elmfield Staverton 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

04 Application: 05/01352/FUL

Site Address: Land South West Of Elmfield Staverton Wiltshire

Parish: Staverton
Hilperton

Ward: Paxcroft

Grid Reference 386006 160201

Application Type: Full Plan

Development: Erection of 22 dwellings, associated landscaping, public open space, footpaths, roads, access, vehicle manoeuvring and parking

Applicant Details: Persimmon Homes (Wessex) Ltd
Persimmon House Tetbury Hill Malmesbury SN16 9JR

Agent Details: Barton Wilmore Architecture
25 Marsh Street Bristol BS1 4AQ

Case Officer: Mrs Rosie MacGregor

Date Received: 04.07.2005

Expiry Date: 03.10.2005

JUSTIFICATION REASON:

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

RECOMMENDATION:

Development Control Manager be authorised to grant permission on conclusion of a Section 106 Agreement to secure the following:

- 1. The provision and future maintenance of an area of public open space.**
- 2. A contribution towards educational needs in the area.**

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.

- 3 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, 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.

- 4 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate and shall be retained thereafter.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.
- 5 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- REASON: In the interests of highway safety.
- 6 The road linking the new development with the existing development shall have a carriageway measuring 5.5 metres in width with 2 metre wide footways on both sides.
- REASON: In the interests of highway safety.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, there shall be no pedestrian or other direct form of access from the dwellings, plots 9 - 18, onto the canal towpath, which would create a visual disruption to the hedge and boundary, without the express planning permission of the Local Planning Authority.
- REASON: In the interests of the visual amenity of the canal, and the safety and amenity of pedestrians and canal users.
- 9 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.
- 10 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.
- 11 The existing hedgerow adjacent to the towpath shall be retained, reinforced where necessary with native hedgerow species, and maintained as a continuous hedgerow adjacent to the towpath, and maintained in perpetuity thereafter. There shall be no individual access points onto the canal towpath from the dwellings.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policy C32.

- 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.

- 13 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C14 & C15.

- 14 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.

- 15 During construction the hours of operation shall be limited to between 07.30 hours and 18.00 hours Mondays to Fridays and 07.30 hours to 13.00 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

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

- 16 Before any development is commenced on the site, including site works or storage of any description, a protective fence shall be erected at a minimum of 2 metres outside the canopy of the hedgerows which are shown as being retained, and a similar fence shall be erected on either side of the maintenance access easement for the watercourse and along the back edge of the canal towpath. The protective fencing should be at minimum, Weldmesh panels (Heras or similar) erected on a scaffold framework driven into the ground by a minimum of 600mm, alternative a 3-barred post and rail fence should be erected with galvanised livestock mesh attached to it.

Within the area so fenced-off the existing ground level shall be neither raised or lowered and no materials, temporary buildings or surplus 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 any tree roots and any tree roots encountered shall be left unsevered. Where excavations do expose roots these shall be surrounded with sharp grit/sand before replacing soil or other material in the vicinity.

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 hedgerows and the watercourse are adequately protected.

- 17 Prior to the commencement of the development hereby permitted, a scheme for the protection and enhancement of habitats for nesting birds and water voles shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats.

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

- 18 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 the existing highway network and shall be retained throughout the period of construction.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to Committee because the Parish Council objects and Officers recommend permission.

This is a full planning application for a residential development on land which has an area of approximately 0.7 hectares adjacent to the canal on the edge of the Staverton Marina development. The site is situated on the east side of the existing development and to the south of Elmfield and Smallbrook Drive.

It is proposed that a total of 22 dwellings would be built which would represent a density of approximately 35 dwellings to the hectare. An area of public open space is proposed on the south side of the development and access would be via the development on Phase 4 land to the west.

A mix of different house types is proposed comprising detached, semi-detached and terraced with a mix of two, three, four and five bedrooms, on 2 storeys with the exception of three dwellings in the centre of the development on 2.5 storeys.

The houses are, for the most part, arranged fronting the highway which forms a 'T' shaped cul-de-sac. Existing mature hedgerows surrounding the site, between the development and the canal bank, would be retained, together with a culverted watercourse.

A Design Statement has been submitted with the application which concludes that the development would provide an attractive housing scheme that responds to its setting by reflecting both its proximity to the canal and the design context of recent new development in the area. The walls would be predominately brick or brick and render under slate and profiled tile roofing.

An Ecological Assessment concludes that no significant adverse impact on protected species or noticeable habitats within or adjacent to the site will result from any future development. There is no evidence to suggest that there are any overriding Ecological constraints to the development of the site.

Two previous applications have been refused. The first was for a predominantly 2.5 storey development on the canal frontage. The second reduced the number of 2.5 storey dwellings on the Canal frontage. These two refusals are the subject of Appeals to the Planning Inspectorate. All dwellings now proposed on the Canal frontage are 2 storey.

STAVERTON PARISH COUNCIL

The Parish Council write to acknowledge receipt of the revisions.

The Parish Council object to this planning application and make the following comments: -

1. The 2.5 storey buildings are out of keeping with the nearby canal setting and the surrounding area.

The Parish Council wishes to see two-storey properties only on this site.

HILPERTON PARISH COUNCIL

Object to this application on the grounds of excessive bulk or scale if any of the properties backing onto the canal are increased from 2 storey. An objection will also be made unless the existing hedgerows are maintained, specifically those along the towpath.

HIGHWAY AUTHORITY

No highway objections, in principle, to the proposed development, subject to conditions.

Details shall be submitted to indicate the provision of a footpath/cycleway link to the Towpath from the site.

A contribution of £5,000 towards the provision of a bus shelter and flags for the bus stops on the estate.

WESSEX WATER

No objection in principle.

ENVIRONMENT AGENCY

No objection in principle subject to appropriate conditions.

EDUCATION AUTHORITY

A developer contribution of £59,400 is being sought. This should be the subject of a Section 106 Agreement.

COUNTY ARCHAEOLOGIST

The proposed development area is of archaeological interest. To the west of the site an archaeological evaluation ahead of development in 2002 revealed evidence of a multi-phased settlement. A Neolithic/Bronze Age pit, Iron Age material and Romano-British activity were all noted.

Given the potential for further discoveries it is recommended that an archaeological watching brief be conducted during any groundworks associated with the project, in accordance to a brief set out by this office. Provision should be made to allow the archaeologist to examine and record any archaeological deposits, features or finds uncovered. To ensure this occurs the standard condition should be attached to secure an archaeological investigation.

This approach is in line with the advice given in PPG16 and the Local Plan.

BRITISH WATERWAYS BOARD

No response.

ENGLISH NATURE

English Nature endorses mitigation measures proposed for water voles adjacent to the Kennet & Avon Canal. Protection to the canal and its wildlife should be ensured while development is undertaken by planning condition. It is also recommended that any hedgerows or scrub that are to be removed should be cleared outside of the breeding season for birds, and that bird boxes are erected to mitigate the loss of breeding habitat.

KENNET & AVON CANAL TRUST

No response.

PUBLICITY

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

One letter of objection has been received and the objections are as follows:

- The Site Notice is misleading;
- Impact on wildlife particularly birds and badgers;
- Hedgerows need to be retained and strengthened;
- Potential for odour emissions from drainage ditches;
- Drainage overflow could present a safety hazard;
- This is a prime site for de-allocation as the reduced need for housing has already been recognised.

RELEVANT PLANNING HISTORY

04/01427 - 22 dwellings - Refused 28.10.04

05/00288 - 22 dwellings - Refused 21.04.05.

These are currently the subject of Appeals to the Planning Inspectorate.

PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Sustainable development
- DP4 Towns and main settlements
- T4 Cycling and walking
- T5 Car parking

West Wiltshire District Plan - 1st Alteration 2004

- H1 Housing developments within towns
- H24 Housing design
- C7 Protected Species
- C15 Archaeology
- C16 Archaeology
- C31A Design detail
- C32 Landscaping
- C34A Resources
- C36 Noise
- C38 Nuisance
- T10 Car parking
- T11 Cycleways
- T12 Footways
- R4 Public open space
- S1 Education
- U1 Infrastructure
- U2 Surface water disposal
- U3 Flooding

PPS1 - Delivering Sustainable Development

PPG3 - Housing

PPG13 - Transport

PPG16 - Archaeology and Planning

SPG - Open Space Provision

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

PLANNING OFFICER'S COMMENTS

The main issues raised by this application are the principle of residential development, density, design, parking, amenity, impact on the canal, archaeology and ecology.

The Principle of the Development

The site is located within the defined urban area of Trowbridge and adjacent to the Kennet & Avon Canal. Although the site is not allocated within the District Plan it can be assessed against Policy H1 since it is within Policy Limits. The application is therefore acceptable in principle.

There is no requirement for affordable housing on this site because it is less than 1 hectare in area and the number of houses proposed does not meet the threshold for affordable housing.

Density

Government Guidance in PPG3 states that all new residential developments should be at a density of at least 30 dwellings per hectare and that a higher density should be encouraged in appropriate locations.

The density of this site is above the lower limit and is therefore compliant with PPG3. Furthermore the site is currently surrounded by mature hedgerows and trees and there is a requirement for a maintenance easement for an existing watercourse on its western and southern boundary which would further constrain development within the site.

In these circumstances the proposed density is considered acceptable and there is no case for suggesting that the proposed density on this site is too high.

Design

It is considered that the proposed scheme represents an interesting and imaginative mix of predominantly 2 storey dwellings with only three 2.5 storey in a key position at the centre of the site. These are not dissimilar to those elsewhere within the Staverton Marina development. In general the use of materials combining artificial slate, tile, brick and render is consistent with the approach to materials elsewhere within this area. This mix of 2 houses is considered acceptable.

The majority of houses face directly onto the roads with two directly overlooking the area of public open space, which would assist in custodianship of this area.

The inclusion of three 2.5 storey buildings as key buildings at the centre of the site add interest to the street scene and provide a focal point within the development when viewed from the entrance. As would the small copse of trees at the end of one of the access roads and the public open space at the opposite end. The integration of the garage elements, especially in the canal side dwellings, would help to create a feeling of spaciousness. The retention of the mature hedgerow adjacent to the canal would afford a softening of the development when viewed from the canal towpath.

The use of 2 storey dwellings elsewhere within the site would prevent any unacceptable level of overlooking of existing houses. Since 2 storey dwellings are now proposed adjacent to the canal these would not dominate the towpath and would overcome the previous reasons for refusal.

Parking and Highways

Some concerns have been expressed in the past about the level of parking provision, and it must not be forgotten that car parking standards have now to be expressed as maximum standards not minimum standards. This did not form the reason for any previous refusal.

PPG3 makes it clear that developers should not be required to provide more car parking than they or potential occupiers might want, nor provide off-street parking when there is no need, particularly in urban areas where public transport is available. Furthermore, the site is in an area which is considered to be a sustainable location with good public transport links and access to community facilities, schools, employment sites and shops.

Since the original refusal, the Highway Authority has requested a contribution towards bus shelters, and for footpath and cycleway links onto the towpath. Your officers do not consider that a request for bus shelters, particularly as these do not form part of the two pending appeals, is reasonable nor would these be directly related to the development.

Ecology

The majority of hedgerows are shown as being retained and can be reinforced with additional planting as part of the future landscaping scheme controlled by condition. An easement has been shown adjacent to the culverted watercourse. It is considered that the proposals are acceptable. Mitigation measures as regards to water voles and birds can be controlled by condition on any permission granted.

Archaeology

The proposed development area is of archaeological interest and a programme of archaeological work can also be secured by condition.

Other Matters

The culvert to the south west of the site remains unaffected by the development.

CONCLUSION

The mix of dwellings together with their sizes, layout and design are in accordance with adopted District Plan policies and current Government guidance on matters such as density, most efficient use of land, urban design and car parking.

The current proposals overcome the previous reasons for refusal on the two earlier applications because 2 storey houses are now proposed on the land adjacent to the canal towpath.