

WESTERN AREA PLANNING COMMITTEE

24 June 2009

Planning Applications for Determination

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	24.06.2009		
Application Number	08/03471/REM		
Site Address	Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire		
Proposal	Construction of 114 dwellings, access and associated landscaping		
Applicant	Persimmon Homes (Wessex) Ltd		
Town/Parish Council	Melksham Without Melksham (Town)		
Electoral Division	Melksham Without Melksham (Town)	Unitary Member:	
Grid Ref	392138 163580		
Type of application	Reserved Matters		
Case Officer	Mr Sim Manley	01225 770344 Ext 240 sim.manley@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application has been submitted to the Committee as a result of an objection being received from the Parish Council prior to 1st April 2009.

1. Purpose of Report

Members may recall that this application was placed before them on 13th May 2009 where, at officer's request, the application was deferred pending the expiration of the consultation period which had been undertaken in relation to neighbouring properties.

The application had previously been deferred from the Planning Committee on 26th March 2009 for the following issues to be resolved:

- To seek Counsel's opinion on the relevant policies and the legal agreement to see if we can insist on a better provision of affordable housing and to;
- Negotiate with the developer the layout of the six dwellings adjacent to Snarlton Lane.

In response to the deferral on 26th March 2009, amended plans were submitted by the applicant increasing the number of affordable units on the site to the required level as well as re-orientating 5 of the dwellings abutting Snarlton Lane. In addition, due to the higher density of the affordable housing the site has been reduced in area in the north west corner of the site. It was these amendments which were originally placed before the 13th May Committee 2009.

This report is now returned to committee to examine these changes and the subsequent consultation responses received in relation to the proposed changes.

It is recommended that the Reserved Matters be APPROVED subject to conditions.

In respect of the Counsel's opinion, due to the legally sensitive nature of the response received, a letter has been sent to members explaining the position.

2. Main Issues

- * Increase in the numbers of affordable houses
- * Re-orientation of the 5 units abutting Snarlton Lane
- * Scale of development
- * Layout
- * Appearance
- * Landscaping
- * Access

3. Site Description

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.

4. Relevant Planning History

See original report attached as appendix

5. 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, albeit on a reduced site area from that originally submitted.

The proposed dwellings comprise 86 private units for sale and 28 affordable units. This represents a decrease in the number of open market housing and an increase in the number of affordable from 15 to 28. The sizes of the properties proposed are as follows:

Private Housing

- 17 x 3-bed Houses
- 61 x 4-bed houses
- 8 x 5-bed units

Affordable Housing

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

The proposed houses are a mix of 2, 2 ½ and 3 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 road 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.

6. Planning Policy

See report attached as appendix

7. Consultations

A full re-consultation has been undertaken in respect of the amended details which are as follows:

Town/ Parish council

MELKSHAM WITHOUT PARISH COUNCIL – The Council strongly object to the footpath with access opening onto Snarlton Lane. This footpath should not be permitted as there is already an existing right of way which residents should be encouraged to use. To prevent an unofficial Right of Way being created here, a strip of land should be fenced off behind the houses, so that there is no way through.

MELKSHAM TOWN COUNCIL – Now support the application.

External

WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST - has no objection

WILTSHIRE COUNTY COUNCIL POLICY TEAM – Is awaited and will be reported verbally at the Committee.

WILTSHIRE COUNTY COUNCIL HIGHWAYS TEAM – has no objection but is disappointed to note that the second footpath link onto Snarlton Lane has been removed from the proposals.

ENVIRONMENT AGENCY – Have no objection.

Internal

URBAN DESIGNER – Has no objection to the proposed alterations

ENVIRONMENTAL HEALTH – No further comments to add.

AFFORDABLE HOUSING ENABLING TEAM – I note that the AH number of units has been increased to 28 and would comment that the revised mix does meet current identified need and am therefore happy to accept this - also happy with proposed layout for the AH units.

ECONOMIC REGENERATION – No observations to make on the application

TREE OFFICER – Is awaited and will be reported verbally at the Committee.

8. Publicity

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

On letter has been received from a neighbouring occupier in relation to the development which, whilst generally supporting the major amendments raises the following points:

- Only 14 days given for the reconsultation
- Problems with viewing plans
- Plans not available on the web site;
- Do not see any reason for a new right of way onto Snarlton Lane;
- New houses opposite Snarlton Lane will result in a loss of light, outlook and privacy hence the requirement for the retention of the whole hedge;
- Revised plans must retain 114 houses but cannot comment on the visual impact of the higher density due to the lack of detail. However the Committee should ensure that 2 ½ and 3 storey dwellings are not positioned to overlook Snarlton Lane.
- Concern as to what happens to the land excluded from the application.

9. Planning Considerations

Increase in the number of affordable housing numbers on site.

Members may recall that at the Planning Committee meeting on the 26th March 2009 it was requested that the application be deferred pending the obtaining of Counsel advice in respect of the ability of the Council to secure 24% provision of affordable housing within each phase of the development. Whilst, at the time of writing this report this advice had not been received, the Applicant has responded to the concerns raised submitting amended plans, increasing the numbers of affordable units within this phase of the development to 28. This figure represents 24% for the phase which accords with the provisions of the S106 agreement. The Affordable Housing Enabling Officer now has no objections to the proposed provision on the site. For these reasons the amended scheme is to be welcomed.

Re-orientation of the properties abutting Snarlton Lane.

Members may also recall that at the previous meeting it was requested that the Applicant investigate the re-orientation of 6 dwellings abutting Snarlton Lane. The concern raised was that it has always been understood that the development would not have a frontage onto Snarlton Lane and that the submitted scheme was contrary to that understanding.

Amended plans have now been received which have re-orientated 5 of the dwellings. This has resulted in proposed development which has no dwellings with a frontage onto Snarlton Lane. The proposed dwellings now either present the rear or side elevation onto the lane. The two dwellings with proposed flank elevations onto Snarlton Lane are positioned either side of the proposed footpath link onto Snarlton Lane to the rear of the existing hedgerow which is to be retained. It is considered that the proposed development no longer presents an active frontage onto Snarlton Lane and for this reason, is considered to be acceptable.

In terms of the 2 plots presenting a flank elevation onto Snarlton Lane, the design of the dwellings is such that there are no windows proposed within this end elevation. Furthermore, a condition has been attached to this recommendation precluding the insertion of additional fenestration. Lastly, there are secondary windows set within the south facing rear projecting range of both properties. To preclude any overlooking of properties positioned on the south side of Snarlton Lane a condition has been imposed requiring that these windows are obscurely glazed. For these reason the proposed development will not result in the loss of residential amenity to the occupiers of existing dwellings on the south side of Snarlton Lane.

In respect of the retained hedgerow, the amended layout includes a narrow buffer zone to the rear of the hedge, behind which 1.8m high boundary fences will be erected. This ensures that the rear gardens of the re-orientated houses do not include the hedgerow thus precluding future occupiers from removing or damaging this feature. In addition, by excluding the hedge from their ownership, the proposed dwellings do not have an owned frontage onto Snarlton Lane and therefore cannot seek to provide pedestrian or vehicular access onto the same at a later date.

Layout of Development

Whilst the layout of the proposed development has been amended to accommodate the above changes, the proposed 114 houses, the subject of this application, still 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 amended proposal is still considered to be reflective of the character of Melksham, giving a strong definition between the private and public realm.

Scale of Development

Scale of the development relates to the height, width and length of the proposed buildings. In this regard the proposed amended scheme, including the additional affordable houses, is considered to be acceptable having regard to the provisions of the Urban Design Strategy which reflects the late 19th and 20th Century housing which is found outside the centre of Melksham.

Appearance

With respect to the submitted house types, including the affordable housing, it is considered the goal of the Design Guide and character areas has been met. For these reasons it is considered that the proposed appearance of the proposed development is acceptable.

Landscaping

The amendments to the landscaping resulting from the proposed changes are considered to be acceptable and for this reason no objection is raised to the development in this regard.

Access / Vehicular Access

No observations have been received from the highway section. Members will be updated in this regards.

APPENDIX - REPORT TO COMMITTEE AT MEETING OF 26 MARCH 2009

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 an 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.

Recommendation: Approval

For the following reason(s):

That the submitted details accord with the provisions of the West Wiltshire District Plan First Alteration June 2004 and the adopted Land East of Melksham Urban Design Strategy and 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.

Subject to the following 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 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.

- 3 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.

- 4 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.

- 5 The first floor window in the south facing elevation of Units 66 and 67, hereby approved shall be obscure glazed 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.

Informative(s):

- 1 Your attention is drawn to the fact that, whilst the details have been approved in relation to this reserved matters application for 62 dwellings, there are other conditions attached to the outline planning permission 04/01895/OUT which relate to the site which will need to be discharged prior to the commencement of works as well as requirements contained within the associated S106 agreement which will need to be met.
- 2 With regard to the Rights of Way (42, 23 and 18) comments from Allan Francis (forwarded on 24 March but you may have received directly), The rights of way must be stopped up and diverted (Footpath 42/ 23) under Section 257 of the Town and Country Planning Act, prior to any development commencing.

Appendices:	
Background Documents Used in the Preparation of this Report:	

		
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RELEVANT APPLICATION PLANS

Drawing : SEE ATTACHED SCHEDULE

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	24.06.2009		
Application Number	W/09/00579/REM		
Site Address	Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire		
Proposal	Submission of reserved matters application pursuant to outline permission 04/01895/OUT for 116 units relating to access, appearance, landscaping, layout and scale		
Applicant	Barratt And David Wilson Homes		
Town/Parish Council	Melksham Without		
Electoral Division	Melksham Without	Unitary Member:	
Grid Ref	392138 163580		
Type of application	Reserved Matters		
Case Officer	Mr Sim Manley	01225 770344 Ext 240 sim.manley@wiltshire.gov.uk	

Reason for the application being considered by Committee

Melksham Without Parish Council objected to the proposals before 31.03.09.

1. Purpose of Report

To consider the above application and recommend that the Reserved Matters be APPROVED subject to conditions.

2. Main Issues

Principle of development
Environment Assessment
Scale of development
Layout
Appearance
Landscaping
Access
Points raised in objections to the scheme.

3. Site Description

The site comprises a large irregular area of farm land to the south of Clackers Brook.

The application site is subject to a slight change in gradient across the site from south to north leading towards Clackers Brook. Clackers Brook being outside of the site is the lowest point within the area. The land then rises up gradually and plateaus out within site. There is a slight rise towards to the south of the site before the existing development.

The site lies to the east and rear of properties positioned on Primrose Drive, a modern development comprising 2-storey dwellings, either presenting a rear or flank elevation to the site. These dwellings are of a modern design, being detached, semi detached or terraced properties. Between the site and these properties is a mature hedge with trees within it. This hedge falls outside of the application site.

An un-adopted footpath leads from the Junction of Snowberry Lane and Heather Avenue along the western boundary of the site, crossing into the open field via a stile. This footpath, which runs north/south along the western boundary of the site is not a defined public right of way but would appear to be a permissive footpath. The stile does link, however, to a Public Right of Way MELK 42 that runs east/west across the open fields along the southern boundary of the site.

To the south west of the site, but not sharing a common boundary, are properties fronting onto Heather Avenue, close to or at its junction with Snowberry. These properties form part of the wider development which also includes Primrose Drive. The properties are all two storey in design. The rear garden of No.2, which is the closest dwelling on Heather Avenue to the development, is enclosed by a 1.8m high wall with in-fill wooden panels

To the south west of the site, but not directly abutting the site, are properties positioned on Farmhouse Court and Saxifrage Bank. The former are a complex of 1 ½ storey terraced properties enclosing a courtyard area constructed from natural stone with slate roof over. A high wall is positioned between these properties and the application site, which is itself somewhat removed to the north over open fields.

The property on Saxifrage Bank, located on the east Snowberry Lane, comprises a detached property of modern design of buff brick and concrete tile over. This property's rear garden, which projects towards the site but does not abut it, is enclosed by a 1.8m high wall with in-fill timber panels

Vehicular access to the site is via a farm access of Snowberry Lane at its junction with Heather Avenue.

As already mentioned a Public Right of Way MELK42/MELW23 runs to the south of the site in an east/west direction and a further footpath MELW18 to the east in a north/south orientation.

To the north of the site, on the other side of Clackers Brook is a further housing estate comprising red brick detached, semi detached and terraced properties on Westbury View.

4. 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

08/03129/REM – Reserved matters application for 62 dwelling – withdrawn;

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

09/00574/REM - Reserved matters application for 53 dwellings – withdrawn;

09/00483 - Reserve matter application for 62 dwellings – Approved 14th May 2009

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

5. Proposal

The application seeks approval of the reserved matters application for 116 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 116 dwellings.

The proposed dwellings comprise

87 private units for sale and 29 affordable units for rent. The sizes of the properties proposed are as follows:

Private Housing:

- 1 x 1 Bed Flat
- 1 x 2 Bed Flat
- 26 x 3 Bed House
- 34 x 4 Bed House
- 25 x 5 Bed House

Affordable Housing:

- 15 x 2-bed houses
- 10 x 3-bed houses
- 4 x 4-bed houses

The proposed houses are a mix of 2 and 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.

A total of 302 parking spaces are proposed comprising 272 residents parking spaces either in the form of garaging or parking areas along with 30 visitor spaces. This provides for an average of 2.6 parking spaces per dwelling.

The 116 dwellings are proposed to be serviced off the proposed distributor road via the roundabout to the south as well as an internal estate road leading from the neighbouring residential phase to the east. The position of the access into the site and the roundabout was approved as part of the original outline application.

6. Planning Policy

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

7. Consultations

Town/ Parish council

MELKSHAM WITHOUT PARISH COUNCIL –

The Council accept this development in principle but has some objections and amendments to the detail, as follows:-

- a) Care must be taken to ensure all new dwellings are built to the latest energy- efficient standards, with use of up to date technology such as photo-voltaic tiles.
- b) Construction must be in accordance with the agreed Development Brief in every respect. The Brief was agreed between all local authorities, following a series of comprehensive working parties and all aspects were covered, such as leaps and neaps, road infrastructure, the new school, public open space and play areas.
- c) There is concern that if applications for this allocation continue to be passed piecemeal, the community may lose out overall on planning gains. Care should be taken to ensure that each participating developer on this site pays a proportionate amount towards the agreed community gains., though a formal Section 106 Agreement which is properly monitored and enforced. What monitoring procedures are in place to ensure very developer make an equitable contribution to community gains? There needs to be a clear formula so that all developers know what is expected of them
- d) Any financial contributions agreed via Section 106 Agreement must be index linked to ensure the community does not miss out if construction is delayed.
- e) It is unclear what financial provision is being made towards play areas; leaps and neaps and recycling facilities.
- f) Although there is at present no proposed back-entrance to the new school, the existing Footpath 18 which cuts through a field to the school, is an obvious route, and requires no diversion to fit the bill. This development needs to link in to the proposed new route for Footpath 18 which is specified in the Planning Agreement, to go right to the new school. Negotiations for a linked off-road route need to commence now between WCC and developers
- g) Footpath 42 runs through this site. No alternative route is shown (see attached Rights of Way map)
- h) An additional plan is needed to show how the development will link in to all existing rights of way in this area. The Parish Council does not wish to see any existing rights of way being diverted along estate pavements, as nobody using a right of way wants to walk alongside moving traffic. Rather we would expect any/all diverted footpaths to be separated from moving traffic by a natural hedgerow or avenue of trees (as happened at a new development at Stroud recently) so that the pleasant pedestrian amenity is not lost.
- i) Care should be taken to ensure that any social housing fits in with other housing on the development and that these properties are of the same quality and indistinguishable from private housing.
- j) No work should commence on this development until the distributor road is completed
- k) There needs to be provision for regular soil movements to avoid huge piles of soil building up.
- l) Landscaping should comprise of good quality mature deciduous trees, not whips. The layout needs to retain more existing natural hedging and shrubs/trees. Far too much natural vegetation is being removed unnecessarily.
- m) There should be down-lighting to avoid unnecessary light pollution
- n) Construction working should be restricted to normal working hours, avoiding late night or early morning working practices, especially at weekends.

A further consultation response has been submitted which states the following:

The Council still has serious reservations about the bland, bare, urban appearance of this development. There needs to be far more tree planting to soften the street scene. As the development is so close to the proposed new school and playing fields, without adequate landscaping, there will be noise pollution from the distributor road. In view of this, landscaping needs to be far more dense with wide bunds of mature deciduous trees on both sides of the distributor road to reduce noise impact.

MELKSHAM TOWN COUNCIL –

The Town Council had no objection to the application. However, the Town council raised the following concerns:

Whilst having no objection to the planning application, the Town Council re-iterate comments made previously regarding other planning applications for housing on the Clackers Brook Development i.e.:

No dwellings are erected until the completion of the whole distributor road;

It was stated in the original planning permission that all community facilities need to be in place once 30% of housing for the whole of this area east of Snowberry Lane has been developed. It was asked that this adhered to.

What impact will the additional traffic have on roads in the surrounding area, particularly Sandridge Road and Snowberry Lane, what traffic 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 planning brief.

Councillors wished to see the principles of 'Safe and Secure by Design' adhered to throughout this development and the rest of Clackers Brook Site. Concern was raised that some of the front doors of the properties to the north of the site are accessed along a narrow footpath very close to the hedge, which might not be secure.

Parts of the development would need to be well lit due to safety concerns and the Town Council asked that a detailed report on the provision of street lighting within the development be provided.

Councillors would welcome the inclusion of 'safe for pedestrians' footpaths in all areas of the development especially to the north which appears not to have any footpath.

It was also noted there seems to be no clear provision for the storage of wheelie bins

Concern was also raised that access to some parts of the development do not appear wide enough, there is concern that refuse lorries will not be able to access these areas safely.

The Town Council asked that if this development were to go ahead those houses with solar panels have matching roof tiles.

It was also asked if someone could talk to Melksham Town Council regarding the proposals for the whole of the Clackers Brook Site.

External

WESSEX WATER – No objection.

ENVIRONMENT AGENCY - have no objection subject to the compliance with the wider conditions attached to the outline permission

Internal

WILTSHIRE 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 COUNCIL POLICY TEAM – No objection

WILTSHIRE COUNCIL HIGHWAYS TEAM – No have no objection to the scheme subject to conditions.

URBAN DESIGNER – No objection;

ENVIRONMENTAL HEALTH – Response is awaited.

AFFORDABLE HOUSING ENABLING TEAM – No objection.

TREE OFFICER – Response is awaited

DRAINAGE ENGINEER – has advised that the details of the flood mitigation will need to be approved.

WILTSHIRE COUNCIL WILDLIFE OFFICER - Has no objection to the development;

8. Publicity

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

6 letters of objection received. This is a summary of key relevant points raised:

- No details of noise attenuation for the distributor road on neighbouring houses;
- No details of the route of the road;
- Could not get details off the website;
- Damage to grade II listed wall from construction traffic;
- Impact upon the bat population through loss of hedges – why are the council ignoring legislation?
- Concerns over potential access off Snarlton Lane;
- Potential impact upon the hedge bounding the site in terms of visual amenity and wildlife habitat;
- Proximity of the new roundabout to existing dwellings as this will be a by-pass for Melksham taking lorry traffic and the resultant noise pollution and vibration problems – roundabout should be deleted and moved further away from the housing;
- Design issues over another generic, dense maximum profit estate with minimum green space with little to distinguish it from other areas;
- Previous developers planting has been woeful.
- Existing balancing pond is poorly maintained and a source of problem with youths and antisocial behaviour – more attention needs to be given to non-profit areas of the site;
- Loss of 'green lung'
- Loss of countryside is at odd with current environmental thinking;
- Adverse impact upon wildlife;
- Concerns over flooding taking place;
- Proposed development will be of no benefit to Melksham;
- Local residents feel powerless to act;
- Essential that the hedge on the western boundary of the site is protected during construction;
- Proposed housing will overlook the houses on Primrose Drive
- Distributor road will have a major impact upon residents of Primrose Drive;
- Distributor road will become a 'rat run';
- Speed limits on the distributor road should reflect the fact that it goes through a residential area;
- Noise and disturbance during construction;
- 2 ½ storey houses are too tall in this edge of town location;
- Noise attenuation embankment should be as high as possible;
- Distributor road should be constructed from a low noise generating material;
- Provision of play areas is uncertain and who will look after them?
- Plans for the school and the public areas have yet to appear;
- How long will construction last? How many years will residents be sandwiched between construction sites;
- Footpaths should be preserved;
- All existing hedges should be retained;

- Wildlife enhancement should take place;
 - The houses will be built if the residents like it or not
- Hedgerow to the north should be reinstated to along the movement of wildlife and provide separation between Clackers Brook and the development.

9. Planning Considerations

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 details 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. The 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 116 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 an 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 layout, the proposed 116 dwellings 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.

Specifically within the Urban Design Strategy in relation to this part of the site seeks that the key frontage of the development onto the Clackers Brook should be a broken frontage with reduced repetition of the built form with principle frontages of detached and terraced dwellings facing onto this area. This has been provided for within the layout of the scheme.

The proposed pattern of development within this phase of development of the new development provides a lower density phase, comprising short terraces along the principal estate road with a majority of the housing being either detached or semi detached away from this frontage, being designed to capture the eclectic character of surrounding villages.

In terms of the positioning of buildings, the scheme has been designed to almost exactly match the masterplan layout contained within the Urban Design Strategy. However, the key space, being the main entrance into the site off the approved roundabout has been slightly varied. This is as a result of a 'way leave' or exclusion area either side of an existing sewer which cannot be built over. However, the design has been amended and an acceptable solution achieved which, by the use of large detached dwellings and the framing of a small area of open space to the front of the properties, provides a more defined gateway into the estate.

In terms of the layout of the proposed development to the neighbouring dwellings positioned on Primrose Drive, it must be stated that the distance between these dwellings and those proposed is such that they will not result in the loss of residential amenity of the occupiers of these properties through loss of light or outlook.

In respect of problems of overlooking and loss of privacy, where the proposed dwellings have an elevation to elevation orientation with the existing properties on Primrose Drive these units have been set back within the site to ensure that there is a minimum of 20m between the properties, between which is a mature hedge which falls outside of the extent of the application and will be protected during construction through conditioned tree protection fencing.

Concern has been expressed by local residents at the 2 ½ storey units on the western boundary of the site and potential overlooking problems. However, it must be stated that Unit 2 in question does not have the dormer elements on the rear elevation of the dwellings facing onto the neighbouring properties. Whilst the overall height of this unit is taller than the proposed 2-storey dwellings, the first floor windows on the rear elevation of both properties are the same height. The 2 ½ storey units do have 'velux' roof lights in the rear roof plane but it is not considered that these would be a source of overlooking issues. Notwithstanding this however, Unit 2 is set at a minimum of 25m away from the nearest existing dwelling and for these reason is not considered to be a source of overlooking problems.

Unit 1 of the proposed development is positioned close to the boundary of the site although presents a return flank elevation to the properties on Primrose Drive. The design of the dwelling is such that it does not have any windows in the return flank elevation onto the properties on Primrose Drive and, therefore, would not result in any form of overlooking of the neighbouring properties. Furthermore, a condition will be attached which will preclude the formation of additional windows within the flank elevation of the units and, for these reasons the siting and layout of this unit is considered to be acceptable.

For these reasons it is considered that there are no issue of overlooking as a result of the development

Lastly, the proposed layout has been designed in such a way as to take into consideration the approved layout for the neighbouring site for 62 dwellings which were approved at the Planning Committee on 13th May 2009. Accordingly, the development provides for an acceptable interface between the two phases of the site ensuring that the residential amenity of the future occupiers of both phase of the development is safeguarded. A condition is proposed to preclude any further windows within the properties as well as conditions which will require the inclusion of a requirement for obscure glazing within one units secondary window to ensure that no overlooking takes place.

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 character of surrounding villages.

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. This document states that within this particular area 2 and 2 ½ storey dwellings would be acceptable.

Concern has been expressed by local residents at the proposed height of the 2 ½ storey elements on the western boundary of the site and the adverse impact this may have on the character of the area. However, whilst it is accepted that these units will be taller than the neighbouring 2-storey units by 1.6m, the Urban Design Strategy identifies these as key buildings acknowledging the prominent location of this element of the development on the roundabout. It is considered that these taller units are important in defining the development and giving it a sense of place as well as introducing a variation in height of the proposed dwellings which would, otherwise be uniformly of a 2 storey height. Concern at blandness of the development has been expressed by Melksham Without Parish Council – the removal of these units would result in a very prominent element of the site having a uniformity which neither improve enhance the visual appearance of this part of the site.

Width and Length

In this regard the width and length of the proposed residential units is consistent with the built form of the surrounding villages 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 surrounding villages.

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 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. Melksham Without Parish Council has raised at the level of landscaping and seeks to ensure more tree planting either side of the relief road. However, as already mentioned, the distributor roads does not form part of this application, being previously approved as part of the outline application.

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.

Access / Vehicular Access

The application seeks approval of the reserved matter of access relating to the provision of the 116 dwellings. In respect of the access off the roundabout, it is important to note that the detail only relates to the access off the roundabout 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 116 dwellings

Whilst not objecting in principle to the development, the highways team has raised some issues over matters of detail relating to the development. At the time of writing this report negotiations were ongoing between the applicant and the Highways team in respect of these matters. A verbal update will be made to the committee to cover these issues.

Parking

A total of 302 parking spaces have been provided comprising 272 residents parking spaces either in the form of garaging or parking areas along with 30 visitor spaces. This provides for an average of 2.6 parking spaces per dwelling.

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 proposed development accords with the provisions of the strategy in this regard

Affordable Housing Provision for the Site

The affordable housing provision for this site is 29 units which represents 25% of the overall total. Whilst the S106 only seeks 24% provision, the enabling officer raises no objection to the development.

Issues Raised as Objections Not Covered Above

S106 legal agreement

Melksham Without Parish Council have sought to be included within the negotiations over the S106 legal agreement. However, the S106 legal agreement was approved in August 2008 and as a result the original application was approved.

Noise Attenuation for Distributor Road

The distributor road and the associated noise attenuation measures do not form part of this application but are subject to conditions attached to the outline application which will need to be submitted to and approved in writing by the Council;

Route of the Distributor Road

The route of the distributor road was approved as part of the original application;

Damage to Listed Wall

Any damage to the wall during the course of construction would not be a planning consideration being a civil issue between the owners of the wall and the developers although due to the position of the wall and the route of the distributor road it is uncertain how this will occur. As a matter of clarification, according to the Council's records the wall is not listed;

Footpath 42

Footpath 42, which runs east/west across the site, is provided for within the approved Urban Design Strategy with its route following the path of the distributor. The route of this footpath presently runs through the southern section of part of the site but will be re-aligned to follow the approved route of the distributor road.

Bat population

A letter of objection has raised the issue of the impact of the development upon bats and has asked why the authority is ignoring legislation. However, it must be stated that, as part of the original application, a bat survey was undertaken, and included within the Environmental Statement that supported the application. It noted that whilst there were bats foraging along Clackers Brook there was no evidence of roosting on the site. The outcome of the ES was that the development would not adversely impact upon the bats within the area, subject to protection of habitat taking place. As you will appreciate, the wider outline permission protects the Clackers Brook corridor with a buffer zone which is retained as part of the development.

Vehicular Access of Snarlton Lane

There is no vehicular access proposed off Snarlton Lane.

Loss of Open Countryside

The principle of the development and the loss of this area of farmland was accepted as part of the original approval;

Concerns Over Flooding

The issue of flooding was assessed as part of the original application and no objection was raised by the Environment Agency to the development who were satisfied that, subject to conditions, this would not be a problem. These conditions require the details of flood mitigation to be submitted to and approved in writing by the Council;

Noise and Disturbance During Construction

The hours of operation during construction are controlled through conditions attached to the outline application. Furthermore, hours of construction are also controlled through environmental health legislation.

Plans for the School and the Play Areas Have Yet to Appear

The delivery of the school and the play areas are controlled through condition and the S106 agreement. These are the subject of delivery thresholds linked to the provision of unit numbers on site. The details of these provisions will come forward in due course as the thresholds are approached.

Recommendation: Approval

For the following reason(s):

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.

Subject to the following condition(s):

- 1 The window serving toilets and bathrooms, as shown on the submitted plans, shall be obscure glazed 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.

- 2 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.

- 3 The areas allocated for parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. (subject to satisfactory parking levels)

REASON: In the interests of highway safety.

- 4 No works on site shall be undertaken on site until such time as details of the estate road crossing of the linear Public Open Space feature, shall have first been submitted to and approved in writing by the Local Planning Authority, such details to include details of the treatment the principal pedestrian link crossing of the estate road along with details of the junction between the two routes to preclude motor vehicles from entering the pedestrian link; and implemented in accordance with such approved details before the first occupation of any dwelling on the site unless otherwise agreed in writing by the Local planning Authority.

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

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

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

- 6 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

- 7 A full schedule of tree planting (including root protection) that are to be located within / effecting the highway to be adopted shall be submitted and approved in writing by the local planning authority prior to being planted.

REASON: In the interests of highway safety.

- 8 The areas allocated for parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted (Site Layout Drawing 975/01D and Parking Schedule Rev B.

REASON: In the interests of highway safety.

- 9 No properties shall be occupied (between plots 8 and 21) until the visibility splay towards the roundabout has been provided between the edge of the carriageway and a line extending from a point 2.4m back from the carriageway edge along the centre line, to a point on the tangent of the roundabout in accordance with submitted plans. Such splay shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the adjacent carriageway.

REASON: In the interests of highway safety.


- 10 The development hereby permitted shall not be occupied until the junction visibility splays (2.4m x 25m junction visibility) shown on the submitted plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times. The forward visibility splay adjacent to plot 83 shall also be provided at and maintained at and above 600mm and maintained free of obstruction at all times thereafter as demonstrated on the submitted plans.

REASON: In the interests of highway safety.

Informative(s):

- 1 Please be aware that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Clackers Brook, designated the 'main river'
- 2 Your attention is drawn to the fact that, whilst the details have been approved in relation to this reserved matters application for 116 dwellings, there are other conditions attached to the outline planning permission 04/01895/OUT which relate to the site which will need to be discharged prior to the commencement of works as well a requirements contained within the associated S106 agreement which will need to be met.
- 3 (Informative) With regard to the Rights of Way (42, 23 and 18) comments from Allan Francis forwarded on 24 March but you may have received directly), The rights of way must be stopped up and diverted (Footpath 42/ 23) under Section 257 of the Town and Country Planning Act, prior to any development commencing.

Appendices:	
Background Documents Used in the Preparation of this Report:	

		
<p>Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk</p> <p style="text-align: right;">MSA: 100022961</p>		

RELEVANT APPLICATION PLANS

Drawing : 975/03 received on 24.03.2009
 Drawing : 975/30/01 received on 24.03.2009
 Drawing : 975/30/02 received on 24.03.2009
 Drawing : 975/30/03 received on 24.03.2009
 Drawing : 975/13/14 received on 24.03.2009
 Drawing : 975/13/01 received on 24.03.2009
 Drawing : 975/13/02 received on 24.03.2009
 Drawing : 975/14/11 received on 24.03.2009
 Drawing : 975/16/13 received on 24.03.2009
 Drawing : 975/16/15 received on 24.03.2009
 Drawing : 975/22/10 received on 24.03.2009
 Drawing : 975/22/02 received on 24.03.2009
 Drawing : 975/25/11 received on 24.03.2009
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 Drawing : 975/29/10 received on 24.03.2009
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 Drawing : 975/29/02 received on 24.03.2009
 Drawing : 975/50/01 received on 24.03.2009
 Drawing : 975/50/02 received on 24.03.2009
 Drawing : 975/50/03 received on 24.03.2009
 Drawing : 975/50/04 received on 24.03.2009
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 Drawing : 975/50/06 received on 24.03.2009
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Drawing : 975/50/20 received on 24.03.2009
Drawing : 975/50/21 received on 24.03.2009
Drawing : 975/50/22 received on 24.03.2009
Drawing : 975/05A received on 17.04.2009
Drawing : 975/04A received on 17.04.2009
Drawing : 975/02A received on 17.04.2009
Drawing : 975/150 received on 17.04.2009
Drawing : 975/06/03 received on 17.04.2009
Drawing : 975/06/02 received on 17.04.2009
Drawing : 975/06/01A received on 17.04.2009
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Drawing : 975/18/02 received on 17.04.2009
Drawing : 975/18/03 received on 17.04.2009
Drawing : 975/18/11 received on 17.04.2009
Drawing : 975/18/12 received on 17.04.2009
Drawing : 975/28/13 received on 17.04.2009
Drawing : 975/01D received on 02.06.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	24.06.2009		
Application Number	W/09/01022/FUL		
Site Address	Land Adjacent Hackett Place Hilpertion Wiltshire		
Proposal	Application to discharge clauses within section 106 agreement dated 6 February 2004		
Applicant	Marstons Plc		
Town/Parish Council	Hilpertion		
Electoral Division	Hilpertion	Unitary Member:	
Grid Ref	387308 158391		
Type of application	Full Plan		
Case Officer	Mr David Hubbard	01225 770344 Ext 553 david.hubbard@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Clark has requested that this item be determined by Committee as the clauses in the S106 agreement that the applicant wishes to remove still serve a useful planning purpose and are relevant.

The applicant gives their reason for this application as their supposition that various clauses of the S.106 'No longer serve useful planning purpose', but then singularly fails to justify the statement. In fact, they seem to focus more on the red herring that the site has extant planning permission for a non-medical use rather than try to justify their application.

The three clauses referred to by the applicant state as follows:

1.5.1 agrees to provide 'a site for a medical centre to include 'a doctor's surgery with an option for an ancilliary (sic) retail pharmacy in the location of the Former Public House Site'.

5.2 agrees that 'the Former Public House Site shall be re-allocated for use as a medical centre (to include a doctor's surgery and possibly an ancilliary retail pharmacy operation). Marsh gate shall use all its reasonable endeavours to procure end users for the Former Public House Site in accordance with such re-allocation to include a doctor's surgery and with an option for an ancillary retail pharmacy'

5.3 agrees that 'Marsh gate shall use all reasonable endeavours to procure the establishment of a medical practice, and a retail pharmacy where appropriate, for the Former Public House Site'

Nowhere is there a time limit on these clauses. If the LP A allows this application they will be endorsing lethargy and the apparent dilettante attitude to discharging the obligations placed upon the applicant.

Furthermore, the letter from Dreweatt Neate (DN) dated 22 January shows that, even in this financial climate, three parties had made enquiries in the preceding six months. I would suggest that an enquiry every eight weeks shows that the clauses are still serving a useful planning purpose.

I also note that, in the same letter, DN state that 'no further local or national advertising on this site has been undertaken'. How many more enquiries might they have received if they had bothered advertising it? Has it been advertised in medical journals? In the past, as I recall, DN had advertised it in 'property' journals but not in medical ones. I suggest that, yet again, not all reasonable endeavours have been made to actually procure the establishment of a medical practice.

Finally, I would point out that there is now a Lloyds Pharmacy outlet at the local centre. Accordingly, the retail pharmacy would no longer be required on the applicant site, thus allowing a greater floor area for medical use.

As a parting comment, I note that DN state that 'The property continues to be listed on the following websites'. Of the four sites listed, I tried to look at three of them. Google didn't seem to be able to find either 'Focus EGI' or 'Wiltshire County Council Property Register' whilst the 'Property Link' that I found didn't mention the applicant site!

1. Purpose of Report

To consider the above application under Section 106A of the Town and Country Planning Act 1990 and to recommend that that clauses 1.5.1, 5.2 and 5.3 of the S106 agreement dated 6 February 2004 be discharged.

2. Main Issues

A planning obligation (in this case a section 106 agreement) may be discharged at any time by agreement of all parties against whom the obligation is enforceable.

Section 106A of the Planning and Compensation Act 1991 gives the Secretary of State a power to modify or discharge a planning obligation. The section provides that if an obligation "no longer serves a useful purpose" at least five years after the agreement was executed it should be discharged. An obligation should be modified "if it would serve that purpose equally well" with modification. An application can be made to the local planning authority to consider whether the obligation should be discharged or modified. In the event of the local planning authority refusing to discharge or modify an agreement there is a right to appeal to the Secretary of State..

In this case the obligation was executed on 6 February 2004

The owners of the site seek to discharge the following clauses for the agreement:

- * Clause 1.5.1 - The Council, Marshgate and Gallaghers have agreed to variations of the 1995 agreement so as to provide for 'a site for a medical centre to include a doctor's surgery with an option for an ancillary retail pharmacy in the location of the former public house site.'
- * Clause 5.2 - The former public house site shall be re-allocated for use as a medical centre (to include a doctor's surgery and possibly a retail pharmacy operation). Marshgate shall use all reasonable endeavours to procure end users for the former public house site in accordance with such re-allocation to include a doctor's surgery and with an option for an ancillary retail pharmacy.
- * Clause 5.3 - Marshgate shall use all reasonable endeavours to procure the establishment of a medical practice and a retail pharmacy where appropriate for the former public house site.

Marshgate and Gallaghers were the developers / owners of the site at the time the agreement was completed. The site has since been sold to Marstons PLC who is the current applicant. Planning obligation requirements usually run with the land as is the case at this site and are enforceable against subsequent landowners.

The main issues in this case are different to most planning applications in that the committee is not being asked to consider the merits of this site for either a building or a particular land use. In this case for either a medical centre or a public house. It should be noted that there are extant planning permissions for a public house on the site although no applications have been submitted for a medical centre.

Instead the committee is being asked to consider whether the owners of the site have used all reasonable endeavours to procure the establishment of a medical practice and a retail pharmacy where appropriate as the marketing of the site over three years has failed to procure the establishment of a medical practice and a retail pharmacy. Following on from that consideration members must then consider whether clauses 1.5.1, 5.2 and 5.3 of the agreement dated 9 February 2004 "no longer serve a useful purpose"

3. Site Description

The site is located at the entrance to Hackett Place the local centre serving the Paxcroft Mead Area. The site is a level grassed area enclosed by post and rail fences. It is the last remaining undeveloped site at Hackett Place. Other uses at Hackett Place include local shops and takeaways, a community centre and a crèche. A primary school is nearby served by a road passing the site.

A larger area of land to the north of the application site was originally allocated to the local centre but this was reduced by agreement between the former district council and developers. That land now has outline planning permission for residential development

4. Relevant Planning History

Two section 106 agreements relate to this site. Parts of both agreements relate to facilities at the district centre. The earlier agreement is dated 8 August 1995 and the latter which varies certain clauses of the first agreement is dated 6 February, 2004.

The variations in the later agreement which are relevant to this request provide for:

- * A site for a medical centre with an option for a pharmacy on a site previously identified for and at the time with outline planning permission for a public house (the application site).
- * Retail development of the previously identified medical centre site (Site B on the attached plan).

In 2004 the then owners of the site considered that there was no commercial interest in developing the public house site. Reserved matters had been approved for a public house in 2000 as part of the development of the district centre but there was commercial interest in the additional retail units adjacent to existing shops at site B.

The original agreement provided that if within 10 years from the occupation of the first dwelling on the development, no doctor or dentist shall be found willing to practice from such surgery the said site may be put to such other use as may be agreed with the council. A clause in the latter agreement deleted this time period stipulation.

During 2004 and 2005 three planning applications were received for the construction of a public house on the application site. All three applications were refused planning permission. The subsequent appeals against all three refusals were allowed in January 2006.

In her decision letter, the appeal inspector notes that a public house has been identified as a suitable use for the district centre in the past. A public house would 'differ in nature and function from the existing licensed family club in the community centre thus adding to the range of facilities available and to the centre's vitality.' She accepts that a medical centre would be beneficial but points to the lack of substantive evidence to demonstrate a need for the surgery. She points out that no proposal for a surgery has come forward in 10 years since planning permission was granted for Paxcroft Mead was put in place and to the written confirmation on two recent occasions that the primary care trust is not interested in this site.

At the time the planning applications were considered the council took the view that the planning applications and an alteration to the section 106 agreement need not be considered at the same time. However, in the event of planning permission being granted it was accepted that it would need to be demonstrated that obligations in the section 106 agreement had been modified or discharged before the implementation of any of the planning permissions for a public house could proceed.

The Inspector makes the same comment in the decision letter relating to the three appeals commenting that 'in addition to the three planning permissions for a public house on this site granted recently on appeal, reserved matters for a public house on this site were approved in 2000, as part of proposals for other development at the village centre. That approval remains extant as other parts of the development approved at that time have been implemented and is not revoked by the second agreement. However as with the recent permissions that approval can not be implemented until the obligations in the section 106 agreement have been met or the council agrees to vary or discharge the agreement.'

The owners of the site have followed up these decisions by requesting that the section 106 agreement clauses be modified and have made submissions seeking the agreement of the former West Wiltshire District Council on four occasions to the discharge of clauses 1.5.1, 5.2 and 5.3 of the agreement dated 9 February 2004. On each occasion the Planning committee of that council resolved not to agree to the clauses being discharged.

5. Proposal

The application requests the discharge of clauses 1.5.1, 5.2 and 5.3 of the section 106 agreement dated 6 February 2004 as detailed at section 2 above'

6. Planning Policy

No planning policies relevant to this application.

7. Consultations

Town/ Parish council

HILPERTON PARISH COUNCIL is familiar with the history of the site in question and the commitment of the developers to use all reasonable endeavours to procure the establishment of a medical practice. Bearing in mind the growth of development in the area (land east of Trowbridge, West Ashton road, land south of The Grange) it appears that there is indeed a very real need for medical centre facilities in the area. The parish council does not believe that sufficient evidence has been put forward to demonstrate that all reasonable endeavours have been used to procure the establishment of a medical centre and so objects to this application.

Local Member of Parliament

DR ANDREW MURRISON MP – I have been contacted by constituents about this matter and have some experience of developers applying for a change of use from health care on a similar site elsewhere in West Wiltshire. I hope this is not part of a trend or indicative of a strategy used by developers to enhance the attractiveness of proposals at the time of the original submission. Clearly a health centre would both enhance such an application and make it more likely that potential residents would seek to relocate to the estate.

If the developer held out the prospect of a health centre knowing that it could not deliver without the cooperation of other authorities, notably the PCT, it needs to tender an explanation for the current position. In my view, any change of use should demonstrate that it would yield an equivalent benefit for residents.

A pub seems an odd choice and I am bound to say that whilst the benefits to the applicant are clear, the advantages of this application to my constituents are not.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date – 7 May, 2009

Summary of points raised:

Representations have been received from 50 residents living in the Paxcroft Mead and Hilpertons area.

37 residents oppose the variation of the agreement and would wish to see the site remain available for a medical centre for the following reasons:

- * A medical centre is needed in this area. Medical centres in Trowbridge are already under significant pressure.
- * A medical centre was in the original plans for the estate and would enhance the area.
- * A public house would give rise to an increase in anti social behaviour, noise, litter etc in an area close to housing, a school and a crèche.
- * There is no need for a public house here with a social club nearby and another public house a short walk away.
- * Another public house would threaten the viability of the social club which are community run premises and the existing public house.
- * There is no market for more public houses in the area with many have closed recently.
- * Lack of car parking for a public house

13 residents support the variation of the agreement and would wish to see a public house built on the site for the following reasons:

- * A public house, particularly a family orientated public house at the centre of Paxcroft Mead would be a welcome addition to life at Paxcroft Mead, be the social centre of Paxcroft Mead, give identity to the area, be with walking distance of over 3000 people.
- * No viable proposals for a medical use have come forward in a nine year period
- * The primary care trust consider the site too small for a medical centre
- * There are ample medical facilities in Trowbridge already
- * The alternative to a public house is the site remaining vacant.
- * Could not land be found for a medical centre on nearby vacant land to the north.
- * Lack of car parking for day time uses if a medical centre was built.

9. Planning Considerations

The owners of the site instructed Dreweatt Neate to undertake a comprehensive marketing exercise of the site in 2006. The owners comment that Dreweatt Neate has substantial experience of dealing with the health sector.

Details of the extent of this marketing exercise which includes marketing the site as a satellite surgery of a larger medical practice and other medical uses have included:

- * the sales particulars setting out clearly the basis upon which the site was being marketed,
- * press advertising and sign boards
- * the extent of the mail shots to agents, developers, healthcare providers with even a remote interest in such provision and to all existing health practices within a very wide radius of the site as far as Gloucester, Bath, Bristol, Reading etc.
- * reasons why two leading medical journals were not considered appropriate vehicles for advertising the site.

Clearly, if any interest were shown then a fair market price would have to be paid to acquire the site.

Details record initial interest from ten medical service providers and others but the initial interest was not pursued in any of these cases.

The marketing exercise of the site by Drewett Neate has continued and goes on today albeit at a lower level of intensity than when the site was first marketed in 2006. At present no further national or local advertising is taking place but details are posted on websites, an agency board remains on site and details have been mailed to enquirers. Since the Planning Committee of West Wiltshire District Council last considered a similar request from the owners to vary the obligation in July 2008, three sets of particulars of the site have been sent out but have not resulted in any follow up action.

The owners of the site have also liaised with the PCT as part of this process. Four letters from the Primary Care Trust between November 2003 and December 2005 indicate that they have no funding, intention or interest in constructing a medical centre and pharmacy at this site and that they in conjunction with possible developers consider the site unsuitable as it was too small for this use.

The owners of the site also instructed architects, who are familiar with the requirements of health care providers, to appraise the site with regards its appropriateness to accommodate a health facility, based principally on a doctors surgery and pharmacy, referred to in the Section 106 Agreement.

This feasibility exercise took place on the basis of detailed discussions with the PCT on the basic requirements for such a facility and relevant standards with regards size of accommodation, opportunities for ancillary services, parking requirements etc. The architects concluded that the site is of an insufficient size and scale for a doctor's surgery and pharmacy. In particular they considered there would be difficulties in providing car parking on site to an appropriate standard. Only a very small proportion of parking could be provided on site raising questions about the appropriateness of having parking for a health facility physically removed from the building and pressure on existing parking in the rest of the local centre.

The Primary Care Trust has subsequently submitted a planning application for a polyclinic at the Trowbridge Hospital site. This is a clear indication of the PCT's vision for the future of primary health care in Trowbridge. That application appears elsewhere on this agenda.

It should be noted that one of the shop units at Hackett Place is now occupied by a branch of a national chain of chemists that includes a pharmacy.

Other considerations

Appropriateness of a public house on this site

The council have considered that a public house would be appropriate within the district centre since the mid 1990s. The planning merits of a public house on this site have been tested through the planning process and have been found to be acceptable albeit after a planning appeal. In light of the appeal decision, the council has no alternative but to accept a public house as an alternative use of the site.

Availability of alternative site for a medical centre at the District Centre

Both a public house and a medical practice were considered appropriate uses for the district centre when the original planning application was permitted in 1995. Both the 1995 and 2004 planning obligations included requirements for reasonable endeavours to procure end users to include a doctor's surgery and with an option for an ancillary retail pharmacy. Subsequent variations to the plans for the local centre reduced the area for the local centre and agreed additional shopping. Only the application site remains available at present to accommodate either a medical centre or a public house

10. Conclusion

A marketing exercise has been carried over three years but has not resulted in any firm or ongoing interest in bringing this site forward as medical practice with or without a pharmacy or a satellite surgery. Enquiries have come forward from specialist private medical practitioners but again these have not been pursued. It should be noted that specialist private medical providers would not be specifically related to the general health needs of the residents of Paxcroft Mead.

The Primary Care Trust does not support the provision of a medical practice on this site and have indicated that they have no funding, intention or interest in constructing a medical centre and pharmacy at this site. The PCT proposals for the Trowbridge Hospital site area clear indication of its vision for the future of primary health care in the Trowbridge area which do not include the development of smaller medical facilities in the residential areas of the town.

Investigations into the suitability of the site for a medical practice have concluded that the site is too small to accommodate a medical centre with ancillary services built to current requirements.

There is now a retail pharmacy at Hackett Place. This at least meets part of the section 106 requirements for this site but has not encouraged anybody to pursue any interest in the establishment of a medical practice at the site.

The section 106 agreement does not specify any period over which efforts to procure a medical practice should take place. Section 106a of the 1991 Act indicates that five years is an appropriate period after which these issues should be reviewed. A three year marketing period would seem to be reasonable.

The planning merits of a public house on this site have been tested through the planning process and have been found to be acceptable albeit after a planning appeal.

It is recognised that no alternative site for a medical centre remains at Hackett Place.

Publicity for the application has resulted in 50 letters of response of which 74% favour a medical centre and 26% a public house. Members should be clear however that they are not being asked to decide between these two uses but to consider whether the owners of the site have used all reasonable endeavours to procure the establishment of a medical practice and a retail pharmacy where appropriate and whether the agreement any longer serves a useful purpose'

It is considered that the owners of the site have used all reasonable endeavours to procure the establishment of a medical practice and a retail pharmacy where appropriate. However this exercise over a three year period has not brought forward an appropriate use. It seems unlikely that a continuation of this exercise would bring forward an appropriate user and that therefore clauses 1.5.1, 5.2 and 5.3 of the section 106 Agreement dated 6 February 2004 no longer serve a useful purpose and should be discharged.


Recommendation:

Clauses 1.5.1, 5.2 and 5.3 of the section 106 Agreement dated 6th February 2004 be discharged.

For the following reason(s):

The owners of the site have used all reasonable endeavours to procure the establishment of a medical practice and a retail pharmacy at the site.

Appendices:	None.
Background Documents Used in the Preparation of this Report:	Section 106 Agreement Dated 08.08.1995 Section 106 Agreement Dated 06.02.2004 Planning Applications- 88/01650/OUT 00/00533/REM 04/02221/FUL 05/00194/FUL 05/01709/FUL W/09/01022/FUL

		
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RELEVANT APPLICATION PLANS

Drawing : JMA2107 - SITE LOCATION PLAN received on 03.04.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 04

Date of Meeting	24.06.2009		
Application Number	W/09/01126/FUL		
Site Address	Land Adjoining 1 And 8 The Spa Holt Wiltshire		
Proposal	Formation of revised parking provision and formation of private amenity space for existing residential units (plots 1-8)		
Applicant	Cotswold Homes Ltd		
Town/Parish Council	Holt		
Electoral Division	Holt	Unitary Member:	
Grid Ref	386263 162208		
Type of application	Full Plan		
Case Officer	Mr Sim Manley	01225 770344 Ext 240 sim.manley@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Clark has requested that this item be determined by Committee due to:

* Car parking

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to condition

2. Main Issues

The main issues to consider are:

Loss of Employment Land
Parking provision
Formation of Amenity Areas
Impact upon the residential amenity of neighbouring properties.

3. Site Description

The site comprises a hard surfaced parking area positioned to the east and rear of 8 existing 3-storey town houses which are located approximately centrally within the development known as The Spa, Holt, as well as areas of parking, including landscaping buffers, to the north and south of this block of dwellings. Lastly the development also includes an area of cleared land to the south of 21 The Spa, which is currently enclosed by a high close boarded fence.

The eastern boundary of the car parking area, behind the town houses, is formed by a low post and rail fence onto a hedge whilst the southern boundary of this area is formed by a low brick wall onto a bins store and ramped pedestrian access. To the north of this area is further parking along with vehicular access thereto and further terraced dwellings positioned along the northern boundary of the site. These dwellings comprise part 2, part 3 ½ storey structures of houses and flats.

The land to the south of 21 The Spa, which itself is a 2-storey, gable ended dwelling, is, as already mentioned, a cleared area of land. The rear western boundary of this area is formed by a close boarded fence with trellis behind which are trees and commercial premises.

4. Relevant Planning History

00/01134 - Conversion of existing Industrial buildings into 7 self contained houses and erection of 1 new dwelling - Approved 22.03.01

01/00608 - Mixed use development of 20 new dwellings plus office and workshop units - Refused 04.09.02

This was the subject of a subsequent Appeal to the Planning Inspectorate. The appeal was dismissed in part following a Public Inquiry. The Inspector dismissed the Appeal because he was of the opinion that the site was outside the village policy limits and therefore should not be developed primarily for residential purposes. However, he took the view that the site would not need to be retained for employment purposes as there was an adequate supply and mix of genuinely available land and premises elsewhere within the locality. Partial costs were awarded against the Council.

There was a subsequent Judicial Review initiated by the Appellant and the ruling was that the Inspector's decision was flawed.

A further Public Inquiry was scheduled. However, the Council invited a fresh planning application for a mixed use development to provide an increase in the amount of employment floor space to overcome all the issues surrounding the Appeal in order to avoid a costly and time consuming further Inquiry.

04/00061/FUL – Residential and Mixed Use Development – Granted permission 12.3.04

5. Proposal

The proposal seeks planning permission for the change of use of the car parking areas to the north, east and south of the block of town houses to form 7 private residential gardens to serve the dwellings along with the re-ordering of parking spaces on the northern side of the building to provide 2 parking spaces and one visitor space.

The application also seeks permission for the change of use of the land to the south of 21 The Spa to form 14 parking spaces along with landscaping, including a landscape buffer between No. 21 and the car park.

6. Planning Policy

West Wiltshire District plan First Alteration 2004

C23 – Street Scene

C31a - Design

C32 – Landscaping

C36 – Noise

C38 – Nuisance

H1 – Housing within towns

H17 – Village Development Limits

H24 – New Housing Design;

E4 – Premises outside Employment Policy Areas

E5 – Loss of Employment Floor space;

E6 – Rural Employment

T10 – Car parking

U2 – Surface water disposal

Wiltshire and Swindon Structure Plan 2006

DP1 – Sustainable Development

DP3 – Development Strategy

DP9 – Previously Developed Land

T6 – Parking standards

7. Consultations

Town/ Parish Council

Holt parish Council have asked the application to be determined by the Planning Committee due to the lack of parking initially proposed.

Highways

Now has no objection to the scheme subject to conditions.

Economic Development

A response is awaited.

Drainage

The Council's Drainage Engineer has asked that details of surface water drainage for the new car parking need to be considered.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 19.5.09

Summary of points raised:

A duplicate letter has been received from 8 properties concerned at the following points:

- Understand why developer wishes to create garden areas to serve the housing but concerned at parking provision and the impact upon design and layout;
- Loss of parking will cause problems of under provision and the associated congestion to the detriment of the safe and free flow of traffic, including emergency access;
- Proposed reconfiguring the application to increase the parking to the original level of 22 units
- Concern at the height of the proposed fencing and the impact this would have upon the design and appearance of the area;
- An appropriate boundary treatment to No. 20 to protect residential amenity;
- Consideration should be given to a larger bin store.

One further letter of objection has been received requesting that the boundary treatment to the north of the garden areas be constructed from a brick rather than a fence in the interest of the visual appearance of the area.

9. Planning Considerations

Loss of Employment Land

9.1 The site in question forms part of a mixed use development which was granted permission under reference 04/00061/FUL which was granted permission on 12.3.04. This permission was partially implemented with the residential development being built but the commercial area remaining undeveloped.

9.2 The previous permission granted permission for 930 sq. m. of office and workshop space in the form of a three storey terrace of commercial units, part of which is proposed to be occupied by the proposed car parks;

9.3 Whilst the site has permission for the employment use the proposed development would remove the ability to implement the commercial element of the previous permission. The remaining area of land, which was the subject of the previous permission for commercial use, would need to be the subject of a further application for its development.

9.4 Policy E5 of the West Wiltshire District Plan First Alteration states that the loss of employment floor space will only be permitted where there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment use and that the proposed change of use is compatible with the neighbouring properties and finally, that such a use does not give rise to traffic problems.

9.5 In respect of the policy criteria mentioned above, the Applicant has submitted details of the marketing exercise that has been undertaken in respect of the unimplemented commercial element of the site. This evidential base, submitted by King Sturge, an independent company, demonstrates that, whilst the site has been marketed since February 2007, there has been no interest in the site for commercial purposes, hence the fact that it remains undeveloped for this purpose.

9.6 Having regard to the above, therefore, whilst the proposed parking area would preclude the implementation of the extant permission for the commercial element of the mixed use scheme there is no justification, in terms of an expressed need, for the commercial element of the site being lost to the development. Furthermore, although the construction would result in the loss of commercial floor space, it is not seeking the change of use of the whole commercial element of the site, but, moreover, a small section of it for the purposes of the provision of parking.

9.7 In the light of the marketing exercise demonstrating no commercial interest in the site and the fact that the development represents only a small section of the approved employment area it is not considered that there is any justification to resist the application on the grounds of the loss of employment land. For this reason it is considered that the change of use of this area of the site to form a parking area is considered to be acceptable.

Parking Provision

9.8 The originally submitted scheme proposed only 14 replacement car parking spaces to be provided to the south of Unit 21. As a result of the objections received from both the Highways Engineer and that of the local residents, the scheme has been amended to remove one of the garden areas and re-provide 3 additional parking spaces. Accordingly, whilst the proposed development would result in the removal of 17 parking spaces, it now re-provides those 17 parking spaces within the site. The highway engineer has now removed the objection to the scheme and is satisfied that the proposed parking arrangement would not be injurious to the safety and free flow of traffic on the neighbouring highway.

Formation of Amenity Areas

9.9 Having regard to the loss of the parking areas and the formation of private residential amenity areas, there is no objection to the principle of this change of use, subject to the adequate replacement of the loss of parking elsewhere within the site. Unusually, at the time of the original grant of permission, the units for which the amenity area is being provided, were not served by garden areas, notwithstanding the fact that they were, by reason of their size, units which could accommodate families units. The formation of garden areas to serve these units is, therefore, not contrary to policies contained within the Council's policies.

9.10 Letters of objection have identified that some of the amenity areas being proposed will be overlooked by neighbouring properties. It must be stated however, that the level of overlooking is no more than would be experienced on other modern developments being 10m away from the nearest residential frontage. It also must be stated that, in respect of the area proposed to the north of the town houses, the unit it serves does not currently have any garden area at all.

Impact upon the Residential Amenity of Neighbouring Properties.

9.11 The main consideration here is the impact the formation of the car park would have upon the residents of the end unit abutting the car parking area. In this regard a landscaping strip has been proposed between the dwelling and the car park. Whilst this is to be welcomed, it does not address the issue of the potential noise nuisance that this could generate to the occupiers of this unit. For this reason it is conditioned that, no works shall be undertaken on site in connection with the development until such time a details of an acoustic barrier fencing are first submitted to and approved in writing by the Local Planning Authority.

9.12 In terms of the impact the development would have upon the visual amenity through the enclosure of the parking areas and the loss of the openness, it must be stated that it is not considered that there would be justification to refuse the application on this basis.

9.13 The enclosure of the land to the rear of the town houses would still leave a significant area of car parking in front of the properties positioned to the north to maintain a perception of openness. The more visually intrusive enclosure would relate to the boundary treatments to the areas of land to the north and south of the existing town houses. However, in terms of visual amenity, close boarded enclosures are not atypical of residential developments and would not be viewed as out of keeping within the street scene. For these reason it is not considered that there would be sustainable justification for a refusal of the proposals on this basis. Notwithstanding this however, a condition is imposed requesting that details of boundary treatments are submitted and approved in writing by the Local Planning Authority.

Recommendation: Permission

For the following reason(s):

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.

Subject to the following 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 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.

- 3 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.

- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. 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.

- 5 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.

- 6 Notwithstanding the details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority detailed plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved plans prior to the use of the land being brought into use unless otherwise agreed in writing by the Local Planning Authority
- 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 begin until a noise impact assessment and scheme for protecting the existing dwelling and its curtilage from vehicle noise within the proposed parking area to the south of Unit 21 The Spa, has first been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before the parking area is brought into use, unless an alternative period is agreed in writing by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C36 & C38.

- 8 The parking area, which is the subject of this application, hereby permitted shall not be brought into use until the parking area shown on the approved plan has been consolidated and surfaced (not loose stone or gravel). This area shall be maintained and remain available for this use at all times thereafter.

REASON: In the interests of highway safety.

- 9 No part of the parking area, which is the subject of this application, shall be first brought into use until the visibility splays shown on the approved plan (number CP01 Rev A) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

Appendices:	
Background Documents Used in the Preparation of this Report:	

		
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RELEVANT APPLICATION PLANS

Drawing : CP01 REV. A received on 25.05.2009
Drawing : ENC received on 14.04.2009
Drawing : 1603 received on 14.04.2009
Drawing : SITE LOCATION PLAN received on 14.04.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 05

Date of Meeting	24.06.2009		
Application Number	08/02692/OUT		
Site Address	Land North West Of Cricket Ground Seymour Road Trowbridge Wiltshire		
Proposal	New primary care centre and extension to existing surgery		
Applicant	Wiltshire Primary Care Trust		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge	Unitary Member:	
Grid Ref	385550 158611		
Type of application	Outline Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

This application is brought to Committee because the Trowbridge Town Council objects and officers recommend permission. The objection was received before 31 March 2009.

1. Purpose of Report

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

2. Summary of Main Issues

The main issues in this case are:

- the appropriate alternative provision of cricket and associated facilities in terms of policy that specifically applies to this site;
- highways and accessibility; and
- ecological considerations.

3. Site Description

The site of approximately 1.52ha in extent is the land adjacent and to the north east of the existing Trowbridge Community Hospital.

The existing hospital comprises a principal listed building and curtilage listed buildings and structures.

The land is separated from the existing Hospital by a fence and a number of trees. It is bounded to the north west by Seymour Road and to the north east by Trowbridge County Cricket Ground. The Adcroft Surgery and several industrial workshops back onto the site to the south east. There is a residential area consisting predominantly of semi-detached and terraces houses to both the south west and east of the site. The surrounding area therefore has a mixed character.

The site is level and is currently used as a playing field that occupies approximately 1.3ha of the total area. This is currently leased by the Primary Care Trust (PCT) owners to the cricket club.

4. Planning History

92/00728/OUT: New primary care centre and extension to existing surgery: Refused: 29.11.1992

5. The Proposal

This is an outline planning application to develop a new, three storey Primary Care Centre. At this stage approval of the access only is being sought, with all other matters (appearance, landscaping, layout and scale) being reserved for subsequent consideration.

Indicative plans and descriptions have been submitted showing a centre with a gross floor area of 3,000 square metres and a two storey extension to the existing Adcroft Surgery with a gross floor area of 1,400 square metres. The development would all be on the land owned by Wiltshire NHS Primary Care Trust (PCT).

The design and access statement accompanying the application (although this is an outline proposal) provides indicative detail that the new Primary Care Centre would provide modern, purpose built accommodation to deliver healthcare services for the local community. The proposed building would accommodate services that would transfer from the existing Trowbridge Community Hospital and the Halve Health Centre. An extension to the Adcroft Surgery would form part of the development. This would allow for the extension to the Adcroft Surgery enabling the merger of this practice with the Bradford Road practice and the provision of a wider range of services for patients.

The illustrative plan and supporting documentation indicate that the proposed centre would be constructed over 3 storeys with a total floor area of up to 3,000 square metres (i.e. up to 1,000 square metres per floor). The centre would incorporate approximately 33 consulting rooms and ancillary accommodation including about 500m² of offices for community teams. Proposed services include:

- physiotherapy, including a rehabilitation gym, 6 physio examination cubicles and a treatment room;
- occupational therapy;
- other outpatient services including 4 consulting rooms, 8 examination rooms, treatment and interview rooms;
- podiatry;
- speech therapy;
- audiology;
- diagnostic services including an X-Ray and ultrasound room and an external pad to accommodate a mobile diagnostic unit;
- a minor Injuries Unit incorporating 6 consulting/treatment rooms and ancillary facilities;
- a birthing unit; and
- ancillary waiting areas, offices and other accommodation.

The Bradford Road Surgery is approximately 1.5 km to the south west of the site and it is intending to merge with the Adcroft Surgery on the eastern part of the application site. The combined surgeries would serve a patient population of over 20,000.

Indicative proposals for the extension to the existing Adcroft Surgery state that it would comprise a two storey building with a link corridor. The new combined practice would have improved consulting and treatment facilities.

The supporting documentation further states the development would incorporate approximately 200 car parking spaces for visitors, patients and staff. Separate parking areas would be provided for staff and patients for the PCC and GP surgery. The 33 car parking spaces at the existing GP surgery would be retained. Cycle parking is also proposed in secure, covered shelters.

6. Planning Policy

West Wiltshire District Plan 1st Alteration, 2004

C32 - Landscaping

C38 - Effects of development on neighbouring properties

CF1 - Community Facilities

CF8 - Allocation of land adjacent to Trowbridge Hospital for community health facilities.

C31a - Design
I3 - Access for everyone
R7 - Trowbridge Cricket Ground
T10 - Parking

PPG 1 - General Policies and Principles
PPG 17: Planning for open space, sport and recreation

Leisure and Recreation DPD

7. Consultations

Town/ Parish council

The Town council objected during a first round of consultation. There was re-consultation when additional information was received, and The Town Council made a resolution as follows:-

- i) To note the additional information relating to Ecology.
- ii). To sustain an objection with regard to Transport on the basis that, whilst recognising the offer to provide for pedestrian access from Adcroft Street through the old hospital site as part of a reserved matters application, this was not a sufficient guarantee that this would be provided and that any such proposal should be in the form of a revision to the outline application. Additionally this would not improve pedestrian access from the East side and that an additional pedestrian access route should be provided via Lower Court.
- iii). To sustain an objection with regard to Appropriate Alternative Recreation Facilities on the basis that whilst an offer of an s106 agreement to fund improvements to cricket facilities up to a sum of £140,000 is welcome, the proposed location is not satisfactory. It is not clear how and to what extent the facility at St Augustine's would be accessible to the wider community and the changing facilities at St Augustine's are inadequate. Additionally the site at St Augustine's would overall lead to a reduction in Sports Pitch Provision. The adopted Leisure and Recreation Development Plan identifies a significant shortfall in formal sports pitch provision in Trowbridge and therefore any development should result in no further diminution of sports pitch provision. The Town Council does not therefore accept that what is proposed is sufficient to satisfy the requirements of Local Plan Policy R7.
- iv) The Town Council further noted that a more coordinated and strategic approach needs to be taken towards the development of sports pitches in and around Trowbridge, noting a recent agreement for a contribution of £412,000 from developers at Green Lane. The Town Council believes that if the sum of £140,000 is considered an appropriate level of contribution from the PCT this could be pooled with other contributions to provide a new multi-purpose sports pitch facility at a location in or close to the town, possibly in conjunction with existing sports clubs. The Town Council resolved to write to Wiltshire Council demanding action from them to identify a suitable site and progress this issue with a coordinated strategic approach.

Highways

The Highways Officer advises that, following extensive discussions, no objections are raised on transport grounds. A condition requiring a Travel Plan should be imposed, which should include reference to a "Draft Method Statement for Wiltshire PCT - Travel Strategy" that was the outcome of negotiations.

Libraries and Heritage

There are no known archaeological sites within the proposed development area and the potential for previously unrecorded archaeology is low. No archaeological recommendations are made.

District Ecologist

In an initial response the District Ecologist identified the need for an ecological mitigation report in respect of Great Crested Newts prior to permission being granted and recommended conditions in respect of other species. An "Ecological Method Statement" was then submitted as additional information. Following further discussion between the agent and the ecologist, a mitigation strategy in the event that surveys reveal the presence of Great Crested Newts was outlined. Potential issues identified included the likely requirement for an amphibian exclusion barrier and the creation of improved boundary planting to provide a suitable habitat. An initial survey carried out indicates the presence of newts in the pond at the neighbouring garden centre. The pond is surrounded by a wall, but there may be gaps within it, through which GCN could gain access to the cricket pitch. The future mitigation strategy proposed would therefore comprise:

- the submission of an application for a Natural England GCN licence;
- method statement that will include proposals to:
 - * erect a Tritex© amphibian exclusion fence around the construction site perimeter;
 - * perform a supervised destructive search during stripping of the soil;
 - * incorporate proposals for Great Crested Newt habitat creation on the site.

The PCT's ecologists have advised that the detailed landscaping design should incorporate links between habitat areas. A revised indicative layout has been submitted to incorporate such habitat. It is considered that the detailed design of the landscaping of the site can be achieved by way of suitably worded planning conditions. An appropriate condition would also require the submission of a comprehensive mitigation strategy as part of the reserved matters application as well as implementation requirements for such a strategy.

Natural England

Also raised objections in an initial response, on the same grounds as those raised by the District Ecologist. No response was received in respect of re-consultation.

Environmental Health

Recommends approval with conditions in relation to contaminated land and procedures in relation thereto and an informative relating to noise.

Sport England

Sports England is aware of the relevant policy (R7) but is of the view that all alternative sites should be explored, including re-developing the existing Hospital Site. If it is shown that the site is the only possible alternative, then consideration should be taken of the fact that the field is also used for football in winter and the inadequate provision of Sports Fields in Trowbridge according to the local "Leisure and Recreational Development Plan". Sports England would not wish to see the loss in overall quantity of playing pitches in Trowbridge.

Sport England objects to the proposal on the grounds that the site has been used in the last 5 years by an educational institution (St Augustine's School). It further advises that, if Council is minded to permit the application, the matter would have to be referred to the Secretary of State under the Town and Country Planning (Playing Fields) Direction 1998.

Leisure Manager

The Leisure Manager recommended that a decision on the application be deferred until possible alternatives for the location of a Primary Care Centre have been evaluated.

Wessex Water

Wessex Water will welcome discussions and agreement with regard to connections to infrastructure and on the detailed design aspects.

Environment Agency

No objections in principle subject to conditions in respect of surface drainage and contaminated land. An informative regarding Flood Defence Consents requirements of the Environment Agency.

Economic Development - Sustainable Communities

The officer had no comments to make on the application.

8. Publicity

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

Expiry date: The overall expiry date for contributions was 2.03.2009. A total of 13 responses were received.

Summary of points raised:

- The provision of better health care facilities is supported, but this should not be at the expense of recreation land;
- Harm to the activities of the Trowbridge Cricket Club;
- The loss of the field would be contrary to the aims of encouraging healthy sports activity, especially amongst the youth;
- The field is currently well utilised;
- Increased traffic through town and on Seymour Road;
- there is a question of whether or not the PCT would be able to sell the existing hospital site to a developer for housing;
- there would be a problem with any access via Lower Court. Protected trees would be affected and there are issues relating to the width of the road;
- the site should only be considered for development once all other options have been explored;
- full information on existing facilities should be provided to prove the need for the facility;
- a sequential test needs to be applied

Letters of support were received from the Trowbridge Civic Society and "Trowbridge Community Area Future", with the proviso that arrangements can be made for alternative facilities. "Trowbridge Community Area Future" also recommends that Wiltshire Council explore possibilities of interim alleviating measures while replacement land is being found. Enhanced use of Seymour playing field could be considered.

9. Planning Considerations

Policy considerations in relation to the provision of alternative facilities

Policy CF8 of the West Wiltshire District Plan 1st Alteration, 2004 relates to land that is adjacent to both the Melksham and Trowbridge Hospitals. The Policy allocates the land the development of community health care facilities, but acknowledges that in the case of Trowbridge the area that is the subject of this application is "...safeguarded for use as a cricket pitch in Policy R7 until such time it is needed for the provision of health care facilities."

Policy R7 in turn indicates that the Trowbridge Cricket Ground (as a whole) is allocated specifically for cricket and associated recreational use unless an appropriate alternative provision is to be made in the locality. This Policy states that "...the area adjacent to the main pitch, is in the ownership of the Health Authority. No development will be permitted on this particular area unless it is specifically required to be used for improved community health care facilities. The supporting text recognises the importance of the Cricket Ground but reflects Policy CF8 in that it states that a "...part of the overall area in use for the cricket ground is in the ownership of the Health Authority. In order to secure the continued viability of the cricket ground, its practice facilities and its ability to stage major events, it is important that this part of the area remains in use in association with the existing pitch. It is acknowledged, however, that should the Health Authority require the land to provide enhanced health care facilities, then it ought to be utilised for that purpose."

The West Wiltshire Leisure and Recreation Development Plan Document was approved by the then West Wiltshire District Council on 21 January 2009 and was formally adopted by the Wiltshire Council Implementation Executive on 26 February 2009. Whilst the DPD leisure and recreation spatial planning policies replace several recreation-related Policies contained in the West Wiltshire District Plan First Alteration 2004, Policy R7 was one of 5 policies which was not superseded and remains in force. The plan states that there is inadequate provision for pitch sports in the old West Wiltshire District area, especially in Melksham, Trowbridge and Westbury. The Leisure and recreation Needs assessment that fed into the DPD indicates an overall requirement of 300,500m² of sports pitches and courts in Trowbridge and there are currently 278,005 m² (including the PCT land) and there is therefore a shortfall of 22,495 square metres. If the PCT site is developed, a shortfall of approximately 32,000m² would arise. However, the needs analysis also indicates that Trowbridge has an overall surplus of more than 208,000m² square metres of open space in the town (Table of Quantity Standards; Pg.127-128). Although the DPD identifies the provision of new pitches at Wood Marsh in North Bradley and the dual use of school playing fields, the Trowbridge Town Council has recommended (see below) that the possibility of utilising funding arising out of the PCT proposals towards a new multi-purpose pitch be explored.

In view of this Policy background (and where planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise) it is considered that the proposed use of the site for a new Primary Care Centre, accords with the current Development Plan and should be supported on that basis.

However, the issue of what would constitute "...appropriate alternative provision..." and how that is to be achieved must be resolved. In this regard the applicants and the Recreation Manager at Council's Trowbridge hub have pursued possible solutions which included a possible upgrading and opening to wider use of land at St Augustine's College for this purpose. No firm proposals have arisen. The Trowbridge Town Council has in turn made it clear that it objects to the proposal if this would result in the "...further diminution of sports pitch provision" and does not support the provision of the replacement facilities at St Augustine's. However, the Town Council believes that, if the sum of £140,000 is considered an appropriate level of contribution from the PCT, this could be pooled with other contributions to provide a new multi-purpose sports pitch facility at a location in or close to the town, possibly in conjunction with existing sports clubs. This stance is supported by the Community Partnership known as "Trowbridge Community Area Future". (Trowbridge Future will have representation at the West Wiltshire Local Strategic Partnership, the body producing the "West Wiltshire Community Strategy" - and provides representation on the Wiltshire Strategic Board). The sum of £140 000 reflects an approximation of costs that were calculated during discussions by the Leisure Manager for the replacement of cricket facilities, maintenance costs and equipment, and is therefore considered a reasonable contribution.

It is recommended that any permission be subject to a S106 Agreement that would secure the £140 000. The agreement should be worded so as to "ring-fence" the funds to be allocated to be used towards the formal provision of sports facilities within Trowbridge.

With regard to the Sport England objection on the grounds that St Augustine's College has used the fields within the last five years and that the matter should be referred to the Secretary of State on that basis, a query was made to the school. The College has advised that it does not use the PCT land as a playing field. The Directive in terms of which referral would be required (Town and Country Planning (Playing Fields) Direction 1998) has in the interim been replaced by the Town and Country Planning (Consultation) (England) Direction 2009, but this latter direction only came into effect on 20 April 2009. At the time of the receipt of the application the previous direction still applied. The old direction states that the Secretary of State should be consulted, inter alia, if Sport England has made representations objecting to an application referring to a deficiency of playing fields in an LPA area and where an educational institution has at any time in the five years before the making of the application made use of the land as a playing field. Whilst not questioning the advice from St Augustine's, Sports England did refer to this aspect in its letter of objection and it is therefore considered appropriate that the matter should be referred to the Secretary of State for consideration.

Highways and accessibility

The then County Highway Authority raised a number of issues on initial consultation, leading to negotiations. The outcome has been agreement by highway officers that permission can be recommended subject to the submission of a Travel Plan. The Plan would include the provision of site-specific proposals to be approved by the Local Planning Authority prior to occupation, the design of the internal layout of the site, the provision of a pedestrian link between the site and Adcroft Street, the relocation of the existing bus stop and other road improvements and an appropriate visibility splay to the main vehicular access. Provided that the condition as recommended is imposed it is considered that the Plan would address the concerns of the Trowbridge Town Council in relation to pedestrian access from the Adcroft Street side. (Access from the Lower Court, or eastern, side would be over land outside of the control of the Authority and not a public right of way or adopted road).

Ecological issues

It is considered that the ecological matters specifically in relation to Great Crested Newts can be dealt with by way of an appropriate condition, in the light of the information provided, as discussed under the ecological consultations section above. The probable presence of newts in the garden centre has been confirmed, but appropriate mitigation strategies have been proposed.

Conclusion

Permission is recommended, subject to referral to the Secretary of State and the securing of the funding towards the provision of alternative sporting facilities.

- Recommendation:**
- (i) That the application be referred to the Secretary of State in accordance with Town and Country Planning (playing fields) (England) Direction 1998, and that planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this Council for decision; and**
 - (ii) That the Development Control Manager being satisfied with the completion of a legal agreement to secure a contribution of £140 000 towards the appropriate alternative provision of cricket and associated recreational facilities in the locality as required by Policy R7 of the West Wiltshire District Plan 1st Alteration 2004.**

For the following reason(s):

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

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters in respect of which approval is expressly reserved have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 No development shall commence on site until details and samples of the materials to be used for the external surfaces 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: In the interests of visual amenity and the character and appearance of the area.

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

- 5 No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The Travel Plan (and eventual approval) will be based on the "Framework Travel Plan" accompanying the application and the Draft Method Statement for Wiltshire Primary Care Trust "Travel Strategy" sent under cover of the Agents' letter dated 10th February 2009.

REASON: In the interests of road safety, reducing car traffic to the development, and ensuring that patients without access to a car are not disadvantaged.

- 6 No development shall commence on site until details have been submitted to and approved in writing by the Local Planning Authority in respect of the following:
- (i) the design of the internal roads, footways, parking arrangements and surface drainage;
 - (ii) the design of a pedestrian link between the proposed development and Adcroft Street, through the existing Trowbridge Community Hospital site;
 - (iii) the provision of a pedestrian refuge island in Seymour Road to the north east of the junction with Melton Road;
 - (iv) the relocation of the existing bus stop located outside of the community hospital frontage in Seymour Road to a more suitable location to serve the development; and
 - (v) visibility splays to the vehicular access to the site in accordance with the indicative plan SK03, or a variation of that plan as may be agreed by the Local Planning Authority.

REASON: In the interests of road safety and suitable pedestrian and public transport access to the site.

- 7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5.2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.3.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time agreed in writing with the Local Planning Authority., and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 12 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - viii) measures for the protection of the natural environment.
 - ix) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

- 13 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include 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. Possible impacts on the protected trees to the east of the site in Lower Court shall be considered as part of this scheme. Upon approval:
- 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, First Alteration June 2004 - Policy C32.

- 14 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
 - A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
 - A schedule of tree works conforming to BS3998;
 - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - Plans and particulars showing the siting of the service and piping infrastructure;
 - A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
 - Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
 - Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

- 15 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a surface water run-off limitation scheme. The submitted detail shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

POLICY: PPS 25: Development and Flood Risk

- 16 The reserved matters application shall include a mitigation strategy for the protection of Great Crested Newts. This strategy shall include:
- a time frame for the submission of an application for any relevant licences required for development where Great Crested Newts may be affected;
 - a method statement to include proposals for:
 - * the erection of an amphibian exclusion fence around the construction site perimeter;
 - * performing a supervised destructive search during stripping of the soil; and
 - * the incorporation of proposals for Great Crested Newt habitat creation on the site.

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

- 17 Development shall not commence prior to the submission a survey in respect of any trees to be felled to determine their suitability and use by bats for roosting. Proposals for mitigation measures in respect of the loss of trees found to be suited to roosting bats shall be submitted to and approved in writing by the Local Planning Authority prior to their felling.

REASON: In the interests of natural species.


- 18 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a plan showing measures for the protection of the site from the cricketing activities on the adjacent sports field, to include the provision of protective netting in respect of cricket balls struck in the direction of the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent future damage to buildings, windows and vehicles on the site.

Informative(s):

- 1 The applicant is advised to contact Wessex Water (01225 526 000) at an early opportunity with regard to connection to and protection of water and sewerage systems.
- 2 The applicant is advised to contact the Development Control team at the Environment Agency (08708506506) with regard to any Flood Defence Consents that may be required for the proposal.

Appendices:	
Background Documents Used in the Preparation of this Report:	

		
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RELEVANT APPLICATION PLANS

Drawing : A048436DRGP01-E received on 24.09.2008
Drawing : A048436DRGP02-A received on 24.09.2008
Drawing : 48436DRGP03-A received on 24.09.2008
Drawing : 48436DRGP04-A received on 24.09.2008
Drawing : 48436DRGP05-C received on 24.09.2008
Drawing : 48436DRGP06-D received on 03.04.2008
Drawing : SK03 received on 12.02.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 06

Date of Meeting	24.06.2009		
Application Number	08/03470/REM		
Site Address	Land North Of Victoria Road Warminster Wiltshire		
Proposal	197 new dwellings (application for reserved matters together with public open space, estate roads and parking spaces)		
Applicant	Persimmon Homes (Wessex) Ltd		
Town/Parish Council	Warminster		
Electoral Division	Warminster	Unitary Member:	
Grid Ref	385878 145057		
Type of application	Reserved Matters		
Case Officer	Mike Williams	01225 770344 Ext 320 michael.williams57@btopenworld.com	

Reason for the application being considered by Committee

This application is brought before the Committee because the comments of Warminster Town Council received before 31st. March 2009 are contrary to the recommendation.

1. Purpose of Report

To consider the above application and to recommend that reserved matters be approved subject to conditions

2. Main Issues

The main issues to consider are:

- * Design and scale of dwellings
- * Layout of development
- * Relationship with adjoining dwellings
- * Highway layout
- * Layout and use of public open space
- * Retention of trees and landscaping
- * Flooding and drainage issues
- * Secondary access onto Virginia Drive

3. Site Description

This application is a reserved matters submission following the grant of outline planning permission on a site which is located to the north of Victoria Road, Warminster. The site lies on the western outskirts of Warminster and extends to 6.81 hectares in area.

The site which is of irregular shape comprises former permanent pasture fields separated by mature deciduous hedgerows. It falls away gently in a northerly direction from Victoria Road and is bounded by open countryside on its northern and western sides. There is significant tree cover in the north east corner of the site part of which is low lying. At present the site does not appear to be used actively for agriculture.

To the south of the site there are the dwellings which front onto Victoria Road whilst to the east of the site there is a more recent estate development accessed by Grovelands Way with a number of cul-de-sacs running off one of which Virginia Drive would serve as a secondary access into the proposed development. The dwellings on that estate are two storey with external walls of brick and render.

The dwellings to the south of the site are located at varying distances from the boundary. In the western section the existing dwellings of single and two storey height have long mature curtilages but in the eastern section two small private cul-de-sacs of bungalows are located close to the southern boundary of the site and regard needs to be given to ensure an appropriate relationship with them.

In granting outline permission in 2007 after a Local Inquiry for residential development on the site a Section 106 Agreement was also entered into covering a whole range of requirements which included 30% affordable housing, open space and play area, public art, a recycling facility, an education contribution, highways works, provision of a retail unit.

Of particular note the Agreement required before the occupation of the first dwelling that all the highway works be carried out, which included the provision of a secondary access to Virginia Drive to a specification defined in the Agreement.

The site is allocated for housing development in the Adopted West Wiltshire Local Plan and as such Policy H12 in that document is of particular relevance.

When the outline application for the development was submitted it was accompanied by a Design Guide but no mention is made of that document in either the conditions attached to the outline permission or the related Section 106 Agreement.

4. Relevant Planning History

As stated previously in the report outline planning permission was granted for this development in 2007 and associated with this a Section 106 agreement was also completed.

5. Proposal

The proposal involves the erection of 197 dwellings at a density of 29 dwellings to the hectare. The primary access to the development will be direct from Victoria Road where a new 4 arm roundabout will be formed. As stated previously a secondary access will be provided from the north eastern section of the development into Virginia Drive. This will be designed in such a manner that through traffic will be deterred from using it.

The basic road layout comprises a main loop of road connecting the primary and secondary accesses and then to the west of this a secondary loop of road servicing the western triangular shaped portion of the development. A further secondary loop road will run off to serve the northern fringe of the development.

The layout of the dwellings has been designed so that the central focus will be around a large rectangular shaped public open space. This will be defined by a mixture of 2, 2.5 and 3 storey dwellings.

Of the 197 dwellings, 49 are affordable housing providing a range of 1 to 3 bedroom dwellings; 12 will be 1 bedroom, 32 will be 2 bedroom and 5 will be 3 bedroom.

The open market housing will provide for 148 dwellings comprising 13 one bedroom dwellings, 13 two bedroom dwellings, 28 three bedroom dwellings, 78 four bedroom dwellings, 16 five bedroom dwellings.

Provision has been made in the layout for the erection of a 120m² retail unit alongside the main Central Green referred to above.

A Design and Access statement has been provided with the final submission which sets out the key principles of the proposed layout and scheme design as follows:

- 1) Use of mix of dwelling types to create visual interest and a varied street scene
- 2) A layout where active frontages overlook streets, public open space and footpaths/cycleways
- 3) Retain natural landscape features where possible and incorporate them into the layout where possible for maximum benefit
- 4) Create areas of public open space which form an integral part of the development
- 5) To design a residential development with a strong sense of place
- 6) To design the individual dwellings so they fit together harmoniously in the street scene reflecting the local vernacular
- 7) To create a road layout with a clear road hierarchy with priority given to pedestrians and cyclists
- 8) To locate affordable housing throughout the layout so that it is indistinguishable from the open market housing
- 9) To locate the retail unit in the most advantageous position
- 10) To arrange vehicular parking so that it has the minimum effect on the street scene.

The applicants have identified individual character areas throughout the development and of these the Central green is probably the most important. It is the heart of the scheme, with buildings defined and overlooking the open space, play area and public footpath. It contrasts with the lower density pattern of development found in the Northern Fringe where 2 storey larger detached dwellings predominate and views can be obtained through to the adjoining countryside.

The applicants have given careful consideration to the palette of materials, the form and proportions of elevational treatment and the architectural detailing to be used throughout the development. The architectural style is derived from the local rural vernacular. A mixture of reconstructed stone, brick and coloured render will be used for external walls with roof pitches varying between 40 and 45 degrees. A mixture of uPVC casement and sash windows will be used with some properties also having chimneys to reinforce the local vernacular.

6. Planning Policy

RPG/RSS 10 – Regional Spatial Strategy

Wiltshire Structure Plan 2016

DP3 Development Strategy

DP7 Housing in towns and main settlements

DP8 Affordable housing

DP9 Reuse of land and buildings

West Wiltshire District Plan – 1st Alteration 2004

C4 Landscape setting

C7 Protected species

C15 Archaeological Assessment

C31a Design

C32 Landscaping

C40 Tree Planting

R4 Open space in new housing developments

H1 Further housing development within towns

H2 Affordable Housing

H12 Victoria Road, Warminster

H24 New Housing Design

PPS1 Delivering Sustainable Development

PPS3 Housing

Supplementary Planning document WWDC – Residential Design Guide

7. Consultations

WARMINSTER TOWN COUNCIL

Councillor Nicklen proposed that the members support the overall estate development plans but have continued grave concerns that the secondary access would turn into primary access which represents a serious danger to the children and residents of Virginia Drive. The members request that the Highways Department review the viability of this road being able to cope with the traffic on this road. Seconded by Councillor Burden with voting unanimously in favour.

Further observations are awaited on the latest revised plans.

ENVIRONMENT AGENCY

"An amended plan "Indicative Slab Levels and Forward Visibility Splays" (Drawing No P3507 Rev B, dated 10/02/09) has been submitted in support of the proposed development. It shows all proposed finished floor levels set above the minimum level (121.66m AOD) recommended in the supporting Surface Water Design Report and Flood risk Assessment (Supplementary Report, Issue 2, dated 9/02/09).

In addition, the Supplementary Report includes an amended Table 2, on page 8, showing the proposed "stored volumes", and a drawing showing the "Indicative Plan and Sections of Balancing Pond" (Drawing No P350/31).

Further to the submission of the above details we remove our objection to this reserved matters application. However, we wish to make the following comments and request that conditions and informatives, similar to the ones detailed below, be attached to any permission granted.

Flood Defences

Updated Surface Water Design Report and Flood Risk Assessment – Addendum Report (Issue 3, dated 13/02/09):-

Condition 16 (detailed on page 1 of the above report) requires the submission of a scheme to ensure the provision and implementation of surface water run-off limitation and compensatory storage. Based on the content of the updated report we have no objection to the discharge of this condition, because the overarching scheme design accords with current best practice, and because we understand the attenuation pond will be adopted by the LPA and the surface water drainage pipe network will be adopted under a Section 104 agreement by Wessex Water.

The site layout plan shows a clear 4m wide corridor adjacent to Were Brook South. We wish to remind the applicant that this strip of land must be kept clear, both during the construction phase(s) and on a permanent basis to preserve access to the watercourse for maintenance and possible improvements. Ground levels must not be raised within such a strip of land.

INFORMATIVE:

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

INFORMATIVE:

Any surface water discharges to Were Brook South should terminate in a properly constructed outfall for which the consent of the Environment Agency may be required under the terms of the Land Drainage Act 1991. The need for this consent is over and above the need for planning consent. Early consideration of this obligation is recommended since it may take up to two months to determine consent. The applicant is advised to contact Daniel Griffin on 01258 483351 to discuss the scope of our controls and obtain an application form.

Biodiversity

The revised information does not provide the answer to our previous requests regarding how the applicant will ensure that the river corridor, pond and associated re-created wet grassland will be managed in the future.

In the Outline River Mitigation Report written in 2005 it was agreed that a management Plan would be written to ensure the future management of the buffer zone adjacent to the watercourse and the pond would be maintained for the benefit of nature conservation and amenity use. This still has not been provided.”

Further comments are awaited from the EA.

WESSEX WATER

There is a public storm water sewer crossing from the Masfield Road development through 70 Victoria Road land and discharging into the watercourse. The layout does not appear to account of this public sewer, future access to it or how the current outfall water course will be dealt with. For this reason we request a planning condition stating that no building works start until the access and discharge arrangements are resolved satisfactorily.

The location of the pumping station appears to have changed- Wessex Water has provided the developer with costings for the provision of a pumping main off site to a stated connection point on the public foul system. The pricing does not cover for the provision of pumping main to a new location.

We have concerns over location of new landscaping/planting which could endanger drainage systems and restrict if not prevent access to maintain the systems.

Further comments are awaited from the applicants concerning these matters.

DEVELOPMENT CONTROL ENGINEER – WILTSHIRE COUNCIL

“I refer to the revised drawings received in respect of the above planning application, to which I make the following observations.

Drawing PL-04

1. Before the development commences, full engineering details of the roundabout and puffin crossing shall be submitted to and approved in writing by the Local Planning Authority; and the works shall be completed in accordance with the approved drawings before first occupation of the development.
2. The footpath link adjacent to plot 51 linking to North Lane should be reduced in width to 2m. The condition of North Lane is such that it is unable to reasonably accommodate cyclists. The other link onto North Lane can remain as 3m but it is necessary for the section of North Lane, from its junction of Victoria Road to the first link, to be improved (including street lighting) to provide a 3m wide shared surface for cyclists and pedestrians.
3. The link onto Virginia Drive must comply with the conditions of the S106 and the link must be shown fully. The carriageway should be increased to 3.2m.
4. Areas of footpaths and cycleways should not be coloured green to avoid confusion.
5. Traffic calming is required every 40-70m. A feature is therefore required on the first length of road and adjacent plot 152; I suggest a plateau at this point.
6. Parking allocation should be identified, particularly in the shared surface areas where allocation and size of properties is not clear. The parking allocation for the retail unit (and size of the unit) is also unknown and should be clarified.
7. 2m by 2m splays measured from the edge of the drive along the back of footway are necessary at individual accesses and should be shown on a drawing. The boundary treatments can either be splayed or restricted to no higher than 600mm.

8. The private accesses should measure 4.5m for the first 5m, as detailed in my previous correspondence.

Loop Serving 33 Units

9. 4.8m carriageway is adequate but please ensure this width is maintained throughout the loop.

10. The access serving plots 52-61 should measure 4.5m in width.

Drawing P350/17

11. Sight lines at junctions should also be shown on this drawing.

12. Where sight lines cut across bends they need to be included in the highway and the back of footway and should be amended accordingly.

13. We will assume 10mph speeds and accept relating forward sight line on the shared surface roads in view of the narrow and shared use characteristics.

Drawing P350/18

14. Junctions into shared surfaces should either be widened or a radius should be added to accommodate the refuse vehicle. Please see the attached drawing showing an example of the type of access that would be acceptable.

Further comments are awaited on the latest revised plans.

ENGINEER-WILTSHIRE COUNCIL

Information required on pumping station, drainage layout, discharge points, levels, design of pond to prevent overflowing.

Further comments are awaited from the agents on these points.

URBAN DESIGNER AND CONSERVATION OFFICER – WILTSHIRE COUNCIL

This consultation response relates to matters of design only;

This consultation response has regard to the following Policies within the LDF:

West Wiltshire District Plan First Alteration Policies: C31a, C34a, H12 and H24
Supplementary Planning Guidance/Documents: Design Guidance – Principles Document SPG,
Residential Design Guide SPD

Layout

Following a considerable amount of pre-application consultation the layout for the scheme has considerably improved since the submission of the previous application.

This site has a number of considerable constraints due to the arrangement of significant hedgerows around and within the site, land drainage which often waterlogs the north eastern corner of the site, the very awkward shape of the site and access requirements. Then there are the adjacent properties to consider. With all of these issues to address it is felt that this proposal represents a positive solution.

The substantial public open space provided within the centre of the scheme creates a strong focal point and the arrangement of buildings and building types has addressed this central area whilst creating well defined character areas throughout the site.

Landscaping

The location of the landscaped areas and the relationship to existing planting is considered acceptable; however appropriate planting arrangements and species etc needs to be assessed by Leisure and Recreation, Landscape and Ecological officers.

Architectural form

The proposal includes standard house types, but they have been assessed and considered acceptable in terms of their relationship to the wider locality.

Conclusion – no objections

ENVIRONMENTAL HEALTH – WILTSHIRE COUNCIL

No objections

COUNTY ARCHAEOLOGIST – WILTSHIRE COUNCIL

No objections

LEISURE MANAGER – WILTSHIRE COUNCIL

“With regard to the principal area of open space in the centre of the development I am concerned that the landscaping proposals are moving away from the brief provided to the developer which was that this area should be used principally for active informal recreation. I note that a number of trees are now planned to be planted across the area which will reduce the availability of space for informal ball games. In addition a significant area has been set aside as a wildflower area.

If trees are required I would prefer to see these removed to the fringe areas of the main open space. If a wildflower area is desired I suggest this is placed on the western side of the retained hedgerow where there is less likely to be a conflict with people wishing to play ball games. Alternatively it could be located on one of the smaller areas of open space where amenity landscape can be prioritised over recreational needs.

It would be desirable for 2 or 3 benches to be included within the scheme for the main area so that people can sit and enjoy the area when the ground is too damp to serve this purpose.

I assume that there is a commitment by the developer to significantly gap fill the hedgerow. If this could be done sooner rather than later it will provide a better opportunity for the new planting to become established by the time building work is completed.”

Further discussions are taking place with the applicants on these comments in the context of the proposed play area.

AFFORDABLE HOUSING MANAGER – WILTSHIRE COUNCIL

Final comments awaited.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

The application has been publicised at various stages of this application in the context of the original submission and subsequent revised proposals. A number of officer site visits have been carried out along with a site meeting with an adjoining resident.

A letter of objection has been received signed on behalf of 30 residents of Virginia Drive. Their reasons for objection in summary are as follows:

- * It states in Policy H12 that the provision of traffic calming measures within the development and locality as approved by the HA is required – our concern relates to the road which connects the site to Virginia Drive
- * Concerns are despite Virginia Drive being listed as a secondary access there is no traffic calming through Virginia Drive to the site
- * Consider that the majority of traffic heading towards Warminster and Westbury would use the secondary access because of local highway restrictions
- * Traffic associated with 197 dwellings would create serious problems for children in Virginia Drive which since 1991 has been a cul-de-sac
- * Amount of traffic would cause noise/pollution
- * Dangerous access and egress for cars from domestic drives
- * Any construction traffic using the secondary access would cause noise, unsafe conditions for children and mud/debris on the road
- * Secondary access will in a short space of time become a primary access – residents always believed that this would be for emergency access only not a “rat run”
- * Residents have certain solutions – no bus route – only emergency access – physically restrict vehicles entering Virginia Drive – relocate secondary access to another position

Two letters of objection have also been received on the grounds that the development would further increase the threat and frequency of flooding. In addition it involves the development of a Greenfield site whilst there are other brownfield sites to develop in Warminster. The development would not safeguard the countryside or conserve buildings, trees or open land. The current proposal is dismissive of the impact on facilities and the infrastructure in Warminster. A final concern is the relationship of the new development to the existing dwellings in Periwinkle Close.

9. Planning Considerations

This application has been the subject of considerable negotiation and discussion both prior and post submission. The main thrust of those negotiations has revolved around the layout of dwellings, the size and disposition of open spaces and the elevational form and treatment of buildings.

The negotiations have been difficult for a number of reasons. Firstly a Design Guide was submitted with the original outline application which set out a basic framework of how the site should be developed. It contained a basic layout of roads and an arrangement of building blocks. However, no mention was made of the document in the outline planning permission or the Section 106 Agreement.

The applicants considered that the Design Guide was of relevance in assessing the reserved matters submission and although this was not wholly accepted, the Section 106 Agreement did include a layout of roads for highway reasons. It was therefore established at an early stage in the negotiations that the basic road layout for this reserved matters proposal would be similar to that as the outline submission.

This acceptance has had an impact on the layout of dwellings but the overriding objective has still been to design the building blocks to produce a sequence of positive urban spaces rather than for the scheme to be dominated by roads thereby dictating the layout of dwellings.

Since negotiations on the scheme started there has been significant improvement in the layout. As well as the constraints imposed by the documentation at outline permission stage the site has a number of other constraints including its very awkward shape, the arrangement of significant hedgerows around and within the site and the presence of existing dwellings close to the southern boundary. These constraints have all been addressed and in doing so the layout now represents a positive solution producing a more distinctive, legible environment which satisfies the relevant policies in the Local Plan.

The Central Green with an enlarged rectangular open space traversed by an existing hedgerow and enclosed on all four sides by substantial buildings provides a strong focal point in the scheme.

The treatment of the areas to the north and south of this Central Green has been designed to respect the surrounding countryside and the existing nearby dwellings along the southern boundary.

In the extreme western part of the site a group of dwellings to reflect a farmhouse and its associated outbuildings has been proposed to satisfactorily deal with the difficult triangular shaped area of land involved.

Throughout the scheme a mixture of stone, brick and render has been proposed for the external walling and this is considered acceptable as has the latest elevational details for the dwellings which have been amended to ensure a more traditional, better proportional treatment.

The arrangement of public open space throughout the development has been revised since the original submission with the primary objective of making them more effective in both visual and usage terms. Final comments are awaited from the Ecologist and Leisure Service in the context of the proposed play area and balancing pond area but subject to these being satisfactory these aspects of the scheme are now considered acceptable.

The main issue raised by objectors to the scheme is the question of the secondary access through onto Virginia Drive. As stated previously this is a requirement of the Section 106 Agreement and was fully debated at outline stage. The Inquiry Inspector in his report considered that the detailed layout of the secondary access as set out in the Section 106 Agreement would limit the amount of traffic entering and leaving the site via Virginia Drive and would ensure that the main access for Victoria Road would be the preferred primary access.

In addition to the detailed layout of the secondary access the development will also include the provision of traffic calming off site within Grovelands Way. This includes speed cushions and build outs to restrict traffic speed. All these works are required by the Section 106 Agreement and will act as an additional disincentive to use Virginia Drive.

Finally a condition was attached to the outline planning permission which required all construction traffic to use the primary access from Victoria Road.

10. Conclusion

This proposal has been the subject of considerable discussion and the negotiations have resulted in a scheme which satisfies the provisions of the relevant policies in the District Plan. This is in spite of the significant constraints which exist both on the site and in the context of the previous outline permission. The concerns of the residents in Virginia Drive are appreciated but the provision of the secondary access is legally required by the associated Section 106 Agreement. The merits of the provision of the secondary access were also fully debated at outline stage.

Recommendation: Approval

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds. It would ensure an appropriate form of development for the site and its context. The proposal would not materially affect the amenities of neighbours.

Subject to the following condition(s):

- 1 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.


- 2 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: In the interests of proper planning of the area.

- 3 This permission shall relate to the revised plan(s) received by West Wiltshire District Council on 20 May 2009.

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

Appendices:	None.
Background Documents Used in the Preparation of this Report:	None.

		
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RELEVANT APPLICATION PLANS

Drawing : G-06
 Drawing : G-07
 Drawing : G-08
 Drawing : G-09
 Drawing : G-10
 Drawing : G-11
 Drawing : HTM-621.1 B
 Drawing : HTM-621.2 B
 Drawing : HTM-621.3 C
 Drawing : HTM-621.4 B

Drawing : HTM-753.1 A
Drawing : HTM-893.1 B
Drawing : HTM-893.2 A
Drawing : HTM-AFF804.1 B
Drawing : HTM-AFF804.2 B
Drawing : HTM-AFF908.1 B
Drawing : HTM-AFF975.1 B
Drawing : HTM-950.1 B
Drawing : HTM-950.2 A
Drawing : HTM-950.3 B
Drawing : HTM-905S.1 A
Drawing : HTM-969.1 B
Drawing : HTM-969.2 B
Drawing : HTM-1180.1 B
Drawing : HTM-1180.2 B
Drawing : HTM-1180.4 B
Drawing : HTM-1180.5 B
Drawing : HTM-1197.1 B
Drawing : HTM-1197.3 B
Drawing : HTM-1197.4 B
Drawing : HTM-1228.1 B
Drawing : HTM-1228.3 B
Drawing : HTM-1228.4 C
Drawing : HTM-1228S.1 A
Drawing : HTM-1443.1 B
Drawing : HTM-1443.2 B
Drawing : HTM-1443.3 A
Drawing : HTM-1443.6 A
Drawing : HTM-1473.1 B
Drawing : HTM-1473.2 A
Drawing : HTM-1475.1 B
Drawing : HTM-1475.2 B
Drawing : HTM-1590.1 B
Drawing : HTM-1950.2 B
Drawing : HTM-1590.3 B
Drawing : HTM-1590.4
Drawing : HTM-1710.1 B
Drawing : HTM-1710.2 C
Drawing : HTM-1710.3 B
Drawing : HTM-1798.1 B
Drawing : HTM-1798.2 C
Drawing : HTM-1798.3 B
Drawing : HTM-APP1
Drawing : HTM-APP2
Drawing : HTM-APP3
Drawing : HTM-R&A.1 A
Drawing : AD-01 E
Drawing : HT-950 A
Drawing : HT-905S B
Drawing : HT-969 B
Drawing : HT-1180 A
Drawing : HT-1197 A
Drawing : HT-1228
Drawing : HT-1443
Drawing : HT-1473 A
Drawing : HT-1475 A
Drawing : HT-1590 A
Drawing : HT-1710 A
Drawing : HT-1798 A
Drawing : HT-R&F/01 B
Drawing : HT-R&F/02 B
Drawing : HT-R&F03 B
Drawing : HT-R&F04 B

Drawing : HT-APPT4-01 A
Drawing : HT-APPT4-02 A
Drawing : HT-APPT4-03
Drawing : HT-APPT6-01 A
Drawing : HT-APPT6-02
Drawing : HT-APPT6-03
Drawing : HT-APPT7-01 B
Drawing : HT-APPT7-02 B
Drawing : HT-APPT7-03 B
Drawing : H-01
Drawing : G-02.01
Drawing : G.02.02
Drawing : G-03
Drawing : G-04
Drawing : G-05

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 07

Date of Meeting	24.06.2009		
Application Number	W/09/01009/FUL		
Site Address	Land Adjoining 3 Ashton Rise Hilperton Wiltshire		
Proposal	Proposed detached garage		
Applicant	Mr Ian Butler		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	
Grid Ref	387384 158905		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Ernie Clark has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

2. Main Issues

The main issues to consider are:

- Impact on neighbours
- Impact on street scene

3. Site Description

The application site is located within a cul-de-sac within Hilperton. The area is defined by chalet bungalows with a two storey dwelling at the entrance to the street. The site is located on the north of the street near the end. The site is rectangular in shape located between number 3 and 5 Ashton Rise. To the front of the site is a grass verge which two trees. This verge provides the access to the site as approved in previous planning applications. The western boundary of the site is defined by a tall hedge running the length of the boundary. The eastern boundary has a wooden fence running along part of the boundary to the rear of the site. The front part of the boundary is a low lying timber divider marking the divide between the site and the neighbour property.

4. Relevant Planning History

08/00801/FUL – Erection of new dwelling – PERMISSION 16.05.2008

08/00508/FUL – Erection of new dwelling – PERMISSION 09.05.2008

07/03654/FUL – Erection of new dwelling adjacent to No 3 Ashton Rise Hilperton – WITHDRAWN 17.01.2008

99/00964/OUT – Single storey dwelling with garage and vehicular access from Ashton Rise – PERMISSION 23.09.1999

95/00244/OUT – Erection of one dwelling (outline) – WITHDRAWN 20.10.1995

81/00726/HIS – Outline application for one dwelling and garage (Renewal) – PERMISSION 07.07.1981

78/01135/HIS – Outline 1 dwelling and garage – PERMISSION 19.12.1978

5. Proposal

The application proposes a detached garage which would accompany the approved dwelling granted planning permission under planning application 08/00801/FUL. The proposed garage would be set back from the proposed dwelling and would provide room for a single car. The garage would have a pitched roof with a window in the rear elevation, a single door in the side elevation and two doors opening outwards at the front.

The garage would be 5.5 metres by 4 metres with a height of 3.2 metres at the highest point.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004

C31A Design

C38 Nuisance

SPG Design Guidance House Alterations and Extensions.

7. Consultations

Town/ Parish council

Hilperton Parish Council – No objection. Comments received 23 April 2009.

Revised plans – No objection. Comments received 21 May 2009.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 14 May 2009

Revised Plans expiry date: 5 June 2009

Summary of points raised:

4 letters received 3 objecting and 1 requesting information.

Objections:

- Height of garage
- Out of character with the area
- Obscure daylight
- Trees on island at risk
- Inaccuracy of plans

Revised Plans –

1 Letter of objection received

- Height of garage
- Out of character with the area

9. Planning Considerations

9.1 Design

Considering the planning history of the site the proposed garage would be a sympathetic addition to the proposed dwelling. The addition of the garage would not harm the amenities of the proposed dwelling. A garage was considered to be acceptable under the provisions of planning application 99/00964/OUT. The two 08 applications show the site for the garage but no plans were submitted with either application as to the design or scale of the proposed garage.

9.2 Street Scene

The garages within the area are either integral garages or detached with flat roofs. The proposed garage would have a pitched roof and is set back approximately 29 metres from the road. It is considered that due to its position and scale it would not be detrimental to the character of the area and is acceptable.

9.3 Neighbour Amenity

The proposed garage would be located close to the boundary of number 3, however, through negotiation the original height of the garage has been reduced by 0.6. This reduction in height has reduced the amount of overshadowing on the neighbouring facilities and is therefore considered to be acceptable.

9.4 The proposal complies with policy and it is considered that planning permission be granted subject to the conditions attached to this recommendation.

Recommendation: Permission

For the following reason(s):

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

Subject to the following 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 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.

Appendices:	
Background Documents Used in the Preparation of this Report:	

		
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		MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : SITE LOCATION PLAN received on 08.04.2009
Drawing : 2009/14 C received on 13.05.2009

Date of Meeting	24.06.2009		
Application Number	W/09/00941/FUL		
Site Address	Land East Of Clivey Barn Farm Clivey Dilton Marsh Wiltshire		
Proposal	Agricultural workers dwelling and revised access		
Applicant	Mr Frank Brine		
Town/Parish Council	Dilton Marsh		
Electoral Division	Dilton Marsh	Unitary Member:	
Grid Ref	384073 149992		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

This item is brought to Committee at the request of Councillor Newbury, acting on behalf of Dilton Marsh Parish Council because "This planning application is contrary to the development plan".

1. Purpose of Report

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

2. Summary of Main Issues

The main issues to consider are:

- * The principle of development.
- * Functional and financial tests of Planning Policy Statement 7: Sustainable Development in Rural Areas: Annex A.
- * Design Issues.
- * Landscape and rural character matters.
- * Highway safety.
- * Amenity interests, including proximity to existing sewerage treatment works.

3. Site Description

The application site is located on a relatively flat area of a small agricultural field which fronts onto the B3099 north west of Dilton Marsh in open countryside. The site has an existing agricultural access directly onto the B3099.

The surrounding area is characterised by its agricultural land use and is typically rural in character.

To the north east of the application site is a sewerage treatment facility. To the north and north west is a separate agricultural farmhouse and associated farm buildings. To the west are agricultural buildings under the applicants control and to the south is open countryside.

The site is not subject to any further constraints although it is noted that a public right of way runs adjacent to the west boundary of the site.

4. Planning History

No relevant history on this site, although relevant history in immediate vicinity as follows:

Relevant history on land east of 19 Clivey (piggeries):

81/01141/HIS - Extension to existing pig farm – Refusal on 19.01.1982

86/00130/FUL - Mobile home – Refusal on 29.04.1986

88/00785/FUL - Permission for continued use of residential mobile home on the site – Refusal on 19.07.1988

88/02100/OUT - Erection of detached house and garage – Refusal on 20.12.1988 (Appeal dismissed on 05.05.1989)

92/01245/FUL - Pig runs outside buildings – Refusal on 16.02.1993 (Appeal allowed on 26.11.1993)

93/00269/FUL - One 4,000 gallon underground slurry tank and one 2,000 gallon underground septic tank to serve existing piggery – Permission - 27.07.1993

99/00750/FUL - New four bedroom dwelling – Refusal on 05.08.1999

00/01674/FUL - Hay barn and cattle shed – Permission on 15.11.2000

Relevant history on land east of Clivey Barn Farm:

05/02911/FUL - Agricultural worker's dwelling – Withdrawn

Relevant history on land adjacent Sewage Works:

96/00913/FUL - Erection of 4 bedroom farmhouse with garage – Permission on 22.08.1996

5. The Proposal

The proposal is for the erection of a detached 4-bedroom agricultural workers dwelling with attached double garage. The proposal is for a 1½ storey property approximately 11.5 metres by 7.5 metres plus garage with a floor area of 6 metres by 6.5 metres. The external materials proposed are buff coloured reconstructed stone to the walls and concrete double roman tiles to the roof. The dwelling would be set back from the frontage with the B3099 by approximately 28 metres.

The proposal includes an intensification of the existing vehicular access to allow agricultural and residential use over a formalised tarmac envelope, 10 metres in length. The proposals also include some boundary landscaping with native species.

In support of the application a design and access statement has been submitted and an agricultural justification has been prepared by Killens dated March 2009. Further a letter from the occupiers of Clivey Barn Farm has been submitted stating that the sewerage treatment facility to date has not caused any odour nuisance.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

H19 Dwellings in Open Countryside

U5 Sewerage Treatment Works

National guidance
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

7. Consultations

Dilton Marsh Parish Council

The Council requests that advice is sought from the Agricultural Advisor to determine whether the proposed development is satisfactory.

Highway Authority

The site is located outside of the planning policy area for Dilton Marsh and therefore new housing is normally resisted due to the site location being deemed unsustainable. The proposed dwelling this application relates to has been specified to be for the use of an agricultural worker and their family. Providing the occupation of the dwelling is limited to that of an agricultural worker, as specified in the application documents and supporting information, I would not wish to object on the grounds of sustainability.

In view of the above no highway objection is raised subject to conditions.

Wessex Water

No objection. You should be aware that the site is situated approximately 84 metres away from our Dilton Marsh Sewerage Treatment Works. Whilst we do not believe the proposal will be unduly affected it should be noted that the proposal could be subject to odours from the normal operation of our works. Odour is covered by Statutory Nuisance controls laid down in Part III of the Environmental Protection Act 1990 and enforced by Local Authorities by way of abatement notices. We therefore recommend that the views of your Council's Environmental Health Officer should be sought when determining the application.

Agricultural Advisor/Consultant

FUNCTIONAL NEED:

Existing - The application is for a permanent dwelling. It is noted that Annex A to PPS7, paragraph 3 (i) requires that there is a "clearly established existing functional need" as part of the criteria to warrant a permanent dwelling.

There may be a functional requirement to assist with farrowing the very small quantity of sows; however, the very small number (five animals) and the limited period of farrowing does not, in my opinion result in the functional test being met. On the applicant's own case it is the expanded level of the livestock enterprises that will generate the functional need. That argument does not fit with the guidance set out in Annex A in respect of permanent dwellings.

FINANCIAL TEST: Existing - The application is for a permanent dwelling. The financial criteria required under Annex A of PPS7 are as follows: "the unit and the agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so".

The applicant has not provided accounts for the recent trading periods. The financial information that has been provided relates to the anticipated implementation of the proposed enterprises. Aside from the arable enterprise the financial information does not relate to any of the existing farming activities at their existing level of operation. The information provided does not enable me to assess whether the financial test has been met.

CONCLUSION AND OPINION - Neither the functional nor the financial tests are met. The proposed dwelling is not warranted under Annex A of PPS7.

Environmental Health

No objection.

This agricultural dwelling is proposed to be constructed some 90 metres from Dilton Marsh Water Treatment Works. I am concerned that the occupants could be affected by odour from this plant. However, I have no history of complaint regarding this plant, possibly because it is quite isolated from dwellings. By contrast, other similar plant in significantly closer proximity to dwellings has been subject to complaint.

Given the distances involved, the lack of history of complaints and that this dwelling is proposed up-wind of the plant I have resolved to raise no objection.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 29 April 2009.

Summary of points raised:

No comments received.

9. Planning Considerations

9.1 This is an application for a new dwelling in open countryside outside of the village policy limits of Dilton Marsh. The relevant development plan policy H19 allows for new dwellings in such cases only if justified in connection with the essential needs of agriculture or forestry.

9.2 Such exemptions are also allowed for in national Planning Policy Statement 7: Sustainable Development in Rural Areas. This document sets out in detail at Annex A how such proposals can be justified only to support existing agricultural activities on well-established agricultural units. Therefore it is a fundamental concern that all of the supporting information submitted as part of this application is based on an intention to increase stock and expand the existing enterprise. As such although the agricultural unit is existing the need for an agricultural worker's dwelling is based on projections and intensifications and not existing activity.

9.3 In short the proposal for this permanent new dwelling is not to support existing agricultural activity and so fails to meet the special justification tests of PPS7 and is contrary to the relevant development plan policy H19.

9.4 For the sake of completeness it is necessary to consider the full tests laid out in PPS7. Prior to this however it is important to note that the Council's expert agricultural advisor raises objection to the proposals. Their comments are detailed in full above but suffice to say that the proposed permanent dwelling is based on projections and possible future activity; this does not accord with national guidance.

9.5 To be justified the proposal needs to demonstrate that there is a clearly established existing functional need. This functional test has been addressed in the supporting report by Killens based on projects and intentions to expand the operations as detailed above. As such the functional test has not been applied to the existing activity on the unit and therefore the proposals fail to adequately address the functional test. It has to be considered that the intentions to expand the operation will be subject to a number of varying factors not least potential planning constraints. No detail is available to consider this however, nor any other variables which may mean that the expansion cannot take place. If this application were approved and the expansion does not then take place the agricultural workers dwelling will not be justified and so a new dwelling would be erected in open countryside without any functional agricultural need, a clear circumvention of planning policy.

9.6 To be justified the proposals' functional need must relate to a full-time worker primarily employed in agriculture. Since the functional need has not been justified on the existing activity then the proposal fails to adequately demonstrate this point also.

9.7 To be justified the unit and agricultural activity concerned have to have been established for at least three years etc. The proposals fail in this regard, again because all the financial test information is based on projections in the event of intensifying the operations at the unit. In short not all of the agricultural activity is established to date, certainly not for three years and it therefore has not been profitable for one of those years. It cannot be assessed if the operation is currently financially sound or would have a prospect of remaining so because it does not completely exist at present. The proposal is not based on existing activity.

9.8 To be justified it must be demonstrated that the functional need cannot be fulfilled by another existing dwelling on the unit or other accommodation in the area. The Council has no information available to refute the applicant's claim that no other suitable and reasonably available dwellings exist to meet a need; however it is stressed that the functional need has not been adequately demonstrated anyway.

9.9 Finally other planning requirement must be assessed such as the impact on the countryside and highway safety matters.

9.10 Dealing firstly with design and impact on the rural character of the area. If adequately justified the proposal do not pose any significant design concerns. The proposals are sympathetically sited and clustered adjacent to an existing farm house which is of a similar design and materials. The rural character would not be significantly affected and any harm could be outweighed if a proper and robust agricultural justification were presented. Therefore no significant concern exists in this regard.

9.11 The proposals would intensify the use of an existing agricultural access off of the B3099. The Highway Authority raises no objection and it is noted from site inspection that visibility in both directions is reasonable. Subject to conditions this poses no great concern.

9.12 The proposals would not cause any harm to the amenity of the one neighbouring property as the development proposed would be located sufficiently distant to avoid any overlooking or overbearing impact.

9.13 It has been noted that the proposals are located in close proximity to Dilton Marsh Sewerage Treatment Works. This is far from ideal, however to form a reason for refusal demonstrable harm would have to result. Wessex Water have commented on this point and suggested that an Environmental Health Officer's opinion must be sought. The Council's Environmental Health team raises no objection after very careful consideration. This consideration included a lack of any previous complaints regarding odour, and that the proposals would be sited up-wind of the STW. In addition the applicant has submitted a letter from the only resident who lives in proximity to the STW which states that they have not had issue with odour from the site. Therefore this matter does not form a reason for refusal.

9.14 There is significant planning history in proximity to the site including most recently a 2005 proposal with the same design dwelling for an agricultural workers home. This application was formally withdrawn and based on different supporting information but it is interesting to note that it too was considered to be unjustified by the agricultural advisor.

Conclusion


This application fails the functional and financial tests of PPS7 and has raised objection from the Council's agricultural advisor; it should therefore be refused as it is a proposal for a permanent dwelling in open countryside without an adequate agricultural justification contrary to Policy H19 of the development plan and national guidance.

Recommendation: **Refusal**

For the following reason(s):

- 1 The proposal for a permanent new agricultural workers dwelling sited in open countryside would be contrary to the West Wiltshire District Plan 1st Alteration (2004) Policy H19 by reason of the inadequate agricultural justification which fails to meet the functional and financial tests set out in Planning Policy Statement 7: Sustainable Development in Rural Areas, Annex A paragraphs 3-11.

Appendices:	
Background Documents Used in the Preparation of this Report:	

		
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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 09

Date of Meeting	24.06.2009		
Application Number	W/09/01271/FUL		
Site Address	Kings Farm 6 Little Common North Bradley Wiltshire BA14 0TX		
Proposal	Two storey extension to house		
Applicant	Mr R Hibbard		
Town/Parish Council	North Bradley		
Electoral Division	North Bradley	Unitary Member:	
Grid Ref	385967 155244		
Type of application	Full Plan		
Case Officer	Mrs Rosie MacGregor	01225 770344 Ext 597 rosie.macgregor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Swabey has requested that this item is determined by Committee on the basis that as it is a minor extension to a major historic building but the owner needs to complete the building.

1. Purpose of Report

To consider the above application and to recommend that planning permission is refused.

2. Main Issues

The main issues to consider are:

The effect of the proposal on the character and setting of the listed building.

The impact on the character of the countryside.

Neighbouring amenity.

Whether the proposal overcomes the previous reason for refusal.

3. Site Description

Kings Farm House is a timber framed Grade II listed building and permission was previously granted for its refurbishment and alteration. It had previously been classified as a 'Building At Risk' and had been in a derelict state over many years.

Permission also exists for a new dwelling at the site which was granted as enabling development to secure the refurbishment of the listed building.

However, a previous application for a large extension to the refurbished dwelling was recently refused. Prior to that a similar two storey extension was also refused.

The site is located in the countryside on the edge of the village of North Bradley. It is approached by way of a single track road leading off the main highway that runs through the village.

4. Relevant Planning History

08/01738/FUL - Extensions to dwelling - Refused 28.07.08

08/01740/LBC - Extensions to dwelling - Refused 28.07.08

08/02464/FUL - Extensions to dwelling - Refused 07.10.08

08/02465/LBC - Extensions to dwelling - Refused 07.10.08

09/00452/FUL – 2 storey extension to dwelling – Refused 16.02.09

09/00454/LBC – 2 storey extension to dwelling – Refused 16.02.09

W09/01272/LBC – Parallel listed building application – Pending decision

The current proposal is similar to an earlier application in 2008 that was refused except that on the current proposals a space has been left between a small stone building and the red brick building which is alongside this. Whereas it was proposed in 2008 that these would be joined with a new link structure.

However, the current proposal is identical to an application that was refused earlier in 2009 where a small gap had been left between the buildings.

That application was refused by the West Wiltshire District Council Planning Committee in February 2009.

5. Proposal

This is a full planning application for a 2 storey extension to Kings Farm House together with a single storey extension that would form a link to an existing small detached building at the site.

The proposal as previously stated is identical to a recent application that was refused in 2009 by committee. It is also very similar to earlier applications refused in 2008.

The accommodation would comprise an additional 2 bedrooms and bathroom at first floor level plus a sitting room / recreation room and hall at ground floor level. A section of the external wall to the detached stone building would be removed.

The proposals would be constructed from a mix of stone, brick and render under clay tiled roofs with timber doors and windows.

A design and access statement has been submitted with the application.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016
HE7 – Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004
C26 – Maintenance of Listed Buildings
C28 – Alterations to Listed Buildings
C31a – Design

PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment

Supplementary Planning Guidance – House Alterations and Extensions

7. Consultations

Town/ Parish council

NORTH BRADLEY PARISH COUNCIL: No response.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS: These comments were received following consultations on the previous application for the same work:-

‘The current proposal is the same as the previous one except that the link between the existing barns has been omitted.

We must therefore stand by the comments we made in our letter of 2 July.’

The comments from SPAB in its letter of 2 July 2008 are as follows:-

The proposed extension is predicated on the basis that historically the farm house may have been larger and that there was formerly a barn on the site of the extension. The overall extension to the farmhouse alone is 28% though this does not seem to include the incorporation of the two former out buildings.

The Design and Access Statement makes no mention of the use to which the outbuildings are to be put apart from recreational use.

We understand the applicant has saved the farmhouse from possible destruction but we are concerned that the historic core of the farmhouse may be compromised by the proposed extension and the undefined incorporation of the outbuildings. We do not think the arguments put forward in the Design and Access Statement are convincing. However, if an extension to the farmhouse is to be considered then it should be distinct from the historic work so as not to unbalance it. If the outbuildings are to be incorporated then they should have identifiable uses and be in a looser arrangement with the farmhouse.

CONSERVATION OFFICER:

These are identical applications to the previously refused 09/00452/FUL and 09/00454/LBC.

Kings Farmhouse has been brought back into a habitable state and saved from its Building At Risk status. The building is a large farmhouse property with subservient and small scale ancillary buildings forming part of the historic farmstead.

There is a small square building to the east of the farmhouse which would be incorporated into the main dwelling as part of the extension proposals.

The proposed extensions to the dwelling would comprise a two storey extension, at the full height of the main house ridge, of approximately 7.5 metres in length, with a complicated gabled roof structure. The extension would then reduce to single storey for a further 2.5 metres where it would run directly into the small square building, the ridge of the extension would be the same height as that of the existing outbuilding roof. There would be a small, insignificant gap between this and the red brick building that was the subject of a separate application.

This proposal to extend the northern wing of the main house to link with the square building would remove the sense of historic layout character of this site and the character of the attractive stone ancillary building would be lost.

This small square building would be enveloped so as to be virtually unreadable in the historic sense. It would appear sandwiched between the dwelling and the detached red brick building from which it is separated by only 1m. This would result in a loss of the historical integrity of the site. These characterful and charming buildings even with this minimal gap would simply become sections of the sprawling mass of the farmhouse.

The cumulative effect would present an unfortunate arrangement of buildings that does not respect the historic layout characteristics of the former farmyard.

Recommendation: Refuse

8. Publicity

The application was advertised by site notice/press notice/neighbour notification.

Expiry date: 05.06.2009

Summary of points raised:

None were received.

9. Planning Considerations

9.1 Historic Environment

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when determining applications affecting listed buildings.

Further Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

The principal listed building, King's Farmhouse, had been one of the most critical buildings at risk in this district in the last decade and in such a dangerous state that parts were at risk of collapse. Its current refurbishment that has been carried out to a high standard must be applauded.

Advice contained within PPG15 does not rule out an imaginative approach to extending listed buildings, as long as basic principles of scale and design are sensitively handled, having regard to the desirability of preserving the special character of the host building.

The views of the Council's Conservation Officer and those of the Society for the Protection of Ancient Buildings submitted as part of an earlier application are fully supported.

The main issue here relates to the size, location and design of the proposed extension and its relationship with the host building.

Both the large two storey extension to the farmhouse, the way in which links have been formed between this and the attractive detached ancillary building to create an enlarged footprint and the proximity to the long low single storey buildings would harm the character and setting of the former farmhouse.

Although there is now a small break proposed between the current proposals and the long length of single storey outbuildings it is not considered sufficient to allow an alternative recommendation to that which was originally made in 2008.

This group of buildings would still effectively be seen as a group of domestic buildings rather than as a distinctive farmhouse and clearly separate outbuildings within what would have been the original farmstead.

There may historically have been farm buildings within the former farmstead but these would clearly have been seen as ancillary agricultural buildings and separated from the dwelling as opposed to being part of it.

The design and layout of the current proposals would not respect this beautifully restored and well proportioned farmhouse. This large extension, both two and single storey, would dominate this important historic building and clearly do not respect the fine proportion and detail of the original farmhouse.

PPG15 advises that extensions should not dominate yet these most certainly would have a dominant impact. The proposed extensions would not be seen as subservient to the original farmhouse but would be highly intrusive and would prevent this important listed building from standing alone, thereby devaluing its historic importance.

The proposals, the form and design of which fail to respect the existing farmhouse, would create a large additional wing to the original footprint. This would essentially add almost a third to the size of what is currently a relatively modest detached dwelling and would visually dwarf the original building.

The relationship of the extension to the existing built form and proximity of various outbuildings would not respect the historic form of the original farmstead. These farm buildings, in particular the small stone outbuilding should be seen as a much less substantial and less important buildings separated from the farm house.

The property can also be seen from wider views from several directions and these later additions to the farmstead would no longer be subservient in form and would harm the setting of the farmhouse, but would have a limited impact on the character of the countryside.

The proposals would significantly harm the character of the principal listed building and the listed curtilage structures.

Furthermore, advice contained within the Council's own supplementary planning guidance is that the size, shape and position of an extension can change the character and appearance of the original house, that it is important to design an extension which compliments the style and appearance of the main house, and taking a modestly sized house and adding large extensions may result in a design which is out of scale and character with the host building and its locality.

9.2 Impact on the countryside

There would be little impact on the character of the countryside and rural amenity. However, this elongated and enlarged building would appear more prominent in the landscape to the detriment of the setting of the farmhouse.

9.3 Impact on neighbours

The buildings are considered to be sufficiently far from neighbouring residential properties for there to be no harm to neighbouring amenity.

9.4 Whether the proposal overcomes the previous reason for refusal

The proposals would result in a sprawling built form and an extension that is too large and unsympathetic to the original farmhouse and farmstead in which it is located.

It is identical to one that was refused by committee in February 2009 and similar to ones refused in 2008. As such the proposals do not overcome the reasons for refusal of the previous applications for a large two storey extension to the dwelling.

It would be inappropriate to make an alternative decision to that which was made by committee only four months ago.


The proposal would neither preserve nor enhance the character or setting of this historic farmhouse and should be refused.

Recommendation: **Refusal**

For the following reason(s):

- 1 The proposed substantial extension on one and two storeys to this modest and well proportioned farmhouse together with linkage to one of its curtilage buildings, would by reason of its design, scale, form, size, mass and location fail to respect the form, layout and proportions of the original buildings. This would alter the balance and relationship between the farmhouse and its curtilage structures and would be detrimental to the character of this group of listed buildings contrary to Policies C28 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.
- 2 Notwithstanding the gap retained between the small barn and the red brick storage building, the proposals would result in a group of buildings with greater visual prominence in the landscape which would cause harm to the character and setting of this important group of listed buildings contrary to Policy C28 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.

Appendices:	
Background Documents Used in the Preparation of this Report:	

		
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RELEVANT APPLICATION PLANS

Drawing : EXISTING received on 29.04.2009
Drawing : PROPOSED received on 29.04.2009

