

WESTERN AREA PLANNING COMMITTEE

16 September 2009

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	W/09/01371/FUL	Proposed replan of 23 residential dwellings as previously approved with 28 residential dwellings, creating an additional 5 dwellings, all associated parking should also be considered - Area R11 Westbury Leigh Westbury Wiltshire	Westbury	1
02	W/09/01579/FUL	Proposed erection of 28 residential dwellings and their associated road, sewers and parking - Area R1D Westbury Leigh Westbury Wiltshire	Westbury	12
03	W/09/01581/REM	Proposed erection of 38 residential dwellings and their associated roads, sewers and parking - Land North Of Victoria Road Warminster Wiltshire	Warminster	25
04	W/09/01580/FUL	Proposed erection of 63 residential dwellings and their associated roads, sewers and parking - Manor Primary School Queensway Melksham Wiltshire SN12 7LQ	Melksham (Town)	33
05	W/09/01397/REM	Proposed re-plan of 35 residential dwellings as previously approved under planning approval ref. 07/01903/REM with 62 residential dwellings, creating an additional 27 dwellings, all associated roads, sewers and parking should also be considered - Land Between New Terrace And Marina Drive Staverton Wiltshire	Staverton	50
06	W/09/00150/FUL	Proposed erection of 27 residential dwellings and their associated roads, sewers and parking - Land North Of Junction With Dakota Close And Hornchurch Road Bowerhill Wiltshire	Melksham Without	60

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	16.09.2009		
Application Number	W/09/01371/FUL		
Site Address	Area R11 Westbury Leigh Westbury Wiltshire		
Proposal	Proposed replan of 23 residential dwellings as previously approved with 28 residential dwellings, creating an additional 5 dwellings, all associated parking should also be considered		
Applicant	SPB Homes		
Town/Parish Council	Westbury		
Electoral Division	Westbury Ham	Unitary Member:	
Grid Ref	386301 150538		
Type of application	Full Plan		
Case Officer	Mr David Davies	01225 770344 Ext 320	

Reason for the application being considered by Committee

The application is brought to committee on the basis that it forms part of the Council's Private Finance Initiative (PFI) to deliver at least 400 affordable homes throughout the western area of Wiltshire Council.

1. Purpose of Report

To consider the above application and to recommend that subject to the completion of a Section 106 Agreement, planning permission be granted subject to conditions.

2. Main Issues

The main issues to consider are:

- Principle of residential development on the site
- Planning history
- Affordable housing
- Design, scale and materials of the dwellings
- Landscaping and ecology
- Highways including access and parking
- Education contribution
- Public facilities

3. Site Description

The site which is broadly rectangular in shape measures 0.52 hectares and is located on the north side of Leigh Park Way. The site is reasonably level and has existing residential development to the north and the east. Immediately to the west is a public footpath and cycleway and beyond that is a brook with some mature trees along its bank.

To the east of the middle part of the site is an open area which surrounds an important mature cedar tree. Access to the site is achieved from the existing residential estate road to the east. The housing in the vicinity varies in scale from 2 to 3 storeys in height.

4. Relevant Planning History

There is a wealth of planning history for the Leigh Park Development of which this forms a small part. There have been a range of different applications relating to this general development area and these include proposals for residential development, a District Centre, Community uses, school extensions, public open space and employment uses.

However, the most relevant application relates to an outline permission granted in 2007. This was for residential development on area R11, and part area R12 and the provision of a surgery, community centre, and day nursery on the remainder of R12.

The current application relates to an alternative layout for just one part of area R11. The original scheme indicated 23 dwellings for this particular part whereas the current application increases the number to 28. There was a Section 106 Agreement associated with the application and this secured the provision of 30% affordable housing across the whole site, contributions to education, transportation and open space and mechanisms to provide the community based facilities.

5. Proposal

The Housing PFI Project Manager of the Council has provided the following information in support of the application:

“This application forms part of the Council's housing private finance initiative scheme to provide at least 400 good quality, affordable homes for rent. It has been submitted on behalf of our bidder, SPB Homes, a consortium led by Sarsen Housing Association, with Barclays Private Equity, Persimmon Homes and Westbury Partnerships.

There are currently over 5,000 households on the Council's housing register, who are seeking affordable accommodation in the western area of the Council. The 2006 housing needs survey identified an annual shortfall of 953 additional affordable homes in this area.

Housing Corporation (now the Homes and Communities Agency) funded and s.106 schemes produce approximately 100 to 120 affordable homes per year, thus leaving a significant level of unmet need. This gap is likely to widen due to the severe downturn in private sector house building and its impact on our s.106 programme.

The PFI scheme will help to achieve a step-change in the provision of affordable housing in the western area of Wiltshire. We have received a Government funding allocation for the provision of at least 400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced.

Officers have worked in partnership with the applicant to ensure that its planning applications fulfil the functional requirements for affordable housing and the PFI scheme, while providing good quality, tenure neutral homes that meet the objectives of planning policies and our Residential Design Guide.”

This is a full application for the erection of 28 dwellings and associated access and parking. The application has been submitted with a Design & Access Statement together with a Tree Protection and Arboricultural Method Statement, a Desk Study and Ground Investigation, a Flood Risk Assessment and an extended Phase 1 Habitat and Protected Species Report produced for the previous scheme. A further updated Extended Phase 1 Habitat and Protected Species survey has been submitted.

Full details have been provided of a landscape planting scheme, the surface treatment, the external materials, the fencing, the cycle and bin stores, the vehicle tracking layout and the drainage strategy.

The proposal is for 18, two bed houses, 6 three bed houses, 2, four bed houses and 2 flats. The application has been amended at the request of the highway authority to provide for additional car parking spaces to achieve an acceptable parking ratio. The total number of spaces is now 51 and this gives an overall ratio of 1.82 spaces per dwelling. Cycle storage is provided at a ratio of one cycle space per dwelling and is located within a lockable timber shed, provided for each of the dwellings and flats.

The buildings are all two storeys in height and the materials consist of brick, render and concrete tiles.

6. Planning Policy

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- T3 Public Passenger Transport
- T5 Cycling and walking
- T6 Demand management
- T8 Transport provision for new developments
- C1 Nature conservation
- C5 The water environment
- HE2 Other sites of archaeological or historic interest
- RLT1 Recreation, sport and leisure

West Wiltshire District Plan – 1st Alteration 2004

- C7 Protected species
- C31a Design
- C32 Landscaping
- C40 Tree planting
- R4 Open Space in New Housing Developments
- H1 Housing Within Towns
- H2 Affordable Housing
- H13 Leigh Park, Westbury
- H24 New Housing Design
- T3 Transport provision
- T9 Bus Services
- T10 Car parking
- T11 Cycleways
- T12 Footways and Bridleways
- CF1 Community Facilities and Services
- CF6 Community Facilities – Leigh Park
- S1 Education
- U1 Infrastructure
- U1a Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I1 Implementation

National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPPS9 - Biodiversity and Geological Conservation
- PPSG13 - Transport

PPG17 - Planning for Open Space, Sport and Recreation
PPS25 - Development and Flood Risk

Circular 05/05 - Planning Obligations
Circular 06/98 - Affordable Housing
Circular 11/95 - The Use of Conditions in Planning Permissions

SPG Design
SPG Public Open Space
SPG Affordable Housing

7. Consultations

Westbury Town Council

Support subject to the following condition

- Safeguard the area around the Cedar of Lebanon and ensure no encroachment
- Clarification of how the remainder of public facilities outstanding on Area R11 will be delivered (i.e. who is responsible?)
- No accompanying Design and Access Statement
- Social Housing should be identified as such

Highways

No objections subject to conditions to ensure the driveways and parking areas are satisfactory. These conditions should cover gates, consolidation and surfacing of parking areas, garages not to be converted to habitable rooms and surface water drainage.

Environment Agency

No objections subject to conditions relating to surface water drainage (which should meet criteria set down by the Environment Agency), flood proofing measures,

Chief Education Officer

No objections.

Wessex Water

No comments received

Spatial Planning Service

No comments received

Housing Service

New Housing strongly supports this application for 28 new affordable rented homes. Current housing need for Westbury Leigh/Westbury is 1114 homes and this application provides an appropriate mix of accommodation to meet that need.

I am satisfied that the sustainable location of the site, within an area of predominantly owner occupied housing, and the quality of the homes and services to be provided through the PFI project will support the proposed number of homes and ensure that the development is a popular and successful place in which to live.

The previously approved development will provide 7 affordable homes on a nil subsidy basis through an existing s106 agreement. As the proposed increase of five units is solely to enable the provision of additional affordable homes for the housing PFI scheme, there is no requirement for the overall number of nil subsidy units to be increased, provided that revised planning permission is tied to the PFI scheme proceeding by way of a legal agreement.

Landscape & Arboriculture

No objection subject to a condition requiring trees to be planted as Extra Heavy Standards and standard landscaping conditions.

Ecology

A condition should be applied to any permission to require provision of a “working method statement to avoid pollution” before works commence.

8. Publicity

The application was advertised by site notice and the neighbours have been notified of the proposal by letter.

The expiry date for the receipt of comments was the 9th July for the original plans and the 19th August for the revised plans.

There have been no representations received as a result of the above.

9. Planning Considerations

The key issues have been itemised earlier in the report and the following examines these in more detail:

9.1 The Principle of residential development.

The key relevant Local Plan policy is Policy H13 which identified this site as being suitable for residential development. In accordance with this policy, outline planning permission for residential development of this site and the adjoining land was approved in 2007. The principle of residential development on this site is therefore acceptable in policy terms and this principle has been further established by the recently granted outline consent.

9.2 Affordable Housing

The previous approval included no affordable housing on this particular part of area R11. The 30% affordable housing policy requirement was to be provided elsewhere on areas R11 and R12. The current proposal is for all 28 housing units to be affordable which is acceptable in the context of Policy H2 of the Local Plan.

9.3 Design, Scale and Materials

The evaluation of the scheme has been the subject of pre-application discussions and it has also been influenced by the previous layout, including the fixed points of access. The proposal is essentially outward looking in all directions and this approach respects the existence of the open space in the west, the distributor road to the south and the open space (with the Cedar Tree) and highway to the east and north. In particular there is a strong built form fronting onto the western and southern boundaries and this follows the character of the recently built development immediately to the east.

The building height of 2 storeys is acceptable in the context of the surrounding development, and the scale, design and materials of the buildings respect the varied character of the residential properties in the vicinity.

The proposed density is 41 dwellings per hectare and this reflects the fact that the scheme has been designed effectively in order to make the most efficient use of the land. This accords with the requirement of the Government as detailed in Planning Policy statement 3.

In summary it is considered that the design approach to the scheme is sound and will result in a good quality development which both enhances the area and respects the character of the development in the locality.

9.4 Landscaping and Natural Habitat

The scheme includes the planting of a number of trees along the western boundary and in some of the rear gardens. The visually prominent and important Cedar tree is outside of the application site and is far enough away for it not to be adversely affected by but the proposed development. In response to the comments of the Council's Arboriculturist, the applicant has amended the scheme to include trees which are Extra Heavy Standards.

In terms of ecology an updated survey has been submitted which indicates that the proposed development is unlikely to have any significant adverse impacts. The final comments from the ecologist are awaited.

9.5 Highways including access and parking

The scheme originally submitted raised objections from the Highway Authority primarily on the issue of the number and disposition of car parking spaces. Amended plans which increase the numbers have been submitted and the Highway Authority now has no objection to this scheme. There is no requirement for a contribution towards public transport.

9.6 Education

There is no requirement for any additional financial contribution to either primary or secondary education.

9.7 Public Facilities

The provision of open space and a contribution towards it, together with the provision of other community facilities is covered by an existing Section 106 Agreement.

In conclusion the principle of the development of this site for Affordable Housing is in accordance with the policies of the Development Plan. In addition there are no design, landscape, ecological or other objections to the proposal. The amended plans have overcome the original objections of the Highway Authority.

Recommendation: **On completion of a Section 106 Agreement to secure the following:**

- a) The provision that the development hereby approved shall only be implemented as part of the west Wiltshire Housing PFI scheme**

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 before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 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 and samples of the materials to be used for the external walls and roofs 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

- 3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

- 4 The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

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

- 5 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with 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.

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

- 6 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

- 7 The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

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

- 8 Any gates shall be hung to open inwards only.

REASON: In the interests of highway safety.

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

- 9 No part of the development hereby permitted shall be first occupied until the accesses, turning areas and parking spaces have been completed in a properly consolidated material and in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

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

- 11 No development shall commence on site until a working method statement to avoid the pollution of watercourses adjoining and close to the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out strictly in accordance with the approved method statement.

REASON: To prevent the pollution of nearby aquatic habitats

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C9

- 12 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the accesses/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

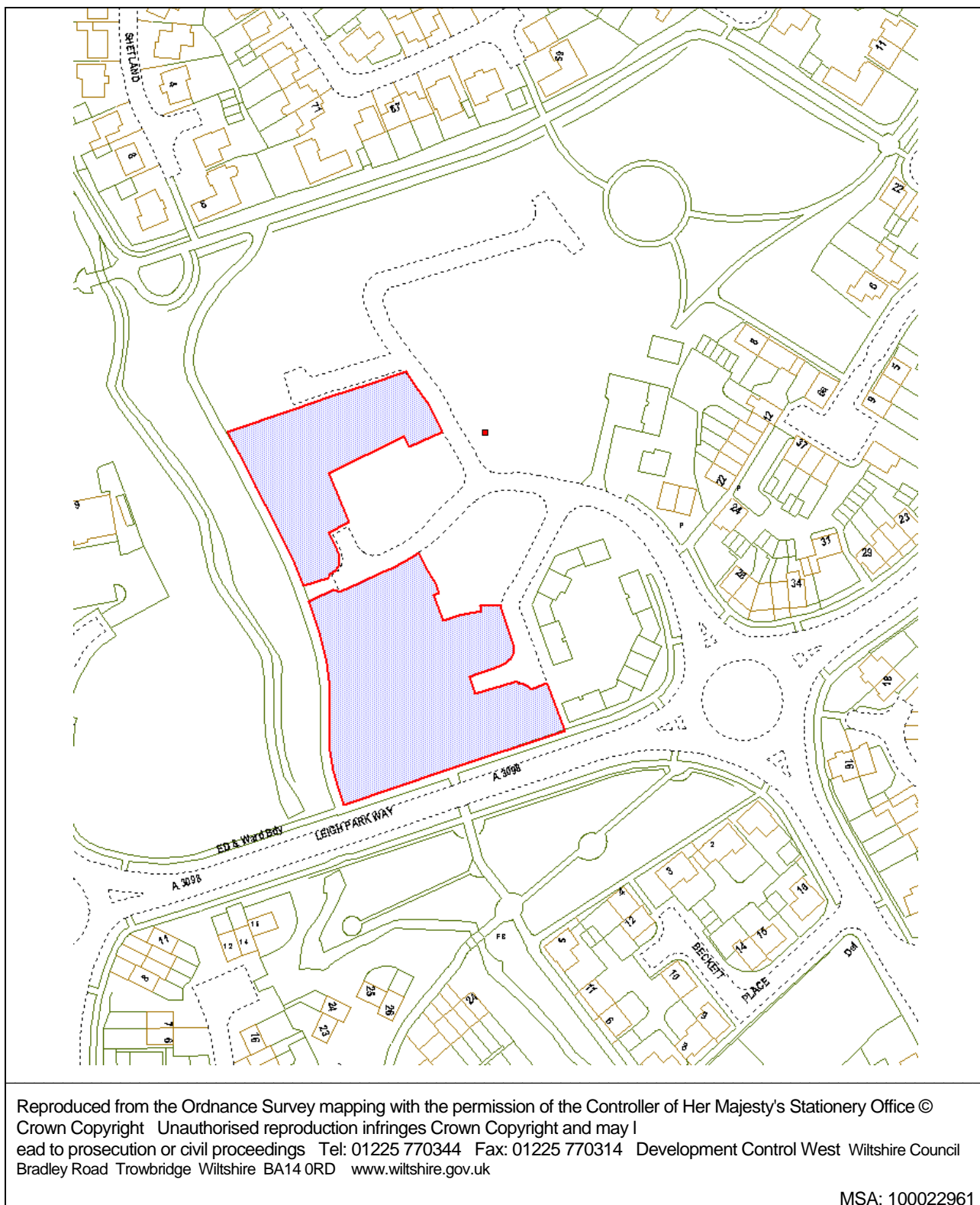
REASON: To ensure that the development can be adequately drained.

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

Informative(s):

- 1 Please note the Environment Agency requests that the surface water drainage scheme for the proposed development must meet the following criteria:
 1. Any outflow from the site must be limited to the maximum allowable rate i.e. no increase in the rate and/or volume of run-off and preferably a reduction.
 2. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
 3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.
 4. Adoption and maintenance of the drainage system must be addressed and stated. Details of the proposed methods to meet these criteria should be submitted in due course for the Environment Agency to recommend the relevant planning condition be discharged.

Furthermore, no Flood Risk Assessment was submitted to support the Outline application. The site is bounded by Flood Zone 3 (along the non-main watercourse). Given this flood risk and the fact that this does not appear to have been considered in the design we would recommend following condition 8.



RELEVANT APPLICATION PLANS

Drawing : AREA R11/100 - SITE SURVEY
Drawing : AREA R11/101 - LOCATION PLAN
Drawing : AREA R11/102 - REV C PLANNING LAYOUT
Drawing : AREA R11/103 - REV B STREET SCENE
Drawing : AREA R11/104 - REV C EXTERNAL WATER LAYOUT
Drawing : AREA R11/105 - REV C VEHICLE TRACKING LAYOUT
Drawing : AREA R11/106 - EXTERNAL DETAILING
Drawing : AREA R11/107 - REV A SITE SECTIONS
Drawing : AREA R11/108 - REV D MATERIALS LAYOUT

Drawing : AREA R11/109 - CYCLE & BIN STORAGE
Drawing : AREA R11/200 - PLOTS 1 & 2 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/201 - PLOTS 3, 4 & 17 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/202 - PLOTS 5 & 6 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/203 - PLOTS 7 & 8 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/204 - PLOTS 11 & 12 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/205 - PLOTS 13 & 15 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/206 - PLOTS 19, 20, 21 & 22 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/207 - PLOT 10 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/208 - PLOT 16 & 18 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/209 - PLOT 25 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/210 - PLOT 28 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/211 - PLOT 23 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/212 - PLOT 9 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/213 - PLOT 24 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/214 - PLOTS 26 & 27 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/215 - PLOTS 26 & 27 ELEVATIONS & FLOOR PLANS
Drawing : AREA R11/320 - REV B DRAINAGE STRATEGY PLAN
Drawing : AREA R11/321 - PRIVATE POROUS PAVING DETAILS
Drawing : JBA/09/08/-01 - REV C DETAILED SOFT LAYOUT LANDSCAPE

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	16.09.2009		
Application Number	W/09/01579/FUL		
Site Address	Area R1D Westbury Leigh Westbury Wiltshire		
Proposal	Proposed erection of 28 residential dwellings and their associated road, sewers and parking		
Applicant	SPB Homes		
Town/Parish Council	Westbury		
Electoral Division	Westbury West	Unitary Member:	Russell Hawker
Grid Ref	386181 150147		
Type of application	Full Plan		
Case Officer	Mr David Davies	01225 770344 Ext 320	

Reason for the application being considered by Committee

The application is brought to committee on the basis that it forms part of the Council's Private Finance Initiative (PFI) to deliver at least 400 affordable homes throughout the western area of Wiltshire Council.

1. Purpose of Report

To consider the above application and to recommend that subject to the completion of a Section106 Agreement, planning permission be granted subject to conditions.

2. Main Issues

The main issues to consider are:

- Principle of residential development on the site
- Planning history
- Affordable housing
- Design, scale and materials of the dwellings
- Highways, parking, access, and transportation contribution
- Residential amenity/loss of privacy
- Protected trees and landscaping
- Public open space, play equipment and contribution
- Ecology
- Education contribution

3. Site Description

The site which is broadly rectangular in shape measures 0.55 hectares and is located between Exmoor Road to the north and Brabent Way to the south.

The site has a gentle fall from south to north and is currently unkempt open grassland. Areas of the site are being used for the storage of contractor's materials in association with ongoing site works in the Westbury Leigh Development.

At the eastern end of the site there are groups of trees to the north and south. The remaining boundaries have existing hedgerows of varying quality. Access to the site is obtained from both Exmoor Road and Brabent Way.

To the north east of the site is a small area of open space and to the east is a pedestrian right of way leading from Church Lane. The remainder of the site is surrounded by housing of different types, heights and densities.

4. Relevant Planning History

In August 2007 planning permission for the erection of 25 dwellings on this site was refused on the basis of over development, overlooking and loss of privacy to some of the adjoining properties. The applicant appealed against the refusal and the appeal was allowed by decision dated 12th March 2008. The Inspector looked at the impact of the development in detail and concluded that the proposal would not have an unacceptable effect on the living conditions of neighbouring residents.

The approval was accompanied by a Section 106 Agreement to secure 30% Affordable Housing, the provision of open space with a management plan and financial contribution for future maintenance, a financial contribution towards equipped play, a financial contribution towards education provision and a financial contribution towards sustainable transportation.

5. Proposal

The Housing PFI Project manager has supplied the following information in support of the application:

"This application forms part of the Council's housing private finance initiative scheme to provide at least 400 good quality, affordable homes for rent. It has been submitted on behalf of our bidder, SPB Homes, a consortium led by Sarsen Housing Association, with Barclays Private Equity, Persimmon Homes and Westbury Partnerships.

There are currently over 5,000 households on the Council's housing register, who are seeking affordable accommodation in western area of Wiltshire. The 2006 housing needs survey identified an annual shortfall of 953 additional affordable homes in this area.

Housing Corporation (now the Homes and Communities Agency) funded and s.106 schemes produce approximately 100 to 120 affordable homes per year, thus leaving a significant level of unmet need. This gap is likely to widen due to the severe downturn in private sector house building and its impact on our s.106 programme.

The PFI scheme will help to achieve a step-change in the provision of affordable housing in the western area of Wiltshire. We have received a Government funding allocation for the provision of at least 400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced.

Officers have worked in partnership with the applicant to ensure that its planning applications fulfil the functional requirements for affordable housing and the PFI scheme, while providing good quality, tenure neutral homes that meet the objectives of planning policies and our Residential Design Guide."

This is a full application for the erection of 28 dwellings and associated access and parking. The application has been submitted with a Design & Access Statement together with a phase 1 Habitat Survey, a great crested newt and bat survey and a Desk Study and Ground Investigation Report. Full details have been provided of landscaping, the surface treatment, the external materials, the fencing, the cycle and bin stores, and the vehicular tracking layout and drainage strategy.

The proposal is for 9, three storey, two bed flats, 14, two storey, two bed houses, 3, two storey, three bed houses and 2, two storey, four bed houses.

The application layout has been amended in response to the request from the Highway Authority for additional car parking, the Inspector's decision, and the comments from local residents. The total number of spaces provided is now 48 and this gives an overall ratio of 1.72 spaces per dwelling.

Cycle storage is provided at a ratio of one cycle space per dwelling unit and is located within individual lockable timber sheds for the dwellings and a large communal shed for the flats.

The majority of the buildings are two storey with a three storey block containing new flats at the eastern end of the site. The materials are a mixture of brick and render on the walls and concrete tiles on the roof.

6. Planning Policy

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- T3 Public Passenger Transport
- T5 Cycling and walking
- T6 Demand management
- T8 Transport provision for new developments
- C1 Nature conservation
- C5 The water environment
- RLT1 Recreation, sport and leisure

West Wiltshire District Plan – 1st Alteration 2004

- C7 Protected Species
- C31a Design
- C32 Landscaping
- C37 Contaminated Land
- C38 Nuisance
- C40 Trees
- R4 Open space in new housing developments
- R11 Footpaths and rights of way
- H1 Housing Within Towns
- H2 Affordable housing
- H13 Leigh Park, Westbury
- H24 New housing design
- T3 Transport Provision
- T4 Distributor roads
- T9 Bus Services
- T10 Car parking
- T11 Cycleways
- T12 Footpaths and bridleways
- CF1 Community services and facilities
- CF6 Community facilities- Leigh Park
- S1 Education
- U1 Infrastructure
- U1a Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I1 Implementation

National Guidance
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPG17 - Sport and Recreation
PPS25 - Development and Flood Risk

Circular 05/05 - Planning Obligations
Circular 06/98 - Affordable Housing
Circular 11/95 - The use of conditions

SPG Design
SPG - Public Open Space
SPG - Affordable Housing

7. Consultations

Westbury Town Council

Support subject to the recommendations for habitat enhancement, shown on page 22 of the Habitat Survey being included in a new Section 106 Agreement.

Highways

,No objections subject to conditions relating to the height of hedges adjoining accesses, surface water drainage, consolidation and surfacing of driveways, and transport contributions in the S106 as follows:

The site has an existing Section 106 Agreement dated the 29th January 2008 and therefore a new Section 106 Agreement must be negotiated with this planning application. The initial planning application for 25 dwellings (W07/00115) had a Section 106 Agreement (AGR3450) which consisted of the following contributions £3,750 for travel plan, £12,500 for bus service enhancements and £5,000 for cycle facilities at Matravers School which was indexed linked from Q1 2007.

However, this present application is for 28 dwellings and 2 years later, therefore, I have pro-rata and index linked the original contributions. The revised calculations for the S106 are:-

£4,853 for travel plan
£16,178 for bus service enhancements
£6,471 for cycle facilities at Matravers School

Total Sustainable Transport Contribution £27,502

Wessex Water

No comments to make.

Environment Agency

No comments to make.

Spatial Planning

The proposed development area is designated in the West Wiltshire Local Plan as an area for New housing (H13). Development is therefore considered to be acceptable providing it meets the requirements identified in Policy H13.

In order to deliver sustainable communities it is important to ensure that social housing is integrated into the overall provision of housing. The site is situated within an area of significant development with associated services and facilities. The scale of this development is unlikely to have an impact on the social fabric of the area as it represents a relatively low proportion of the overall housing stock in this area of Westbury.

There is evidence of sufficient need for affordable housing and it is not considered to be excessive in the context of the overall development in this area. This PFI housing development represents an important addition to the variety of housing, ensuring an appropriate scale and mix of housing types are provided within an area of significant development.

Policy Recommendation:

No objection in principle to this application.

Housing Service

New Housing strongly supports this application for 28 new affordable rented homes. Current housing need for Westbury Leigh/Westbury is 1114 homes and this application provides an appropriate mix of accommodation to meet that need.

I am satisfied that the sustainable location of the site, within an area of predominantly owner occupied housing, and the quality of the homes and services to be provided through the PFI project will support the proposed number of homes and ensure that the development is a popular and successful place in which to live.

The applicant has demonstrated that its proposal is not financially viable on a 30% nil subsidy basis. I am therefore happy to accept 100% affordable housing on a grant subsidy basis by way of a legal agreement.

Arboricultural & Landscape Officer

No objection subject to a relating to the submission and implementation of an arboricultural method statement and arboricultural supervision of the development.

Architectural Liaison Officer

I am satisfied that, having looked at the details of the layout, that the principles of designing out crime, such as parking within the curtilage, no recessed/ungated side entrances, gated alleyways and rear parking areas, have been applied.

Chief Education Officer

No objection subject to education contributions of £62,232 for primary and £63,392 for secondary schooling being incorporated in the S106 with payment due upon commencement of development.

Ecologist

No objection subject to conditions to ensure all trees and hedges are protected during construction and in the long term. This could be achieved by requiring a working method statement to be submitted and implemented as approved.

Immediate and long term management of all trees and shrubs, particularly the woodland in the southeast of the site, would be an appropriate measure to include as enhancement / mitigation in line with policy in PPS9 and would need to be secured through S106 agreement.

8. Publicity

The application was advertised by site notice and the neighbours have been notified of the scheme by letter.

The expiry date for the receipt of comments was the 24th July 2009.

There have been letters of objection received from 22 nearby residents making representation regarding the proposal. A number of the residents have written twice, the second time being in response to the amended plans. The main concerns/objections are:

- The loss of privacy and increased noise, due to the distance between the new and existing dwellings
- The three storey flats being out of character and overpowering
- The potential loss of hedgerows and trees
- The impact on the existing wildlife on the site
- The concentration and density of social housing all on one site and the detrimental impact it would have on the area
- The lack of management of Housing Association sites and the consequential impact on the visual amenities
- The materials being out of keeping
- The increase in the number of cars in the area and the impact on congestion of the local road network
- The low number of parking spaces in the scheme and the proximity of some of the parking spaces to the boundary.

9. Planning Considerations

The key issues have been itemised earlier in the report and the following examines these in more detail:

9.1 The principle of residential development on the site

The land is an additional residential site to the outline permission concerning much of the rest of the Westbury Leigh area and is therefore included within the H13 policy area. In accordance with the policy, full planning permission was granted on appeal in 2008 for the erection of 25 dwellings on this site. The principle of residential development on this site is therefore well established.

9.2 Affordable Housing

The previous approval included the provision of 5 Affordable Housing units and a financial contribution towards 2.5 off site units. The seven units in total represented 30% of the total. The current proposal is for all 28 units to be affordable. This issue has resulted in a significant number of objections from nearby residents. Although some of the objections appear to be a general point about the management of Housing Association sites, there is concern about the number of social housing properties all on one site and the density of the development. This issue has been addressed in the comments of the Spatial Planning Service who conclude that the proposal is acceptable.

9.3 Design, scale and materials

The evolution of the scheme has been the subject of pre-application discussions and it has also been influenced by the previous layout.

The site is surrounded by modern residential development. National and local policy requires new residential development to have a mix of sizes and types of dwellings that overlook public areas and are in keeping with their surroundings.

The layout provides an inward facing development along the western boundary, whilst the flats front onto the area of open space. The remainder of the dwellings front onto the proposed cul-de-sac or the existing Brabent Way, ensuring active frontages wherever possible.

The building heights, including the three storey block of flats, are acceptable in the context of the surrounding development. The previous scheme had a part three storey block on the north east corner of the site and this concept was accepted by an Appeal Inspector. It is therefore considered that the scale, design and materials of the buildings respect the mixed character of the residential properties in the area.

The proposed density is 45 dwellings per hectare, and this reflects the fact that the scheme has been developed effectively in order to make the most efficient use of the land. This accords with the requirement of the Government as detailed in Planning Policy Statement 3.

In summary it is considered that the design approach is sound and will result in a good quality development which both enhances the area and respects the character of the development in the locality.

9.4 Highways, parking, access and transportation contribution

The scheme originally submitted, raised objections from the Highway Authority, primarily on the numbers of car parking spaces being provided. Local residents have also expressed concerns about the low level of parking. Amended plans have been submitted which increases the number and the Highway Authority now has no objection to the scheme.

The Highway Authority has requested a contribution towards sustainable transportation which is consistent with the previous approval. This issue will be covered in a new Section 106 Agreement.

9.5 Residential Amenity/Loss of Privacy

The Appeal Inspector looked at the previous scheme in some detail in the context of the residential amenity and loss of privacy of the neighbouring properties. These same issues have been considered, including the points raised by local residents. As a result of this amended plans have been submitted which increases the back to back distances between some of the existing and proposed properties, and increases the distance between the three storey block and the properties to the north east. In addition, unlike the previous scheme there are no flank windows in the block. It is considered that with these amendments, the development is acceptable.

9.6 Protected Trees and Landscaping

It is essential that the existing trees and hedgerows are retained to help minimise the impact of the development on the adjacent properties. There have been a significant number of representations received from local residents who consider their retention as being important. The submitted plans do indicate that this will be done, but it is important to impose conditions as suggested by the Arboricultural & Landscape Officer to ensure their protection and future maintenance. In addition the maintenance and management of the copse area to the south east will be controlled by the requirements contained in the new Section 106 Agreement.

9.7 Public Open Space and Play

The previous permission required the provision of an area of open space to the south east together with a management plan and financial contribution for future maintenance. This is covered in an existing Section 106 Agreement which also requires the submission to the Council of a scheme for landscaping planting, paths, boundary treatments and other matters. It is considered that this area of Open Space is adequate for the 28 dwellings proposed and the same requirements should therefore be contained in the new Section 106. In addition there is a requirement for a contribution towards equipped play which will also be included in the new Section 106 Agreement.

9.8 Ecology

The importance of the protection of the existing wildlife on the site is an issue raised by a number of the local residents. The Town Council have also referred to the enhancement of the habitat. The ecologist has raised no objections in principle but required the submission of a reptile survey. This has now been carried out. The conditions proposed for the protection of the trees and hedgerows, together with the management plan within the Section 106 for the copse to the south east, will help maintain and maximise the biodiversity benefits.

9.9 Education Contribution

The previous permission required a contribution towards both primary and secondary education. The same applies to this application and it is proposed to cover this issue in the new Section 106 Agreement.

In conclusion the principle of the development of this site for Affordable Housing is in accordance with the policies of the Development Plan. In addition there are no design, landscape, ecological or other objections to the proposal. The amended plans have also overcome any highway/parking or residential amenity objections.

Recommendation: On completion of a Section 106 Agreement to secure the following:

- a) The provision that the development hereby approved shall only be implemented as part of the west Wiltshire Housing PFI scheme
- b) The provision of public open space on adjoining land together with the management plan and financial contribution for future maintenance
- c) To pay a financial contribution of towards equipped play in accordance with the Council's Supplementary Planning Guidance to provide equipped play provision in the locality of the Development prior to the residential occupation of the 20th residential unit.
- d) A financial contribution of £62,323 towards primary education and £63,392 towards secondary education.
- e) A financial contribution of £27,502 towards sustainable transport provision of which £4,843 is for a travel plan, £16,178 is for bus service enhancements and £6,471 is for cycle facilities at Matravers School.

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 conditions:

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 91 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 and samples of the materials to be used for the external walls and roofs 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 Wilts District Plan 1st Alteration 2004 - Policy C31A

- 3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

- 4
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

- 5
- 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 three protection zones in accordance with BS5837:2005
 - * 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
 - * 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 as far as possible the work is carried out in accordance with current best practice

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

- 6 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

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

- 7 Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

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 as far as possible the work is carried out in accordance with current best practice.

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

- 8 The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

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

- 9 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

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

- 10 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with 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.

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

- 11 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

- 12 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

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

- 13 The driveways shall be consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

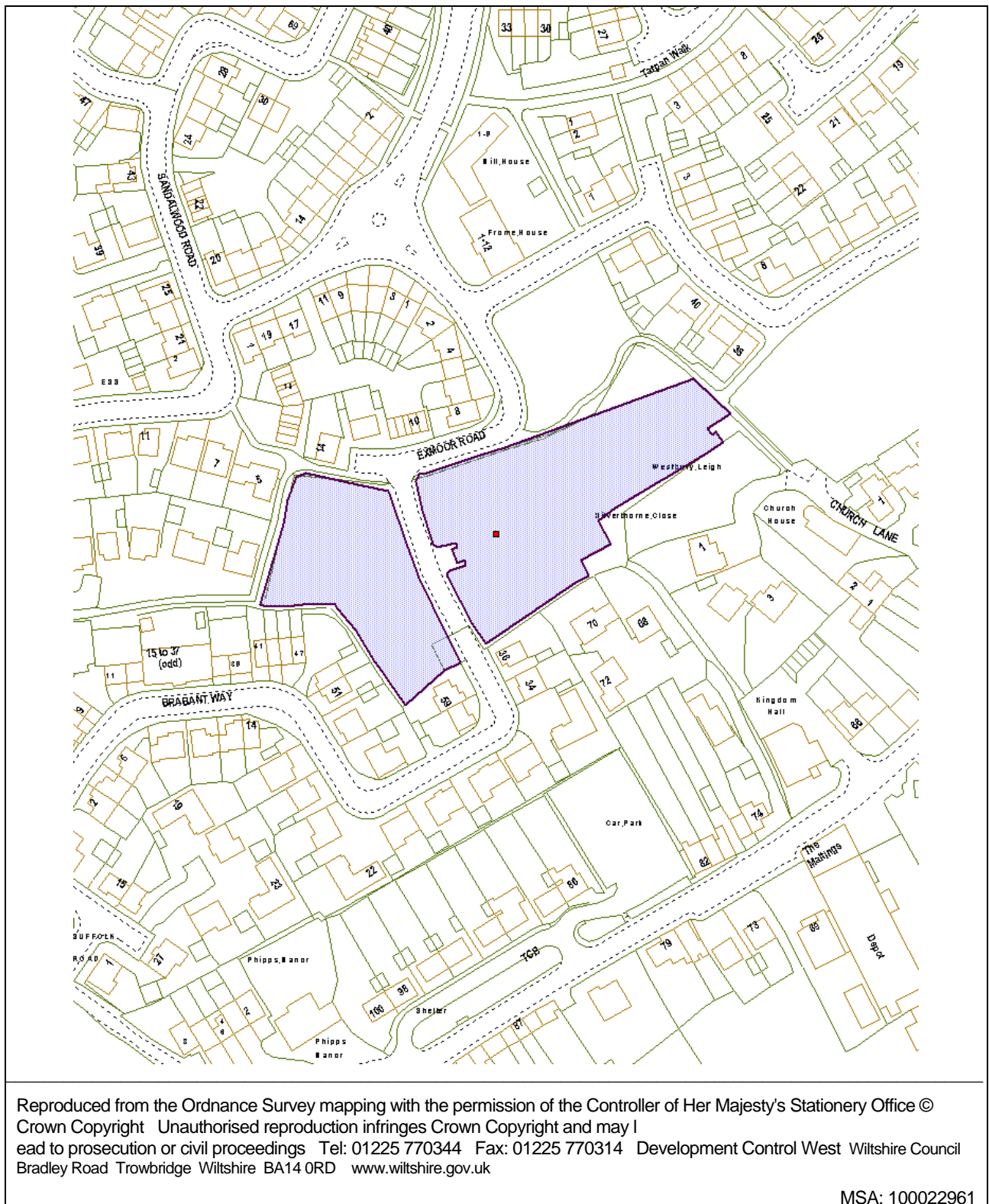
REASON: In the interests of highway safety.

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

- 14 The proposed hedges fronting the accesses shall at all times be maintained at a height not exceeding 600mm.

REASON: In the interests of highway safety.

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



RELEVANT APPLICATION PLANS

Drawing : AREA R1D/101 LOCATION MAP
 Drawing : AREA R1D/102 REV A LAYOUT
 Drawing : AREA R1D/103 REV A STREET SCENE
 Drawing : AREA R1D/104 REV A EXTERNAL WORKS LAYOUT
 Drawing : AREA R1D/105 REV A VEHICLE TRACKING LAYOUT
 Drawing : AREA R1D/106 EXTERNAL DETAILING
 Drawing : AREA R1D/107 REV A SITE SECTIONS
 Drawing : AREA R1D/108 REV A MATERIALS LAYOUT
 Drawing : AREA R1D/109 CYCLE & BIN STORES

Drawing : AREA R1D/302 ROAD & SEWER LONG SECTIONS
Drawing : AREA R1D/100 SITE SURVEY
Drawing : AREA R1D/320 REV A DRAINAGE STRATEGY PLAN
Drawing : AREA R1D/321 POROUS PARKING DETAILS
Drawing : AREA R1D/200 PLOTS 2-5 & 13-15 ELEVATION & FLOOR PLANS
Drawing : AREA R1D/201 PLOTS 7-10 & 17 ELEVATION & FLOOR PLANS
Drawing : AREA R1D/202 PLOTS 18 & 19 ELEVATION & FLOOR PLANS
Drawing : AREA R1D/203 PLOT 12 ELEVATION & FLOOR PLANS
Drawing : AREA R1D/204 PLOT 16 ELEVATION & FLOOR PLANS
Drawing : AREA R1D/205 PLOT 6 ELEVATION & FLOOR PLANS
Drawing : AREA R1D/206 PLOTS 1 & 11 ELEVATION & FLOOR PLANS
Drawing : AREA R1D/207 PLOTS 20-28 ELEVATIONS
Drawing : AREA R1D/208 PLOTS 20-28 ELEVATIONS
Drawing : AREA R1D/209 PLOTS 20-28 ELEVATIONS
Drawing : AREA R1D/210 PLOTS 20-28 FLOOR PLANS
Drawing : AREA R1D/211 PLOTS 20-28 FLOOR PLANS
Drawing : JBA/09/09-01 REV B DETAILED SOFT LANDSCAPE PROPOSALS
Drawing : JBA 09/09- DTI

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	16.09.2009		
Application Number	W/09/01581/REM		
Site Address	Land North Of Victoria Road Warminster Wiltshire		
Proposal	Proposed erection of 38 residential dwellings and their associated roads, sewers and parking		
Applicant	SPB Homes		
Town/Parish Council	Warminster		
Electoral Division	Warminster West	Unitary Member:	Pip Ridout
Grid Ref	385878 145057		
Type of application	Reserved Matters		
Case Officer	Mr Mike Williams	01225 770344 Ext 320 michael.williams57@btopenworld.com	

Reason for the application being considered by Committee

The application is brought to committee on the basis that it forms part of the Council's Private Finance Initiative (PFI) to deliver at least 400 affordable homes throughout the western area of Wiltshire Council and because Councillor Mrs Ridout has requested that this item be determined by Committee due to the scale of development and environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that the application be approved subject to the completion of a legal agreement concerning the provision of replacement affordable housing and appropriate conditions .

2. Main Issues

The main issues to consider are:

- layout of development including density
- design and scale of dwellings
- relationship with respective dwellings
- highway considerations
- grouping of affordable housing

3. Site Description

This application is a reserved matters submission on part of a site granted outline permission for residential development which is situated to the north of Victoria Road and to the west of Grovelands Way. That whole site extended to 6.81 hectares whilst the current application involves 0.94 hectares of the original approved site.

This application relates to an area of land in the north eastern section of the whole site originally granted outline permission. It comprises permanent pasture agricultural land which has not been actively used for some considerable time. It adjoins open countryside to the north whilst to the east of the site there is a low lying well wooded area which abuts the residential cul de sac, Virginia Drive.

4. Relevant Planning History

Outline planning permission was granted after a Local Inquiry in 2007 for residential development. 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 work and the provision of a retail unit.

Of particular note the Agreement required that 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.

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

In May last reserved matters approval was granted for the erection of 197 dwellings on the whole site covered by the original outline permission. In that context 32 dwellings were approved on the site covered by the current application.

5. Proposal

The proposal involves the erection of affordable dwellings under the Council's housing private finance initiative (PFI) scheme to provide good quality, affordable homes for rent.

The Council's Housing PFI Project Manager provided the following general information in support of a recently approved similar scheme for 33 dwellings at Hillside Hostel, Warminster:

"There are currently over 5,000 households on the Council's housing register, who are seeking affordable accommodation in the District. The 2006 housing needs survey identified an annual shortfall of 953 additional homes in West Wiltshire.

Housing Corporation (now the Homes and Communities Agency) funded and S.106 schemes produce approximately 100 to 120 affordable homes per year, thus leaving a significant level of unmet need. This gap is likely to widen due to the severe downturn in private sector housing buildings and its impact on our S.106 programme.

The PFI scheme will help to achieve a step-change in the provision of affordable housing in West Wiltshire. We have received a Government funding allocation for the provision of at least 400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced."

In detail the application involves the erection of a mixture of accommodation comprising 22 two-bed dwellings, 12 three-bed dwellings and 4 four-bed dwellings with a total of 96 bedrooms. The accommodation will comprise a mixture of detached, semi-detached and terraced properties.

This compares with the approved scheme which comprised 1 single storey dwelling, 8 three-bed dwellings, 21 four-bed dwellings and 2 five-bed dwellings with a total of 119 bedrooms.

The new dwellings would comprise a mixture of single storey, two storey and two and a half storey structures externally finished in a mixture of brick and stone with concrete tiles. All windows, fascias and soffits would be white PVCu.

In looking at the basic road layout of the whole site granted outline planning permission it comprises a main loop of road connecting the primary access off Victoria Road and the secondary access off Virginia Drive. A secondary loop runs off to serve the northern fringe of the overall development of which the current application forms part.

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

Object.

Suggested special conditions/reasons for refusal based on local knowledge. The original plans show the building of 22 detached houses on this space which has now increased to 38 terrace reflecting an additional 16 units. This will have an impact on the density of the build and the local infrastructure. SP Homes and Persimmon are connected and the members are concerned that this application is an attempt to build more than the planned 192 homes on this site. The members proposed refusing this application as this is a material change from the original application.

Highways Wiltshire Council

Amended plans have been received to address minor amendments requested and final comments will be reported on the late list.

Housing Service

Strongly supports this application for 38 new affordable rented homes. Current housing need for Warminster is 874 homes and this application provides an appropriate mix of accommodation to meet that need.

I am satisfied that the sustainable location of the site, within an area of predominantly owner occupied housing, and the quality of the homes and services to be provided through the PFI project will support the proposed number of homes and ensure that the development is a popular and successful place in which to live.

The previously approved development will provide 49 affordable homes on a nil subsidy basis through an existing s106 agreement. As the proposed increase of six units is solely to enable the provision of additional affordable homes for the housing PFI scheme, there is no requirement for the overall number of nil subsidy units to be increased, provided that revised planning permission is tied to the PFI scheme proceeding by way of a legal agreement.

Spatial Planning Wiltshire Council

In the absence of the new Core Strategy, planning applications are determined in accordance with the relevant Local Plan. In West Wiltshire, this is the West Wiltshire District Plan First Alteration, 2004. Amongst the housing aims in this Local Plan is the provision of an adequate supply of affordable housing in accordance with local needs, which lends strong support in principle to new affordable housing schemes.

When planning for new affordable housing through the Core Strategy, the Council will seek to ensure that a careful balance of market and affordable housing, including a balance between social-rented and intermediate housing, is provided in a sustainable manner in each local community. In advance of the Core Strategy, the Council must respond to particular circumstances in individual cases. One example of this is through the use of "rural exception" sites, that is sites which by definition are not provided for in existing development plans, but which nevertheless may be acceptable for affordable, although not market housing.

It is therefore necessary for the Area Planning Committees to be flexible in the consideration of planning applications for affordable housing. An ideal solution in terms of numbers, balance, and location may not always be possible. However, a reasonable solution will always be supported by Council officers, having regard to both opportunity and current housing need. This may sometimes result in relatively substantial affordable housing developments being recommended for approval, perhaps in clusters within wider housing areas. However, the alternative would be to increase the levels of both deprivation and housing need in a particular community, which is clearly unacceptable, particularly in the present economic circumstances.

Conclusion

The present economic circumstances have increased affordable housing need. The Local Development Framework process is seeking to address both the need for affordable housing and the maintenance of balanced and sustainable communities. Until the new Wiltshire Core Strategy is in place, there is a need for flexibility by the Council in the consideration of planning applications for affordable housing in order to ensure that adequate provision is made. Officers will continue to support the provision of affordable housing whenever suitable opportunities arise.

The Warminster Civic Trust

Objects to the development for the following reasons:

- application is for partial development of site – proposal for whole site went before 2 public Inquiries and passed on basis that it was for 192 dwellings
- Analysis of infrastructure considered and approved despite strong local reservations
- Plan should be invited for whole site to assess developers' intentions

22 dwellings approved on part of site and if repeated across whole site would mean total of more than 330 dwellings

- Unacceptable overdevelopment with drastic impact on local environment

Developers appear to have misled 2 public Inquiries when 192 dwellings was the maximum for the site

8. Publicity

The application was advertised by on site with the period for representations expiring on the 17th July 2009. In addition adjoining residents were notified of the application and one letter of objection has been received for the following reasons-development will create highway safety issues, development will be started in an inappropriate manner, housing association development should be on a different nearby vacant site.

9. Planning Considerations

In assessing this application it is important to revisit the previous decisions on the whole site which is allocated in the West Wiltshire District Plan. Firstly the outline permission for the whole site did not specify a number of dwellings and secondly the subsequent reserved matters approval involved 197 dwellings.

The current proposal involves a comparatively small part of the whole site but it is important to ensure that it complements the remainder of the approved development on which considerable time was spent in achieving an appropriate layout and design.

The current scheme involves only a marginal increase in the number of dwellings compared to the previous approval on this area of land. The scheme still follows the basic essence of the previously agreed layout involving predominantly 2 storey dwellings with some 2.5 storey properties and limited single storey development.

The scheme will form the northern edge of the approved main central green area which forms the focal point of the whole development. The applicants have agreed to erect 2.5 storey dwellings to overlook the central space to provide a strongly defined edge.

The remainder of the layout which involves a mixture of dwelling types follows the basic concepts of the original scheme which members have already agreed.

The space around the new dwellings is acceptable and although the proposal involves a small number of additional properties it is not possible to find any reasonable grounds for objection. This is particularly so given that the approved scheme has significantly more bedrooms than the submitted proposal and therefore it could be reasonably argued that the density of occupation will be less than with the current scheme.

The design and appearance of the new dwellings is also considered acceptable. They will be of traditional appearance with well balanced elevational treatments using external materials which will complement the remainder of the already approved scheme.

The current proposal does not significantly change the highway layout approved with the reserved matters submission for the whole site. The secondary access into Virginia Drive was required by legal agreement and has to be suitably constructed before any dwelling on the whole site is first occupied.

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 included speed cushions and build outs to restrict traffic speeds. All these works are required by the Section 106 Agreement and will act as additional disincentive to use Virginia Drive.

In looking at the original 106 Agreement entered into with the overall outline permission it did not relate to a number of dwellings and involved the payment of contributions in respect of residential development only. There is no requirement to enter into another Agreement except in so far as the replacement of nil subsidy affordable units are concerned.

The Spatial Policy comments sets out clearly the need for affordable housing. Until the new Wiltshire Core Strategy Council needs to be flexible in the consideration of planning applications for affordable housing to ensure that adequate provision is made.. An ideal solution in terms of numbers, balance, and location may not always be possible. However, a reasonable solution should always be supported having regard to both opportunity and current housing need. This may sometimes result in relatively substantial affordable housing developments being recommended for approval, perhaps in clusters within wider housing areas. However, the alternative, particularly in present economic circumstances would be to increase the levels of both deprivation and housing need in a particular community, which is clearly unacceptable, particularly in the present economic circumstances

This scheme does involve a block of affordable housing larger than that to be found on the remainder of the approved site and Central government policy set out in PPS3 does state that a mix of housing both market and affordable should be delivered, particularly in terms of tenure and price. However this scheme is of high quality and it is not considered there any reasonable objections that can be put forward. It satisfies the objectives of PPS3 and will also make a significant contribution to the delivery of affordable housing in Wiltshire which reflects the corporate priorities of the Council

10. Conclusions

This development only involves a small increase in the overall number of dwellings compared to the previous approval for this part of the site. However the scheme involves a much lower number of bedrooms and given these considerations together with the manner in which this proposal complements the remainder of the already approved layout it is recommended that no reasonable objection can be made.

Recommendation: **The Area Development Manager be authorised to approve on completion of a legal agreement to secure:**

- 1 the provision that the development hereby approved shall only be implemented as part of the west Wiltshire Housing PFI scheme.**
- 2 the replacement of nil subsidy affordable housing units from this site to the remainder of the Victoria Road site already subject to a reserved matters approval.**

For the following reason(s):

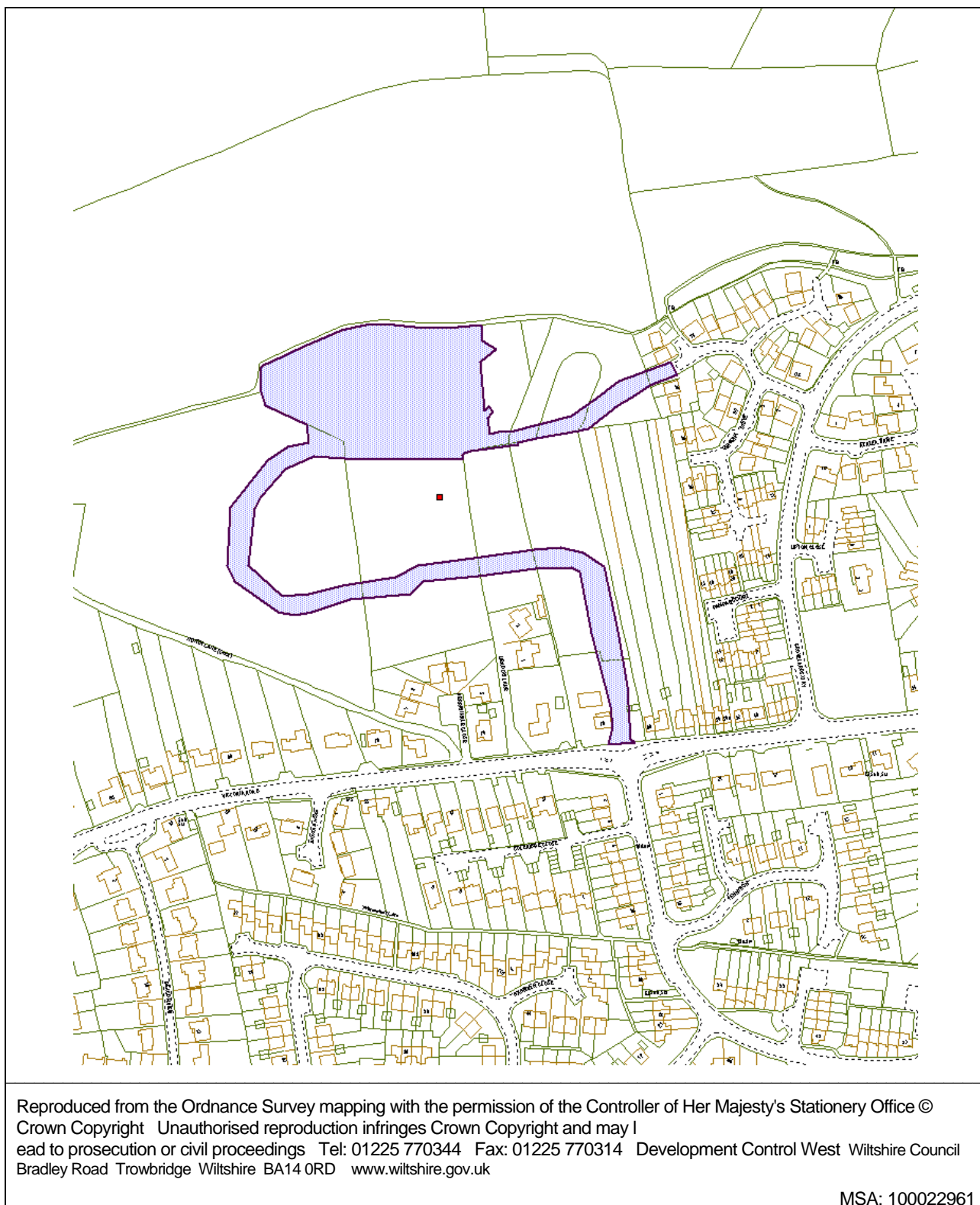
The proposed development would represent an acceptable form of layout, design and scale of dwellings which would not adversely affect the character of the approved residential area. It would accord with policies C31a, H12 and H24 in the West Wiltshire District Plan – 1st Alteration 2004.

Subject to the following condition(s):

- 1 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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.



RELEVANT APPLICATION PLANS

Drawing : VICTORIA 100
Drawing : VICTORIA 101
Drawing : VICTORIA 102 REV C
Drawing : VICTORIA 103 REV C
Drawing : VICTORIA 104 REV B
Drawing : VICTORIA 105 REV B
Drawing : VICTORIA 106
Drawing : VICTORIA 107 REV A
Drawing : VICTORIA 108 REV B

Drawing : VICTORIA 109
Drawing : VICTORIA 110 REV B
Drawing : JBA 08/195-01 REV B
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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 04

Date of Meeting	16.09.2009		
Application Number	W/09/01580/FUL		
Site Address	Manor Primary School Queensway Melksham Wiltshire SN12 7LQ		
Proposal	Proposed erection of 63 residential dwellings and their associated roads, sewers and parking		
Applicant	Westbury Partnerships		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham Central	Unitary Member:	Stephen Petty
Grid Ref	391012 163820		
Type of application	Full Plan		
Case Officer	Mr David Davies	01225 770344 Ext 320	

Reason for the application being considered by Committee

(The application is brought to committee on the basis that it forms part of the Council's Private Finance Initiative (PFI) to deliver at least 400 affordable homes throughout the western area of Wiltshire Council.

1. Purpose of Report

To consider the above application and to recommend that subject to the completion of a Section 106 Agreement, planning permission be granted subject to conditions.

2. Main Issues

The main issues to consider are:

- Principle of residential development on the site
- Planning history
- Affordable housing
- Design, scale and materials of the dwellings
- Highways, parking and access
- Residential amenity/loss of privacy
- Trees, landscaping and ecology
- Open space, sports pitch and contribution
- Pedestrian footbridge across Clackers Brook
- Loss of community facilities
- Flood risk

3. Site Description

The site which is broadly rectangular in shape measures 1.66 hectares and is located between Clackers Brook to the north and Pembroke Road to the south. The western and eastern boundaries of the site abut the rear gardens of predominantly semi-detached properties in Queensway, Lambourne Crescent and Rowley Place. Currently the existing school buildings occupy the northern, central part of the site, with the playing fields lying to the south and an area of open space separating the developed areas from the heavily screened Clackers Brook to the north. A large, separate and recently constructed pre-school building at the Queensway frontage to the site, shares the existing entrance with the main school, but does not form part of the current application.

The site is relatively level although this changes significantly to the north where the bank of Clackers Brook falls at a gradient of 1:8 from south to north.

4. Relevant Planning History

In October 2007 the West Wiltshire District Council Planning Committee considered an outline planning application for the residential development of 50 – 70 dwellings on this site. The Committee resolved to grant planning permission subject to the completion of a Legal Agreement to secure the provision of 30% Affordable Housing, the provision of a pedestrian footbridge over Clackers Brook, a financial contribution towards a detailed management plan for Clackers Brook, a financial contribution for open space facilities to the north of the Brook and a financial contribution to secure improvements to the Town cycle Network, bus and cycle shelters and an annual payment for bus provision for residents of the development.

Subsequent to the above, the site emerged as having the potential to be one of the West Wiltshire PFI Housing Developments. As this initiative related to 100% Affordable Housing a report was taken to the West Wiltshire Planning Committee in October 2008 with a view to agreeing to the principle of this form of development and amending the Legal Agreement accordingly. The Committee resolved to agree to the principle and to amend the Head of terms of the Agreement to the following:

“Provision of either 30% affordable housing on a nil subsidy basis or 100% affordable housing on a grant subsidy basis in accordance with policy”.

The planning permission has not to date been issued because both West Wiltshire District Council and Wiltshire County Council were to have been signatories. Current legal advice is that following local government re-organisation, the new Wiltshire Council cannot enter into an agreement with itself. This has meant that since April the 1st it has not been possible to progress the legal agreement and issue a permission.

5. Proposal

This is a full application for the erection of 63 residential dwellings and their associated roads, sewers and parking. The application has been submitted with a Design & Access Statement, a Ground Investigation Report, a Flood Risk Assessment, an Asbestos Survey/Inspection Report, an Arboricultural Method Statement, an Arboricultural Constraints Report, an Arboricultural Implication Assessment, a Reptile Survey and an Extended Phase 1 Habitat Survey.

Full details have been provided of a landscape planting scheme, the surface treatment, the external materials, the cycle stores, and the vehicular tracking layout and drainage strategy. The proposal is for 26, two storey, two bed houses, 6, two storey, three bed houses, 2, two storey, four bed houses, 6, two bed bungalows, 2, two storey, two bed flats and 21, three storey, two bed flats.

The application has been amended at the request of the Highway Authority to provide for additional car parking spaces to achieve an acceptable parking ratio. The total number of spaces is now 76 and this given an overall ratio of 1.21 spaces per dwelling.

Cycle storage is provided at a ratio of one cycle space per dwelling and is located within a lockable timber shed for the houses and a communal shed for the flats.

The majority of the buildings are two storeys, with three separate three storey blocks. Two of these are towards the centre of the site and the other block is in the north east corner. The materials are a mixture of brick and render on the walls and concrete tiles on the roofs.

The Housing PFI Project Manager of the council has provided the following information in support of the application:

“This application forms part of the Council’s housing private finance initiative scheme to provide at least 400 good quality, affordable homes for rent. It has been submitted on behalf of our bidder, SPB Homes, a consortium led by Sarsen Housing Association, with Barclays Private Equity, Persimmon Homes and Westbury Partnerships.

There are currently over 5,000 households on the Council’s housing register, who are seeking affordable accommodation in the District. The 2006 housing needs survey identified an annual shortfall of 953 additional affordable homes in this area.

Housing Corporation (now the Homes and Communities Agency) funded and s.106 schemes produce approximately 100 to 120 affordable homes per year, thus leaving a significant level of unmet need. This gap is likely to widen due to the severe downturn in private sector house building and its impact on our s.106 programme.

The PFI scheme will help to achieve a step-change in the provision of affordable housing in the western area of Wiltshire. We have received a Government funding allocation for the provision of at least 400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced.

Officers have worked in partnership with the applicant to ensure that its planning applications fulfil the functional requirements for affordable housing and the PFI scheme, while providing good quality, tenure neutral homes that meet the objectives of planning policies and our Residential Design Guide.”

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 Priorities for sustainable development

DP2 Infrastructure

DP3 Development Strategy

DP7 Housing in towns and main settlements

DP8 Affordable housing

DP9 Reuse of land and buildings

T3 Public Passenger Transport

T5 Cycling and walking

T6 Demand management

T8 Transport provision for new developments

C1 Nature Conservation

C5 The water environment

RLT1 Recreation, sport and leisure

West Wiltshire District Plan – 1st Alteration 2004

C7 Protected species

C31a Design

C32 Landscaping

C37 Contaminated Land

C40 Tree Planting

R2 Protection of recreational space

R4 Open space in new housing developments

R11 Footpaths and rights of way

H1 Further housing development within towns
H2 Affordable Housing
H24 New Housing Design
T3 Transport provision for new developments
T9 Bus Services
T10 Car Parking
T11 Cycleways
T12 Footpaths and bridleways
CF2 Reuse of community facilities
S1 Education contribution
U1 Infrastructure
U1a Foul water disposal
U2 Surface water disposal
U3 Flooding
U4 Groundwater
I1 Implementation

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPG17 - Planning for Open Space, Sport & Recreation
PPS25 - Development and Flood Risk

Circular 05/05- Planning Obligations
Circular 06/98- Affordable Housing
Circular 11/95- The use of conditions

SPG – West Wiltshire Residential Design guide
SPG- Public Open Space
West Wiltshire Leisure and Recreational Needs Assessment
West Wilts Leisure and Recreational DPD

7. Consultations

Melksham Town Council

Object for the following reasons:

- Proposals are out of keeping with the area
- 3 storey properties will be facing existing 2 storey properties
- The height of the 3 storey buildings will be out of keeping with other properties in the area

Planning Policies H1 and C31a apply.

Highways

No highway objection be raised to the application subject to the developer entering into a legal agreement to secure a financial contribution of £65,167 towards sustainable transport (i.e. improvements to the town centre cycle network, a covered cycle shelter and a covered pedestrian waiting shelter at the local primary school and an annual payment for bus passes for residents of the development).

Any planning permission should also be subject to conditions relating to garages being used only for the private and domestic needs of the occupiers of the houses, parking areas to be used for car parking only, driveway gradients, surface water drainage, consolidation and surfacing of roads, footways etc, visibility splays, no doors or windows opening over the highway, estate road details and travel plan.

Wessex Water

No objections subject to surface water flow rates from the site not exceeding those currently existing, surface water storage on site to ensure no flooding of properties in a 1 in 30 year event, no soakaways draining to the storm sewer and no building within 4 metres of the storm water sewer and 3 metres of the water main. Both of these should not be under private land subsequently.

The existing school drainage connects to private drainage owned by Selwood Housing Association and it is likely the housing association will have a sewer passing through the site (not on the public records) which will need to be considered in relation to any layout

Environment Agency

The Environment Agency initially objected but have since indicated informally that negotiations with the applicant have overcome their objection and written confirmation is expected before the committee meeting. Conditions will be required in respect of work being carried out in accordance with the approved flood risk assessment, prevention of pollution, details of storage facilities for oils, fuels or chemicals.

The Environment Agency also requests that informatives be added to any permission in respect of water vole habitat, works of structures close to water courses and the use of water efficient appliances, fittings and systems to control water demand.

Sport England

Sport England raised no objections to the previous application on the basis that there was no loss of playing field land in excess of 0.4ha. Since then, the government has reduced this threshold to 0.2ha and Sport England has expressed reservations about the current application and indicated that they will oppose the scheme unless suitable alternative provision is made. As a result of the concerns raised by Sport England extensive discussions have taken involving the applicants and the Strategic Projects and Development Manager and Sport England around the possibility of providing a replacement playing field adjoining the new Melksham Oak Playing field. The playing field would be in addition to those being provided for the school and those to be provided to replace the facilities likely to be lost elsewhere in Melksham / Bowerhill such as at the Christie Miller 'Running Track' Land. There is potential for further playing fields adjoining the new school and a replacement pitch for that at Manor Primary school could be one of these. None of these potential pitches are funded at present.

On the basis of this arrangement, Sport England have withdrawn their objection subject to a condition or agreement which would secure **no later than 6 months of the date on which the development commenced a scheme shall have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England, for the provision of a replacement playing field on land adjoining Melksham Oak School, Melksham or in such other location as may be agreed between the parties and at least equivalent in terms of size, usefulness, attractiveness and quality as the existing playing field, and shall include a timetable for the provision of the playing field. The new playing field will be provided in accordance with the approved scheme.**

Spatial Planning Service

The proposed development area was designated in the West Wiltshire District Plan first Alteration 2011 (2004) as an area of Recreational Space. However the recently adopted West Wiltshire Leisure and Recreation Development Plan document (DPD) reviews this designation and subsequently defines the playing fields as low quality and of low value. (Appendix 1, p.68). Policy LP2 of the DPD allows for the disposal of low value sites provided it satisfies at least one of the policy tests outlined in the document. In this respect it is concluded that this proposal satisfies at least two of these tests. Firstly, the site is surplus to requirements due to the relocation of the existing school and, secondly, it is envisaged that appropriate replacement provision will be provided as part of new school site. In meeting the requirements of Policy LP2 this proposal is considered to be acceptable.

PPS3 states that planning should deliver “a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural”. However PPS3 also states that “The Government is committed to providing high quality housing for people who are unable to access or afford marketing housing...” This places emphasis on delivering affordable housing to a high standard in terms of design and management and this is particularly important for substantial new affordable housing developments within existing urban areas.

Evidence has been provided to the need for social housing in this area. Provided that the design is of an acceptable standard to meet the objectives of PPS3 then this proposal is acceptable. The delivery of 63 affordable housing units represents a significant contribution to the delivery of affordable housing provision in Wiltshire. This reflects the corporate priorities of Wiltshire Council and the emerging Wiltshire Core Strategy Development Plan document.

Policy Recommendation:

The development is acceptable in policy terms and will assist in the delivery of much needed affordable housing provision.

Housing Service

New Housing strongly supports this application for 63 new affordable rented homes. Current housing need for Melksham is 124 6 homes and this application provides an appropriate mix of accommodation to meet that need.

I am satisfied that the sustainable location of the site, within an established residential area, and the quality of the homes and services to be provided through the PFI project will support the proposed number of homes and ensure that the development is a popular and successful place in which to live.

The applicant has demonstrated that its proposal is not financially viable on a 30% nil subsidy basis. I am therefore happy to accept 100% affordable housing on a grant subsidy basis by way of a legal agreement.

Architectural Liaison Officer

Would have liked to see a Design & Access Statement but notes that most issues with regard to preventing crime have been addressed such as rear parking either being gated or overlooked and the site is generally acceptable.

Landscape & Arboriculture

There are no landscape or tree reasons to refuse this application subject to the imposition of appropriate conditions and the applicant paying the Council the sum of £43,809.57 in addition to a sum of £50,000.00 toward Clackers Brook Management Plan and future maintenance.

Ecologist

I have reviewed the ecological reports for the above application (Extended Phase 1 Habitat Survey and Reptile Survey, Lindsay Carrington Ecological Services, may 2009) and I'm satisfied with the survey work and mitigation. I advise that a condition is issued stating that the development is carried out in full accordance with the recommendations of these reports, in order for the development to avoid harm to reptiles and breeding birds and to incorporate enhancement measures that are in line with PPS9 and the Wiltshire BAP 2008. The Extended Phase 1 Habitat Survey report states that a Management Plan will be produced to ensure the biodiversity value of the retained habitat is maintained – this MP should be submitted to the LPA for written approval.

8. Publicity

The application was advertised by site notice and the neighbours have been notified of the proposal by letter.

The expiry date for the receipt of comments was the 17th July 2009.

There have been letters of objection received from two nearby residents together with an objection from a Trustee of the Queensway Chapel Pre-school. The main concern/objections are:

- The increase in traffic will require some traffic calming measures
- Loss of openness
- The proposal will result in increased traffic congestion
- The proximity of the houses to the pre-school will result in loss of privacy
- The parking spaces could result in the congregation of people
- The land should be left for local wildlife and the benefit of the residents
- Concern about overlooking particularly from the 3 storey flats

9. Planning Considerations

The key issues have been identified earlier in the report and the following examines them in more detail:

9.1 The Principle of Residential Development

In 2007 the West Wiltshire Planning Committee resolved to grant planning permission for the residential development of this site. The principle of housing on this site was considered at the time and it was concluded to be acceptable on the basis that it was a previously developed urban site within town boundary limits and was therefore in accordance with policy. The same applies to this proposal, and the existence of the previous resolution to permit, is an important material consideration in the context of the consideration of the principle of the current scheme.

9.2 Affordable Housing

The West Wiltshire Planning Committee resolved to approve the principle of 100% affordable housing on this site in October last year. There have been no changes in circumstances to revise that decision. In addition the Spatial Planning Service has advised that the proposal is acceptable in policy terms.

9.3 Design, Scale and Materials

The evolution of the scheme has been the subject of pre-application discussion, and it has also been influenced by the previous layout.

The site has modern residential development on three sides, although the development to the south west is separated from the site by Pembroke Road. National and Local Policy requires new residential development to have a mix of sizes and types of dwellings that overlook public areas and are in keeping with their surroundings.

The scheme is essentially inward facing apart from along Pembroke Road where there is a strong built form of frontage development. The site is served by one vehicular access from Pembroke Road and this progresses into a “square” within the development, whereby the buildings facing in from all four sides, form a rectangular shape and create a space within which you can enter rather than just pass-by.

The dwellings are a mixture of mainly terraced units with some detached and semi-detached. The units vary in height, dependent on their location within the site. It is considered that the height, including the three storey blocks is acceptable in the context of the surrounding development. Whilst the majority of the housing in the area is of two storeys in height, the size of the site allows the introduction of higher buildings without adversely impacting on the general character of the area.

The proposed density is 38 units per hectare, and this reflects the fact that the scheme has been developed effectively in order to make the most efficient use of the land. This accords with the requirements of the Government as detailed in PPS3 – Housing.

In summary it is considered that the Design approach is sound and will result in a good quality development which will enhance the area and respect the character of the development in the locality.

9.4 Highways including Access and Parking

The scheme originally submitted raised concern from the Highway Authority with regards to the number and location of the parking spaces. Amended plans have been submitted which changes the parking arrangements and the Highway Authority now have no objections to the scheme.

The Highway Authority has requested a financial contribution which is consistent with the previous scheme. This issue will be covered in a proposed Section 106 Agreement.

9.5 Residential Amenity/Loss of Privacy

There are existing residential properties and the pre- school close to the boundaries of the site. The impact on the residential and other amenities of these properties including any loss of privacy is an important consideration. The scheme has been designed to respect the adjacent properties, with the single storey bungalows being located adjacent to the bungalows in Rowley Place. The 3, three storey blocks will not have a direct impact on the existing properties, in view of the distance from them and the lack of windows in the particular elevations where overlooking could occur. It is considered that the scheme in the context of impact on residential amenity and the privacy of the pre-school is therefore acceptable.

9.6 Trees, Landscaping and Ecology

The arboriculturist considers the landscaping scheme to be acceptable subject to conditions to ensure the future maintenance of the trees and hedgerows and to protect the existing trees during the development period. The ecologist also has no objection subject to suitable conditions.

9.7 Open Space, Sports Pitch and Financial Contribution

The proposed application will result in a net loss of safeguarded open space. Policy R2 requires that "the loss of existing playing fields, play space and other recreational land, whether publicly or privately owned must be met by appropriate measures to off-set this loss". This can either be on the basis of like for like provision elsewhere in the locality, or alternative provision of equivalent community benefit, also within the immediate vicinity.

This issue was considered in the previous proposal, and it was resolved to take the opportunity to improve and expand the ecological objectives and quality of the area. **To offset the loss of the playing field it was agreed that a pedestrian foot bridge across Clackers Brook and linking footpaths were built and a financial contribution made towards a detailed management plan for Clackers Brook. A further requirement but not directly related to the loss of the playing field was made for provision of off site open space facilities on north side of Clackers Brook.**

At that time, in policy terms the above adequately addressed the loss of the open space issue. However since then, due to the introduction of a new Statutory Instrument, the site is one which Sport England is now required to consider in the context of the loss of the sports pitch. Whilst the previous requirements are still acceptable the loss of the pitch and the objection of Sport England needs to be addressed. Sport England have now withdrawn their objection on the basis that the **provision of a replacement playing field is provided on land adjoining Melksham Oak School, Melksham or in such other location as may be agreed between the parties and at least equivalent in terms of size, usefulness, attractiveness and quality as the existing playing field.**

The requirement for a replacement playing field would replace the previous requirements for a pedestrian foot bridge across Clackers Brook and linking footpaths were built and a financial contribution made towards a detailed management plan for Clackers Brook but not the requirement for provision of off site open space facilities on north side of Clackers Brook. However, this arrangement is not entirely logical or appropriate as the removal of the footbridge from the scheme removes the direct link between the application site and the land on the north side of the brook. Consequently it would be more appropriate if the previous requirement related to the loss of the playing field for a provision of off site open space facilities on north side of Clackers Brook was replaced by a financial contribution made towards a detailed management plan for Clackers Brook which would be more directly related to the site. The financial contributions for both of these items agreed in 2008 were broadly similar.

9.8 Pedestrian footbridge across Clackers Brook

The replacement of the footbridge with a replacement playing field ties in with a number of objections to the footbridge which have emerged during consideration of this proposal both at the pre application and application stage.

The applicant has specifically excluded the footbridge from the scheme and has provided a statement to justify the decision as follows:

“Following recent discussions with the Council it has become apparent that there is some level of support for the inclusion of a footpath through the open space leading to a footbridge across the watercourse at the northern end of the site.

This was proposed as part of the Outline Application that was previously submitted by others and does not now form part of SPB Homes proposals within their Full Planning Application.

Having discussed the scheme with Wiltshire Council planning officers and their Urban Design Officer at pre application stage, it was agreed that the footpath and footbridge were unnecessary due to the highways requirement to provide an emergency access to the east onto Queensway which would act as a pedestrian link onto an existing well lit adopted highway. This would enable pedestrians an easy access to the north to the equipped play area and other footpath links. There would also be the extension of the existing footpath link from Rowley Place along with the new footpath through the development linking the site through to Pembroke Road to the south. It was agreed that these three footpath links were sufficient for this site and that we should not be encouraging pedestrians through a densely vegetated area and over a watercourse, but instead onto a public highway which is busy and well lit.

The suggested footpath and footbridge would run through the area of open space, encouraging pedestrians alongside parked cars and into an area of existing vegetation which itself would provide problems with surveillance within this area. Housing development cannot be taken closer to the suggested footbridge due to restrictions from the flood plain to the north of the site.

The provision of the footpath would also provide an additional “escape route” for persons who may have carried out unlawful behaviour and there is little surveillance over the route with which they could take. The footpath to the west into Rowley Place and the aforementioned emergency link onto Queensway are both well overlooked by existing and proposed properties.

As part of the PFI agreement, we must achieve Secured by Design accreditation and we would not be able to achieve this without the support of the ALO, who, as you will see from comments made below, does not support its inclusion.

Other comments received from interested parties are as follows:

Highways

The Highways Authority confirmed at pre application stage that they would not adopt either the footpath or footbridge in this location.

Architectural Liaison Officer

The ALO does not support the inclusion of a footpath and footbridge and an extract of their email dated 30th October 2008 is as follows:

“I did have one concern and that was the addition of a pathway on the Manor School development that I feel from a security point of view is unnecessary. I am sure you will remember, from our meeting, my thoughts on too many unnecessary pathways.

The proposed pathway would cut in half a section of the housing and parking, making the cars parked there more vulnerable and giving legitimacy for more people to be in the area. In addition, there is a perfectly adequate pathway running at the front of the properties which directs people to the same place but via a well lit main road.””

Sarsen Housing

The housing provider does not support the footpath and footbridge inclusion and comment as follows:

“Sarsen HA is concerned about the inclusion of a footbridge and footpath on the Manor School development from a housing management perspective. The main concerns are the potential increase in foot traffic leading to a lack of privacy and the compromising of communal defensible space. There is also a potential for people to bring cars onto the scheme, to park up and use the open space by the footbridge for exercising dogs. This is likely to cause neighbourhood problems around car spaces allocated for residents being used by non-resident people, as well as health and safety issues caused by dog fouling. In addition, the footbridge itself could be a “landmark” for groups of young people to congregate, similar to the proverbial street corner or telephone box. There is also the added maintenance responsibility and duty of care relating to the provision and management of the footbridge and footpath.”

In conclusion, we strongly oppose the requirement for providing another footpath and a new footbridge and request that the site be supported in its current proposal which obtained Council support and ALO support prior to being submitted.”

It is considered that there are sound security reasons for not providing a bridge link across Clackers Brook, particularly as there are suitable alternative pedestrian routes available. An objection to the proposal based on the lack of a pedestrian bridge across Clackers Brook would be unreasonable and could not be sustained.

9.9 Loss of Community Facilities

The issue was addressed in detail in the consideration of the previous application .In the context of Policy CF2, it was concluded to accept the loss of the facility on the basis that:

- The receipt for the sale of the application site will go towards enhancing educational facilities at the consolidated Ruskin Site and at Kings Park Primary School
- There is little community use of the Manor School beyond the school day – no clubs use the existing playing field and no other groups, such as evening classes, use the school building
- The development would deliver 30% affordable housing
- The development included a contribution to secure recreation and ecological benefits

The same consideration applies to the current scheme and as such the overall level of community benefit is deemed to comply with the relevant policy.

9.10 Flood Risk

The applicants have submitted a detailed technical statement, in response to the objection by the Environment Agency. It is anticipated that this will overcome the EA objection, but as yet no confirmation has been received.

In conclusion the principle of the development of this site for affordable housing is in accordance with the policies of the Development Plan. In addition there are no design, residential amenity, landscape, ecological, open space or other objections to the proposal. The amended plans have also overcome any highway/parking objections.

Recommendation: On completion of a Section 106 Agreement so secure the following:

- a) The provision of a 100% affordable housing on a grant basis.
- b) A financial contribution of £50,0000 towards a detailed management plan for Clackers Brook and the implementation of works identified in that plan
- c) Provision of a replacement playing field on land adjoining Melksham Oak School, Melksham or in such other location as may be agreed between the parties and at least equivalent in terms of size, usefulness, attractiveness and quality as the existing playing field,
- d) A financial contribution of £65,167 to secure improvements to the Town Cycle Network, bus and cycle shelter and apayment for bus passes for residents of the development

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 before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 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 and samples of the materials to be used for the external walls and roofs 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

- 3 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

- 4 The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

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

- 5 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

- 6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- a) Limiting the surface water run-off generated by the 1 in 100 year event, plus climate change, critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- b) Provision of compensatory flood storage on/or in the vicinity of the site to a 1:100 year standard.
- c) Finished floor levels are set no lower than 37.18 metres above Ordnance Datum (AOD).

REASON: a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

b) To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

c) To reduce the impact of flooding on the proposed development and future occupants.

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

- 7 No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

- a) Site Security
- b) Fuel oil storage, bunding, delivery and use
- c) How both minor and major spillage will be dealt with
- d) Containment of silt/soil contaminated run off
- e) disposal of contaminated drainage, including water pumped from excavations
- f) Site induction for workforce highlighting pollution prevention and awareness

REASON: To prevent pollution of the water environment.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy U4

- 8 The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

REASON: To prevent pollution of the water environment.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy U4

- 9 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

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

- 10 All soft landscaping comprised in the approved details of landscaping (dwg no. JBA 08/192-01 Rev A) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

- 11 Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

REASON: To safeguard the amenities and character of the area and in the interests of highway safety.

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

- 12 The parking areas to be provided and to be shown on the detailed plans shall not be sited otherwise than in the positions to be shown on the approved plans and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of amenity and highway safety.

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

- 13 The gradient of any proposed driveway shall not be steeper than 1 in 15.

REASON: In the interests of highway safety

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

REASON: In the interests of highway safety.

- 15 The proposed roads, including footways and 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 in the interests of amenity and highway safety

- 16 Prior to construction work commencing on the site, visibility splays shall be formed and the area between the nearside carriageway edge and the lines shown on the plans shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 17 No doors, including garage doors, or window openings at ground floor level shall be permitted to open over the highway.

REASON: In the interests of highway safety.

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

- 19 The development shall not commence until a Residential Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making residential travel plans work: good practice guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by The Local Planning Authority.

REASON: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

- 20 The development shall be carried out in accordance with the recommendations contained in the submitted Extended Phase 1 Habitat Survey and Reptile Survey.

REASON: In the interests of the protection of reptiles and breeding birds.

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

- 21 A Management Plan to ensure that the biodiversity value of the retained habitat is maintained, shall be submitted to and approved by the Local Planning authority prior to the commencement of development.

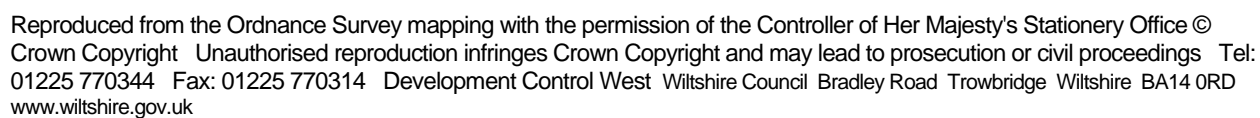
REASON: In order to protect wildlife habitats

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C1

Informative(s):

- 1 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the 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 a "main river". Please contact our Development & flood risk team on (01278) 484654 for guidance on how to apply for Flood Defence consent.
- 2 The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

In addition the applicant should aim to comply with the code for Sustainable Homes and achieve the highest number of stars possible. The applicant is advised to visit [http://www.planningportal.gov.uk/uploads/coded for sust homes.pdf](http://www.planningportal.gov.uk/uploads/coded%20for%20sust%20homes.pdf) for detailed advice on how to comply with the code.



MSA: 100022961

RELEVANT APPLICATION PLANS

- Drawing : MANOR 100 SITE SURVEY
Drawing : MANOR 101 LOCATION PLAN
Drawing : MANOR 102 REV C PLANNING LAYOUT
Drawing : MANOR 103 REV C STREET SCENE
Drawing : MANOR 104 REV B EXTERNAL WORKS LAYOUT
Drawing : MANOR 105/1 REV B VEHICULAR TRACKING LAYOUT
Drawing : MANOR 105/2 REV B VEHICULAR TRACKING LAYOUT
Drawing : MANOR 106 REV A EXTERNAL DETAILING
Drawing : MANOR 107 REV C ADOPTION PLAN

Drawing : MANOR 108 REV B MATERIALS LAYOUT
Drawing : MANOR 109 REV A CYCLE STORES
Drawing : MANOR 200 TO 235 ELEVATIONS & FLOOR PLANS
Drawing : MANOR 111 STREET SCENE & BLOCK PLAN
Drawing : MANOR 302 REV A ROAD & SEWER SECTION
Drawing : MANOR 320 REV B DRAINAGE STRATEGY PLAN
Drawing : MANOR 321 PRIVATE POROUS PAVING DETAILS
Drawing : JBA 08/192-01 REV A SOFT LANDSCAPE LAYOUT
Drawing : JBA 08/192 TS02 REV A TREE PLANTING PLAN
Drawing : JBA 08/192 REV B ARBORICULTURAL ASSESSMNT
Drawing : JBA 08/192 DTI GRANITE SETT TREE SURROUNDING

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 05

Date of Meeting	16.09.2009		
Application Number	W/09/01397/REM		
Site Address	Land Between New Terrace And Marina Drive Staverton Wiltshire		
Proposal	Proposed re-plan of 35 residential dwellings as previously approved under planning approval ref. 07/01903/REM with 62 residential dwellings, creating an additional 27 dwellings, all associated roads, sewers and parking should also be considered		
Applicant	SPB Homes		
Town/Parish Council	Staverton		
Electoral Division	Avonside	Unitary Member:	
Grid Ref	385755 160318		
Type of application	Reserved Matters		
Case Officer	Mr Mike Williams	01225 770344 Ext 320 michael.williams57@btopenworld.com	

Reason for the application being considered by Committee

The application is brought to committee on the basis that it forms part of the Council's Private Finance Initiative (PFI) to deliver at least 400 affordable homes throughout the western area of Wiltshire Council and because Councillor E Clark has requested that this item be determined by Committee due to scale of development and environmental impact.

1. Purpose of Report

To consider the above application and to recommend that the application be approved subject to appropriate conditions.

2. Main Issues

The main issues to consider are:

- Layout and density of development
- Design, scale and form of dwellings
- Highway layout
- Parking provision
- Landscaping
- Relationship with adjoining dwellings
- Grouping of affordable housing

3. Site Description

The application site is located in the north west corner of a wider residential development known as Staverton Marina and is located between New Terrace to the north and Marina Drive to the south east. Some 99 dwellings have been approved on the whole site under previous reserved matter approvals. This is an allocated site in the West Wiltshire District Plan First Alteration and is subject to Policy H7A in that document.

The site is generally level and is bounded on its western side by the properties on the east side of School Land and the more recently constructed dwellings in Warren Road to the east. To the north will be new dwellings approved under the previous reserved matters submissions whilst to the south will be public open space running up to a public footpath which abuts a playing field to the south.

The application site contains few physical features of any importance apart from some mature trees and vegetation mainly around the southern, eastern and part of the northern boundary.

The pattern of existing residential buildings in the locality is traditional and of a linear nature and are set within main streets with various cul de sac arrangements. The existing Staverton Marina to the south takes a more modern approach with buildings used to enclose space and a more and varied frontage treatment.

4. Relevant Planning History

98/00284/OUT – Residential Development – approved 04.09.1998

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

04/02307/OUT – Residential Development – approved on appeal 23.09.2005

06/01306/REM – Construction of link road – approved 11.05.2006

07/01903/REM – 96 dwellings and public open space – approved 14.02.2008

09/00108/REM – Replacement of 8 dwellings with 11 dwellings – approved 26.03.2009

It is relevant to note that outline application 04/02307/OUT did not specify a number of housing units and in allowing the appeal the Inspector commented that he did not see any necessity to limit the number of dwellings. He further stated that the Planning Authority would have an opportunity to consider the implications of any detailed submission in the future having regard to PPS3 and all considerations including design.

5. Proposal

The proposal involves the erection of affordable dwellings under the Council's housing private finance initiative (PFI) scheme to provide good quality, affordable homes for rent.

The Council's Housing PFI Project Manager provided the following general information in support of a recently approved similar scheme for 33 dwellings at Hillside Hostel, Warminster:

"There are currently over 5,000 households on the Council's housing register, who are seeking affordable accommodation in the District. The 2006 housing needs survey identified an annual shortfall of 953 additional homes in West Wiltshire.

Housing Corporation (now the Homes and Communities Agency) funded and S.106 schemes produce approximately 100 to 120 affordable homes per year, thus leaving a significant level of unmet need. This gap is likely to widen due to the severe downturn in private sector housing buildings and its impact on our S.106 programme.

The PFI scheme will help to achieve a step-change in the provision of affordable housing in West Wiltshire. We have received a Government funding allocation for the provision of at least 400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced."

The application involves a site extending to some 1.23 hectares on which reserved matters approval has been previously granted for 35 dwellings comprising all open market housing with 19 four bedroom dwellings, 14 three bedroom dwellings and 2 two bedroom dwellings. The total number of bedrooms with that approval comprised 122.

The current proposal involves an increase of 27 dwellings on that previously approved and they will all be affordable, constructed under the Council's Private Finance Initiative (PFI). The mix of accommodation will comprise 1 four bedroom dwelling, 12 three bedroom dwellings, 34 two bedroom dwellings, 4 two bedroom apartments and 12 one bedroom apartments. The total number of bedrooms with this scheme is 126.

The proposal along with the remainder of the site (as being developed by Persimmon Homes) would achieve a net density of approximately 45 dwellings per hectare. The current reserved matters approval achieves a net density of 36 dwellings per hectare. The applicants advise that the increase in density is mainly due to the reduction in most sizes being proposed which is a reflection of the current market conditions and also in direct response to the housing requirements the PFI provider must meet.

The applicants have submitted a Design and Access Statement which sets out their design approach for the development. They advise that they have largely followed the form of the approved layout but have added additional permeability by linking the open space with the shared surface highway that serves the application site.

The new dwellings vary in height at two storey for the houses and the apartment block on the primary route and to the centre of the overall site is at 3 storeys in height. This compliments the already approved adjacent 3 storey block of apartments.

The second apartment block which is to be sited fronting the open space area to the south west of the site is proposed at 3 storey where it fronts the south and then 2 storey where it fronts to the west.

The applicants advise that the proposed layout is heavily influenced by the approved scheme in terms of layout, scale, design and appearance. The scheme does significantly reduce the number of large detached dwellings which predominantly overlooked the open space area in direct response to market conditions as well as the requirement to meet the Council's PFI housing mix.

The concept of the layout involves essentially an inward facing development along the western boundary due to existing properties, whilst along the southern boundary dwellings will face onto the adjoining open space. The remainder of the development will front onto the new circulatory route ensuring active frontages wherever possible.

Car Parking for the development is proposed at a rate of 2 spaces per 3 bed dwelling and at least 1 allocated with 0.5 visitor spaces per 2 bed dwelling. the 1 and 2 bed apartments are allocated 1 space each.

External materials are proposed as predominantly brick with some render with detailing in cast stone or brick on most properties. The overall predominant roof materials are flat in profile.

The applicants have also submitted a planning statement which sets out arguments in support of the application. The statement emphasises the contents of PPS3 particularly to achieve high quality housing, to use land efficiently and the Government's commitment to provide affordable housing and where viable to consider allocating and releasing sites solely for affordable housing.

The statement highlights that the principal housing aim of the Local Plan is to ensure there is an adequate supply of land and an appropriate mix of house types and sizes to meet the housing requirements of the whole community including the provision of affordable housing to meet local needs.

6. Planning Policy

Regional Spatial Strategy (RSS10)

West Wiltshire District Plan 1st Alteration (2004)

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

Wiltshire Structure Plan 2016

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

Local Guidance

- Supplementary Planning Guidance: Open Space Provision in New Housing Developments – A Guide
- Supplementary Planning Guidance on Affordable Housing
- Supplementary Planning Document: Residential Design Guide

National Guidance

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS9: Biodiversity and Geological Conservation
- PPG13: Transport
- PPG16: Planning and Archaeology
- PPG17: Planning for Open Space, Sport and Recreation

7. Consultations

Staverton Parish Council

Object.

The Parish Council originally objected on the grounds of overdevelopment of the site, poor layout and inadequate parking provision. The developer has not addressed the overdevelopment of the site and the extra pressures additional parking will put on an area already stretched to breaking point, as this area was provided initially with woefully insufficient parking spaces. One space per dwellings does not address the problem faced by existing householders when visitors come to the area. Staverton is beset by parking problems all over the Marina area due to poor planning decisions in the past and we are very anxious to prevent even more pressure on our existing parking. Many of our regular problems experienced by residents consistently point to inadequate parking facilities. Also Warren Road and Marina Drive will be linking up to provide a thoroughfare from New Terrace to Hammond Way and a bus service. This will also restrict much of the parking on the road presently afforded to resident. Where are these residents going to be able to park?

Trowbridge Town Council

Object.

The Committee was concerned that the proposed density was unsuitable for this edge of town policy limit location and considers that such densities should only be allowed in more central locations

Highways, Wiltshire Council

The parking provision to the dwellings is sufficient and complies with government advice on parking standards. Over the majority of the site where less than two spaces are allocated to a dwelling, visitor parking has been provided.

However, I am concerned that the parking space to Plot 62 does not have intervisibility splays and that the gates to the shared parking areas could result in obstruction to other vehicles when a vehicle is parked at the gates whilst they are open or closed.

Amended plans have been submitted which address this issue.

Spatial Planning Service, Wiltshire Council

In the absence of the new Core Strategy, planning applications are determined in accordance with the relevant Local Plan. In West Wiltshire, this is the West Wiltshire District Plan First Alteration, 2004. Amongst the housing aims in this Local Plan is the provision of an adequate supply of affordable housing in accordance with local needs, which lends strong support in principle to new affordable housing schemes.

When planning for new affordable housing through the Core Strategy, the Council will seek to ensure that a careful balance of market and affordable housing, including a balance between social-rented and intermediate housing, is provided in a sustainable manner in each local community. In advance of the Core Strategy, the Council must respond to particular circumstances in individual cases. One example of this is through the use of “rural exception” sites, that is sites which by definition are not provided for in existing development plans, but which nevertheless may be acceptable for affordable, although not market housing.

It is therefore necessary for the Area Planning Committees to be flexible in the consideration of planning applications for affordable housing. An ideal solution in terms of numbers, balance, and location may not always be possible. However, a reasonable solution will always be supported by Council officers, having regard to both opportunity and current housing need. This may sometimes result in relatively substantial affordable housing developments being recommended for approval, perhaps in clusters within wider housing areas. However, the alternative would be to increase the levels of both deprivation and housing need in a particular community, which is clearly unacceptable, particularly in the present economic circumstances.

Conclusion

The present economic circumstances have increased affordable housing need. The Local Development Framework process is seeking to address both the need for affordable housing and the maintenance of balanced and sustainable communities. Until the new Wiltshire Core Strategy is in place, there is a need for flexibility by the Council in the consideration of planning applications for affordable housing in order to ensure that adequate provision is made. Officers will continue to support the provision of affordable housing whenever suitable opportunities arise.

New Housing- Wiltshire Council

New Housing strongly supports this application for 62 new affordable rented homes. Current housing need for Staverton/Trowbridge 1949 homes and this application provides an appropriate mix of accommodation to meet that need.

I am satisfied that the sustainable location of the site, within an area of predominantly owner occupied housing, and the quality of the homes and services to be provided through the PFI project will support the proposed number of homes and ensure that the development is a popular and successful place in which to live.

The previously approved development will provide 24 affordable homes on a nil subsidy basis through an existing s106 agreement. As the proposed increase of 27 units is solely to enable the provision of additional affordable homes for the housing PFI scheme, there is no requirement for the overall number of nil subsidy units to be increased, provided that revised planning permission is tied to the PFI scheme proceeding by way of a legal agreement.

School Buildings and Places, Wiltshire Council

There is no requirement for an additional contribution as 35 units qualify to be assessed as with previous reserved matters application.

Environment Agency

No objections in principle to this revised plan. The EA recommends that conditions be attached concerning surface water drainage and a water efficiency scheme.

8. Publicity

The application was advertised on site and the period for representations expired on the 17th July. Adjoining residents were also notified by letter.

As a result of this publicity 14 letters of representation were received making comments which include the following:

- Too high a density on outskirts of Trowbridge
- Not a sustainable location with dependency on the car
- Separate areas of parking in south east corner do not enhance public open space
- Proposed buildings of mediocre design
- Overall design of estate is poor reflecting dominance of the car
- Areas of grass and planting should be increased
- Publicly funded project should achieve higher than level 3 for sustainability
- Use of gates to separate areas of development will present an unwelcome and defensive view of development
- Grouping of so many affordable homes together will be contrary to national and local policies
- Anti social behaviour will increase
- 3 storey blocks totally out of character with the old village nearby
- Increase in number of dwellings will exacerbate highway problems
- Parking provision will result in more on street parking obstructing access for buses and emergency vehicles
- Density of housing next to playfield car park will mean that it will attract anti social behaviour and overflow parking
- Inadequate amenities available in the area to cater for increase in dwellings
- Originally only 60 dwellings approved for whole site – this application will more than double number

9. Planning Considerations

This site already has the benefit of reserved matters approval for the erection of 35 dwellings. That approval contained a significant number of large detached dwellings. The increase in dwelling numbers by 27 is achieved by introducing reduced dwelling sizes proposed in response to current market conditions and to meet the requirements of the PFI provider.

The proposed variation to the original approved layout still retains the broad footprint of the built form previously approved. The number of bedrooms in the proposed scheme only marginally exceeds the number in the approved development-126 compared to 122. It could therefore be argued that in terms of density of occupation there will be little difference between the schemes.

The most significant change is the reduced sizes of the individual dwellings allowing an increased number of units to be provided within the same land area without increasing overall land take.

In this regard it is of relevance that the built footprint for the current scheme is 2732.5 sq. metres when compared to 2975.6 sq. metres for the same area with the reserved matters approvals.

Generally the proposed development follows the form of the approved layout but with improved permeability caused by the addition of an adoptable footpath linking the open space to the south with shared surface highway that serves part of the application site.

Given all these factors it is considered that it would prove difficult to object to the proposed density and form of development. It is just not reasonable to simply argue that the scheme represents unacceptable over development. It is necessary to demonstrate that sufficient harm is caused to justify a refusal of permission and that is not possible in this case.

The density of development will be in excess of the minimum of 30 dwellings per hectare set out in PPS3. but at 45 dwellings per hectare still comfortably below the maximum density of 50 dwellings per hectare. However there are no specific local density policies in place and the site is contained within a wider development area where the proposed character will vary little from that which already exists and has been approved. The proposal makes for an efficient use of land which is a clear Government objective and the location of the site is such that an increased number of dwellings will not make a material difference to the wider neighbourhood.

The proposed dwellings will not have a materially different relationship with existing and approved properties and the design and scale of buildings will not appear out of place with the wider Marina Drive development.

The local Parish Council has raised concerns at the level of parking provision on the development as well as wider concerns regarding parking provision in the locality. However the parking proposals together with the highway arrangements have been accepted by the Transport and Development Team of the Council subject to final confirmation of a small amendment and accord with government guidance for car parking of a maximum of two spaces per dwelling.

In looking at the detail of the scheme it proposes 117 spaces (at a rate of 2 spaces per 3 bed dwelling and at least 1 allocated with 0.5 visitor spaces per 2 bed dwelling. The 1 and 2 bed apartments are allocated 1 space each). compared with 90 for the approved development. However when comparing this with the number of bed spaces created by the two schemes this means that the car parking spaces per bedroom would be 0.929 in the proposed scheme compared to 0.738 in the approved development. In all these circumstances it is not considered that objection can be raised to the detail of the scheme.

The Spatial Policy comments set out clearly the need for this affordable housing as does those of the New Housing Unit.

Until the new Wiltshire Core Strategy is in place the Council needs to be flexible in the consideration of planning applications for affordable housing to ensure that adequate provision is made.. An ideal solution in terms of numbers, balance, and location may not always be possible. However, a reasonable solution should always be supported having regard to both opportunity and current housing need. This may sometimes result in relatively substantial affordable housing developments being recommended for approval, perhaps in clusters within wider housing areas. However, the alternative, particularly in present economic circumstances would be to increase the levels of both deprivation and housing need in a particular community, which is clearly unacceptable, particularly in the present economic circumstances

It is accepted that the development does involve a block of affordable housing larger than that to be found on the remainder of the Marina Drive estate and Central government policy set out in PPS3 does state that a mix of housing both market and affordable should be delivered particularly in terms of tenure and price.

However the comments of the Spatial Planning and New Housing units are of particular relevance in this respect and given the lack of objection that can be raised to the detail of the scheme and the significant contribution it will make to the delivery of affordable housing in Wiltshire it is considered that the application should be approved.

There is no requirement to enter into a new 106 Agreement to provide additional contributions given the nature of the original agreement which was not linked to the number of dwellings and the fact that the education contribution would be the same.

10. Conclusions

This is a controversial proposal which raises fundamental issues about the delivery of affordable housing in Wiltshire. The proposed scheme would not cause harm to the character and appearance of the locality and would form part of a wider estate development where the impact would be acceptable. There is an overriding need for this form of accommodation in the area and for all those reasons the application is recommended for approval.

Recommendation: **The Area Development Manager be authorised to approve on completion of a legal agreement to secure:**

1 the provision that the development hereby approved shall only be implemented as part of the West Wiltshire Housing PFI scheme.

For the following reason(s):

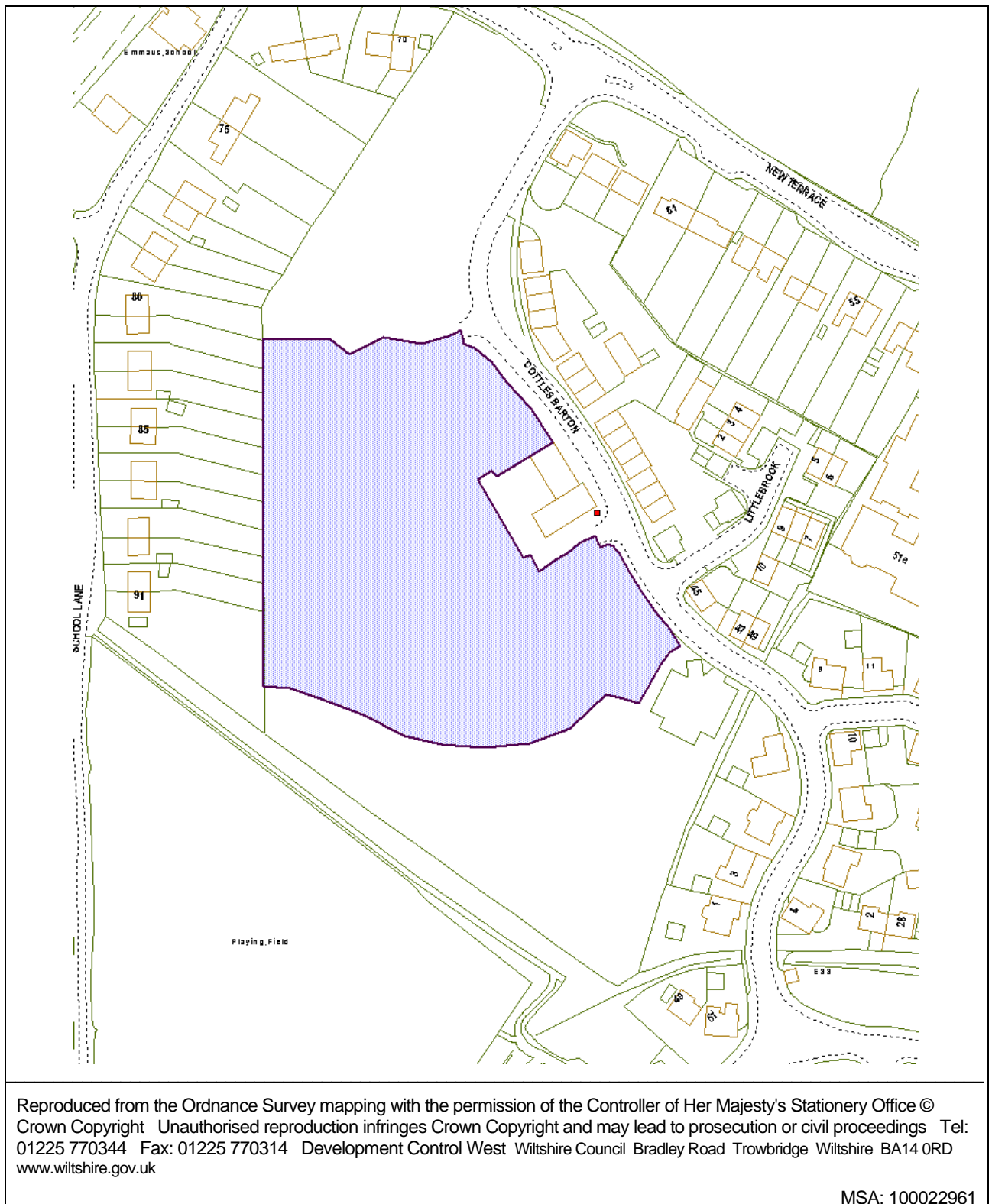
The proposed development would represent an acceptable form of layout, design and scale of dwellings which would not adversely affect the character of the approved residential area. It would accord with policies C31a, H12 and H24 in the West Wiltshire District Plan – 1st Alteration 2004

Subject to the following condition(s):

- 1 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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



RELEVANT APPLICATION PLANS

Drawing : STAVERTON 100
Drawing : STAVERTON 101
Drawing : STAVERTON 102 REVC
Drawing : STAVERTON 103
Drawing : STAVERTON 104 REV A
Drawing : STAVERTON 105 REV A
Drawing : STAVERTON 106
Drawing : STAVERTON 107 REV A
Drawing : STAVERTON 108 REV A

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Drawing : STAVERTON 321
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Drawing : JBA/08/194-DT1

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 06

Date of Meeting	16.09.2009		
Application Number	W/09/00150/FUL		
Site Address	Land North Of Junction With Dakota Close And Hornchurch Road Bowerhill Wiltshire		
Proposal	Proposed erection of 27 residential dwellings and their associated roads, sewers and parking		
Applicant	Mr Chris Hodgson		
Town/Parish Council	Melksham Without		
Electoral Division	Melksham Without South	Unitary Member:	Roy While
Grid Ref	391728 161881		
Type of application	Full Plan		
Case Officer	Mr David Davies	01225 770344 Ext 320	

Reason for the application being considered by Committee

The application was first considered by the Committee on the 15th July. At that meeting members deferred the determination of the application with the Council's position on all issues being reserved, for the following reasons:

- a) To seek planning policy guidance on the correct interpretation of WWDP Policy CF7;
- b) To obtain full details of the marketing exercise undertaken in respect of the land.
- c) To obtain further comments from housing services

1. Purpose of Report

The supplementary report provides the information members requested with regards to Policy CF7 and the marketing exercise, together with the conclusions on these two issues. In addition further comments have been received from the Housing Service to clarify the requirements for Affordable Housing in the Section 106 Agreement. The original report is appended and the recommendations remain unchanged other than the need to ensure the provision of the affordable housing by legal agreement rather than through the planning condition originally proposed and an extra provision in the agreement relating to the use of the local centre land.

2. Additional Information

a) The following comments have been received from Spatial Planning Policy:

The application site is entailed in a Section 106 Agreement which related to the wider development of the area, which was granted planning permission in 2006, and also in a specific allocation in the Local Plan. The background to the Section 106 Agreement is set out in the Officer's report to the Western Area Planning Committee on 15 July 2009. The Agreement required the site owners to use reasonable endeavours to market for sale or lease the "Local Centre Land", as specified in the area development brief for functions agreed by the (then) District Council as appropriate for a local centre. The development brief refers only to "Bowerhill's reasonable retailing and community needs". There is a five year time limit on the implementation of the Section 106 Agreement, which is due to expire within the next nine months or so. The Agreement will lapse at the end of this time limit and it will then be open to the owner of the site to submit applications for private sector housing, for example.

Policy CF7 in the current Local Plan for the West Wiltshire area (the West Wiltshire District Plan, First Alteration, 2004) allocates a site for a community hall and educational use "to the east of Halifax Road, as defined on the Proposals Map". It is clear to me that this policy was put in place to ensure that residential development in this area would be provided with the necessary infrastructure to support community life at a time when this was needed, and that this coincided with the preparation of the site brief for the development of the area and the conclusion of the Section 106 Agreement.

However, it is also clear that a community hall has since been provided nearby, together with a local one stop shop and a takeaway. The fact that almost five years have passed since the last dwelling on the original site was first occupied and that there have been no concrete moves to provide additional infrastructure suggests strongly ~~to me~~ that there is no pressing need for this. In my view, the provision of a nearby community hall, the location of the local one stop shop and takeaway in close proximity, satisfies the need for community and retail facilities as was originally envisaged in the site brief, the Section 106 Agreement and the Local Plan provision, and therefore that other uses may reasonably be considered for the CF7 site identified in the Local Plan.

I therefore believe that the current application for affordable housing on this site is entirely appropriate and would be my preferred use in policy terms. Clearly, there is a proven need for affordable housing in this area, and the nature and scale of the development proposals are acceptable. The surrounding area is predominantly residential and the size of the proposed development would not be excessive in terms of community coherence. The need for the provision of affordable housing has become even more pressing in the current economic climate, so I would strongly support the current application on policy grounds.

b)With regards to the marketing issue three letters and various enclosures have been received this year from Persimmon Homes the most recent of which followed the committee meeting in July.

Prior to Persimmon purchasing Westbury Homes in 2006, Westbury had marketed the site. The Council has been provided with the relevant paperwork Persimmon inherited from Westbury Homes which indicates that in 2005 Westbury marketed the site. Two offers were made for the land in 2005 (details of the offers have been passed to the council but for reasons of commercial sensitivity the applicants wish details of these offers to be treated confidentially). On both of the offers solicitors were instructed and one of the offers was accepted which was to be for a variety of community uses. Solicitors were instructed to conclude such sale. In late 2005 and early 2006 legal matters appear to have slowed down as far as the purchasers were concerned as Westbury started to push lawyers for an exchange of contracts as they felt the final form of the contract was agreed. No formal response was ever received from the proposed purchasers.

Since then Persimmon have discussed the site with a variety of possible purchasers for the site without success. When discussing commercial land with commercial developers/agents, Persimmon have discussed the availability of this scheme. A few developers with an interest in Local Centres have looked at it, but with no positive result so far. The Persimmon consider that the limited catchment area, combined with the existing more visibly located convenience store nearby, have put them off.

Dreweatt Neate had also been approached to market the site; however, I cannot confirm whether a formal marketing exercise was carried out as the individuals dealing with the project at Persimmon have all been made redundant.

Persimmon bought out Westbury mid 2006 and soon after they had "got to the bottom" of the s106 agreement were approached in early 2007 by Sarsen to ascertain whether they could include the site within their PFI bid as such a scheme was considered compatible with community uses. Since Sarsen's involvement began we have not continued to market the site. As West Wiltshire were involved in this project and keen to secure the resultant properties attached to the PFI arrangement, Persimmon refrained from marketing the site further in order that they did not jeopardise the Council's PFI Project.

c) Housing Services

New Housing strongly supports this proposal for 27 new affordable rented homes. Current housing need for Bowerhill / Melksham is 1,352 homes and this application provides an appropriate mix of accommodation to meet that need.

I am satisfied that the sustainable location of the site, within an established area of predominantly owner occupied housing, and the quality of the homes and services to be provided through the PFI project will support the proposed number of homes and ensure that the development is a popular and successful place in which to live.

The applicant has demonstrated that its proposal is not financially viable on a 30% nil subsidy basis. I am therefore happy to accept 100% affordable housing on a grant subsidy basis by way of a legal agreement.

Conclusion

The detailed response received on Policy CF7, makes it clear that the proposal is not in conflict with adopted policy. There is evidence that some marketing took place in 2004 and 2005, however it is clear that after that period it ceased. The applicants have explained the reasons for this, although these are not defensible in the context of absolving them from their obligations contained in the legal agreement. However the previous report below contained advice from the Council's solicitor with regards to the ability of the Council to achieve compliance with the Section 106 Agreement. It also detailed all the issues to be considered in the balance including the proven need for affordable housing in the area.

The conclusion following the consideration of the additional comments received is that the recommendation remains the same. The only changes are to the Heads of Terms of the Section 106 Agreement which incorporates the affordable housing requirements detailed by the Housing Service above, together with an additional item regarding the District Centre. This follows further advice from the Council's Solicitor. These amendments are shown below and will result in a requirement to delete condition 15 (relating to affordable housing) which is proposed in the original report.

Recommendation: On completion of a Section 106 Agreement to secure the following:

- (a) An index linked financial contribution of £30,000 to the Council towards community benefits/projects. These to be agreed between the Council and the community including the Parish Council and
- (b) The variation of the existing Section 106 Agreement to reflect the changed timescales relating to the release from the 5 year obligation,
- (c) The variation of the existing Section 106 Agreement to remove the requirement for the provision of Local Centre Uses on this site.
- (d) The provision of 100% affordable housing on a grant basis.

The Area Development Manager be authorised to grant permission subject to conditions listed in the report to committee of 16th July, 2009 a copy of which is reproduced below.

REPORT TO WEST AREA PLANNING COMMITTEE OF 16TH JULY 2009

Reason for the application being considered by Committee

This application is brought to Committee on the basis that it forms part of the Council's Private Finance Initiative (PFI) to deliver at least 400 affordable homes throughout the western area of Wiltshire Council. In addition the Parish Council has objected to the proposal, contrary to the Officer's recommendation. The parish council comments were received before 31st March, 2009.

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- * The principle of the development of the site for residential use in the context of the Development Plan;
- * The history of the site and in particular its identification as an area of land for a local centre use;
- * The need to provide for affordable housing in the area;
- * The design, scale and materials of the dwellings and the layout of the scheme;
- * The parking and highway safety considerations;
- * The protection of the natural habitat.

3. Site Description

The site measures 0.42 hectares, and is located on the north side of Hornchurch Road, opposite its junction with Dakota Close. The site drops gently from west to east and is currently overgrown and unattractive. It was previously used as a compound during the construction of the nearby residential development, but now remains open with an unkempt appearance. A site access has been formed in accordance with the original approved layout, which anticipated development of the site for local centre uses.

The site has a continuous frontage onto Hornchurch Road and is effectively surrounded by existing housing. The housing in the vicinity varies in scale from 2 to 3 storeys in height. The northern boundary is formed by a substantial hedgerow and trees which create a strong boundary and enclosure to the site. Beyond the hedge is a public footpath and further residential properties. To the west is a cycleway/footpath and an area of public open space.

4. Relevant Planning History

Outline planning permission was granted on 3rd October 2000 for residential development and associated uses, on the allocated land east of Bowerhill, which included the application site. The outline planning permission was the subject of a Development Brief (approved by the District Council in 1996) which comprised a written statement and a Master Plan. This identified the broad disposition of uses and a framework for reserved matters applications. There was also a Section 106 Agreement with the outline planning permission and this requires the development to proceed in accordance with the Development Brief, or any variation agreed by the District Council.

The application site was indicated on the Master Plan as a local centre. The Development Brief explained that the 0.4 hectare site should be made available for a local centre and that it was located on the western periphery of the proposed development, in the proximity of the existing shop and public house adjacent to Falcon Way.

The Development Brief did not specify any particular uses for the local centre, other than to say that it would "... be available for uses which can meet Bowerhill's reasonable retailing and community needs. The implementation of such uses will be achieved as such needs arise. A recycling mini-bank station will be required within the local centre site". The only need identified at the time was to provide a new Community Hall, to replace the inadequate hall that existed at the time next to the Bowerhill Primary School on land east of Halifax Road. The preference was to replace the community hall in the same location adjacent to the Primary School. However, had that not been possible, the intention was to provide a new site adjacent to the local centre site for this facility. The new community hall has now been provided adjacent to the Primary School with the assistance of the financial contribution from the developer provided by the Section 106 Agreement.

One of the Clauses of the Section 106 Agreement requires the boundaries of the "Local Centre Land" to be determined and the site to be serviced and maintained. The owners are required to use reasonable endeavours to market for sale or lease the Local Centre Land for disposal for functions agreed by the District Council to be appropriate for a local centre.

The Section 106 Agreement allows the owner to be released from the obligations to provide the "Local Centre Land" should it remain undisposed of "five years after the first occupation of the last dwelling to be constructed on part of the development".

Reserved matters applications for all the residential phases have been approved since the original outline permission and all 332 dwellings have been built. Evidence would suggest that the "last dwelling" was occupied around April 2005. It is therefore less than a year before the developer is released from the Section 106 obligations.

5. Proposal

This is a full application for the erection of 27 dwellings and the associated access and parking. The application has been submitted with a Design and Access Statement, together with a supporting Planning Statement, a Phase 1 Habitat Survey, an Arboricultural Implications Assessment, a Desk Study and Ground Investigation, an Arboricultural Method Statement and a Tree Protection Plan.

Full details have been provided of a landscape planting scheme, the surface treatment, the external materials, the fencing, the cycle stores, the vehicle tracking and the drainage strategy. The proposal is for 6, two bedroom houses, 2, three bedroom houses and 19, two bedroom flats. The application has been amended at the request of the Highway Authority to provide for four additional car parking spaces to achieve an acceptable parking ratio. The total number of spaces is now 43 and this gives an overall ratio of 1.59 spaces per dwelling. Cycle storage is provided at a ratio of one cycle space per dwelling and is located within a lockable timber shed, provided for each of the dwellings. Communal cycle storage is provided for the apartments.

The buildings are two, two and a half, and three storeys in height and the materials consist of brick, render and concrete tiles.

The Housing PFI Project Manager for the Council has provided the following information in support of the application.

"This application forms part of the Council's housing private finance initiative scheme to provide at least 400 good quality, affordable homes for rent. It has been submitted on behalf of our bidder, SPB Homes, a consortium led by Sarsen Housing Association, with Barclays Private Equity, Persimmon Homes and Westbury Partnerships.

There are currently over 5,000 households on the Council's housing register, who are seeking affordable accommodation in the western area of the Council. The 2006 housing needs survey identified an annual shortfall of 953 additional affordable homes in this area.

Housing Corporation (now the Homes and Communities Agency) funded and s.106 schemes produce approximately 100 to 120 affordable homes per year, thus leaving a significant level of unmet need. This gap is likely to widen due to the severe downturn in private sector house building and its impact on our s.106 programme.

The PFI scheme will help to achieve a step-change in the provision of affordable housing in the western area of Wiltshire. We have received a Government funding allocation for the provision of at least 400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced.

Officers have worked in partnership with the applicant to ensure that its planning applications fulfil the functional requirements for affordable housing and the PFI scheme, while providing good quality, tenure neutral homes that meet the objectives of planning policies and our Residential Design Guide."

Prior to the submission of the application, significant negotiations took place between the applicants, Council Officers, and the Highway Authority to achieve an acceptable scheme in terms of layout and design. However, since the application was submitted, small amendments have been made to the parking arrangement following consultation with the Highway Authority. There have also been amendments to the materials on plots 1-6 and to the supporting planning statement to take account of the letters relating to marketing.

6. Planning Policy

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable Housing
- T3 Public Passenger Transport
- T5 Cycling and walking
- C1 Nature Conservation

West Wiltshire District Plan – 1st Alteration

- C7 Protected Species
- C14 Archaeological Field Evaluation
- C31a Design
- C32 Landscaping
- C34a Resource Consumption and Reduction
- C35 Light Pollution
- R4 Open space in new housing developments
- R11 Footpaths and Rights of Way
- H1 Further housing development within towns
- H2 Affordable housing within towns and villages
- H17 Village Policy Limits
- H24 New housing design
- T9 Bus services
- T10 Car parking
- T11 Cycleways
- T12 Footpaths and bridleways
- SP6 Local Shopping in towns and Villages
- CF7 Community Halls
- S1 Education contribution

U1 Infrastructure
U1A Foul water disposal
U2 Surface Water disposal
I1 Implementation

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS13 - Transport

SPG
Design Guidance - Principle (Adopted July 2004)
Open Space Provision in New Housing Developments (Adopted August 2004)
Residential Design Guide (Adopted November 2005)
Affordable Housing (Adopted August 2005)

7. Consultations

Town/ Parish council

MELKSHAM WITHOUT PARISH COUNCIL

The Parish Council strongly objects to this planning application in principle because it is considered to be inappropriate use of a Local Centre. This land was earmarked and safeguarded in the Development Brief and Section 106 Agreement as a Local Centre/Focal Place for 5 years to enable the land to be marketed for additional shops and community facilities. As late as 2007, the Parish council was informed in writing by the District council that the 5 year marketing period for community facilities to be built, had not yet begun. Now the Parish Council and community are suddenly being told that the developers have already done the marketing without their input or knowledge. The Council is concerned that there is absolutely no evidence of any marketing especially as developers, who are hoping to sell the land to Sarsen say papers have unfortunately been destroyed! Even if secret marketing did take place, this application is still premature, as the 5 year period, at the earliest, would not end until June 2010. The Parish Council is dismayed that the Section 106 Agreement has never been properly enforced, despite many representations to the District council. Bowerhill really needs this land for more community facilities, such as extra shops, allotments, and Youth and Scout hut etc.

Should the District Council be minded to give permission, despite the strong objection, the Parish Council would expect to be party to a robust Section 106 Agreement which includes a payment of a substantial amount to enable the same amount of land and level of community facilities to be located elsewhere on the Bowerhill estate. There is unfortunately no other central site right next to the pub and shop on the estate, where extra facilities can be put.

Apart from this major overriding objection; so fundamental to the future quality of life for Bowerhill residents, the Parish Council is impressed with Sarsen Housing's design for these houses. Although there is concern about having the higher 2.5 storey houses to the front of the development, the houses generally are thought to be attractive and far superior to other social housing applications received to date. The Council is especially interested in the use of photo-voltaic tiles to save electricity and would like to see this innovation adopted in other housing applications, such as the new developments east of Melksham.

There are parking issues. The application will exacerbate an already serious parking problem in this area. Hornchurch Road is too narrow to take any more on-street parking. The Council has reservations about communal parking for both occupants and residents being put behind double gates. This could lead to space wastage since the gates will encourage visitors to park on Hornchurch Road, leading to more congestion. The Council would like to see down-glare lighting installed.

Highways

ENVIRONMENTAL SERVICES WILTSHIRE COUNTY COUNCIL (HIGHWAYS)

Following receipt of the amended plans for the above I wish to confirm that they are now acceptable.

In view of the above I would recommend that no highway objection be raised to the planning application, subject to the following conditions being attached to any permission granted:

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

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

Policy: West Wiltshire District Plan – 1st Alteration – Policy T10

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.

Policy: West Wiltshire District Plan – 1st Alteration – Policy T10

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

Reason: In the interests of Highway safety.

WESSEX WATER

I refer to your recent letter inviting comment regarding the above proposed development and can confirm the following:

The existing foul and supply networks have sufficient capacity to serve the proposed development.

Other points to note:

- * Permeable paving will need a sealed membrane to prevent infiltration of ground water
- * The existing infrastructure sewers the applicant is proposing to connect to are not yet adopted by Wessex Water so there is no automatic right of connection. The applicant will require permission of the sewer owners to connect.

ARCHITECTURAL LIAISON OFFICER

Due to the size of this proposal, I would expect to see crime prevention and safety addressed in the Design & Access Statement.

ENVIRONMENT AGENCY

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on the application.

WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST

Although the Wiltshire Sites and Monuments record (SMR) does record a possible known archaeological site within the proposed development boundary – ST96SW611, comprising an extant low bank under ridge and furrow (possibly part of a footpath) and the development site is just under half a hectare in size, no previous archaeological recommendations were made on the 2000 outline application for the entire Bowerhill Development/Master plan (including this area).

Given the lack of previous archaeological recommendations, the uncertain survival of the bank, its potential non-archaeological nature/low significance and for the sake of consistency, there are no archaeological recommendations being made on this planning application W/09/00150/FUL.

WILTSHIRE COUNTY COUNCIL DISTRICT ECOLOGIST

I note the contents of the ecological report to accompany this application. The conclusions appear sound. The report recommends a reptile survey which also seems to be justified on the basis of the aerial photos. The site is 0.5 ha+ and is therefore above the lower size threshold for which reptiles surveys are potentially required (which is 0.1 ha, see Wiltshire Ecological Checklist). A reptile survey should therefore be undertaken (survey season is March – September) before the application is determined. I recommend including a condition to protect breeding birds as follows:
All works to trees or shrubs must be undertaken outside the period 1st March – 31st August.

WILTSHIRE COUNTY COUNCIL DISTRICT ECOLOGIST – FURTHER RESPONSE

Regarding the reptile survey referenced in my original response, ideally this would be submitted before the application is determined because if reptiles are found, the authority would have greater control over mitigation through the wording of conditions. This is especially important where reptile populations are expected to be large and it is harder to find a suitable receptor site for them. Given the size of the present application site and its location, a large population is less likely. Although not ideal therefore, the LPA could consider conditioning a reptile survey and mitigation plan in this instance. For information, the main driver for LPA consideration of reptiles in planning derives from section 9(1) of the Wildlife and Countryside Act 1981 (as amended) which protects them from being intentionally or recklessly killed, injured or taken. A licence is not required to move reptiles out of the way of development.

During my phone call yesterday I raised the possibility of this development affecting great crested newts. This species is protected to a higher level than reptiles. Both national and EU legislation protects not only the newts themselves, but also their places of refuge. In the case of great crested newts, places of refuge including breeding ponds and terrestrial habitat that they use outside the breeding season. Where a development is likely to lead to a breach of the Habitats Regulations 1994 (as amended) a licence must be obtained from Natural England before works proceed.

There is a pond approximately 150m to the north east of the application site which is connected to the application site by a substantial hedge and there is a great crested newt record from 2005 about 450m away to the north west. In addition, the Semington/Bowerhill area is a known hot spot for great crested newt breeding ponds. Consequently we can assume there is a significant risk of great crested newts breeding in the pond and using any undisturbed habitat in the vicinity for their terrestrial, non-breeding phase. The “substantial hedge” in the application site provides suitable terrestrial habitat.

However, after looking at the guidance on the Wildlife Management and Licensing Service website and considering further the scale and location of this development, I can confirm that I do NOT recommend that the LPA requires the developer to submit a great crested newt survey to accompany this application. The development affects less than 0.5 ha of land, it lies more than 100m from the potential breeding pond and there is extensive development around the site. These factors reduce the risk of significant numbers of great crested newts using the application site and of a licence being required if great crested newts breed in the pond. This judgement is supported by the licence risk assessment guidance on the WMLS website.

Nevertheless, there is still a chance of low numbers of great crested newts using the site. The need to remove parts of the hedgerow to make space for garden sheds is a particular risk as is the removal of herbaceous vegetation running along the south side of the hedge during the site clearance. Risks will also occur during planting and building works undertaken close to the hedge. I therefore recommend including a condition requiring the applicant to submit an ecological method statement to demonstrate how impacts to wildlife will be avoided during the construction period. As noted in my email below, there also needs to be a condition to protect breeding birds during the removal of shrub vegetation.

WILTSHIRE COUNTY COUNCIL CHIEF EDUCATION OFFICER

I can confirm that our assessment indicates that the designated area schools would be able to accommodate the additional pupils generated, within current capacities and forecasts. Therefore, we do not have a case for developer contributions on this particular application. However, I should stress that this position relates specifically to the application currently under consideration, and if it were to be revised or withdrawn and a new one submitted, a new assessment would be necessary, using the then current pupil data, capacities and details of other known housing in the designated school areas.

URBAN DESIGN & CONSERVATION OFFICER

This consultation response relates to matters of design only. If a policy response is required, please contact the Planning Policy and Conservation Manager.

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

West Wiltshire District Plan First Alteration Policies: C31a, C32, C34a, and H24
Supplementary Planning Guidance/Documents:

Design Guidance – Principles Document SPG
Residential Design Guide SPD

The existing character of the site, with the exception of the boundary planting, is neglected and visually poor and detracts from the overall character of the wider area.

The proposed scheme has been developed following considerable pre-application consultation.

Layout

The proposed building layout has been designed to respond to the sloping nature of the road and the character of the adjacent buildings.

Scale

There is a predominance of 2.5 and three storey buildings on the site frontage. However this is not uncharacteristic of the sites context.

Architecture

It is felt that the architectural form of the proposed buildings responds to the character of the area.

Parking and Highways

It is generally desirable from an urban design perspective to minimize the impact of parking and highways. The shape of this site and the need to ensure an appropriate street frontage means that parking must be provided in courtyards which, it is felt have been very sensitively designed and landscaped.

Landscaping

The retention of the existing hedge makes a positive contribution with regard to the setting of the development as well as protecting a feature which may be of some ecological value.

The landscape adjacent to the site entrance and within the parking areas is important to the overriding character of the proposal and must be retained/secured as part of the scheme.

AFFORDABLE HOUSING ENABLER

I confirm that the proposed scheme appears to meet housing need in relation to mix and I understand that this is to be a PFI site.

I confirm that this application has the support of the Enabling Team.

ECONOMIC DEVELOPMENT OFFICER

No comment

ENVIRONMENTAL HEALTH

Approve without conditions although an informative is suggested with regards to controls relating to noise vibration, fumes and dust, during the construction period.

LANDSCAPE AND ARBORICULTURAL OFFICER

Comments

In tree and landscape terms this application is acceptable. If consent is to be granted, the following conditions must be applied:

Conditions:

Implementation of Arboricultural Method Statement:

All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

Reason: To prevent trees on site from being damaged during construction works.

Policy: West Wiltshire District Plan – First Alteration 2004 – policy C32.

Arboricultural Supervision:

Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

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 as far as possible the work is carried out in accordance with current best practice.

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

Landscaping Scheme To Be Implemented:

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.

The recommendation is that there are no arboricultural or landscape reasons to refuse this application. However, any consent must be subject to the aforementioned conditions.

LEGAL SERVICES

“As discussed here are my views on the S106 agreement dated 25 September 2000, as it relates to the proposal to provide a local centre within the residential development on land Bowerhill.

Clause 14 of the Agreement provides that prior to the occupation of the 120th dwelling on the development, the owner will 1) agree with the Council the location of an area of land to be used as a local centre; 2) service and maintain that land and 3) in accordance with details agreed with the Council, use reasonable endeavours to market that land as a local centre. The Agreement then goes on to state that if any part of the local centre land is unsold “pursuant to this clause” five years after the first occupation of the last dwelling on the development site, the owner will be released from the requirements of Clause 14.

I understand that the 120th dwelling on the site was completed some time before 2004 and that the last dwelling was constructed around 2005. I also understand that a site for the local centre land was identified and agreed. The site has not, however, been disposed of for use as a local centre and consideration is now being given to the possibility of its use for affordable housing.

The issue is, therefore, whether the owner is able to take advantage of the proviso in the last part of Clause 14, to sell the land free of the obligations to use it as a local centre, when the five year period expires some time in 2010, or whether he is not able to do so, as he is in breach of his marketing obligations in that clause.

I understand that there are no records as to whether or not the marketing details were agreed with the Council, as required by Clause 14.1.4. However, the owner has provided the Council with some correspondence from 2005 with other developers, which suggests that some, albeit limited, marketing was carried out around that time.

In my view the Council would only be able to argue that the owner was prevented from disposing of the land for some other purpose in 2010 if, firstly, he was clearly in breach of his obligations in clause 14.1.4 and, secondly, his ability to sell the land after five years was conditional on compliance with those obligations.

Although there appear to be no records of a marketing strategy having been agreed with the Council, as required by Clause 14.1.4 some evidence has been provided of attempts made by the owner at the relevant time, to seek a buyer. I understand that the actions taken by the owner at that time to try to sell the land are generally in line with the sort of actions that the Council would have wanted to be taken. I think that the Council would, therefore, have difficulty in arguing that there has necessarily been a significant breach of clause 14.1.4. The Council's position would also be weakened by the fact that it does not appear to have chased up this matter at the time or since.

More fundamentally, if the Council were to try to prevent the owner disposing of the local centre land in 2010 for some other purpose, it would have to show that the proviso at the end of clause 14.1.4 operated as a condition precedent – i.e. that the ability to sell the land after five years only arose if it had complied with all of the obligations in 14.1 above. Whilst that may have been the intention of the parties, the wording of the Agreement does not make this clear. If the Council were to argue this point, it would have to establish that the phrase “pursuant to this clause 14” did act as a condition precedent. I think that there would be difficulties in making such an argument.

I also understand that there is another shop in the vicinity of this development that has opened since this Agreement was drawn up, which provides many of the services envisaged by the proposed local centre. This raises the issue of whether there is still a need for the local centre on this land and whether this particular obligation still serves a useful purpose. As you are aware, a party to a S106 Agreement can seek a modification or discharge of an Agreement on those grounds.

In conclusion, whilst the Council could seek to challenge the ability of the owner to use (or sell) the local centre land after 2010 for some other purpose, on the basis that he is in breach of his obligations in clause 14.1, I consider that such a challenge would be unlikely to be successful for the reasons set out above.”

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. The latest expiry date for comments was 10 July 2009.

The application has been advertised and forty five neighbours have been notified of the application. As a result of this letters of objection have been received from twelve nearby residents. There has also been a letter of objection received which is signed by the occupier of fourteen nearby properties. The reasons for objection are summarised as follows:

- * The developer has not carried out the requirements of the Section 106 in terms of marketing the site for local centre uses, and the five year period has not yet been reached;
- * The site should remain for local centre uses;
- * The parking provision is inadequate and the design would result in increased on-street parking in Hornchurch Road. In view of its lack of width and its function as a route to the primary school and other facilities, that resultant additional parking and increase in traffic would be detrimental to highway safety;
- * Extra facilities for young people are needed, as well as shops, a pub and a pharmacy, but not more housing
- * The increased traffic and associated noise would impact on the relative “peace and quiet” the residents currently enjoy;
- * The proposal would result in far too many social houses in this area. This concentration would de-value the existing private houses and increase anti social
- * behaviour;
- * The density exceeds guidelines of 30 – 50 per hectare and as such the new development will be out of place with the existing;
- * The dwellings will impact on the privacy and daylight of the current properties in Hornchurch Road;
- * The proposal will increase the areas carbon footprint;
- * The additional pressure on the existing sewage system will cause problems;
- * The land should be utilised as open space and would meet the appropriate criteria in the Leisure & Recreation Development Plan Document.

9. Planning Considerations

This is a full planning application and includes extensive details of all aspects of the scheme, together with supporting information.

The key issues have been itemised earlier in this report and the following examines these issues in more detail:-

Development Plan

The key relevant Local Plan policies that need to be considered in relation to the principle of the development are Policy CF7, Policy SP6 and Policy H17 of the West Wiltshire District Plan First Alteration.

The Proposal Map designates the application site for community facilities under Policy CF7. An alternative site in Bowerhill, east of Halifax Road, is also designated under the same policy. The supporting text states that this is the “preferred site” for a permanent community hall to replace the temporary building that existed at the time of the Local Plan’s adoption.

The text is clear that the designated site east of Falcon Way (the application site) would only be required for the community hall if the land east of Halifax Road and adjacent to the Bowerhill Primary School was required for educational use. Subsequent to the formulation of the policy the new community hall has been constructed on the preferred CF7 site, following financial contributions secured from developers as part of the S106 Agreement linked to the outline planning permission.

Thus, Policy CF7 and its objective of securing a new community hall has been implemented and is no longer a consideration for the development of the application site.

Policy SP6 of the WWDLP relates to the provision of local shopping in towns and villages. The policy identifies land for local centre shopping in new developments in Melksham, Trowbridge and Westbury Leigh but does not include the land at Bowerhill covered by Policy CF7 (the designated Local Centres at Melksham, Trowbridge and Westbury Leigh have designations under Policy SP6 and CF7 to secure local shopping and community facilities in these locations).

Policy SP6 states that further local shopping facilities outside of existing or designated local centres will be permitted only if provision cannot be made in an existing local or village centre or on the edge of a centre.

Thus, the relevant policies to local shopping and community facilities in the villages do not necessarily support such uses on the vacant land subject of this application.

The site falls within the defined “Village Policy Limits” of Bowerhill (Melksham Proposals Map, Inset 2) and therefore, in the circumstances where Policy CF7 has been implemented, it can be considered for housing development under Policy H17).

The proposed residential development can be considered favourably against the H17 criteria, in that it would be in keeping with the character of the area, (this is detailed later in the report) it would not conflict with any policies relating to the environment, it has a strong road frontage, it would not represent backland or tandem development, it is not identified as an important open space or visual gap, and the site is already serviced.

It is concluded therefore that the development of this site for housing is in accordance with the relevant policies of the Development Plan.

History

The history has been detailed earlier in the report and the applicant has submitted a statement with the application to support the proposal, and to justify the removal of this designation.

The statement states the following:

“In cases of sites being reserved for local centres as part of large scale residential developments, specialist operators will normally contact the owners/developers to express an interest if the location is considered viable and then approach the Local Planning Authority to discuss detailed proposals. The Local Centre operators will research local demand and be aware of potential occupiers to lease shop units or community buildings as part of the viability assessment. This is how the Local Centres at Paxcroft Mead and Leigh Park, Westbury have developed. In both cases the same local centre operator, contacted the developers following planning permissions and, purchased the designated local centre sites and submitted proposals to the District Council.

Prior to Persimmon Homes purchasing Westbury Homes in 2006, Westbury had marketed the site and an offer was accepted with solicitors instructed to proceed with the sale. However contracts were not exchanged and in October 2005 the prospective purchasers pulled out of the deal. Since then Persimmon have discussed the site with various potential purchasers without success. The reason for little interest having been shown since 2005 in developing local shopping or community facilities in this location is likely to be for a number of reasons.

The scale of site likely to attract interest from a commercial operator would normally be at least 1 hectare, similar to the local centres at Paxcroft Mead and Westbury Leigh, which are large enough to accommodate an anchor convenience store, 3 or 4 smaller shop units, a community hall, doctor's surgery or day nursery, together with the necessary car parking.

The location of local shopping centres is crucial to commercial viability. Both Paxcroft Mead and Westbury Leigh are examples of locations which have a frontage onto a distributor road which can attract passing trade to supplement the trade from the immediate catchment area. The application site does not have any frontage onto a main road and would consequently need to rely on trade from local residents.

With the lack of key frontage the population catchment areas becomes more critical. The threshold for a local centre's viability is normally 1,000 – 1,500 dwellings forming a clear catchment area, without competition from other shops or facilities in the same catchment. Bowerhill has about 1,480 dwellings within the village limits. However, there are already shops and services in the village which would directly compete with local centre uses. There are 2 no. convenience stores, a post office, take-away food shop, public house and the new community hall. The location of the site and the catchment area are not likely to support further shopping facilities.

The only other typical local centre use not represented in Bowerhill is a doctor's surgery. However there are 3 no. doctors' surgeries and a hospital in Melksham. The Spa Medical Centre is within 1.5 km of the site; it provides 6 doctors and has capacity for further patients. There does not therefore appear to be the need in the foreseeable future for a doctor's surgery at Bowerhill.

In addition to the above facilities the new Secondary School for Melksham with its associated community benefits, is to be provided north of the A365 immediately adjacent to Bowerhill. The proximity of Bowerhill to Melksham and the range of shops and services within its town centre (2.5 km distance) will also significantly impact upon the commercial viability of any further shops and services at Bowerhill.

The S106 Agreement provides that should the Local Centre land remain undisposed of 5 years after completion of the development (“first occupation of the last dwelling”) then the land shall be released from its restriction to Local Centre use.

According to the Wiltshire County Council's Housing Land Availability Reports the development was completed before April 2005. Therefore it has been about 4 years since the occupation of the last dwelling. Given the lack of commercial interest to date for reasons described above and the economic recession, there is very little prospect of the Local Centre site attracting any developers for retailing or community uses.

On confirmation that the 5 years since completion has expired the owners would be entitled to apply for development of an appropriate alternative use of the site, including open market housing. Meanwhile the site's future remains uncertain with its open, unkempt character detracting from the surrounding development. The PFI provides the opportunity to utilise the site to deliver affordable housing that would be assured of meeting local housing need."

In addition to the statement above the applicant has provided evidence which indicates that the site was marketed in 2005 and during that year offers were received but no sale was made. The text of the letter received from the applicant is detailed as follows:-

"Further to our recent discussions regarding the Bowerhill Local Centre, I enclose correspondence relating to a sale of the land.

On both of the offers Solicitors were instructed, but neither contracts exchanged with the latter offer falling down in October 2005.

When discussing commercial land with the commercial developers/agents, we have discussed the availability of this scheme; however, there was little interest due to the size of the catchment area.

As you are aware discussions regarding the West Wilts PFI commenced with Sarsen in early 2007 and since Sarsen's involvement we have not continued to market the site.

I would be grateful if you could keep the enclosed offers confidential."

There is no documented evidence of any more recent marketing.

The applicant has also proposed a contribution of £30,000 for community benefits by means of a Unilateral Undertaking.

In summary, the application site is indicated as a local centre in the approved Development Brief for the eastern expansion of Bowerhill. The S106 Agreement attached to the outline planning permission, which was signed nearly nine years ago, requires the site to be developed in accordance with its designation. However, the residential development has now been completed for some 4 years and other than some enquiries in 2005, there has been no commercial interest in developing the site. This is likely to be due to several factors affecting viability:

- * Insufficient size of site
- * Lack of main road frontage
- * Insufficient catchment area
- * Competing shopping and community facilities already operating within Bowerhill
- * Proximity of Bowerhill to the wide range of shops and services within Melksham Town Centre
- * Sufficient capacity with existing doctors surgeries in the town
- * The economic recession

The terms of the S106 Agreement will release the owner from the current restriction on the site's use in about ten months' time (5 years from completion of development). The site was marketed some four years ago without success and in recognition of the original concept for the use of the land the applicant has offered £30,000 to use for community benefits.

Notwithstanding the fact that the site has not been marketed continuously, all the evidence suggests that even if marketing re-commenced the likelihood of attracting a commercial use on the site within the next ten months is in truth slim.

In addition Legal Services have indicated that any challenge by the Council with regards to the non compliance with the relevant obligations contained in the S106 Agreement would be unlikely to succeed.

The history of the site is a material consideration in the context of this application and the apparent lack of continuous marketing is an important factor which needs to be taken into account. However it is considered that in all the circumstances, the fact that the requirements of the original S106 Agreement have not been met, even before it is balanced against the other benefits the proposal will bring, is not sufficient reason in itself to justify the refusal of this application.

The Need for Affordable Housing

The principle housing aim of the District Plan is:

“To ensure that there is an adequate supply of land and appropriate mix of house types and sizes to meet the housing requirements of the whole community including the provision of affordable housing to meet local needs”.

Earlier in this report The Housing PFI Project Manager has detailed the numbers currently on the Housing Register and the annual shortfall of additional affordable homes in the area.

There is no doubt that there is a significant need to provide additional affordable housing in the area and the provision of 27 residential units for rent will make a positive and important contribution to the objectives of District Plan Policy H2 in terms of achieving the targets for affordable homes during the period 2001 – 2011.

The Design, Scale, Materials and Layout

The evolution of the scheme has been the subject of extensive pre-application negotiations. The pattern of development has been proposed as a nucleus of terraced and semi-detached units with two detached apartment blocks. The heights vary between two and three storeys and the development effectively creates an “internal square” with an outward facing development onto Hornchurch Road. All the parking is within the site and on street parking has been minimised. The use of different surface materials help distinguish between public and private areas, and help legibility. The layout has also been designed to take account of crime prevention issues as referred to by the Architectural Liaison officer.

The scale of the development and the design and materials of the buildings respect the mixed character of the recently developed residential properties in the vicinity.

The proposed density is 64 dwellings per hectare, but has been designed effectively to make the most efficient use of the land. This accords with the requirement of the Government as detailed in PPS3 – Housing.

In summary it is considered that the design approach to this scheme is sound and the development will result in a good quality development which both enhances the area, and respects the character of the development in the locality.

Parking and Highway Safety

The parking numbers have been increased as a result of the consultation with the Highway Authority, and are now at a ratio which has been accepted elsewhere in the area. The Highway Authority has raised no concerns on highway safety.

Natural Habitat

The ecologist is satisfied that any issues relating to the wildlife can be covered by the imposition of a condition to ensure the submission of an ecological method statement.

10. Conclusion

The principle of the development of this site for housing is in accordance with the policies of the Development Plan. In all the circumstances the fact that all the requirements of the original 106 have not been met is not in itself a reason to refuse the application. Into this balance needs to be added the important issue of the need for new affordable housing in the area, and the benefits both this and the further financial contribution will bring. Finally there are no design, parking, highway, ecological, or other objections to this proposal.

Recommendation: **On completion of a Section 106 Agreement to secure the following:**

- (a) An index linked financial contribution of £30,000 to the Council towards community benefits/projects. These to be agreed between the Council and the community including the Parish Council and;**
- (b) The variation of the existing Section 106 Agreement to reflect the changed timescales relating to the release from the 5 year obligation,**
- (c) The variation of the existing Section 106 Agreement to remove the requirement for the provision of Local Centre Uses on this site.**
- (d) The provision of 100% affordable housing on a grant basis.**

The Area Development Manager be authorised to grant permission subject to conditions listed in the report to committee of 16 July, 2009

For the following reason(s):

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

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 This permission shall relate to the revised plans received on the 10th March and the 19th June 2009 and to the additional information received on the 2nd June 2009.

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

- 3 The development hereby permitted shall not be occupied until the sewage disposal works proposed as part of the development have been completed in accordance with the submitted and approved plans.

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

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

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

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

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

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

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

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

- 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.

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

- 7 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan – First Alteration 2004 – Policy C32.

- 8 Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

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 as far as possible the work is carried out in accordance with current best practice.

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

- 9 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.

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

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

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

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

REASON: To ensure the development harmonises with its setting.

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

- 12 All works to trees and shrubs other than the planting of new trees and shrubs shall be undertaken outside the period 1st march – 31st August.

REASON: In order to protect wildlife habitats.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C1.

- 13 Prior to the commencement of development hereby permitted a reptile survey, investigating and recording details of protected species, likely to be affected by the development and measures to investigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

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

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

- 14 Prior to the commencement of development hereby permitted an ecological method statement to demonstrate how impacts to wildlife will be avoided during the construction period shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

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

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

- 15 The dwellings hereby granted shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan – first Alteration 2004 for so long as the dwellings remain on the site.

REASON: To accord with the terms of the application and to secure the delivery of affordable housing on the site in accordance with Council Policy.

POLICY: West Wiltshire District Plan – 1st Alteration – Policy H2.

Informative(s):

- 1 You are advised that planning permission does not exempt the developer from the statutory requirements of protected species and their habitats. You are advised to contact Natural England before any work commences on the site, including site clearance.

- 2 Construction:

As the site is adjacent to residential premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the house of:

Monday – Friday 7.30 – 19.00

Saturday 8.00 – 13.00

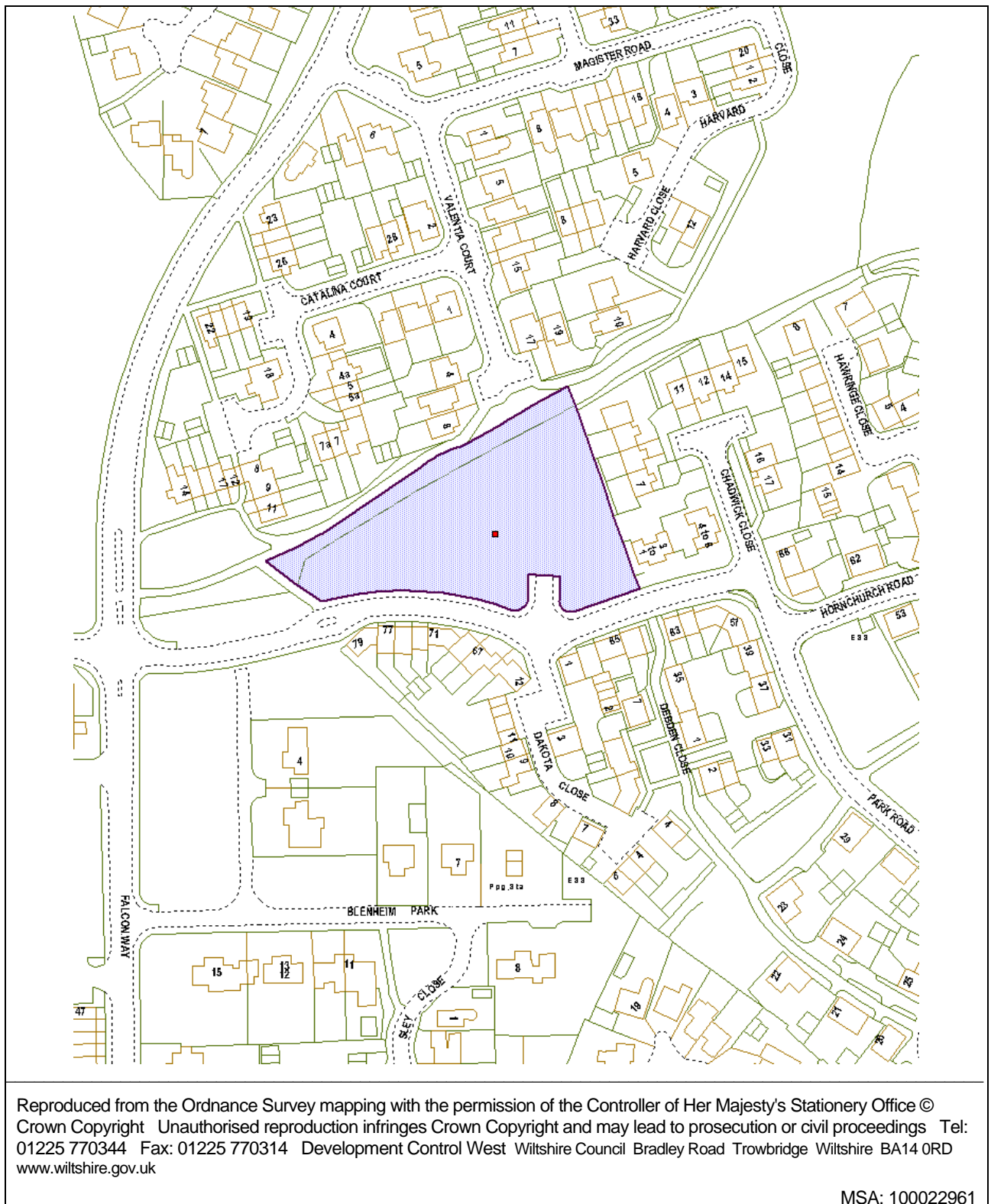
No noisy activities on Sundays or Bank Holidays

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Radio noise should not be audible at the boundary of the nearest neighbouring property.

If unavoidable late night or early morning working is required, neighbouring residential premises should be advised of any potential disturbance. Any such works should be notified to the Environmental Health Department on (01225) 776655 prior to commencement.



RELEVANT APPLICATION PLANS

Drawing : BOWERHILL/100 SITE SURVEY SITE SURVEY
 Drawing : BOWERHILL/101 LOCATION PLAN LOCATION PLAN
 Drawing : BOWERHILL/106 EXTERNAL DETAILING EXTERNAL DETAILING
 Drawing : BOWERHILL/109 CYCLE & BIN STORES TIMBER CYCLE & BIN STORE
 Drawing : BOWERHILL/110 SITE SECTION
 Drawing : BOWERHILL/202 PLOTS 1 - 6 FLOOR PLANS
 Drawing : BOWERHILL/203 PLOTS 1 - 6 FLOOR PLANS
 Drawing : BOWERHILL/204 PLOTS 7 - 12 ELEVATIONS
 Drawing : BOWERHILL/205 PLOTS 7 - 12 ELEVATIONS

Drawing : BOWERHILL/206 PLOTS 7 - 12 FLOOR PLANS
Drawing : BOWERHILL/207 PLOTS 7 - 12 FLOOR PLANS
Drawing : BOWERHILL/208 PLOTS 12 - 17 ELEVATIONS
Drawing : BOWERHILL/209 PLOTS 12 - 17 ELEVATIONS
Drawing : BOWERHILL/210 PLOTS 12 - 17 ELEVATIONS
Drawing : BOWERHILL/211 PLOTS 12 - 17 FLOOR PLANS
Drawing : BOWERHILL/212 PLOTS 12 - 17 FLOOR PLANS
Drawing : BOWERHILL/213 PLOTS 12 - 17 FLOOR PLANS
Drawing : BOWERHILL/214 PLOTS 18 - 19 ELEVATIONS
Drawing : BOWERHILL/215 PLOTS 18 - 19 FLOOR PLANS
Drawing : BOWERHILL/216 PLOTS 20,21,26,27 ELEVATIONS & FLOOR PLANS
Drawing : BOWERHILL/217 PLOTS 24 & 25 ELEVATIONS & FLOOR PLANS
Drawing : BOWERHILL/302 ROAD & SEWER LONG SECTIONS
Drawing : BOWERHILL/321 PRIVATE POROUS PAVING DETAILS
Drawing : JBA 08/191 - DT1 GRANITE SETT TREE SURROUND IN PAVING
Drawing : JBA 08/191 - TS01 REV A TREE CONSTRAINTS PLAN
Drawing : BOWERHILL/102 REV A PLANNING LAYOUT
Drawing : BOWERHILL/103 REV A STREET SCENE
Drawing : BOWERHILL/104 REV A EXTERNAL WORKS LAYOUT
Drawing : BOWERHILL/105 REV A VEHICLE TRACKING LAYOUT
Drawing : BOWERHILL/107 REV A ADOPTION PLAN
Drawing : BOWERHILL/108 REV A MATERIALS LAYOUT
Drawing : BOWERHILL/200 REV A PLOTS 1-6 ELEVATIONS
Drawing : BOWERHILL/201 REV A PLOTS 1-6 ELEVATIONS
Drawing : BOWERHILL/320 REV A DRAINAGE STRATEGY
Drawing : JBA 08/191 - 01 REV C OUTLINE SOFT LAYOUT PROPOSALS
Drawing : JBA 08/191 TS03 REV A TREE PROTECTION PLAN