

PLANNING COMMITTEE

26 March 2009

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	08/03471/REM	Construction of 114 dwellings, access and associated landscaping - Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire	Melksham Without Melksham (Town)	01
02	W/09/00258/FUL	Demolition of existing garage buildings, formation of access including partial demolition of 106 West Street and construction of 1 three bedroom cottage and 4 two bedroom cottages - 106 West Street Warminster Wiltshire BA12 8JW	Warminster	17
03	W/09/00287/FUL	Demolition of existing conservatory and erection of single storey extension attached to a public house - The Topsy Toad Public House 21 High Street Bulkington Wiltshire SN10 1SJ	Bulkington	25
04	W/09/00228/FUL	Change of use from dwelling to hostel - Pound Farm House Horse Road Hilperton Wiltshire BA14 7PD	Hilperton	29
05	W/09/00266/FUL	Demolish existing lean-to and construct two storey extension to side/rear - Pear Tree Cottage 3 Court Lane Bratton Wiltshire BA13 4RE	Bratton	37
06	W/09/00269/LBC	Demolish existing lean-to and construct two storey extension to side/rear - Pear Tree Cottage 3 Court Lane Bratton Wiltshire BA13 4RE	Bratton	41
07	W/09/00108/REM	Proposed development of 11 residential dwellings in lieu of 8, including means of access, as approved under reference 07/01903/REM - Land Between New Terrace And Marina Drive Staverton Wiltshire	Staverton	45
08	W/09/00225/FUL	Erection of 31 residential dwellings and associated 31 car parking spaces - South Side Car Park Broad Street Trowbridge Wiltshire	Trowbridge	53

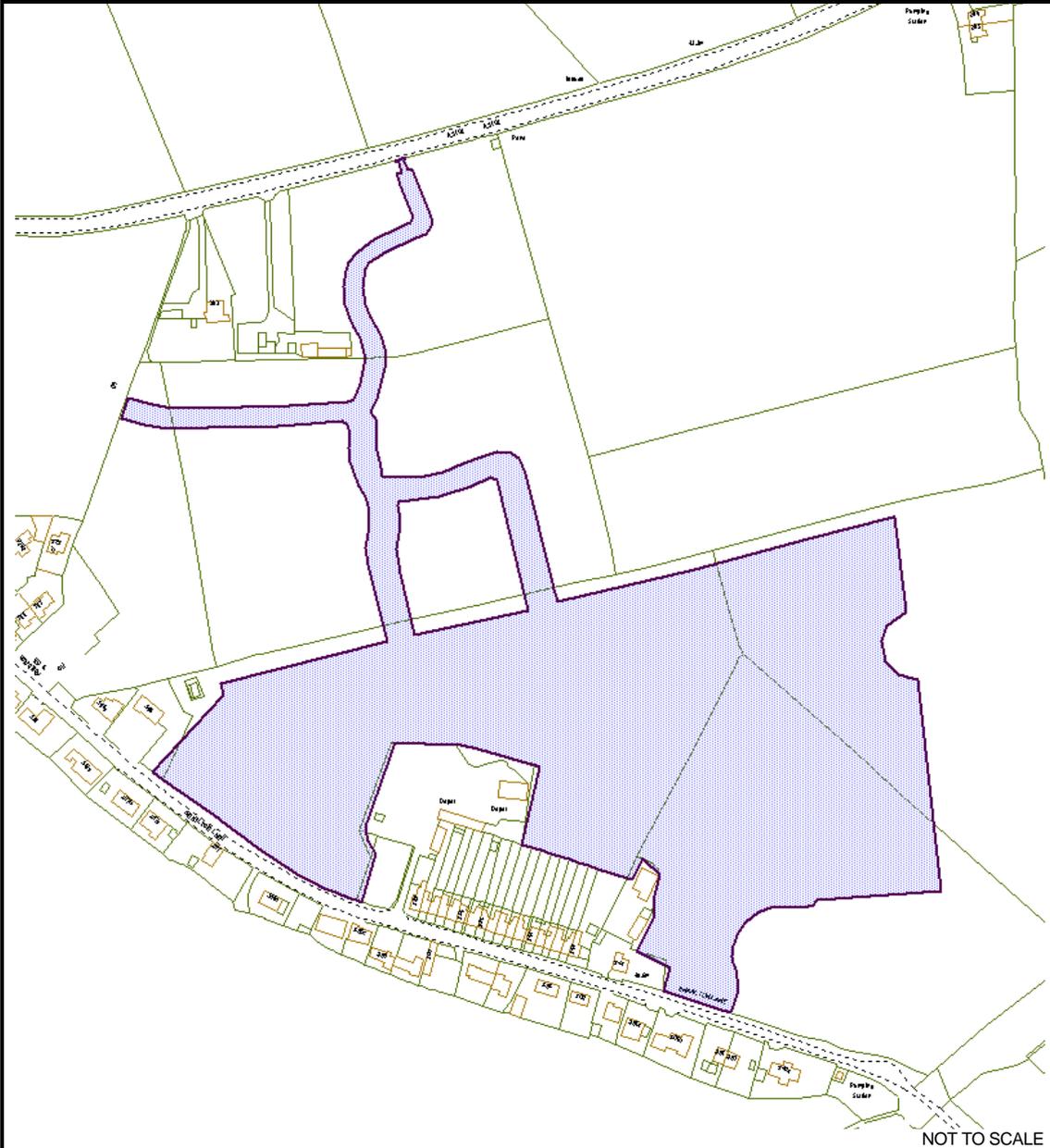
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ITEM NO: 01

APPLICATION NO: 08/03471/REM

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



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SLA: 100022961

01 Application: 08/03471/REM

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

Parish: Melksham Without Ward: Melksham Without
Melksham (Town)

Grid Reference 392138 163580

Application Type: Reserved Matters

Development: Construction of 114 dwellings, access and associated landscaping

Applicant Details: Persimmon Homes (Wessex) Ltd
C/O AGENT

Agent Details: Tetlow King Planning Ltd
Mrs Julie Ayliffe Lone Barn Studios Stanbridge Lane Romsey
Hants

Case Officer: Mr Sim Manley
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Date Received: 29.12.2008 Expiry Date: 30.03.2009

COMMITTEE REPORT

APPLICATION SITE & SURROUNDING AREA

The site comprises a large irregular area of farm land positioned to the north of Snarlton Lane with a direct boundary onto the same, either side of existing development.

The existing properties comprise a large terrace of 18, 2-storey dwellings fronting onto Snarlton Lane along with a detached dwelling positioned to their east. To the west of the terrace, and served by an access from Snarlton Lane is a depot which extends back and wraps around the rear of part of the terrace. To the west of the depot, the site has a boundary onto Snarlton Lane, to the west of which is a further detached dwelling accessed off the same.

The properties to the south of the Snarlton Lane comprise primarily 2-storey detached and semi detached dwellings.

To the north of the site there are open fields onto the A3102. There are a number of properties fronting onto this road including dwellings and stables.

The land to the east of the site is open countryside.

A public right of way runs along the northern boundary of the site, although outside of the application site, connecting to Snarlton Lane, west of the application site. A further public right of way, leading to fields to the south of Snarlton Lane, joins at point between Nos 356a and 357. To the east of the site is a further public right of way on Snarlton Lane itself.

PROPOSAL

The application seeks approval of the reserved matters application for 114 dwellings which forms part of a larger site for the erection of 670 dwellings granted under outline permission 04/01895/OUT.

The reserved matters relate to the details of Access, Appearance, Landscaping, Layout and Scale for 114 dwellings.

The proposed dwellings comprise 99 private units for sale and 15 affordable units. The sizes of the properties proposed are as follows:

Private Housing

- 17 x 3-bed Houses
- 67 x 4-bed houses
- 15 x 5-bed units

Affordable Housing

- 1 x 1-bed flats
- 7 x 2-bed flats
- 3 x 2-bed houses
- 4 x 3-bed houses

The proposed houses are a mix of 2 to 2 ½ storey dwellings, being either in the form of detached, semi detached and terraced units with parking being provided in the form of hard standing and/or garage parking spaces. The proposed flatted units would be in the form of a part 2-storey, part 3-storey block.

The proposed development will provide 160 parking spaces and 142 garage spaces which equates to an average of 2.6 spaces per dwelling overall to serve the 114 dwellings and the anticipated visitors.

The 114 dwellings are proposed to be serviced by a main access road off a roundabout on the proposed distributor road, the route and details of which were approved as part of the original outline application.

The proposed development also seeks permission for the approval of a link roads leading from the north of this housing phase, across the open farm land to connect to the 'Westbury Land' to the north east. This is a requirement of the original outline permission as, although the 'Westbury Land' is a separate site from that covered by the outline permission, it forms part of the Land West of Melksham strategic allocation and therefore must be integrated into the development. This link road also crosses the farm land to the north to connect to the A3102 to provide for an access point solely for the use of emergency vehicles.

CONSULTATIONS

Parish/Town Council

MELKSHAM WITHOUT PARISH COUNCIL - has now considered the following planning application and wish to reiterate the same objections made in the Council's letter to you on 18th November 2008; viz

1. It was agreed in the development Brief that the community of Snarlton Lane would remain a separate entity. The Council, therefore strongly objects to the proposed housing fronting onto Snarlton Lane. These houses should be turned around to face the other way so that they become part of the new estate community;
2. The proposed three storey dwellings have been placed right on the skyline, making them far too prominent and obtrusive. They are out of keeping with the adjacent, lower, more traditional-style houses in Snarlton Lane.
3. The Council is most alarmed to see that it is proposed to remove the very fine hedge, 12ft high and 6ft 8ins deep opposite 356a-357a Snarlton Lane which is an integral part of Snarlton Lane. As stated in the Brief, Snarlton lane wishes to remain as a separate community. This hedge forms part of its charm and character and will provide vital screening from the new development;

4. The proposed right of way needs to link logically with the existing right of way which goes west of 356a Snarlton Lane to the proposed new school. The right of way needs to be carefully positioned a) to ensure the Lane can be crossed in the safest place and; b) to ensure the retention of the thick hedgerow. A better solution would perhaps be to re-order the layout to allow for the footpath to emerge at one end of the hedgerow, so that the bulk of the hedgerow generally can remain intact;
5. There needs to be provision for children to cross the new distributor road to reach Forest and Sandridge Primary School. While we are aware of plans to site the new primary school within the new development, children must be able to get to the existing school safely until the new primary is constructed;
6. The Council also wishes to know what provision has been made for pedestrian footfall between the new estate and the new George Ward School;
7. There should be absolutely no parking allowed on Snarlton Lane. This lane already suffers from considerable congestion because it is so narrow. It has to be passable for emergency vehicles. Residents of Snarlton Lane wish to avoid the situation where parents drive their cars to Snarlton Lane and then park to walk to school;
8. Care should be taken to ensure the social housing fits in with the other housing on the development and that these properties are of the same quality as private housing and indistinguishable from it;
9. No works should commence on this development until the distributor road is complete. There should be no access for construction traffic via Snarlton Lane
10. The parish council requests more details of the proposed traffic calming measures on nearby roads e.g. A3102 Sandridge Road and Snowberry Lane;
11. There is concern that if applications for this development are passed piecemeal, the community could miss out overall on planning gains. What measures will be in place to ensure that every developer makes an equitable contribution towards community benefits. The Parish Council wishes to be party to discussions re the formulation of the Section 106 Agreement in respect of community benefits;
12. Planning Conditions must be rigorously enforced from the outset, so that the community does not experience the same problems as with the East of Bowerhill development where part of the S106 agreement have still not been implemented;
13. Any financial contributions agreed via the S106 agreement should be indexed linked to ensure that the community benefits have the same financial value irrespective of when the development is built;
14. There does not appear to be the provision of any play areas or recycling centre. Each application needs to make clear that its contribution to community benefits will be. Please would you inform what benefits will stem from this part of the development.
15. There needs to be provision for regular soil movement to avoid huge piles of soil appearing behind existing dwellings and cause anxiety re slippage;
16. Landscaping should comprise good quality mature deciduous trees, not whips;
17. There needs to be down lighting to avoid unnecessary light pollution;
18. Construction working should be restricted to normal working hours, avoiding late night or early morning working practices especially at the weekends.

MELKSHAM TOWN COUNCIL - reiterated their previous comments as the current application is a resubmission. They stated that they had no objection to the development.

Whilst the Town Council welcomed the application they asked that no dwellings are erected until the completion of the whole distributor road. Other concerns:

- If further applications for this area come in piecemeal that community gain could be lost;
- What impact will the additional traffic have on roads in the surrounding areas, particularly Sandridge Road and Snowberry Lane, what traffic calming measures are proposed;
- Consideration needs to be given to the pedestrian travel plan between this development and the new secondary school at Woolmore Farm;
- The plans need to be in line with the original development brief;
- The removal of some hedges in Snarlton Lane on the north verge. This was felt to contravene the development rules not to remove existing hedges and is contrary to wishes expressed by Snarlton Lane residents. Loss of this section of hedge will expose the lane to access other than by the existing right of way of No. 324 and create an unofficial shortcut;
- It was stated in the original planning permission that all community facilities needed to be in place once 30% of housing for the whole of this area east of Snowberry Lane had been developed. It was asked that this adhered to.

External

WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST - has no objection to the development subject to a condition seeking to secure a programme of archaeological work prior to any ground works being undertaken on site.

WILTSHIRE COUNTY COUNCIL POLICY TEAM - have no objection to the development.

WILTSHIRE COUNTY COUNCIL HIGHWAYS TEAM - Whilst originally objecting to the submitted application due to concerns over technical specifications such as road alignment, vehicle tracking, bus stop location and parking provision etc., amended plans have been received which have addressed these issues subject to the imposition of conditions.

ENVIRONMENT AGENCY - have no objection to the reserved matters application but have drawn attention to conditions attached to the original outline permission which will need to be addressed as well as S106 requirements. They have also asked that an informative be attached requiring the developer to contact them in respect of drainage reports.

Internal

URBAN DESIGNER - Initial concerns were raised by the Council's Urban Designer that whilst the road layout generally conforms with the Design Brief some of the orientations of the houses has been changed. Other concerns were raised in respect of some of the parking courts and parking areas as well as, in particular the setting back of Units 96 & 97. Concerns were also raised at some of the house types in terms of their proportions and fenestration. Subsequent to the original submission of plans, negotiations have taken place with the developer and amended plans have been received which has sought to address the issues raised. On the basis of these changes the urban designer does not now wish to raise objection to the scheme.

ENVIRONMENTAL HEALTH - have no comments regarding the reserved matters application. However, looking at the proposed site and its proximity to the farm (agricultural activities), this department does have concerns regarding agricultural noise causing disturbance to the proposed dwellings. Ideally, a noise assessment would have been undertaken to determine the impact that noise from the agricultural operation would have on the development. This then would enable the developers to design mitigation into the scheme if required.

AFFORDABLE HOUSING ENABLING TEAM – Concerned that the proposed phase only includes a total of 15 affordable units (15% of the 114 units) whereas the provision of the S106 agreement requires a provision of 27.36 units which equates to 24%. In addition, concern is also expressed that the mix of house sizes does not accord with the requirements S106.

TREE OFFICER - No objection subject to root barrier details being put in place to ensure that the trees do not cause structural problems to walls subsequently.

NOTIFICATIONS

Site Notices/Visits

Date of visit and site notice: 30.12.08

Neighbours

5 letters of objection have been received, although two individual objectors have written twice. These letters raise some or all of the following issues:

- Inconsistencies in the plans;
- Object to the loss of the hedgerow onto Snarlton lane;
- Concerns over the implications of the development in respect of local drainage ditches and potential flooding;
- Natural spring causing drainage problems;
- Surface water attenuation is too far away from the development;
- The footpath is in the wrong location – should line up with the existing footpath;
- An entrance should be formed in the hedge to stop an informal pedestrian access forming through people taking a short cut to get to the existing footpath;
- Traffic calming should be installed as well as street lighting onto Snarlton Lane and signage;
- If Snarlton Lane is to be used by children and parent then adequate safety provisions should be made for them;
- No provision for children's play area with the closest being in Foresters Park with a significant walk involved;
- No provision for widening Sandridge Road footpaths towards Forest and Sandridge School which, again is dangerous;
- Who will be contributing to the new school and the distributor road which should be completed prior to any housing being built – this never happened at Bowerhill;
- There should be a safe crossing place on the distributor road – possibly an underpass;
- Plans show a 3 storey property on the boundary to a neighbouring dwelling resulting in direct overlooking and loss of privacy. Would only like to see 2 storey dwellings on the site. Property overlooked by 14 new properties;
- Additional access roads have been added to Sandridge Road which as already stated needs upgrading and widening;
- Parking congestion problems on Snarlton Lane;
- Snarlton Lane should not be used for construction traffic;
- Commercial vehicles already cause a problem on Snarlton Lane;
- Controls over hours of construction;
- Unsure what amended plans cover;
- Description of development does not detail the impact the development will have on Snarlton Lane;
- Loss of hedge will remove wildlife area;
- Where hedgerow disturbed then mitigation should be put in place;
- Housing fronting onto Snarlton lane is unacceptable;
- House development fronting onto Snarlton Lane was refused historically as unacceptable ribbon development;
- Easy access to Snarlton could result in on-street parking;
- Concerns over the three storey flats in the contexts of the town;
- 2 ½ storey also not wanted within the development;

- Conflict between the formation of the access onto the Wiltshire Land and the requirement for all development to be accessed off the Distributor road – linking to the other development will produce a ‘rat-run’;
- Interruptions to power supplies – what provisions have been put in place to cover supply;
- What are the time frames for starting and completing the works?;
- How long will the development go on for?;
- Are there any time obligations being put forward for developers to complete the public element of the overall plan?;
- When will the distributor road be put in?;
- How high will the noise attenuation dykes be on the distributor road?
- How does the Vines site affect the scheme?;
- Development puts further pressure on public services which are currently sub-standard;
- Loss of open fields adversely affecting the character of Melksham;
- Would threaten the identity of Sandridge which should be kept separate.

RELEVANT PLANNING HISTORY

04/01895/OUT – Comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road – Permission granted 6.8.08

08/02886/REM - Reserve matter application for 114 dwellings – withdrawn

09/00483/REM – Reserved Matters Application for 63 dwellings - Presently undetermined

09/00579/REM - Reserved matters application for 116 dwellings – Presently undetermined

CM Vines Site

08/00560 – 16 flats and associated access and parking - Approved 9.6.08

Wiltshire Land

05/00225/OUT - Residential development - Resolved to grant subject to conditions and completion of a S106 agreement

KEY ISSUES

Principle of development

Environment Assessment

Scale of development

Layout

Appearance

Landscaping

Access

Points raised in objections to the scheme.

RELEVANT PLANNING POLICIES

PPS1 – Sustainable Development and climate change

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

PPG13 - Transport

PPG 24 - Noise

PPS25 – Development and Flood Risk

Structure Plan

DP1 – Priorities for Sustainable Development

DP3 – Development Strategy

DP7 – Housing in Towns and main Settlements

DP8 – Affordable Housing

DP14 – Housing, Employment and Related Development in Open Countryside
T5 – Cycling and Walking
C1 – Nature Conservation
C5 – Water Environment
C12 - Agriculture

West Wiltshire District Plan 1st Alteration 2004 –
C1 – Countryside Protection
C31a – Design
C32 - Landscaping
C34a – Resource Consumption and Reduction
C34 – Renewable Energy
C35 – Light pollution
C38 – Nuisance
C40 – Tree Planting
R4 – Public Open Space
R11 – Footpaths and rights of way
H2 – Affordable Housing in Towns
H6 – Land East of Melksham
H19 – Development in Open Countryside
H22 – Affordable housing on rural exception sites
H24 – New Housing Design
E5 – Loss of employment land
T10 - Car Parking
U1a- Foul water disposal
U2 – Surface water disposal
S1 - Education

OFFICER APPRAISAL

Principle of Development

The principle of the redevelopment of this site has already been established through the grant of outline permission for the comprehensive mixed use urban extension, comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities. As part of that application, the detail relating to the provision of a distributor road were also agreed. All other matters relating to Scale, Layout, Appearance, Landscaping and Access of the development were reserved by condition for later consideration. This decision was granted subject to a comprehensive list of conditions and a S106 legal agreement, the details of which were agreed at a subsequent meeting of the Planning Committee.

This application has been submitted seeking approval of all the reserved matters, detailed above, pursuant to the outline permission for the erection of 114 dwellings, being one phase of the 670 house development of the site.

Environmental Statement

Whilst this application was not supported by an Environmental Statement, this application is pursuant to the original outline permission which, itself, was the subject of a Environmental Statement which was submitted to and approved by the Council at that time. In this regard, the proposal, the subject of this application, is fully in accordance with the provisions and principles contained within the approved ES and, as such, there is no requirement for a further or updated ES to be submitted in support of this application.

Layout of Development

Pursuant to the requirements of the signed S106 agreement attached to the outline planning permission, an Urban Design Strategy for the whole development has been submitted to and approved in writing by the Local Planning Authority. This details the overall design and form of the development in broad principle terms having regard to the provisions of the master plan. Its purpose is to impose a framework which will provide a high level of continuity between the different phases of the development to ensure that there is not a patchwork of jarring and conflicting developments across the site.

In terms of the proposed layout, the proposed 114 houses application, the subject of this application, accords with the provisions of the Urban Design Strategy document and the overall master plan in respect of the road alignment, positioning of housing and the hierarchy of open space within the development. The proposed pattern of development within the new development is considered to be reflective of the character of Melksham, giving a strong definition between the private and public realm.

In terms of the positioning of buildings on the boundary of the site and the relationship of the proposed built form to the neighbouring dwellings having particular regard to the objections raised by residents, it is considered that the proposed development would not be of detriment to the visual amenity of the locality or the character and setting of the area.

In respect of the impact of the development upon the residential amenity of the occupiers of No. 347 Snarlton Lane, whilst the site does have proposed dwellings orientated so that their main rear elevations face onto the property, due to the distance between the properties and also to the boundary of the site, it is not considered that the development would result in a problem of overlooking, loss of light or outlook.

In terms of the relationship of Plot 18, which is positioned on the southern boundary of the site, it will not adversely affect the residential amenity of properties positioned on the opposite site of Snarlton Lane, namely 351, 351a and 351b, as it presents a flank elevation. In terms of the house type proposed, it does not have any windows proposed in the first floor level flank elevations that could overlook the neighbouring properties. Furthermore, a condition attached to the approval will ensure that no further windows can be inserted.

This is also the case with plots 59 and 64 which, although positioned on the boundaries of the site, present flank elevations. However, in relation to these units there are bathroom windows proposed at first floor level. In this regard, it is proposed that an additional condition is imposed which will also seek that all bathroom windows are fixed and obscured so that they do not result in a problem of overlooking.

Lastly, whilst plots 65 & 66 are positioned on the western boundary of the site with the main elevation facing in that direction, it is considered that there is sufficient distance between these and the rear amenity area serving No. 324 Snarlton Lane so as not to result in a loss of amenity to the occupiers of that property.

In terms of the Plots 60 – 64, concerns has been raised that these proposed dwellings have been orientated to present a frontage onto Snarlton Lane, which in conjunction with the loss of hedgerow shown on the originally submitted plans, has been objected to by Local Residents and the Parish Council. In this regard, whilst these units do have a main elevation onto Snarlton Lane, they are set back behind the existing hedgerow which, with the exception of a breach for the formation of footpath link onto Snarlton Lane, is proposed to be retained along its entire length. As a matter of clarity, the loss of the hedgerow shown on the originally submitted plans has been identified by the applicant as a mistake and amended plans have subsequently been submitted which show the hedge as being retained.

Given this and the fact that the buildings are set back from the hedgerow of between 5 and 15m it is not considered that the layout would be detrimental to the street scene or the visual amenity of the locality. For these reasons it is not considered that there would be sufficient justification to refuse the applications on these grounds.

Having regard to the above it is considered that the proposed layout of the development is acceptable.

Scale of Development

Scale of the development relates to the height, width and length of the proposed buildings. In this regard the proposed residential units have been designed having regard to the provisions of the Urban Design Strategy to reflect the late 19th and 20th Century housing which is found outside the centre of Melksham.

Height

In terms of the height of the proposed dwellings, the proposed development fully accords with the provisions of the Design Code element of the Urban Design Strategy in that they reflect the 19th and 20th Century housing of Melksham.

The majority of the buildings within the site are either 2-storey or 2 ½ storey tall which is considered to be acceptable. However, the flatted unit is 3 stories tall and has been the subject of objections from neighbouring dwellings. In terms of this unit, it is positioned in a gateway location for this phase but which will be centrally located within the northern residential area when the development is completed. Given its central location and its relationship to the other proposed dwellings within the proposed phase it is considered that its height is acceptable in this location.

Width and Length

In this regard the width and length of the proposed residential units, including the flatted units, it consistent with the built form of the surrounding area and for these reasons is considered to be acceptable.

Having regard to the above, the scale of the proposed development is considered to be acceptable.

Appearance

As already stated, a Design Code has previously been submitted to and approved in writing by the Council, the purpose of which is to ensure that there is continuity between the different phases of the development, whilst at the same time providing for character areas within the scheme itself to reflect the vernacular. In this regard, the Design Guide has identified this area, within which this phase is located, as one which should reflect the 19th and 20th Century housing of Melksham incorporating gable fronted designs with bay windows on some of the units.

With respect to the submitted house types, it is considered the goal of the Design Guide and character areas has been met with these design features being incorporated into some of the proposed units. In addition, other housing types and styles have been incorporated into the phase which are more generally reflective of the Design Guide overall in terms of fenestration and other architectural detailing. This is required to provide for both a mix and balance within the phase itself but also to ensure a continuity between the different phases of the development.

In terms of the proposed building materials the submitted details are considered to be acceptable. In addition, attention is drawn to Condition 17 and 18 of the outline permission which requires that samples of the materials are submitted to and approved by the Local Planning Authority prior to the commencement of the development to ensure that they are not detrimental to the visual amenity of the area.

Having regard to the above it is considered that the proposed appearance of the proposed development is acceptable.

Landscaping

In terms of landscaping, it is important to note that the details submitted relate solely to that which is provided within the red line of the application site, relating specifically to the provisions of the houses, an inverted 'Y' shaped area of public open space, a planted buffer area around the development located on the north side of the properties fronting onto Snarlton Lane and incidental open space and retained hedges.

Landscaping Details Relating to Housing

Relating to the dwellings, the submitted details are considered to be acceptable, with the rear amenity areas of the houses being laid to lawn with front garden areas, onto the public realm, being in the form of lawns or decorative borders including shrub planting.

The only area of concern in relation to this element of the scheme related to the position of trees within the development. Whilst not objecting to the size, species or number of trees proposed, there were issues over the close proximity of some of the trees in relation to proposed boundary walls and future structural integrity problems resulting from root damage. This problem has been addressed through the submission of amended plans repositioning some of the trees away from these walls, along with the submission of root barrier details which will need to be installed to safeguard against this problem.

Planted Buffer North of the Existing Properties Fronting onto Snarlton Lane

To lessen the impact of the development upon the existing properties it is proposed that a landscape buffer be planted along the common boundary with these properties which is to be welcomed.

Landscaping Details Relating to the Public Open Space

In respect of the 'Y' shaped area of public open space, this involves the retention of existing hedgerows which are considered important to character of the area. As part of the scheme it is proposed that an area each side of the hedge is also laid to grass and provided as open space. In this regard, the landscape treatment of these areas is considered to be acceptable, simply involving their retention and management.

In terms of the other hedgerows, including that on the north side of Snarlton Lane, proposed to be retained within the site, the treatment of these will simply to trim these back. It is important to note, in respect of these hedgerows that under condition 12 of the outline permission, the existing hedgerows, shown on plan as being retained, shall not be felled, uprooted or otherwise removed. In addition Condition 11 of the same permission requires details of tree protection measures to be submitted prior to commencement of development to protect these features during the course of construction.

For the sake of clarity, the Public Realm landscaping is the subject of a requirement of the S106 agreement for its future management either through a management company or transfer to the Council with a commuted sum to cover the maintenance.

Having regard to the above it is considered that the proposed landscaping details are acceptable.

Access / Vehicular Access

The application seeks approval of the reserved matter of access relating to:

- the provision of the 114 housing;
- access roads across other phases of the development to link up with the site known as the 'Wiltshire Land' which itself forms part of the strategic allocation known as 'Land East of Melksham' identified under Policy H6 of the West Wiltshire District Plan 1st Alteration 2004;
- provision of an access road to link with an emergency access point onto the A3102 for use by emergency vehicles only.

In respect of the access off the distributor road, it is important to note that the detail only relates to the access off the roundabout through the site and not the distributor road itself which was approved as part of the outline permission and was the subject of approval of subsequent conditioned details.

Access to the 114 Houses

In terms of the access road through the site, whilst concerns were initially raised by the County Council's Highway Department relating to issues such as vehicular tracking, parking provision, access road width and bus stop provision, amended plans have now been received which have overcome such difficulties. Accordingly, the Highway Team have now withdrawn their objection to the scheme, subject to conditions.

Link to 'Wiltshire Land'

In terms of the proposed vehicular access to link with the 'Wiltshire Land, this is requirement of Condition 21 of the outline permission which requires the provision to be in place prior to the occupation of the 200th dwelling. The inclusion of this link is to facilitate this conditional requirement. Whilst objections have been raised in relation to this link in terms of a 'rat run' through the site, this was a conditional requirement of the original outline permission and therefore, the principle of this link has already been established.

Link to Emergency Access

As already stated, the application also provides for an access road to link to an emergency access point required under Condition 22 of the original outline application. Under the terms of this condition no more than 100 dwellings can be occupied until the emergency access has been provided to the satisfaction of the Local Planning Authority. The inclusion of the access road through the site to link to this point is purely to facilitate this conditional requirement.

Parking

The parking on the site numbers 160 parking spaces and 142 garage spaces which equates to an average of 2.6 spaces per dwelling overall. The County Council are now happy with this level of provision and have raised no objection to the development in this regard.

Pedestrian Access

As part of the Movement Strategy of the overall Urban Design Strategy it was agreed that the whole of the strategic allocation be well served by public footpath links in the interests of sustainability and reducing the dependency upon the private motor vehicle.

The application, as submitted, is in accordance with this document, as it provides for a priority pedestrian link in accordance with the approved strategy to other phases of the development to the south. Whilst objection has been raised by local residents in relation to the breach in the hedge to facilitate this footpath link it is considered that the pedestrian permeability of the site outweighs the loss of a small section of the hedge and for this reason is considered to be acceptable.

A further breach in the hedge is also proposed to the west of the properties located on the north side of Snarlton Lane. Whilst this is not in accordance with the Urban Design Strategy, it does provide for a link to the Public Right of Way to the east of the site on Snarlton Lane. Whilst this also would require a further breach in the hedge at this point, the increased permeability that this link would provide is to be welcomed. For this reason it is considered that it outweighs the concerns over the loss of a small section of the hedge that this would require.

The Highways Authority have raised no objection to the formation of this additional link onto Snarlton Lane and, given the benefits associated with its formation, it is considered that there is insufficient justification to refuse the application on this basis.

Affordable Housing Provision for the Site

Concern has been raised in relation to the level of provision on the site by the Affordable Housing Enabling Officer in respect of a perceived shortfall in the numbers of affordable units being proposed in relation to this phase and the fact that units which are proposed do not accord with the size mix defined within the S106.

However, having regard to the provisions of the S106 agreement, whilst it seeks an overall provision for 24% of all the houses being affordable across the site and is prescriptive about the numbers of units sizes (i.e 1-bed, 2-bed etc.) which need to be provided, it does not require that such provision is apportioned pro rata across the site within each phase.

As the Applicant has a lower provision of affordable housing units within this phase of the development, they will need to increase the numbers within subsequent phases to address the shortfall and to ensure that the full 24% provision on the site is provided. In addition, the subsequent phases will need to ensure that, when completed, the size mix ratio sought by the S106 is also met by the developer.

Given the fact that the S106 does not seek a pro rata provision for affordable housing number and unit size mix for each phase, the proposed provision does not constitute a shortfall as suggested by the Affordable Housing Enabling Officer but moreover, is a phased delivery of the affordable provision for the site.

In terms of the layout of the affordable Housing provision within the proposed development, the S106 requires that they should be provided in cluster of no more than 15 units. Having regard to the details submitted the proposed cluster is 15 units and as such is considered to be acceptable.

Having regard to the above, it is considered that the proposed affordable housing provision for this phase of the development is acceptable. However, an informative has been attached to this report which, in the event of approval of the details, draws the Applicant's attention to the provisions of both the conditions and S106 agreement attached to the outline permission and the provisions thereof.

Issues Raised as Objections Not Covered Above

Flooding and Drainage

Whilst concerns have been raised in relation to this matter, the issue of drainage and flooding on the site is covered by both conditional requirements attached to the original outline permission along with requirements of the S106 agreement relating to flood attenuation measures.

Traffic Calming on Neighbouring Roads

In terms of off site traffic calming and highway works, these matters have been secured through a S106 agreement with Wiltshire County Council. These matters do not form part of this application but relate to the wider redevelopment of the site overall.

In terms of Snarlton Road specifically, there is a requirement under the terms of the WCC S106, that prior to the occupation of the 50th residential unit on the site (the whole of the site) that the developer shall agree 'appropriate measures' for Snarlton Lane.

Lack of Children's Play Areas

The overall development proposes a large amount of Public Open Space, playing fields and Neighbourhood Equipped Areas of Play. (NEAPs). Whilst there is no smaller play area provision within the development, the NEAPs provided on the wider site are close enough to serve the development. For this reason the proposed application is considered to be acceptable.

Provision of the Distributor Road

The provision of the distributor road is controlled by condition 20 of the original permission requiring that it be completed in its entirety prior to the occupation of the 200th dwelling taking access off Sandridge Common or 150 dwellings taking access off Snowberry Lane. Failure to complete such works could result in a Breach of Condition Notice.

CONCLUSION

Having regard to the above it is considered that the submitted details pursuant to the outline permission for the provision of 114 dwellings be approved.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Approval

Condition(s):

- 1 That no works shall be undertaken on site until such time as details of the access details of the footpath onto Snarlton Lane have first been submitted to and approved in writing; and implemented in accordance with such approved details prior to the occupation of the first dwelling on the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of pedestrian safety and the safe and free flow of traffic on the neighbouring highway.

- 2 That no works shall be undertaken on site until such time as details of the 2m wide footpath, adjacent the balancing pond located to the south east of the site, have first been submitted to and approved in writing by the Local Planning (such submission shall include details of retaining structures and boundary treatment/fencing); and implemented in accordance with such approved details prior to the occupation of the first dwelling on the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of pedestrian safety.

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the flank elevations of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

- 4 The window serving toilets and bathrooms, as shown on the submitted plans, shall be obscure glazed and of a non-opening design and shall be installed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

- 5 Prior to the commencement of the development, full details of the road layout and construction details shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include longitudinal sections, typical cross sections including surface materials, street lighting and road drainage. The development shall thereafter be carried out in accordance with approved details and no dwelling shall be occupied until that part of the access road which serves it, including that part of the access road leading from the existing maintained public highway, has been constructed up to and including bindercourse (basecourse) surfacing in accordance with the approved details.

REASON: In the interests of the safe and free flow of traffic within the site and on the neighbouring highway and the residential amenity of the future occupiers of the site.

Note(s) to Applicant:

- 1 You are advised that the developer must comply with the conditions and planning obligations imposed on Outline Permission reference 04/01895/OUT. Particular attention is drawn to the provisions of the S106 in respect of the affordable housing requirements and the need for the Applicant to provide for 24% of the total number of residential units as affordable housing in respect of their total development area as well as providing a mix which is fully in accord with Schedule 11 of the S106.

RELATED PLANS

Drawing : SEE ATTACHED SCHEDULE

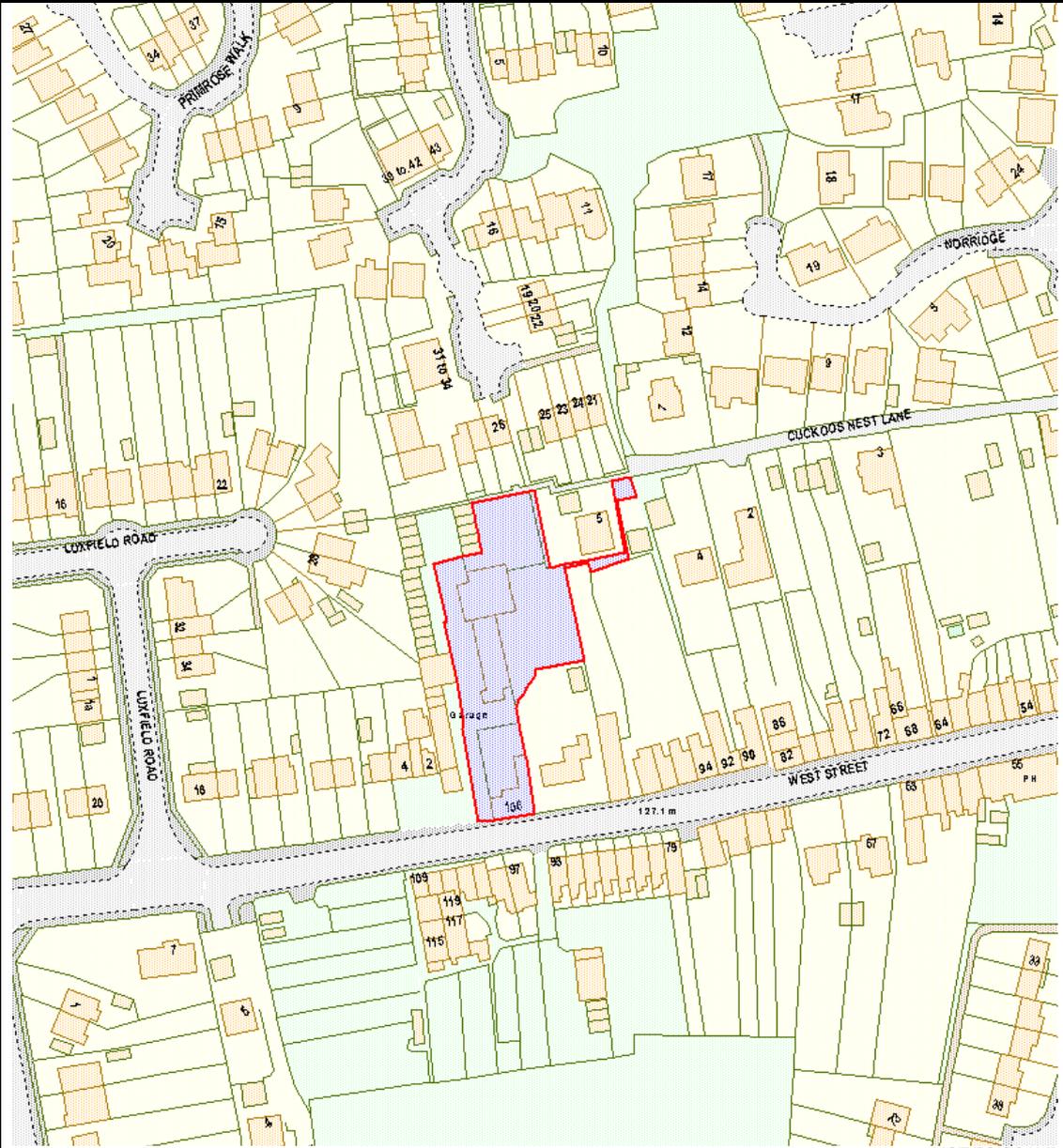
PLANNING COMMITTEE

26 March 2009

ITEM NO: 02

APPLICATION NO: W/09/00258/FUL

LOCATION: 106 West Street Warminster Wiltshire BA12 8JW



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SLA: 100022961

The proposal involves two separate elements:

- The demolition of the commercial garage premises and their replacement with a residential development of 5 cottage style dwellings. These are shown laid out in an informal courtyard arrangement with a detached unit at the head of the access road and the other 4 in 2 no pairs of semi detached properties grouped along the eastern side. The details show two storey units, one 3 bed and the remainder 2 bed, each with a small private garden area.
- The partial demolition of the frontage property, no 106 West Street, located at the junction of the access with this highway, to improve the visibility and access arrangements to the development site.

Parking for 10 vehicles for both this frontage property and the five new dwellings will be provided within a combination of timber carports and open spaces, located in the middle of the site between the rear boundary of no 106 and the proposed dwellings.

Although this application only includes part of the larger allocated site, an illustrative plan has been included with the drawings showing how the remainder of that allocated site might be developed to deliver the required total of 12 houses overall. In addition, the following documents have also been submitted - a detailed Heritage Design and Access Statement incorporating a policy, historical and design analysis; a separate access and transport assessment; a draft S106 agreement for the payment of contributions to public open space.

CONSULTATIONS

Parish/Town Council

WARMINSTER TOWN COUNCIL - Maintains its previously stated objections to the earlier application (07/01115/FUL) on highway grounds, a problem of routing a footpath over neighbouring land and the impact of the partial demolition of no 106 which should present an attractive entry to the town. Unanimous recommendation for refusal.

External

HIGHWAY AUTHORITY – No objection subject to a condition requiring the proposed access improvements to be implemented and completed.

WESSEX WATER – Notes that the site is within a Source Protection Zone and that surface water discharge to be in line with Environment Agency guidelines, connection to existing infrastructure for both water supply and disposal of foul flows to be agreed before commencement of work, and disposal of surface water to be agreed with this Authority.

Internal

PLANNING POLICY – No comment received

HOUSING SERVICES – Does not require a contribution to affordable housing as the site is too small to trigger the relevant thresholds.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 13.02.09

Neighbours

The application was advertised by site notice and individual letters of notification. One letter has been received from the owner of the access road reiterating his earlier objections to the development. Those included –inadequate width of access road to the site; increase in traffic congestion; dangerous circumstances at the entrance to the site resulting in recent accidents; limited access inadequate to accommodate emergency vehicles or dustcarts; since 106 West St is in the Conservation area, it should be protected from demolition; problems with delivery vehicles to the site during construction.

RELEVANT PLANNING HISTORY

03/01023/FUL – Demolition of 106 West St, workshop behind and construction of access and 5 dwellings – Withdrawn

05/01750/FUL – Demolition of existing garage buildings, formation of access including partial demolition of 106 West St and construction of 1 three bed cottage and 4 no two bed cottages – Refused on 30.03.06 and subsequently dismissed on appeal

07/01115/FUL – Demolition of existing garage buildings, formation of access including partial demolition of 106 West St and construction of 1 three bed cottage and 4 no two bed cottages – Resolution to grant permission on 25.10.07 subject to completion of S106 regarding contributions to Public Open Space. Failure to complete the agreement resulted in the application being 'finally disposed of' on 4 December 2008.

KEY ISSUES

The key issues in this case are considered to be –

- the principle of developing the site for housing
- whether the proposal would preserve or enhance the character or appearance of the Conservation Area
- the effect of the proposal on highway safety
- the requirement for contributions

RELEVANT PLANNING POLICIES

West Wiltshire District Plan - 1st Alteration 2004

C18 – Development in Conservation Areas

C19 – Alterations in conservations Areas

C31a – Design

C40 – Tree Planting

H1 – Further Housing Development in Towns

H3 – Urban Brownfield allocations

R4 – Open Space in New Housing Developments

OFFICER APPRAISAL

Background

This site has a significant planning history which is highly relevant to this most recent application.

Under 05/01750/FUL, planning permission was sought for a very similar development to that now being proposed in the current application. The application was refused for 3 reasons – inadequate visibility splays at the junction of the access road with West St; uncertainty over land ownership claims which could prejudice the delivery of adequate parking; the failure to contribute to public open space. Although the subsequent appeal was dismissed, the Inspector concluded as follows:

- the partial demolition and reconstruction of 106 West St would allow it to remain as 'an attractive older building at the entrance to West Street' and that the proposal would preserve the character and appearance of the Conservation Area.
- visibility at the junction with West St was below the recommended standard and that she was unable to conclude that the proposal would not harm highway safety.
- the proposed number of parking spaces (10) was acceptable
- a S106 Agreement in respect of contributions to Public open Space was an appropriate way forward.

Application 07/01115/FUL was then submitted to address the outstanding matters of visibility and highway safety. In assessing the merits of that application, the Planning Officer's report was as follows:

"Principle of Developing the Site

The site is part of that allocated within the adopted District Plan under Policy H3 as an Urban Brownfield Allocation for approximately 12 dwellings. The Inspector in the above appeal accepted that the development of this site alone would not prejudice the wider development of the allocated site. As a result, the principle of developing the site for residential purposes in the manner proposed has been established.

Conservation Area

The Warminster Conservation Area covers much of the historic core of the town. This part of the Conservation Area is characterised by older properties located close together and close to the back edge of the pavement. The proposal would form an interesting informal courtyard of buildings designed to match the styles of those elsewhere in the Conservation Area.

No 106 West Street plays an important role in acting as a visual gateway to the Conservation Area from the west. Its contribution would be altered by the partial demolition involved, which are required to improve visibility at the access point, but not materially so. In line with the Inspector's conclusions in the previous appeal, it is considered that that the proposals would preserve the character and appearance of the Conservation Area.

Highway Safety

The applicants have commissioned a study by respected highway consultants, who have considered the number of vehicular movements associated with the lawful use of the site and those that would be likely to be generated by the proposals before Committee. Their conclusions are that the current proposal would generate less than half of the trips that the lawful use could and that, even just looking at the a.m. and p.m. peak times, they would still result in a reduction.

Against this background, the County Council as highway authority has agreed that no objection can be raised, subject to the highway works to the entrance identified in revised plans submitted by the appellants taking place. It is considered that the work commissioned by the applicants constitutes the evidence that the Inspector in the appeal felt that she did not have. It is of course acknowledged that the visibility from the site would be substandard. However, this scheme includes measures to improve it and would generate considerably less traffic than the lawful use of the site.

It is also relevant that, since the appeal decision in December 2006, the very restrictive highway standards contained in Design Bulletin 32 have been replaced by a more flexible and up-to-date approach in 'Manual for Streets', which acknowledges the vastly improved stopping distances of modern cars and therefore reduces required visibility.

In the circumstances it would not be reasonable to refuse the application on highway safety grounds, as it would result in an improvement compared to the existing situation.

CONCLUSION

The proposal would preserve the character and appearance of the Conservation Area, and have a potentially positive effect on highway safety. It would also provide housing on a brownfield site in a sustainable location. It is therefore recommended that planning permission be granted, subject to a Section 106 agreement and the conditions listed above."

At the Planning Committee on 25 October 2007, the Resolution was taken to permit the development subject to the legal agreement as advised. However, in the following twelve month period, the applicant failed to complete this agreement which required only a contribution of £3476.55 towards the provision of Public Open Space; consequently the application was 'finally disposed of' in December 2008.

The current application is now a formal resubmission of that previous application. It has been accompanied by a draft S106 agreement prepared on behalf of the applicant and which proposes a contribution of £3476.55 to be paid prior to the occupation of the second dwelling.

Principle of Development, Impact on Conservation Area and Highway Safety

By virtue of the Resolution to approve the previous identical application in 2007, these issues are considered to have been deemed acceptable and to have addressed earlier concerns. Since there has been no material change in circumstances since that date, there can now be no objection to the development on any of the above grounds.

Contributions to Public Open Space

It is confirmed by the Landscape Officer that the required contribution to public open space remains the same as previously requested. While payment prior to the commencement of development as opposed to occupation of the second dwelling would clearly be preferred, in the light of current economic circumstances it might be considered unreasonable to impose yet further constraints on what is already a difficult climate for new development.

Under the circumstances, the principles of the draft agreement are considered acceptable.

CONCLUSION

Since this application is a resubmission of 07/01115/FUL which was approved subject to a legal agreement, which document now forms part of the current proposal, the application is 're-recommended' for permission subject to the completion of that document.

JUSTIFICATION FOR RECOMMENDATION:

The proposal would preserve the character and appearance of the Conservation Area and have no adverse effects on highway safety

RECOMMENDATION:

The Development Control Manager be authorised to grant permission on completion of a legal agreement within a period of 3 months of the date of this Resolution to secure contributions towards the provision of public open space as required by Policy R4 of the West Wiltshire District Plan 1st Alteration 2004.

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

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

- 2 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 - Policy C31A.

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

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

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

- 4 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- * The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- * All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- * The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- * The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

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

- 5 No dwelling hereby permitted shall be occupied until the access improvements shown on drawing J064/3 have been fully implemented.

REASON: In the interests of highway safety.

- 6 The development hereby permitted shall not be commenced until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. None of the houses hereby permitted shall be first occupied until the approved works have been completed and are fully operational.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – Policy U2.

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

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

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

8 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.

RELATED PLANS

Drawing : LOCATION PLAN received on 29.01.2009

Drawing : 23020/01 A received on 29.01.2009

Drawing : 23020/03 A received on 29.01.2009

Drawing : 23020/101 received on 29.01.2009

Drawing : 23020/102 received on 29.01.2009

Drawing : 23020/103 received on 29.01.2009

Drawing : 23020/104 A received on 29.01.2009

Drawing : 23020/105 received on 29.01.2009

Drawing : 23020/106 received on 29.01.2009

Drawing : 23020/107 received on 29.01.2009

Drawing : 23020/108 received on 29.01.2009

Drawing : 23020/109 A received on 29.01.2009

Drawing : 23020/110 illustrative only received on 29.01.2009

Drawing : 23020/111 A received on 29.01.2009

Drawing : 23020/112 A received on 29.01.2009

Drawing : 23020-SK01 A received on 29.01.2009

Drawing : J064/2 received on 29.01.2009

Drawing : J064/3 received on 11.03.2009

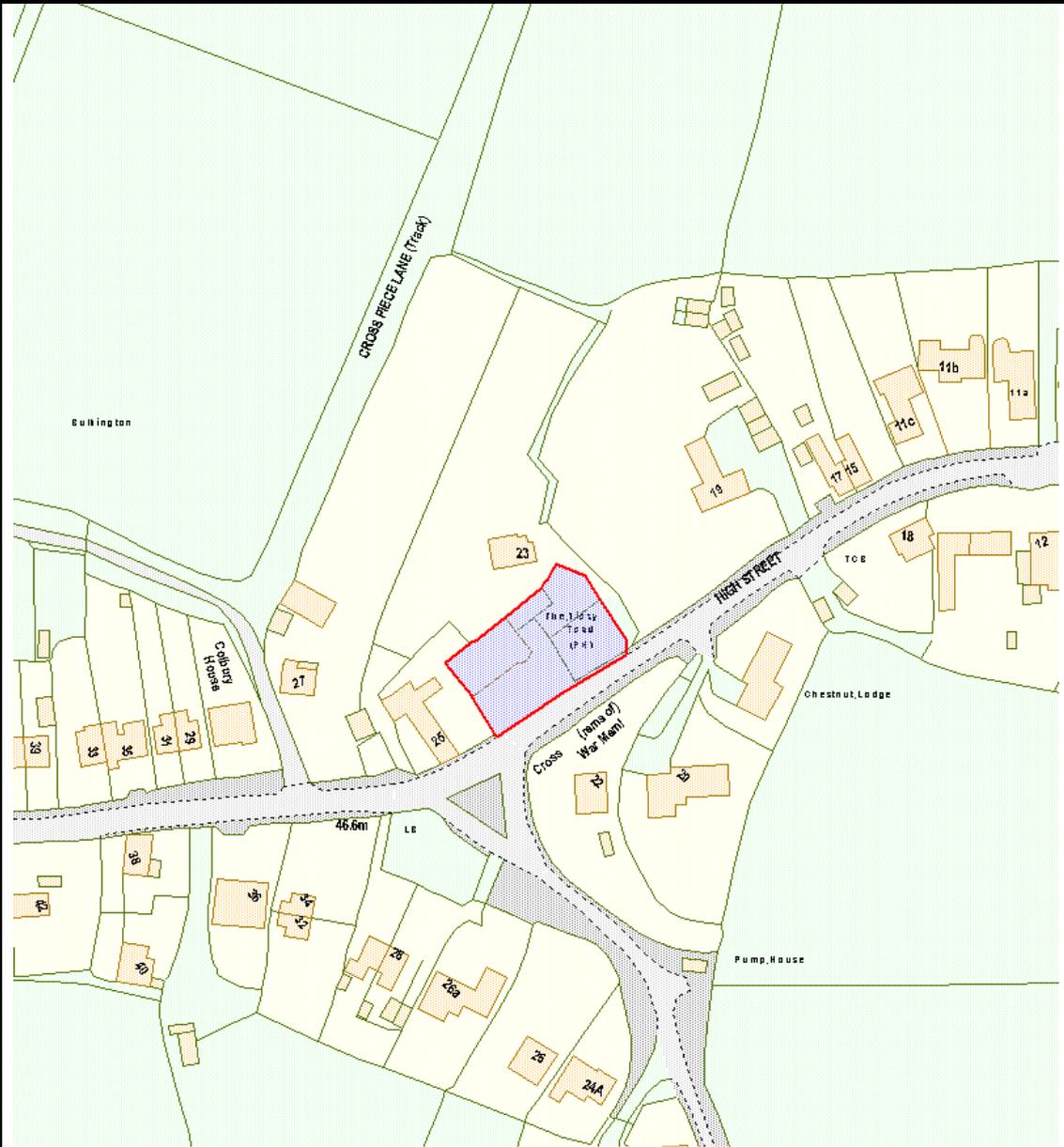
PLANNING COMMITTEE

26 March 2009

ITEM NO: 03

APPLICATION NO: W/09/00287/FUL

LOCATION: The Topsy Toad Public House 21 High Street
Bulkington Wiltshire SN10 1SJ



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External

HIGHWAYS AUTHORITY – Comments received 9/2/2009 - The proposal will not have an adverse effect on the highway, therefore, no Highway objection is raised.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 14/1/2009 with Mike Kilmister

Neighbours

6 letters of support have been received

RELEVANT PLANNING HISTORY

08/03170/FUL – Withdrawn – 5/1/2009 – Demolition of existing conservatory and erection of single storey side extension

06/02695/FUL – Permission- 31/1/2007 – New detached double garage

06/02240/LBC – Consent – 31/8/2006 – Take down 8 metres of wall and rebuild within new vehicular access

06/01316/FUL – Permission- 14/6/2006 – New vehicular access

02/01941/FUL – Refusal – 17/3/2003 – New vehicular access and drive to 23 High Street over north east end of The Topsy Toad car park.

00/00103/FUL – Permission – 17/3/2000 – Conservatory and variation of car parking layout

99/01899/FUL – Permission – Calor gas tank in the garden

KEY ISSUES

Visual Impact
Impact on neighbour's amenity

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C31a Design
C38 Nuisance

OFFICER APPRAISAL

Visual Impact

The existing building is an attractive detached building with a lightweight structure of a 4.6 metre width on the north east (side) elevation. The proposal would introduce a large side extension on the north east elevation of 12.90 metres to a main host building that spans 14.30 metres. The positioning and scale of such a large side extension would introduce a visually discordant element that would fail to respect the proportion and composition of the host building. The use of a gable on the front of the side extension with a hipped roof also creates a confused appearance with a mixture of roof shapes and angles on the extension. This side extension fails to respect the host building and its setting in the street scene.

Officers attended a pre-application meeting on site at the Topsy Toad with the applicant and agent and expressed their view that the extension needs to be subservient to the host building and the importance of the visual impact in the street scene.

Impact on Neighbour's Amenity

The side extension is to be kept at a ground floor level and this would not cause any overlooking or overshadowing or cause any loss of residential amenity to neighbouring properties. The north-west elevation has a dormer at 1st floor level, but the obscure glazing and window being screwed shut would mitigate any problems of overlooking into the property to the rear of the Topsy Toad. It is concluded that there would be no loss of residential amenity.

This does not comply with policy.

CONCLUSION

Refusal

RECOMMENDATION: Refusal

Reason(s):

- 1 The position, mass and scale of the side extension together would introduce visually discordant elements that would fail to respect the proportion and composition of the host building. The proposals as such would be contrary to Policy C31a of the West Wiltshire District Plan – 1st Alteration 2004 and to the guidance with the Supplementary Guidance – House Alterations and Extensions.

RELATED PLANS

Drawing : LOCATION PLAN Rev.Co1 received on 02.02.2009

Drawing : 1530/01/08 Rev.co1 received on 02.02.2009

Drawing : 1530/02/08 Rev.Co1 received on 02.02.2009

Drawing : 1530/03/08 Rev.Co1 received on 02.02.2009

Drawing : 1530/04/08 Rev.Co1 received on 02.02.2009

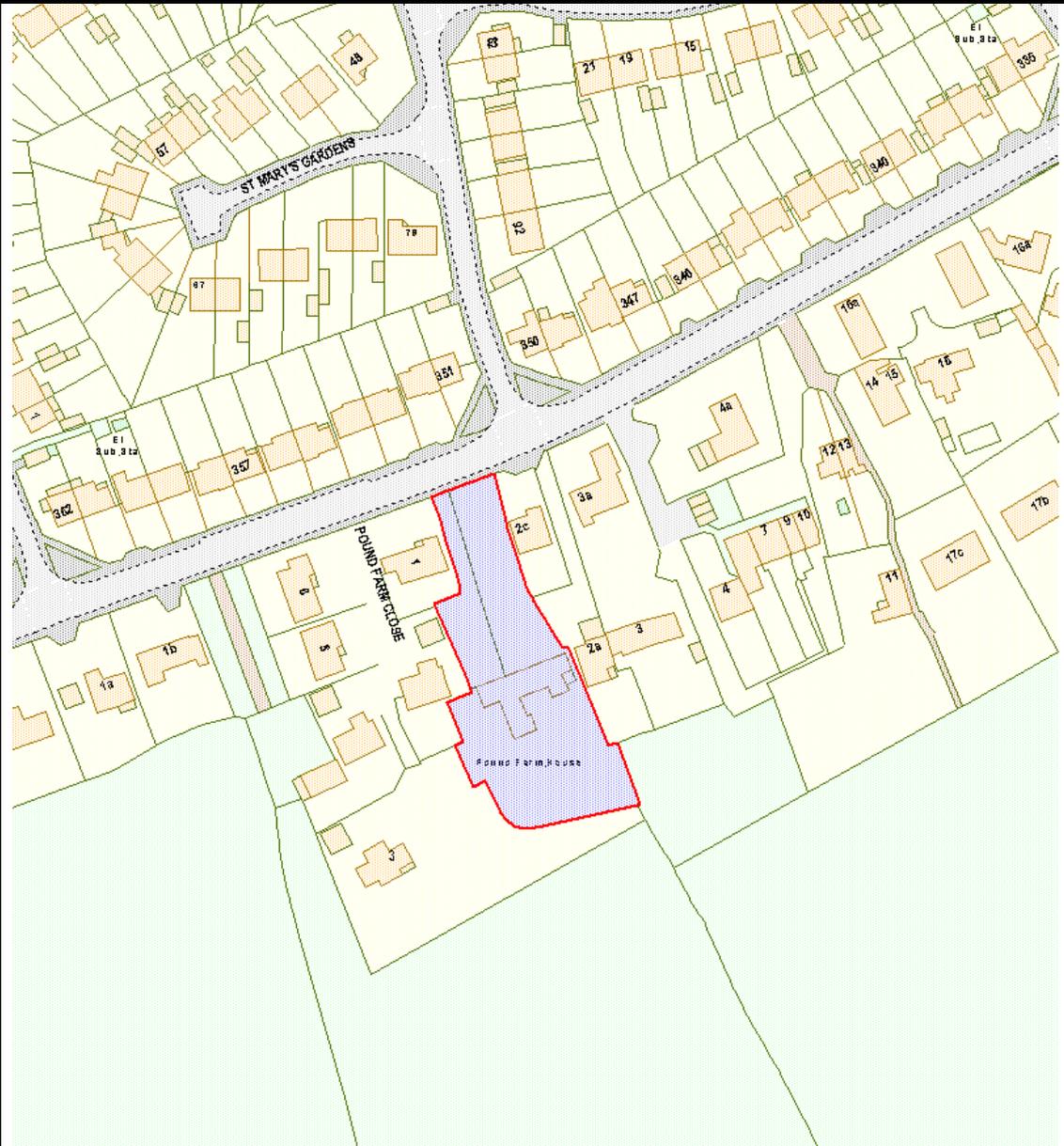
PLANNING COMMITTEE

26 March 2009

ITEM NO: 04

APPLICATION NO: W/09/00228/FUL

LOCATION: Pound Farm House Horse Road Hilperton Wiltshire
BA14 7PD



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CONSULTATIONS

Parish/Town Council

HILPERTON PARISH COUNCIL - Objects to this application. It is considered that the proposal will be inappropriate for C2 use, the sewage system is inadequate in that neighbours are encountering problems with sewage overflowing into their gardens. There is also a problem with noise and disturbance, already causing a concern to neighbours. Added to this, the car parking in the front is considered out of keeping with the area.

External

HIGHWAY AUTHORITY - No objections providing two planning conditions are imposed in the interests of highway safety.

ENVIRONMENT AGENCY - No objections.

WESSEX WATER - There have been no reported problems received concerning drainage. The Authority is however currently arranging for a sewer repair to be carried out in the garden of 19 Horse Road due to re-occurring blockages. The Authority will also be contacting the third parties who have raised concerns about foul drainage.

Internal

HERITAGE DEVELOPMENT OFFICER - As there are no internal or external alterations, there are no heritage based objections.

ENVIRONMENT HEALTH OFFICER - No adverse comments on noise or drainage issues. No complaints (from third parties) of the nature submitted as part of this application have been received by Environmental Health. If a complaint is received in the future, it can be investigated.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 04.02.2009. Site notice displayed at site frontage on same date.

Neighbours

Five third parties made the following representations in respect of this application:

The property is located within a residential area and while it has been used to house students attending courses run by Premier Training International based at Canal Road, the location is not suitable for the proposed hostel. There is a concern that the property could be used as a rehabilitation hostel for people with mental health issues which might include violent tendencies.

The property, which is a Grade 2 Listed Building has been used as a hostel for four or five years and has been altered internally to accommodate students. Why has the planning application only just been submitted?

Concerns are held over the potential behaviour of groups of people accommodated within the property in a quiet residential area. The surrounding area is characterised by family housing with potentially vulnerable people, including children and the aged, so any plans to form a hostel must firstly consider and ensure resident's safety. What restrictions would there be to ensure that the property is used for its approved use?

The application indicates that there would be a maximum of 12 students, but with 9 bedrooms, it would be easy to add further beds to share rooms and increase capacity further. How would the Council enforce the maximum occupancy?

It is submitted that the property is not suited to be used for training or rehabilitation. Both uses are very different with very different implications for local residents. It is recognised that the concerns raised could happen with 6 people being present (as is the current capacity), but with additional people being accommodated within the premises, the disturbance levels could multiply.

The proposed hostel would result in causing noise disturbance to local residents. Many times over the past 5 years, when there has been in excess of 12 students accommodated within the property they have returned late at night and started partying outside disturbing the peace. During the day and weekends, radios are left at a high level causing further disruption.

The sewer for the property is old and has been known to block causing water logging which acts as a detrimental nuisance to neighbouring properties since it connects to the main sewer in a neighbour's garden.

One representor accepted that car parking provision has been improved, but prior to this, cars would regularly be parked on the road in front of the property, which was a road hazard with traffic joining Horse Road from St Mary's Gardens. However, even with the additional parking, cars of people visiting Pound Farm still park on the road. If the property becomes a hostel, parking on the road will become an issue again.

Students at the property have also in the past caused nuisance to neighbours by kicking footballs into neighbouring gardens and after retrieving their footballs, jump over the boundary wall or push through a hedge. It is submitted that the owners of the site should secure the boundary and make it more student proof. Naked students have been known to run around neighbouring gardens in the early hours causing disruption. Letters and verbal requests have been sent and made direct to Premier Training International with no action having been taken to date to rectify the problem.

It is also recognised that the tenants have been moved out whilst this application is under review reverting the locality back to a peaceful residential area, which it should remain.

Applicant/Agent

In support of the application, and in response to the concerns raised by third parties and the Parish Council, the applicants submit the following:-

The property would not have a C2 use class. C2 would indicate that the property could be used as a residential care home, hospital nursing home, boarding school, residential college or training centre and this is not the case. Under this application, the applicant intends to convert the dwellinghouse to a sui generis use as a hostel to be solely used for accommodating students who are attending a training programme at an entirely different venue outside of the application site area.

The property is at present being used as residential accommodation for up to 6 people. The numbers accommodated would increase to 12 but the residential nature would not change. There would be no training or rehabilitation undertaken within the property.

The applicant is unaware of any sewerage problems at the property. However the applicants are willing to accept a planning condition, if the Council approves the application to ensure adequate drainage provisions (based on flow rates of the numbers of occupants).

The applicant also accepts that there have been a few complaints from neighbours in the past, but it is submitted that these have been rare occurrences and have been dealt with accordingly. In a letter written by the applicants, there is a clear commitment to ensuring that the neighbour's amenity would not be adversely affected by this proposal. To substantiate this, the applicants will be strengthening the rear boundary fence to ensure that students cannot easily gain access to neighbouring property.

In addition, the management has imposed the following house rules which are contained within the terms and conditions of occupancy (a copy of which has been provided). Contravening the following house rules would result in internal disciplinary action being taken by commanding officers (for those associated to the armed forces):-

ball games are not permitted
students must not trespass onto neighbouring property; and,
house and garden parties are forbidden.

No new vehicle access or additional parking provision is proposed.

RELEVANT PLANNING HISTORY

85/00298/OUT - Conversion of barn to dwelling - Approved 30.04.1985

85/00299/OUT - Erection of dwelling - Approved 30.04.1985

85/01238/OUT - Four detached dwellings with integral garages - Appeal Allowed 04.02.1986

90/00243/FUL - Conversion of existing barn to residential use using approved access - Approved 08.05.1990

90/00244/OUT - House and double garage together with new vehicular access to approved unit 4 - Approved 08.05.1990

92/00387/FUL - Detached house and double garage - Approved 12.05.1992

03/00343/FUL - Dwelling - Refused 07.08.2003

04/01064/FUL - Conservatory - Approved 03.08.2004

04/01065/LBC - Conservatory - Consent 03.08.2004

08/03311/LBC - Retrospective Consent for internal alterations - Consent 07.01.2009

KEY ISSUES

Amenity and Privacy

Road Safety issues

RELEVANT PLANNING POLICIES

Government Guidance

PPS1: Delivering Sustainable Development

PPG15: Planning and the Historic Environment

West Wiltshire District Plan - 1st Alteration 2004

C28 - Alterations and Extensions to Listed Buildings

C31a - Design

C38 - Nuisance

T10 - Car Parking

OFFICER APPRAISAL

Given that there are no external or internal alterations proposed to the existing property, the key determining issue to consider in this particular case is the principle of converting the 9 bed dwellinghouse to a hostel. For the avoidance of any doubt, the internal alterations which were undertaken without the requisite consent (and are referred to by third parties) was resolved through approving listed building consent application 08/03311/LBC. The property can legitimately accommodate up to 6 students without requiring planning permission since the planning legislation (under the Use Classes Order) allows for six persons living together as a single household within a residential unit. The Council's enforcement section confirm that there is no current planning breach affecting this site, and that this application requires to be assessed on its own merits irrespective of previous unauthorised works and disturbances.

The County Council Highway Authority reports no objections to the proposed conversion subject to planning conditions requiring improvements to the access and the entrance. Road safety interests should not therefore be detrimentally affected. Neighbouring amenities and privacies would not be significantly compromised as the proposed change of use being restricted to solely residential accommodation would be commensurate and compatible within the residential area.

To safeguard the future amenities, privacies and road safety interests, it is considered necessary to personalise any approval to the applicants only, as a hostel for students enrolled on training programmes run by Premier Training International Ltd. Any future alternative user or use would therefore require a fresh planning application.

Some of the raised concerns by the Parish Council and third parties fall outside the remit of the planning authority.

There are no policy objections to this proposed development, and as a consequence, it is recommended for approval.

CONCLUSION

Permission.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 That prior to the development being brought into use, the area between the nearside carriageway edge and a line drawn 2.4 metres parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 0.6 metres above the nearside carriageway level and thereafter be maintained free of obstruction at all times.

REASON: In the interests of Highway safety.

- 3 That this planning permission shall enure for the benefit of the present applicant, namely Premier Training International Ltd, only.

REASON: To safeguard the future amenities of the surrounding area.

- 4 That prior to the development being brought into use, a recessed entrance having a minimum width of 4.5 metres shall be constructed 4.5 metres back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of Highway safety.

- 5 The development hereby permitted shall not be occupied until works for the proper and adequate disposal of sewage have been provided to service 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 and site can be adequately drained and serviced

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

RELATED PLANS

Drawing : 688-02 received on 27.01.2009

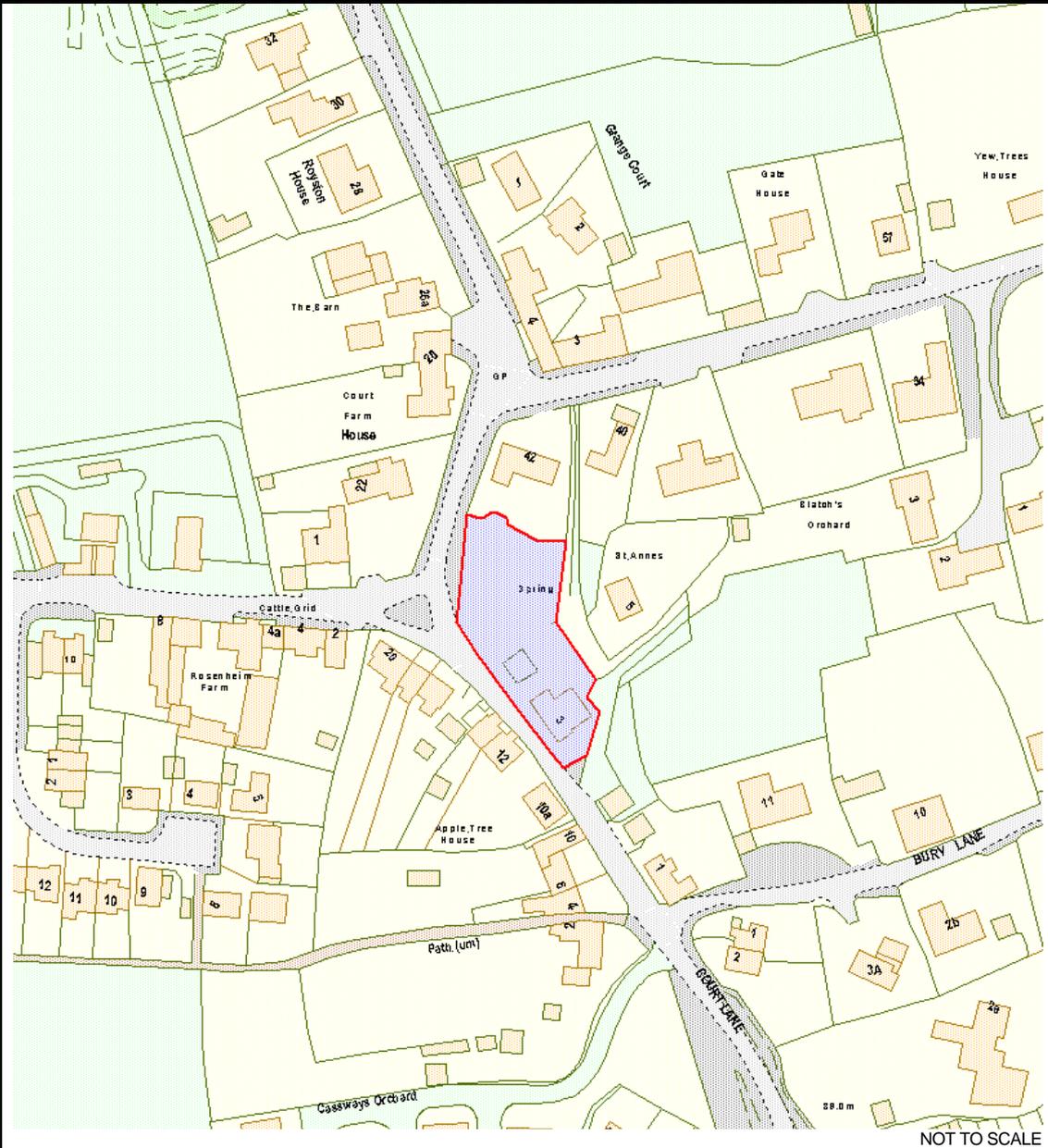
PLANNING COMMITTEE

26 March 2009

ITEM NO: 05

APPLICATION NO: W/09/00266/FUL

LOCATION: Pear Tree Cottage 3 Court Lane Bratton Wiltshire
BA13 4RE



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SLA: 100022961

05	Application:	W/09/00266/FUL
	Site Address:	Pear Tree Cottage 3 Court Lane Bratton Wiltshire BA13 4RE

Parish: Bratton Ward: Ethandune

Grid Reference 391094 152529

Application Type: Full Plan

Development: Demolish existing lean-to and construct two storey extension to side/rear

Applicant Details: Mr And Mrs Alex Mackintosh
Pear Tree Cottage 3 Court Lane Bratton Wiltshire BA13 4RE

Agent Details: R K Architecture
The Design Centre Crusader Park Warminster Wiltshire BA12 8BT

Case Officer: Miss Andrea Levin
Phone: 01225 776655 ext 173
Email: alevin@westwiltshire.gov.uk

Date Received: 30.01.2009 Expiry Date: 27.03.2009

COMMITTEE REPORT

This application is brought to Committee at request of Councillor Julie Swabey.

APPLICATION SITE & SURROUNDING AREA

The host dwelling is a detached cottage circa 1700. Situated within the Bratton Conservation area, it is constructed in an English bond style brick with stone quoins, Welsh slate roof, formerly thatched with coped verges and gable end brick stacks.

PROPOSAL

The proposal is for the addition of a two storey extension to the side of the building. The proposed extension would replace an existing single storey extension and would measure 3.2 metres in width, 4.8 metres in depth and 6.4 metres in height to its ridge.

It would be built from materials to match the existing.

CONSULTATIONS

Parish/Town Council

BRATTON PARISH COUNCIL - No objections.

External

None

Internal

None

NOTIFICATIONS

Site Notices/Visits

Date of visit: 13.02.2009

Neighbours

Neighbours were notified by way of a site notice. A letter of support was received raising the following points:

- * The proposed extension will have no effect on the street scene or constitute over development;
- * Mr Mackintosh is extremely sympathetic to the house and is making every effort to ensure that it is extended sensitively and in keeping with the rest of the property.

RELEVANT PLANNING HISTORY

08/02471/LBC - Extension and alterations to dwelling – Consent 07.10.2008

08/01821/FUL - Extension and alterations to dwelling – Permission 07.10.2008

KEY ISSUES

Impact upon character and setting of Listed Building
Impact upon character and appearance of Conservation Area
Impact upon neighbouring amenity

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration 2004 Policies C18, C28, C31a, C38

OFFICER APPRAISAL

The existing single storey extension on the south eastern elevation, although not ideal in its design, is small in size and relatively unobtrusive on the side of the property. The replacement two-storey extension would significantly detract from the character and setting of the Listed Building, particularly when viewed from the street, as a result of its size, prominent location and contrived form.

The proposed substantial extension on two storeys and its relationship with the original would fail to be seen as subservient and would not respect the historic layout of the building. It would be an unsympathetic addition to the property and would upset the balance and symmetry of the building as a whole in this prominent and sensitive location. This large extension would dwarf the side of the original cottage effectively resulting in a large house rather than a modest cottage. Even though there is an existing single storey extension much of the character of this building derives from its 'T' shaped form.

PPG 15 states that 'modern extensions should not dominate the existing building in scale, material or situation'. Furthermore, Supplementary Planning Guidance advises that 'an extension should be a subservient element to the host building.

The addition of a second two-storey gable with just a 0.7 metre set back from the principle gable of the property would be detrimental to the setting of this fine building and would fail to either preserve or enhance the character of the property. As the front elevation of the building remains unaltered and in its original form, it is important that this continues to be the case. The addition of the proposed extension would result in an alteration to this original form when viewed from the street and would erode the inherent character of the building.

Furthermore, the proposed fenestration fails to respect the traditional style of the windows on the original cottage which are predominantly small casements with stone mullions and surrounds, or a 'Victorian' sash window with stone lintel above. Although the latter would be replicated on the proposed extension, and the existing single storey extension has an unusual 20th century style of window, the current proposals including two standard casement windows without stone surrounds and a pair of incongruous glazed doors which would be entirely inappropriate additions.

Policy C31a of the West Wiltshire District Plan states that proposals for new development on prominent or sensitive sites will be required to pay particular attention to proportion, composition, form, massing and scale. The proposed extension would create a cluttered arrangement which would detract from the attractive appearance and form of the host property.

Policy C18 of the West Wiltshire District Plan states that developments in the Conservation Area will only be permitted provided that they preserve or enhance the character or appearance of the Conservation Area. The proposed extension would fail to preserve or enhance the character of the Conservation Area by reason of its prominence and contrived form.

The proposal would be unlikely to result in any loss to the neighbouring amenity.

CONCLUSION

Refusal

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed extension, by reason of its size, unsympathetic design, form, relationship with the original building and prominent position would have a detrimental impact upon the character of this Grade II Listed Building, contrary to Policies C28 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.
- 2 The proposed extension, by reason of its size, position and prominence within the streetscene would have a detrimental impact upon the character and appearance of the Conservation Area contrary to Policy C18 of the West Wiltshire District Plan 1st Alteration 2004.
- 3 The proposed fenestration including two standard casement windows without stone surrounds and a pair of incongruous glazed doors would be entirely inappropriate additions that would fail to respect the traditional style of windows on the original cottage, contrary to Policies C28 and C31A of West Wiltshire District Plan – 1st Alteration 2004.

RELATED PLANS

Drawing : EXISTING GROUND FLOOR PLAN 126/02 received on 30.01.2009
Drawing : SITE PLAN AND LOCATION PLAN 126/01 received on 30.01.2009
Drawing : EXISTING FIRST FLOOR PLAN 126/03 received on 30.01.2009
Drawing : EXISTING BACK ELEVATION 126/06 received on 30.01.2009
Drawing : EXISTING SE SIDE ELEVATION 126/08 received on 30.01.2009
Drawing : NEW FIRST FLOOR PLAN 126/10 received on 30.01.2009
Drawing : NEW GROUND FLOOR PLAN 126/20 received on 30.01.2009
Drawing : NEW FIRST FLOOR PLAN 126/21 received on 30.01.2009
Drawing : NEW BACK NE ELEVATION 126/22 received on 30.01.2009
Drawing : NEW SIDE SE ELEVATION 126/23 received on 30.01.2009

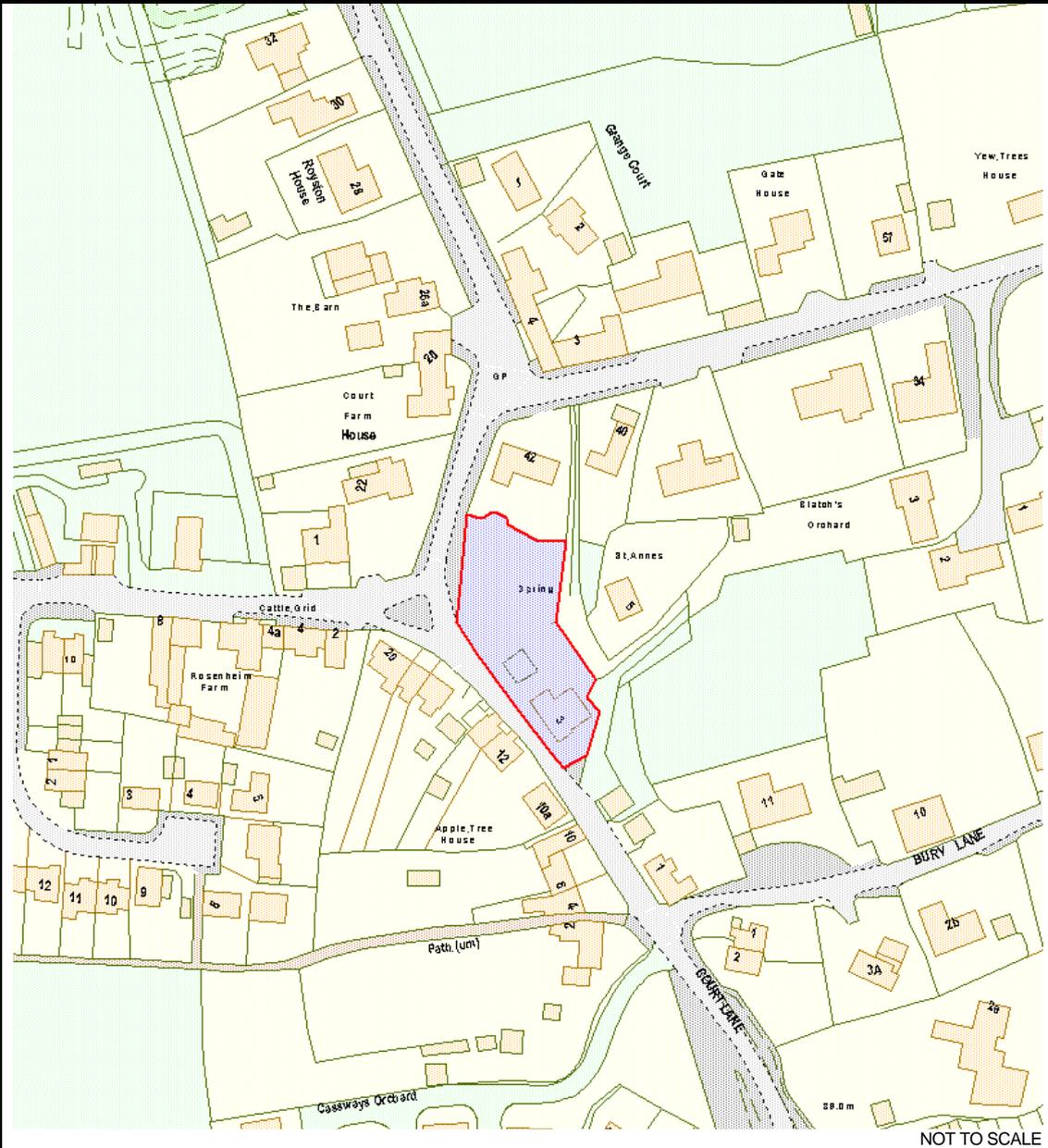
PLANNING COMMITTEE

26 March 2009

ITEM NO: 06

APPLICATION NO: W/09/00269/LBC

LOCATION: Pear Tree Cottage 3 Court Lane Bratton Wiltshire
BA13 4RE



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SLA: 100022961

NOTIFICATIONS

Site Notices/Visits

Date of visit: 13.02.2009

Neighbours

Neighbours were notified by way of a site notice. A letter of support was received raising the following points:

- * The proposed extension will have no effect on the street scene or constitute over development;
- * Mr Mackintosh is extremely sympathetic to the house and is making every effort to ensure that it is extended sensitively and in keeping with the rest of the property.

RELEVANT PLANNING HISTORY

08/02471/LBC - Extension and alterations to dwelling – Consent 07.10.2008

08/01821/FUL - Extension and alterations to dwelling – Permission 07.10.2008

KEY ISSUES

Impact upon character and setting of Listed Building

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration 2004 Policy C28

OFFICER APPRAISAL

The existing single storey extension on the south eastern elevation, although not ideal in its design, is small in size and relatively unobtrusive on the side of the property. The replacement two-storey extension would significantly detract from the character and setting of the Listed Building, particularly when viewed from the street, as a result of its size, prominent location and contrived form.

The proposed substantial extension on two storeys and its relationship with the original would fail to be seen as subservient and would not respect the historic layout of the building. It would be an unsympathetic addition to the property and would upset the balance and symmetry of the building as a whole in this prominent and sensitive location. This large extension would dwarf the side of the original cottage effectively resulting in a large house rather than a modest cottage. Even though there is an existing single storey extension much of the character of this building derives from its 'T' shaped form.

PPG 15 states that 'modern extensions should not dominate the existing building in scale, material or situation'. Furthermore, Supplementary Planning Guidance advises that 'an extension should be a subservient element to the host building.

The addition of a second two-storey gable with just a 0.7 metre set back from the principle gable of the property would be detrimental to the setting of this fine building and would fail to either preserve or enhance the character of the property. As the front elevation of the building remains unaltered and in its original form, it is important that this continues to be the case. The addition of the proposed extension would result in an alteration to this original form when viewed from the street and would erode the inherent character of the building.

Furthermore, the proposed fenestration fails to respect the traditional style of the windows on the original cottage which are predominantly small casements with stone mullions and surrounds, or a 'Victorian' sash window with stone lintel above. Although the latter would be replicated on the proposed extension, and the existing single storey extension has an unusual 20th century style of window, the current proposals including two standard casement windows without stone surrounds and a pair of incongruous glazed doors which would be entirely inappropriate additions.

Policy C31a of the West Wiltshire District Plan states that proposals for new development on prominent or sensitive sites will be required to pay particular attention to proportion, composition, form, massing and scale. The proposed extension would create a cluttered arrangement which would detract from the attractive appearance and form of the host property.

CONCLUSION

Consent

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed extension, by reason of its size, unsympathetic design, form, relationship with the original building and prominent position would have a detrimental impact upon the character and setting of this Grade II Listed Building, contrary to Policy C28 of the West Wiltshire District Plan 1st Alteration 2004.
- 2 The proposed fenestration including two standard casement windows without stone surrounds and a pair of incongruous glazed doors would be entirely inappropriate additions that would fail to respect the traditional style of windows on the original cottage, contrary to Policy C28 of West Wiltshire District Plan – 1st Alteration 2004.

RELATED PLANS

Drawing : LOCATION PLAN AND SITE PLAN 126/01 received on 30.01.2009
Drawing : EXISTING GROUND FLOOR 126/02 received on 30.01.2009
Drawing : EXISTING FIRST FLOOR PLAN 126/03 received on 30.01.2009
Drawing : EXISTING BACK ELEVATION 126/06 received on 30.01.2009
Drawing : EXISTING SE SIDE ELEVATION 126/08 received on 30.01.2009
Drawing : NEW FIRST FLOOR PLAN 126/10 received on 30.01.2009
Drawing : NEW GROUND FLOOR PLAN 126/20 received on 30.01.2009
Drawing : NEW FIRST FLOOR PLAN 126/21 received on 30.01.2009
Drawing : NEW BACK NE ELEVATION 126/22 received on 30.01.2009
Drawing : NEW SIDE SE ELEVATION 126/23 received on 30.01.2009

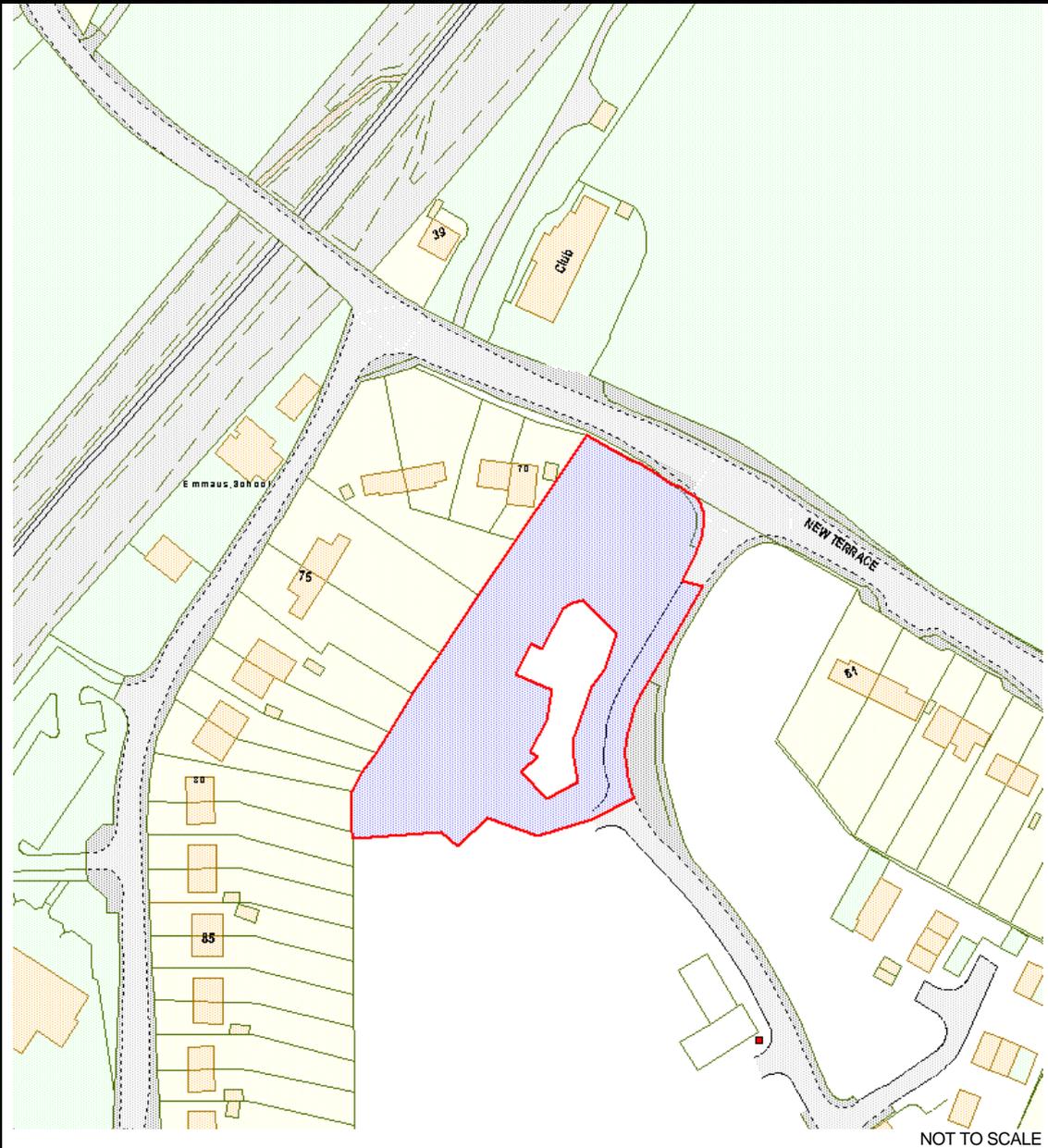
PLANNING COMMITTEE

26 March 2009

ITEM NO: 07

APPLICATION NO: W/09/00108/REM

LOCATION: Land Between New Terrace And Marina Drive
Staverton Wiltshire



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SLA: 100022961

Each property has provision for two allocated parking spaces/garaging and private amenity space. The access arrangements are only nominally altered in order to facilitate this slightly higher density development.

The scheme varies from that approved and with extant permission in that the layout has been altered to accommodate the extra three dwellings, making a higher density development. A four-bedroom detached property at the frontage of the site is replaced with 2x three-bedroom semis; a two-bedroom flat over garage in the centre of the application area would be replaced by 2x three-bedroom semis; and 2x four-bedroom detached dwellings would be replaced by 3x three-bedroom detached dwellings at the furthest south west point of the site.

The materials and arrangements of properties are consistent with previous applications and the extant permissions on site.

In support of the application a revised design and access statement has been submitted. This states that principally due to the current market climate, in particular the difficulties of marketing larger family homes; the intention is to make a more efficient use of land by the provision of smaller units.

The recent applications granting approval on the wider site have been accompanied by ecological assessments, archaeological evaluations, flood risk assessments and a sustainability checklist.

CONSULTATIONS

Parish/Town Council

STAVERTON PARISH COUNCIL: Object to the proposed increase in housing from 8 dwellings to 11 dwellings for the following reasons:

- overdevelopment of the site
- poor layout
- inadequate parking provision

External

HIGHWAY AUTHORITY: "The layout of the access and parking is acceptable and as the site is covered by an outline permission, with appropriate conditions attached, I have no Highway objection to raise."

CHIEF EDUCATION OFFICER: In the circumstances, as we have an existing s.106 for the wider site which it is believed covers the additional 3 units (as it contains a clause to provide for any building over the 60 units approved at appeal), we do not consider it necessary to make an additional case for contributions.

ENVIRONMENT AGENCY: "The application falls outside of the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application."

WESSEX WATER: No comments received.

WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: "Major development. Badger Sett within 100m at ST856602 in 2002."

Internal

LEISURE MANAGER: Request a further contribution to open space provision as a commuted sum of £736.47 for the additional 3 dwellings.

TREE AND LANDSCAPE OFFICER: Verbally commented, no objection.

HOUSING SERVICES: "As I understand it there is an existing S106 from which we have 30% AH agreed at nil subsidy. (83% rented units on site and 17% as a commuted sum). This AH units are now being built out by Selwood Housing and the commuted sum is due when 80% of the whole scheme is occupied.

I am also aware that another area of New Terrace (J3) is being discussed with regard PFI potential.

As far as I can tell this REM application is on an area of Open Market units (J2) covered by the previous planning permission which Persimmon now want to increase the density from 8 units to 11 units - i.e.: 3 additional units. We therefore apply the AH policy to these 3 units - which equals a policy requirement for 1 additional AH unit. Providing I am on the right lines, I can therefore confirm:

The AH policy should be applied i.e.: 30% AH provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership. I confirm that there is a high demonstrable need for AH - supported from the waiting list and the housing needs survey.

In this case 1 AH unit (1 x 3 bed house) is indicated on the plan and this will meet the identified need and policy requirement from this application.

I would just comment that in terms transferring to/managing the additional AH unit from this application - Selwood Housing are already delivering the AH units previously agreed for the scheme and they would be our preferred choice of RSL for this additional unit."

LEGAL: I have been looking at the s.106 agreement dated 8 August 2006 for New Terrace, Staverton.

I note that it requires the following:

1. 30% affordable housing of which 83% shall be provided as housing for rent on site in accordance with the affordable housing mix and 17% of which shall be provided by way of a contribution towards low cost home ownership
2. Open space land and play area to be provided on site - contribution of £157,532 to be provided for play equipment and commuted sums for the future maintenance of the open space and play area
3. Arts contribution - £10,000
4. Education contribution - £51,860 plus £3,215.32 for each housing unit of 2 or more bedrooms in excess of 60 if the development comprises more than 60 housing units.

The open space land / play area and the arts contribution do not appear to be linked to the number of dwellings on the site. I am therefore presuming that no changes will need to be made to these contributions if additional units are provided. If this is not the case, please let me know.

The definition of education contribution makes provision for an increased number of units being provided on site, so I suspect that the agreement will not need to be amended in respect of the education contribution due to an increase in the number of units, although I suggest that you check this with your contact in the education department.

With regard to the affordable housing, I note that the calculation of the Affordable Housing Contribution is linked to the total number of housing units to be constructed as part of the Development. However as the Agreement makes no specific reference to the number of units to be provided on site, on a strict interpretation, I do not think there would be a need to vary the Agreement. However, if the developer is offering to vary it, and as I can see no disadvantage to the Council in entering into such a variation, it would probably help clarify matters if the Council were to do so.

I suggest that you also speak to Kathy Green to find out whether any amendments to the on site affordable housing clauses will be required if 3 extra units are provided e.g. to the affordable housing mix annexed. If so, these would also need to be included in the deed of variation.

NOTIFICATIONS

Site Notices/Visits

Date of visit: The site was visited on 28 January 2009 and a site notice was erected at the application site.

Neighbours

No comments received.

RELEVANT PLANNING HISTORY

98/00284/OUT – Residential Development – Approved 04.09.1998

01/01616/OUT – Outline application for link road and associated works between Marina Drive and New Terrace – Approved 28.02.2002

04/02307/OUT – Residential Development – Approved on Appeal 23.09.2005

06/01036/REM – Construction of link road – Approved 11.05.2006

07/01903/REM – 96 Dwelling houses and public open space – Approved 14.02.2008

KEY ISSUES

The key issues to consider with this application are the potential impact of the alterations over and above the extant consent on the character of the development, design, amenity, highway safety and affordable housing.

Further issues of archaeology, ecology, and flooding, as well as open space and education provision need to be addressed again.

RELEVANT PLANNING POLICIES

Regional Spatial Strategy (RSS10)

West Wiltshire District Plan 1st Alteration (2004)

H1	Further Housing Development Within Towns
H2	Affordable Housing Within Towns and Villages
H7A	New Terrace, Staverton
H24	New Housing Design
C15	Archaeological Assessment
C16	Archaeological Investigation and Recording
C31a	Design
C32	Landscaping
C34a	Resource Consumption and Reduction
C38	Nuisance
T10	Car Parking
R4	Open Space in New Housing Development
S1	Education
U1	Foul Water Disposal
U2	Surface Water Disposal
I1	Implementation

Wiltshire Structure Plan 2016

DP1	Priorities for Sustainable Development
DP4	Housing and Employment Proposals
DP7	Housing in Towns and Main Settlements
DP8	Affordable Housing
T4	Cycling and Walking
T5	Car Parking

Local Guidance

Supplementary Planning Guidance: Open Space Provision in New Housing Developments – A Guide

Supplementary Planning Guidance on Affordable Housing

Supplementary Planning Document: Residential Design Guide

National Guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG16: Planning and Archaeology

PPG17: Planning for Open Space, Sport and Recreation

OFFICER APPRAISAL

The application site forms part of a wider housing allocation. Extant outline planning approval for the wider site is currently being implemented following the approval of reserved matters for 96 dwellings.

The proposal relates to the north west corner of the wider site where 8 of the 96 dwellings were approved in 2008. This proposal seeks to provide 11 dwellings in lieu of those 8.

The proposal would make a more efficient use of land which accords with the national government principles laid out in Planning Policy Statement 3: Housing. It is considered that the proposals would achieve this higher density without causing any harm to acknowledged planning interests, further it would provide for smaller units which would address the current market demands and housing needs in this location.

The proposals would be broadly in keeping with the density and character of the rest of the development in this allocated area and the neighbouring development of Staverton Marina. The planning inspector comments from the outline application in 2004 highlighted the need to make more efficient use of land over and above the development plan allocation for the site; it was stated that this is a more sustainable approach to land use and addressed current government policy. This proposal would accord with those inspector's findings.

The objections of Staverton Parish Council in regards to this being over development and having a poor layout are noted. However the proposals are very similar to that approved and would be in keeping with the surrounding new development. The proposals are considered acceptable and would result in no demonstrable harm, especially in the context of the extant approvals, and would not represent over-development of the site. The proposals would not result in any significant levels of overlooking.

The Highway Authority raises no objection to the proposals. The proposals present active frontages to the street scene with permeability for pedestrians and public space which is overlooked and as such is safer.

Staverton Parish Council also raised objection to the amount of car parking provision connected with the revised plans. The proposals would provide for 2 car parking spaces per dwelling which accords with the development plan maximum car parking standards. The proposal achieves this whilst creating an efficient use of land, a variety of housing types and tenures and an acceptable layout in terms of the resulting urban design.

Other matters to consider in this proposal include the need to update the s.106 agreement which covers development at this site. It must be borne in mind that this is a reserved matters application only, resulting in a net increase of 3 dwellings over and above the extant approvals.

Legal advice has been sought on this point and the existing legal agreement covers affordable housing, education contribution, public open space and public art. The legal advice on these matters indicates that the existing agreement is sufficient to cover the revisions to the development and the additional units in principle. Further it is noted that the previous reserved matters application did not seek to revise the terms and conditions of the legal agreement connected to the outline planning permission.

The legal agreement and policy require a 30% contribution for affordable housing and this proposal for 3 additional units, allocates one of these as an affordable unit. Housing Services raises no objection to the proposal on the basis of this information and are satisfied with the siting of the unit.

The legal agreement stipulated an open space contribution which was not linked to the number of units provided on the site. It is noted that the Leisure Manager requests a further nominal contribution of approximately £736 based on the 3 additional units. However, since this element of the legal agreement is not on a pro-rata basis it does not allow for such flexibility. It is not considered reasonable to insist on further nominal monies given the existing agreement. This is such a small sum it would not be expedient to pursue this in the context of the cost in time and effort of pursuing this as well as the need to determine applications within the statutory time limit.

The legal agreement in regards to the education contribution however did build in flexibility based on a pro-rata basis.

In summary it is not considered necessary or reasonable to seek a variation to the existing legal agreement. Based on this and mindful of dealing with applications expediently and the current market circumstances it is considered that the proposals are satisfactory in these terms.

The issues of archaeology, flooding and ecology relevant to this site are not of concern given the minor alterations being proposed to the extant approvals on the site. No harm would result to these planning interests as a result of the revised development proposals.

The landscaping details are considered satisfactory and the Council's Tree and Landscape Officer raises no objection to the development.

Finally this application is for approval of revised details for the reserved matters and not planning permission. As such the only conditions that should be imposed are those that relate to the matters that have arisen since the outline permission was granted. Since there have been no significant material alterations in circumstances it is not necessary to impose any new conditions.

CONCLUSION

This proposal is in line with the outline permission and the density, layout and car parking provisions are acceptable when considered as part of the wider development of New Terrace and Staverton Marina. Approval of the reserved matters is recommended.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION: Approval

Note(s) to Applicant:

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

RELATED PLANS

Drawing : 0279-1100 received on 19.01.2009
Drawing : 0279-1101 received on 19.01.2009
Drawing : 0279-1102 received on 19.01.2009
Drawing : 0279-1103 received on 19.01.2009
Drawing : 0279-1104 received on 19.01.2009
Drawing : 0279-1105 received on 22.01.2009
Drawing : 0279-1106 received on 19.01.2009
Drawing : 0279-1108 received on 22.01.2009
Drawing : 0279-1109 received on 19.01.2009
Drawing : P.0369_09-1 received on 19.01.2009
Drawing : 0279-1200 received on 19.01.2009
Drawing : 0279-1201 received on 19.01.2009
Drawing : 0279-1202 received on 19.01.2009
Drawing : 0279-1203 rev received on 28.01.2009
Drawing : 0279-1204 received on 19.01.2009
Drawing : 0279-1205 received on 19.01.2009
Drawing : 0279-1206 received on 19.01.2009
Drawing : 0279-1207 received on 19.01.2009
Drawing : 0279-1208 rev received on 28.01.2009
Drawing : 0279-1209 rev received on 28.01.2009

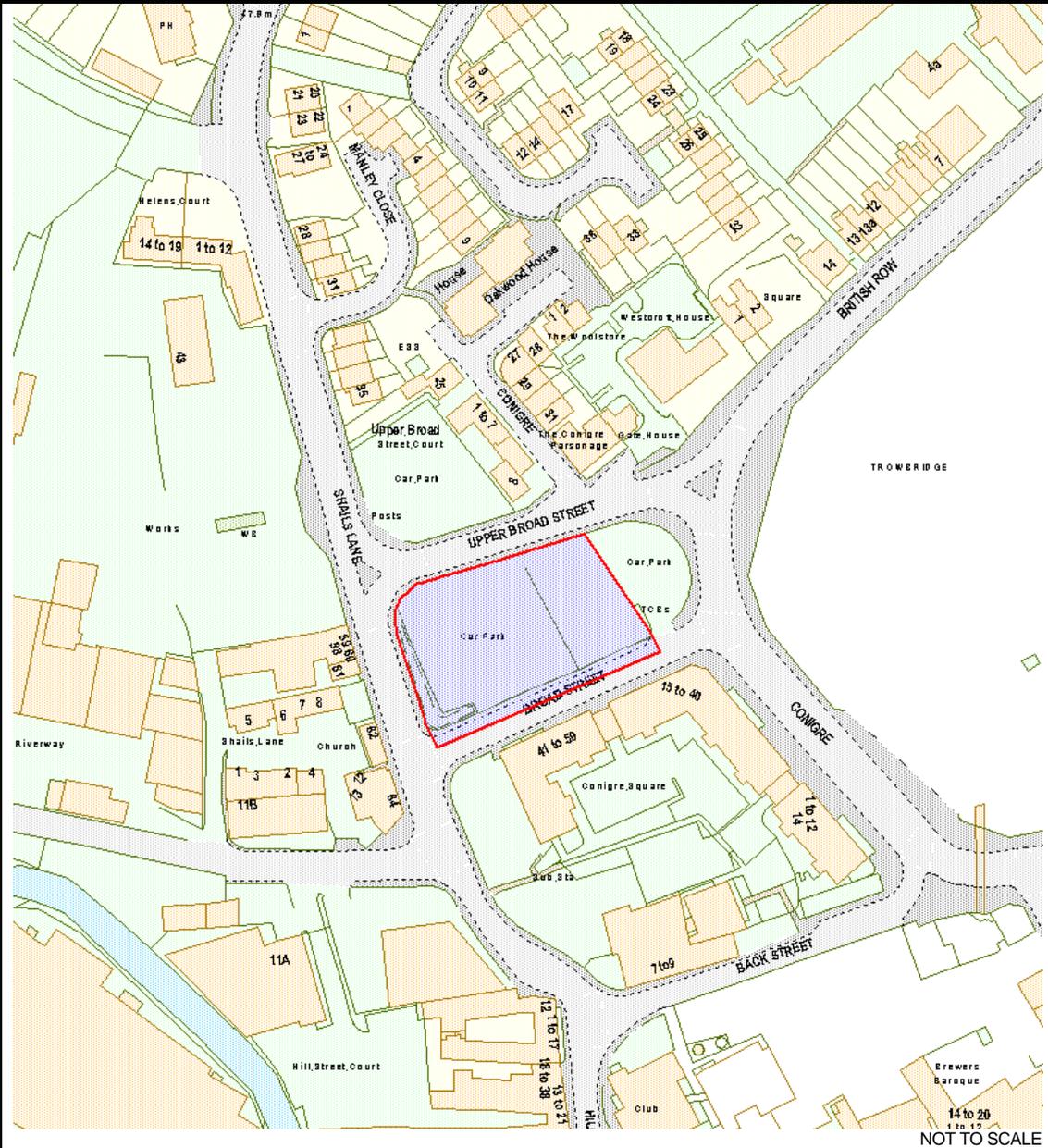
PLANNING COMMITTEE

26 March 2009

ITEM NO: 08

APPLICATION NO: W/09/00225/FUL

LOCATION: South Side Car Park Broad Street Trowbridge
Wiltshire



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SLA: 100022961

08	Application:	W/09/00225/FUL
	Site Address:	South Side Car Park Broad Street Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge North East

Grid Reference 385371 158194

Application Type: Full Plan

Development: Erection of 31 residential dwellings and associated 31 car parking spaces

Applicant Details: SPB Homes
F A O Mr Chris Hodgson C/o Westbury Partnerships Tameside Drive Castle Bromwich Birmingham

Agent Details: Focus On Design
C/o Mr Oliver Coles The Old Brewery Lodway Pill Bristol

Case Officer: Mike Williams
Phone: 01225 776655 ext 320
Email: michael.williams57@btopenworld.com

Date Received: 21.01.2009 Expiry Date: 22.04.2009

COMMITTEE REPORT

This application is brought to the Committee as it forms part of the District Council's Housing Private Financial Initiative (PFI) to provide at least 400 new affordable homes.

APPLICATION SITE & SURROUNDING AREA

This is an application for full planning permission for the erection of a predominantly 3 storey building incorporating 31 apartments with 31 parking spaces on part of the Broad Street car park in Trowbridge town centre. The site is located within the Conservation Area and Statutory Listed Buildings are nearby.

The application site is located to the northwest of the main shopping area of central Trowbridge. The site is an island site within a gyratory system incorporating Broad Street, Upper Broad Street and Shails Lane. It is currently used as a public car park.

PROPOSAL

This application involves a slightly revised development to that already approved in full on the 14th February 2008. The current proposal involves the removal of the external balconies on nineteen of the apartments and the relocation of windows/doors to external walls.

The applicants advise that they wish to remove the external balconies in order to increase the internal space available because in their experience this is of greater benefit to residents that the use of an external balcony.

There are also housing management and maintenance reasons for this proposal to remove the external balconies on the public realm side of the development. This is because experience shows that residents are likely to use an external balcony to store household items such as bicycles, pushchairs and rubbish; and to use it as a drying facility. These activities can present a fire and health hazard as well as detrimentally affecting the aesthetic appearance of the building.

The applicants finally consider that external balconies are a potential safety hazard for children living at or visiting the properties.

As stated previously there are no other alterations to the previously approved scheme which involved the construction of a 2 and 3 storey perimeter building block presenting a continuous defensible frontage on three sides to the busy gyratory system of Shails Lane, Upper Broad Street and Conigre whilst on Broad Street, a gateway in the frontage opens onto a quiet south facing courtyard to Broad Street.

External walls will be of brick and render with profiled clay tiles and artificial slate used for the roofs.

CONSULTATIONS

Parish/Town Council

TROWBRIDGE TOWN COUNCIL – no objection

External

HIGHWAY AUTHORITY – no comments received

COUNTY ARCHAEOLOGIST – No archaeological recommendations given the results of an evaluation carried out when the previous application on the site was being considered.

ENGLISH HERITAGE – no comments received

WESSEX WATER – no comments received

Internal

URBAN DESIGN OFFICER – no objection

HOUSING ENABLING OFFICER – Application has the support of the Enabling Team

ENVIRONMENTAL HEALTH - approve

NOTIFICATIONS

Site Notices/Visits

Four site notices have been displayed and one visit has been made to assess the impact of the proposed development

Neighbours

Neighbouring properties have been consulted on the application. One representation has been received questioning whether any public car parking spaces lost by this development will be provided elsewhere in the town centre.

RELEVANT PLANNING HISTORY

As previously stated in the report full planning permission was gained for the erection of 31 apartments with 31 parking spaces in February 2008. That permission is still valid.

KEY ISSUES

- Impact of revised balcony elevational treatment on overall design of building;
- Impact of revised elevational treatment on character and appearance of Conservation Area
- Impact of revised elevational treatment on setting of listed buildings

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan 2016

DP1	Principles for Sustainable Development
DP2	Infrastructure
DP3	Development Strategy
DP7	Housing in town and main settlements
DP8	Affordable Housing
T6	Demand management

West Wiltshire District Plan – 1st Alteration

C17	Conservation Area
C18	New Development in Conservation Areas
C31a	Design
C38	Nuisance
C40	Tree Planting
H1	Housing Development in towns
H2	Affordable Housing within towns and villages
H4d	Land at Shails Lane/Broad Street
H24	Design of new housing
T9	Bus Services
T10	Car Parking
T11	Cycleways
T12	Footpaths and Bridleways

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG15	Planning and the Historic Environment

OFFICER APPRAISAL

Before the previous full application on this site was approved there was considerable negotiation concerning the design of the scheme to ensure that the development would enhance the character and appearance of this part of the Conservation Area.

The proposed revisions to the approved scheme do not compromise that underlying objective which is still relevant for any scheme on this site.

The omission of the external balconies on nineteen of the apartments does not detract from the elevational treatment of all the relevant blocks.

The Council's Urban Design Officer has been involved in the discussions leading to this application being submitted and as previously stated in the report she has no objection.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development would ensure an appropriate form of development for the site and its context. The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 The development shall be carried out strictly in accordance with the approved plans.

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

- 3 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 - Policy C31A.

- 4 A sample wall panel, not less than 1 metre square, shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

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

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

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

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

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

- 6 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.

- 7 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 2004 - Policy U2.
- 8 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 2004 - Policy U1A.
- 9 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.
- 10 The dwellings hereby granted permission shall remain as affordable units within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan 1st Alteration 2004 and for local need as defined in Policy H22(a) and (b) of the West Wiltshire District Plan 1st Alteration 2004 for so long as the dwellings remain on site.
- REASON: The DPA wishes to control the matters referred to as the site is in an area where residential development is not normally permitted unless justified as an exemption for affordable housing.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies H2 and H22

RELATED PLANS

Drawing : 1727-P-BS-1A received on 21.01.2009
Drawing : 1727-P-BS-23 received on 21.01.2009
Drawing : GW751 received on 21.01.2009
Drawing : 1727-P-BS-31A received on 21.01.2009
Drawing : 1727-P-BS-32A received on 21.01.2009
Drawing : 1727-P-BS-33A received on 21.01.2009
Drawing : 1727-P-BS-34 received on 21.01.2009
Drawing : 1727-P-BS-35 received on 21.01.2009
Drawing : 1727-P-BS-36A received on 21.01.2009
Drawing : 1727-P-BS-39A received on 21.01.2009
Drawing : 1727-P-BS-40B received on 21.01.2009
Drawing : 1727-P-BS-38 received on 21.01.2009
Drawing : 1727-P-BS-37B received on 21.01.2009