

WESTERN AREA PLANNING COMMITTEE

28 October 2009

Planning Applications for Determination

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	28.10.2009		
Application Number	W/09/01581/REM		
Site Address	Land North Of Victoria Road Warminster Wiltshire		
Proposal	Proposed erection of 32 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 David Hubbard	01225 770344 Ext 553 david.hubbard@wiltshire.gov.uk	

Reason for the application being considered by Committee

The application was first considered by the Committee on the 16th September 2009. At that meeting members deferred the determination of the application with the Council's for the following reasons:

- 1 To obtain comments from the Highway's Department in response to the revised plans submitted by the applicant
- 2 To obtain confirmation of the correct figure for the number of dwellings permitted on the application site by the previously approved reserved matters application

In addition, the applicants have submitted amended plans which reduce the number of dwellings proposed on the site from 38 as previously proposed to 32. This is the same number approved on the site by the approval of reserved matters granted on 24th June, 2009 under reference number 08/03470/REM which approved 197 dwellings on the whole of the Victoria Road site

1. Purpose of Report

The application was brought to committee originally on the basis that it forms part of the Council's Housing Private Finance Initiative (PFI) scheme and because Councillor Mrs Ridout has requested that this item be determined by Committee due to the scale of development and environmental/highway impact.

The supplementary report answers the committee's previous questions about the comments of the highway authority and the number of dwellings approved on the site by the previous approval of reserved matters. The report goes on to provide details of the changes made to the scheme by the applicants since the last meeting and the responses received to consultations and neighbour notifications made in respect of the amended scheme.

The original report is appended and the recommendations remain unchanged other than to take into account the reduction in the number of dwellings.

2. Highway Department Comments on the previous revised plans

No objections

3. Number of dwellings previously permitted on this part of the 'north of Victoria Road site

The approval of reserved matters granted on 24th June, 2009 under reference number 08/03470/REM approved 197 dwellings on the whole of the Victoria Road site identified in policy C31A of the West Wiltshire District Plan 1st Alteration 2004. 32 dwellings were approved on that part of the larger site which forms the site of the current application.

The earlier outline application (ref No 04/02156/OUT permitted on appeal on 11th April , 2004) for about 190 dwellings on the whole of the Victoria Road site was accompanied by an illustrative drawing which indicated 22 on the current application site. The housing layout on that drawing was not part of the approved plans and the scale, layout, appearance and landscaping were all matters reserved for later approval. It is probably this plan that Warminster Town Council and the Warminster Civic Trust referred to in their comments on the earlier plans.

4. The amended scheme

Following the meeting of 16th September, the applicants, having noted the committee's concerns about increased housing numbers on some of the sites proposed as part of the PFI Housing scheme, submitted amended plans reducing the number of dwellings on the site from 38 to 32, i.e. the number of dwellings previously approved on this part of the larger 'north of Victoria Road' site.

The amended scheme uses the same road layout as the previously approved scheme and the pattern of dwellings is similar. The main differences are brought about by the mix of housing reflecting housing need rather than the requirements of the housing market. 28 dwellings and 4 bungalows are now proposed. Three dwellings overlooking the play area to the south of this part of the site are two storey houses with rooms in the roof. The house types are the same as those proposed previously

A comparison of the extant approval, the deferred scheme and the amended scheme is set out below.

Dwellings, Bedrooms, Parking Spaces	Extant Approval	Deferred Scheme	Amended Scheme
Dwellings	32	38	32
Density – dwellings per ha	34	40	34
5 bed houses	2		
4 bed houses	21	4	5
3 bed houses	8	12	13
2 bed houses		22	10
2 bed bungalows	1		4
Bedrooms	119	96	87
Parking spaces / garages	75	74	61
Parking spaces / garages per dwelling	2.38	1.9	1.9

Across the site the ratio of parking spaces to dwellings is 1.9 spaces per dwelling which accords with the government guideline of a maximum of 2 spaces per dwelling. This is the same as the deferred scheme but less than the extant approval for this part of the site where the parking ratio per dwelling is skewed by 7 plots which each have four parking spaces (double garages and two parking spaces). The ratio for the remaining plots is 1.9 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 each dwelling.

5. Consultation in respect of the amended plans

Warminster Town Council

No comments received

Highway Department

No comments received

The Warminster Civic Trust

No comments received

Police Architectural Liaison Officer

No comments received

The Housing Department and the Spatial Planning Department were not consulted on the amended plans as their earlier comments reproduced in the appendix to this report apply equally to the amended proposals.

6. Publicity / Neighbour notification in respect of the amended plans

Nearby residents who were notified of the original plans and others, not notified at that time but who commented on those plans were notified of the amended plans.

The expiry date for the receipt of comments was the 14th October, 2009.

Representations have been received from 1 nearby resident commenting about the amended scheme. The main concerns/objections are:

- * Additional houses inappropriate on the ' north of Victoria Road,site which already has permission for 197 dwellings and lacks on site facilities such as doctors and schools.
- * Existing health and education facilities in the town are inadequate for increased usage without upgrading. Who will pay for such upgrading?
- * Existing roads around the site particularly leading to the town centre and sewers and parking are inadequate for increased usage without upgrading. Who will pay for such upgrading?

7. Planning Considerations

7.1 The principle of Residential Development on the Site

Outline permission (ref No 04/02156/OUT) was granted on appeal on 11th April , 2004 for about 190 dwellings on the whole of the ' north of Victoria Road' site.

The approval of reserved matters granted on 24th June, 2009 under reference number 08/03470/REM approved 197 dwellings on the whole of the Victoria Road site identified in policy C31A of the West Wiltshire District Plan 1st Alteration 2004. 32 dwellings were approved on that part of the larger site which forms the site of the current application.

The principle of building 32 dwellings on the site is established by this earlier approval.

7.2 Affordable Housing

The current housing need for Warminster is 874 homes and this application provides an appropriate mix of accommodation of appropriate quality in a sustainable location within an area of predominantly market housing to meet that need.

The lower case text following policy H2 of the West Wiltshire Local Plan 1st Alteration 2004 indicates that the council will seek affordable housing of a type, mix and standard to meet identified housing need and that the layout, form and design of that housing should as far as possible be indistinguishable from adjoining market housing. It goes on to say that the council will encourage affordable housing to be provided in small clusters throughout larger schemes rather than as larger blocks of affordable housing but does not preclude the council from permitting larger blocks of affordable housing. The council's Supplementary Planning Guidance on Affordable Housing in West Wiltshire reiterates these comments. PPG3 similarly talks of a mix of housing both market and affordable being delivered, particularly in terms of tenure and price. Neither document specifies appropriate maximum or minimum numbers or percentages for affordable housing

In planning policy terms, until the new Wiltshire Core Strategy is adopted the council needs to be flexible in the consideration of planning applications for affordable housing to ensure that adequate provision is made. 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. 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.

It should be noted that as part of the PFI Housing scheme developments for affordable housing have been permitted for 33 dwellings at the Hillside Hostel site in Warminster and 31 dwellings at Broad Street in Trowbridge.

7.3 Design, Scale and Materials

The current proposal involves part of the larger north of Victoria Road site and in terms of layout, design and built form complements the remainder of the approved development.

There is no increase in dwelling numbers and the scheme follows the previously agreed layout involving predominantly 2 storey dwellings with some 2.5 storey properties and limited single storey development.

The dwellings on the south side of the site 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 to this area.

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.

7.4 Highways, Parking, Access and Transportation Contribution

The current proposal does not significantly change the highway layout approved with the reserved matters submission for the whole site.

Parking spaces are provided at the ratio of 1.9 spaces per dwelling which accords with the government guideline of a maximum of 2 spaces per dwelling.

7.5 Section 106 Agreement Provisions

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. and to secure the applicants agreement that this scheme will be built out only as part of the PFI Housing scheme

8. Conclusion

This development only involves no increase in the overall number of dwellings previously approved for this part of the site. The layout, design and built form complements the remainder of the 'north of Victoria Road development. This scheme is of high quality and satisfies the objectives of the district plan and PPS3. It will also make a significant contribution to the delivery of affordable housing in Wiltshire which reflects the corporate priorities of the Council

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 Area Development Manager be authorised to approved the reserved matters 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.

Appendices:	<p>The report considered by Planning Committee at the meeting of 16 September 2009</p> <p>Reason for the application being considered by Committee</p> <p>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</p>
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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

	<p>DP9 Reuse of land and buildings</p> <p>West Wiltshire District Plan – 1st Alteration 2004</p> <p>C4 Landscape setting</p> <p>C7 Protected species</p> <p>C15 Archaeological Assessment</p> <p>C31a Design</p> <p>C32 Landscaping</p> <p>C40 Tree Planting</p> <p>R4 Open space in new housing developments</p> <p>H1 Further housing development within towns</p> <p>H2 Affordable Housing</p> <p>H12 Victoria Road, Warminster</p> <p>H24 New Housing Design</p> <p>PPS1 Delivering Sustainable Development</p> <p>PPS3 Housing</p> <p>Supplementary Planning document WWDC – Residential Design Guide</p> <p>7. Consultations</p> <p><u>Warminster Town Council</u></p> <p>Object.</p> <p>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.</p> <p><u>Highways Wiltshire Council</u></p> <p>Amended plans have been received to address minor amendments requested and final comments will be reported on the late list.</p> <p><u>Housing Service</u></p> <p>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.</p> <p>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.</p> <p>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</p>
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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.

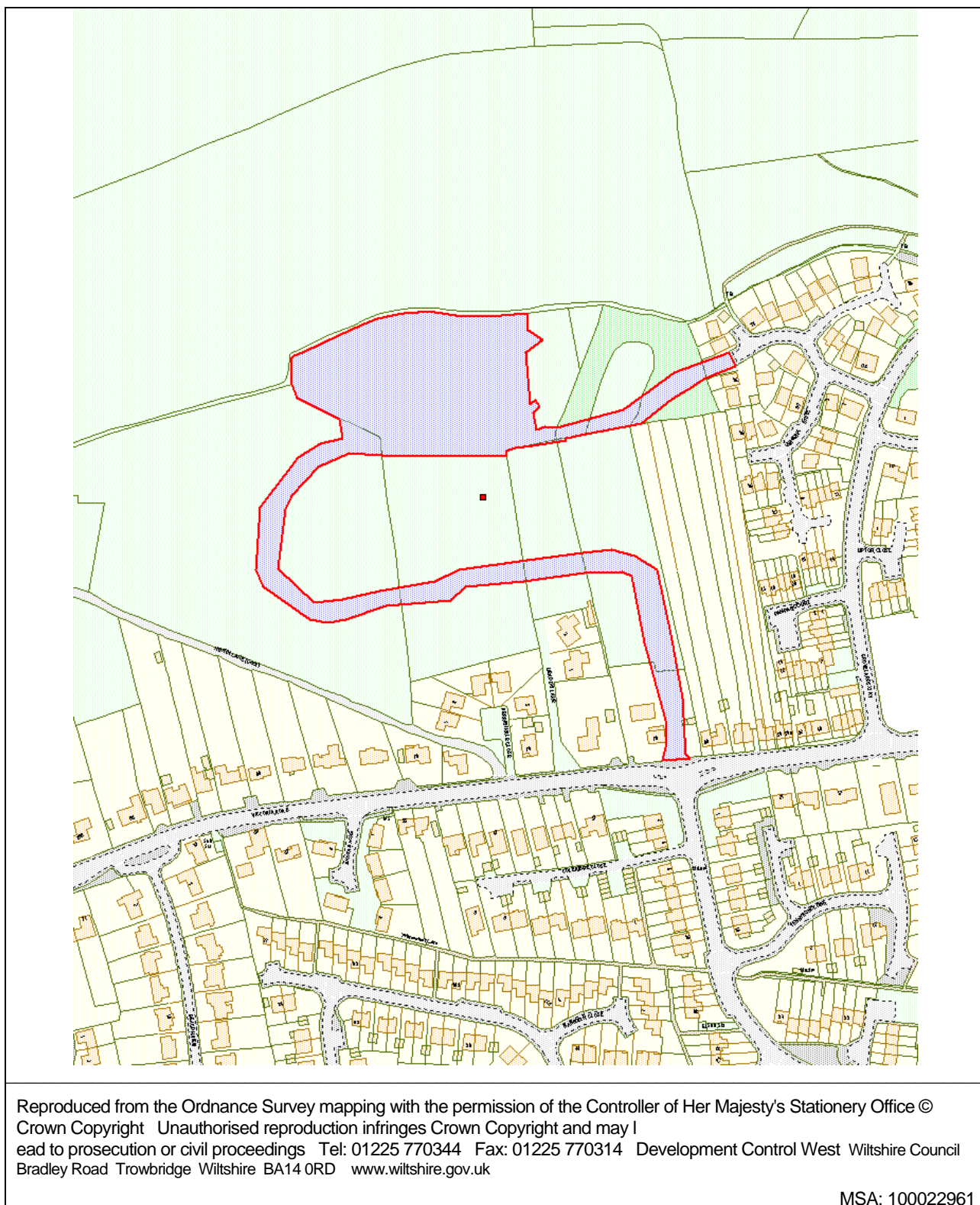
The space around the new dwellings is acceptable and although the proposal involves a small number of additional properties it is not possible to find any reasonable grounds for objection. This is particularly so given that the approved scheme has significantly more bedrooms than the submitted proposal 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

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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</p> <p>10. Conclusions</p> <p>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.</p>
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	<p>Recommendation:</p> <p>Not reproduced in full here</p> <p>It was recommended that on completion of a Section 106 Agreement, the Area Development Manager be authorised to approve reserved matters. The heads of terms for the agreement, the reason for approving reserved matters and the conditions are not reproduced here (in the interests of saving paper) and were broadly the same as those in the current recommendation above.</p>
<p>Background Documents Used in the Preparation of this Report:</p>	



RELEVANT APPLICATION PLANS

Drawing : VICTORIA 102 REV D PLANNING LAYOUT
Drawing : VICTORIA 103 REV D STREET SCENES
Drawing : VICTORIA 104 REV C EXTERNAL WORKS LAYOUT
Drawing : VICTORIA 105 REV C VEHICLE TRACKING LAYOUT
Drawing : VICTORIA 106 EXTERNAL DETAILING
Drawing : VICTORIA 107 REV B ADOPTION PLAN
Drawing : VICTORIA 108 REV C MATERIALS LAYOUT
Drawing : VICTORIA 109 TIMBER CYCLE STORES
Drawing : VICTORIA 110 REV C SITE SECTION

Drawing : VICTORIA 200 REV A PLANS & ELEVATIONS
Drawing : VICTORIA 201 REV A PLANS & ELEVATIONS
Drawing : VICTORIA 202 REV A ELEVATIONS
Drawing : VICTORIA 203 REV A PLANS
Drawing : VICTORIA 204 REV A PLANS & ELEVATIONS
Drawing : VICTORIA 204/1 REV B PLANS & ELEVATIONS
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Drawing : VICTORIA 213 REV A PLANS & ELEVATIONS
Drawing : JBA 08/195-01 REV C LANDSCAPING PROPOSALS
Drawing : VICTORIA 100
Drawing : VICTORIA 101

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	28.10.2009		
Application Number	W/09/01579/FUL		
Site Address	Area R1D Westbury Leigh Westbury Wiltshire		
Proposal	Proposed erection of 25 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 Hubbard	01225 770344 Ext 553 david.hubbard@wiltshire.gov.uk	

Reason for the application being considered by Committee

The application was first considered by the Committee on the 16th September 2009. At that meeting members deferred the determination of the application for negotiations to secure an amended scheme for 25 dwellings

1. Purpose of Report

The application was brought to committee originally on the basis that it forms part of the Council's Housing Private Finance Initiative (PFI) scheme.

The supplementary report provides details the changes made to the scheme and the responses received to consultations and neighbour notifications made in respect of the amended scheme. The original report is appended and the recommendations remain unchanged other than to take into account the reduction in the number of dwellings.

2. The Amended Scheme

Following the meeting of 16th September, the applicants having noted the committee's concerns submitted amended plans reducing the number of dwellings on the site from 28 to 25. This is the number of dwellings previously approved on the site.

The scheme now submitted is for 15 two storey dwellings, 2 bungalows and 8 flats. The revised scheme reduces the number of two bedroom dwellings and adds additional 3 and 4 bedroom houses and 2 bedroom bungalows. Dwellings have been omitted from the western part of the site and one flat is removed from the block at the eastern end of the site reducing part of that block from three to two storeys. Four two bedroom houses and a flat are omitted and two bungalows introduced to the scheme.

The house types used are as in the previous scheme. The materials are a mixture of brick and render on the walls and concrete tiles on the roof.

A comparison of the extant approval, the deferred scheme and the amended scheme is set out below.

Dwellings, Bedrooms, Parking Spaces	Extant Permission	Deferred Scheme	Amended Scheme
Dwellings	25	28	25
Density-dwellings per hectare	45	51	45
5 bed houses	2		
4 bed houses	3	2	2
3 bed houses	9	3	3
2 bed houses		14	10
2 bed bungalows			2
2 bed flats	11	9	8
Bedrooms	62	63	57
Parking spaces/garages	49	48	42
Parking spaces/garages per dwelling	1.9	1.7	1.8

The scheme follows the same road layout as the scheme approved on appeal in 2008 and lays out the dwellings in a form very similar to that permission. In particular, the two and three storey block of 8 flats at the eastern end of the site is in a similar position to a three storey block of 11 flats in the extant permission.

Across the site the ratio of parking spaces to dwellings is 1.9 spaces per dwelling which accords with the government guideline of a maximum of 2 spaces per dwelling. This is the same as the deferred scheme but less than the extant approval for this part of the site where the parking ratio per dwelling is skewed by 5 plots which each have four parking spaces (double garages and two parking spaces). The ratio for the remaining plots is 1.9 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.

Boundary treatments where rear gardens abut public areas are walls or timber fences. On boundaries between rear garden areas low level chain link fences are proposed.

3. Consultations in respect of the amended plans

Westbury Town Council

No comments received

Highway Department

No comments received

Arboricultural and Landscape Officer

No comments received

Education Department

No comments received

Police Architectural Liaison Officer

No comments received

The Housing Department, the Spatial Planning Department, the Ecology Section were not consulted on the amended plans as their earlier comments reproduced in the appendix to this report apply equally to the amended proposals. The Environment Agency and Wessex Water were not consulted on these amended plans as they made no comments on the scheme for a greater number of houses.

4. Publicity / Neighbour Notification in respect of the amended plans

Nearby residents who were notified of the original plans and others, not notified at that time but who commented on those plans were notified of the amended plans.

The expiry date for the receipt of comments was the 14th October, 2009.

Representations have been received from the Westbury Leigh Village Association and 9 nearby residents commenting about the amended scheme. The main concerns/objections are:

- * Hastily reduced scheme for 25 dwellings little different from that considered previously and does little to address concerns raised by local residents and should be refused planning permission by the council as was the earlier scheme for 25 dwellings
- * The three storey flats and bungalows being out of character and the three storey flats being overpowering
- * The loss of privacy and increased noise, due to the distance between the new and existing dwellings
- * The materials, particularly the use of render being out of keeping with the area
- * Use of chain link fencing on some boundaries
- * The concentration and density of social housing all on one site leading to an increase in anti social behaviour and the detrimental impact this would have on the area. Social houses should be dotted throughout Leigh Park
- * The lack of management of Housing Association sites and the consequential impact on the visual amenities
- * Market housing would be more in keeping with the area and more affordable housing should be located elsewhere.
- * The increase in the number of cars in the area and the impact on congestion and safety of the local road network, particularly for emergency service vehicles and at the ends of the school day.
- * The low number of parking spaces in the scheme and the proximity of some of the parking spaces to the boundary.
- * Limited size of gardens will lead to children playing in the street making pedestrian safety a priority
- * Lack of facilities for children in the area for play and school places
- * Negative environmental impact
- * The potential loss of hedgerows and trees and The impact on the existing wildlife on the site, particularly on the copse area to the east of the site

5. Planning Considerations

5.1 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 for 25 dwellings on this site is therefore well established.

5.2 Affordable Housing

The housing need for Westbury Leigh/Westbury is 1114 homes and this application provides an appropriate mix of accommodation of appropriate quality in a sustainable location within an area of predominantly market housing to help meet that need.

The lower case text following policy H2 of the West Wiltshire Local Plan 1st Alteration 2004 indicates that the council will seek affordable housing of a type, mix and standard to meet identified housing need and that the layout, form and design of that housing should as far as possible be indistinguishable from adjoining market housing. It goes on to say that the council will encourage affordable housing to be provided in small clusters throughout larger schemes rather than as larger blocks of affordable housing but does not preclude the council from permitting larger blocks of affordable housing. The council's Supplementary Planning Guidance on Affordable Housing in West Wiltshire reiterates these comments. PPG3 similarly talks of a mix of housing both market and affordable being delivered, particularly in terms of tenure and price. Neither document specifies appropriate maximum or minimum numbers or percentages for affordable housing.

In planning policy terms, until the new Wiltshire Core Strategy is adopted the council needs to be flexible in the consideration of planning applications for affordable housing to ensure that adequate provision is made. 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. 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.

It should be noted that as part of the PFI Housing schemes larger schemes for affordable housing have been permitted for 33 dwellings at the Hillside Hostel site in Warminster, 31 dwellings at Broad Street in Trowbridge and 24 at York Buildings in Trowbridge.

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 the district plan and PPS3 and will also make a significant contribution to the delivery of affordable housing in Wiltshire which reflects the corporate priorities of the Council

5.3 Layout, Design, Scale and Materials

The scheme follows the same road layout as the scheme approved on appeal in 2008 and lays out the dwellings in a form very similar to that permission. This 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 footprint of the development is also very similar but the bulk and mass of the scheme is less than the earlier permission as this scheme is for smaller dwellings. Also many buildings are lower than those permitted previously with bungalows replacing houses and no houses with rooms in the roof (there were five in the approved scheme).

The block of flats in the north east corner of the site is the subject of particular concern to nearby residents. The previous scheme had a block of flats on the north east corner of the site mostly of three storeys but about a quarter two storeys. This concept was accepted by an Appeal Inspector. In the current scheme the bulk of the block of three storey block of flats in the north east corner of the site is reduced as more (about a third) of the building is reduced to two storeys high.

The materials are a mixture of brick and render on the walls and concrete tiles on the roof which respect the mixed character of the residential development in the area.

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.

One of the reasons for refusal to the earlier scheme was based on the impact on the character and appearance of the area. In deciding the appeal, the Inspector considered that the proposals would not have an unacceptable effect on character and appearance of the area. In allowing the appeal he concluded that the proposals were in accord with the relevant development plan policies.

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.

5.4 Residential Amenity

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 before concluding that the proposals would not have an unacceptable effect on the living conditions of nearby residents. These same issues have been considered, including the points raised by local residents and as a result negotiations have increased 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. These changes have been retained in the latest scheme and with the inclusion of bungalows relationships with some dwellings are further improved. Conditions are also recommended to control the addition of further windows.

5.5 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 were submitted which increased the number of parking spaces and that level of spaces is maintained in the latest scheme. Parking spaces are provided at the ratio of 1.9 spaces per dwelling which accords with the government guideline of a maximum of 2 spaces per dwelling.

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.

5.6 Tree, Landscape, Public Open Space and Play and Ecology

The revisions to the scheme following the committee meeting of 16th September, do not affect protected trees and landscape, public open space and play, ecology and the need for an education contribution. The comments made in respect of those aspects of the development in the earlier report remain the same and are as follows:

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.

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 (25) 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.

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. A reptile survey has been submitted and the ecologist has raised no objections. 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.

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.

6. Conclusion

The principle of the development of this site for affordable housing is in accordance with the policies of the Development Plan. The amended scheme for 25 dwellings is in line with the extant permission on this site allowed on appeal in 2008. In addition there are no design, landscape, ecological or other objections to the proposal.

Recommendation:

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

- a) **Provision of a 100% Affordable Housing Scheme on the site on a grant basis**
- b) **The provision of public open space on adjoining land together with a financial contribution for future maintenance to be calculated in accordance with the Council's supplementary planning guidance.**
- c) **To pay a financial contribution of £19,468.70 towards equipped play provision in the locality of the Development prior to the residential occupation of the 20th residential unit in accordance with the Council's supplementary planning guidance.**
- d) **A financial contribution of £62,323 (£55,646) towards primary education and £63,392 (£56,600) towards secondary education.**
- e) **A financial contribution of £22,659 (£20,223) towards sustainable transport provision of which £16,178 (£14,446) is for bus service enhancements and £6,471 (£5,777) is for cycle facilities at Matravers School.**

For the following reason(s):

The Area Development Manager be authorised to grant permission for the following reason:

The proposed development would represent an acceptable form, layout, design and scale of development which would not adversely affect the character of the area in which it is located. It would accord with policies C31a, H13 and H24 of the West Wiltshire District Plan – 1st Alteration.

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

- 15 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), no windows, doors or other form of

openings other than those shown on the approved plans, shall be inserted in any elevation of any dwelling hereby permitted.

REASON: In the interests of residential amenity and privacy.

Policy: West Wiltshire District Plan First Alteration 2004 - Policy C38

- 16 Before the development hereby permitted is first occupied all windows serving bathrooms and/or toilets shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

Policy: West Wiltshire District Plan First Alteration 2004 - Policy C38

Appendices:	<p>The report considered by Planning Committee at the meeting of 16 September, 2009</p> <p>Reason for the application being considered by Committee</p> <p>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.</p> <p>1. Purpose of Report</p> <p>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.</p> <p>2. Main Issues</p> <p>The main issues to consider are:</p> <ul style="list-style-type: none">• 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 <p>3. Site Description</p> <p>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.</p> <p>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</p>
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	<p>storage of contractor's materials in association with ongoing site works in the Westbury Leigh Development.</p> <p>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.</p> <p>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.</p> <p>4. Relevant Planning History</p> <p>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.</p> <p>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.</p> <p>5. Proposal</p> <p>The Housing PFI Project manager has supplied the following information in support of the application:</p> <p>"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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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	<p>400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced.</p> <p>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.”</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>6. Planning Policy</p> <p>Wiltshire Structure Plan 2016</p> <ul style="list-style-type: none"> 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 <p>West Wiltshire District Plan – 1st Alteration 2004</p> <ul style="list-style-type: none"> C7 Protected Species C31a Design C32 Landscaping C37 Contaminated Land
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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

	<p>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.</p> <p>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:-</p> <p>£4,853 for travel plan £16,178 for bus service enhancements £6,471 for cycle facilities at Matravers School</p> <p>Total Sustainable Transport Contribution £27,502</p> <p><u>Wessex Water</u></p> <p>No comments to make.</p> <p><u>Environment Agency</u></p> <p>No comments to make.</p> <p><u>Spatial Planning</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Policy Recommendation:</p> <p>No objection in principle to this application.</p> <p><u>Housing Service</u></p> <p>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.</p> <p>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</p>
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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.

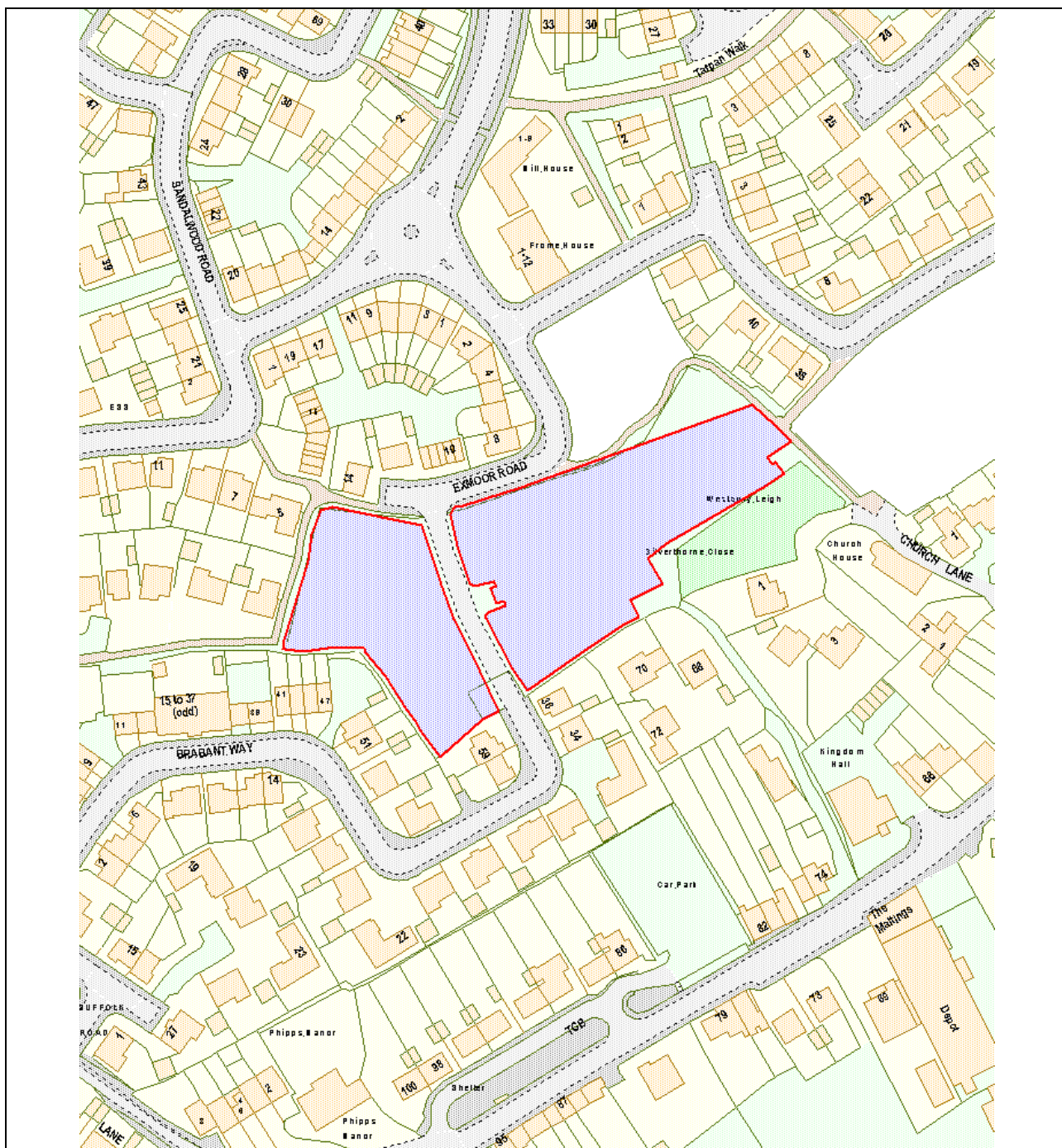
The site is surrounded by modern residential development. National and local policy requires new residential development to have a mix of sizes and types of dwellings that overlook public areas and are in keeping with their surroundings.

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.

	<p>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.</p> <p>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.</p> <p>9.4 <u>Highways, parking, access and transportation contribution</u></p> <p>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.</p> <p>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.</p> <p>9.5 <u>Residential Amenity/Loss of Privacy</u></p> <p>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.</p> <p>9.6 <u>Protected Trees and Landscaping</u></p> <p>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.</p> <p>9.7 <u>Public Open Space and Play</u></p> <p>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</p>
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	<p>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.</p> <p>9.8 <u>Ecology</u></p> <p>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.</p> <p>9.9 <u>Education Contribution</u></p> <p>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.</p> <p>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.</p> <p>Recommendation:</p> <p>It was recommended that on completion of a Section 106 Agreement, the Area Development Manager be authorised to grant permission. The heads of terms for the agreement, the reason for approving reserved matters and the conditions are not reproduced here (in the interests of saving paper) and were broadly the same as those in the current recommendation above.</p>
<p>Background Documents Used in the Preparation of this Report:</p>	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : AREA R1D/100 SITE SURVEY
 Drawing : AREA R1D/101 LOCATION MAP
 Drawing : AREA R1D/102 REV B LAYOUT
 Drawing : AREA R1D/103 REV B STREET SCENE
 Drawing : AREA R1D/104 REV B EXTERNAL WORKS LAYOUT
 Drawing : AREA R1D/105 REV B VEHICLE TRACKING LAYOUT
 Drawing : AREA R1D/106 EXTERNAL DETAILING
 Drawing : AREA R1D/107 REV B SITE SECTIONS
 Drawing : AREA R1D/108 REV B MATERIALS LAYOUT

Drawing : AREA R1D/109 CYCLE & BIN STORES
Drawing : AREA R1D/302 ROAD & SEWER LONG SECTIONS
Drawing : AREA R1D/320 REV B DRAINAGE STRATEGY PLAN
Drawing : AREA R1D/321 POROUS PARKING DETAILS
Drawing : AREA R1D/200 REV A PLANS AND ELEVATIONS
Drawing : AREA R1D/201 REV A PLANS AND ELEVATIONS
Drawing : AREA R1D/202 REV A PLANS & ELEVATIONS
Drawing : AREA R1D/203 REV A PLANS & ELEVATIONS
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Drawing : AREA R1D/210 REV A PLANS
Drawing : AREA R1D/211 REV A PLANS
Drawing : AREA R1D/212 PLANS & ELEVATIONS
Drawing : JBA 09/09-DT1 TREE PIT
Drawing : JBA 09/09-01 REV B SOFT LANDSCAPING PROPOSALS

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	28.10.2009		
Application Number	W/09/01580/FUL		
Site Address	Manor Primary School Queensway Melksham Wiltshire SN12 7LQ		
Proposal	Proposed erection of 51 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 Hubbard	01225 770344 Ext 553 david.hubbard@wiltshire.gov.uk	

Reason for the application being considered by Committee

The application was brought to committee at its meeting of 16th September on the basis that it forms part of the Council's Housing Private Finance Initiative (PFI) scheme. At that meeting members deferred the determination of the application to give the applicants the opportunity to address an objection from the Environment Agency.

The application was deferred without any discussion at that meeting and this report is presented as a full report and not as a supplementary report with the previous report appended as was the case in respect of the two previous items where there was greater discussion at earlier committee meetings.

The Environment Agency had commented that their flood maps show part of the proposed development is in Flood Zone 3 whereas the model used by the applicant shows the land in Flood Zone 1. This model has not been submitted to the Environment Agency as a flood map challenge to be reviewed by the EA mapping and data team. The applicants have been advised to contact the EA to either seek a review of the flood zones or to submit a sequential test as is required by PPG25

The applicants' agents requested a decision on the application be deferred for the applicants seek to address these comments and probably submit revised drawings excluding development within Flood Zone 3. They indicated this would be in time for a further round of consultations and notifications and for the application to be referred to this committee in late October.

Amended plans have been received which exclude the land in Flood Zone 3 and reduce the number of dwellings proposed from 63 to 51

1. Purpose of Report

The application was brought to committee originally on the basis that it forms part of the Council's Housing Private Finance Initiative Scheme.

The report provides details of the amendments to the scheme by the applicants to overcome the Environment Agency's previous objections and the responses received to consultations and neighbour notifications made in respect of the amended plans.

2. Main Issues

The main issues to consider are:

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

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

The amended scheme on the reduced developed area is for the erection of 51 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, drainage strategy and parking layout.

A comparison of the scheme the council is minded to approve, the deferred scheme and the amended scheme is set out below.

Dwellings, Bedrooms, Parking Spaces	Minded to Approve	Deferred Scheme	Amended Scheme
Dwellings	50 – 70	63	51
Density – dwellings per ha	30-42	38	31
4 bed houses		2	1
3 bed houses		6	6
2 bed houses		26	28
2 bed bungalows		6	2
2 bed flat		21	12
1 bed flat			2
Bedrooms		136	104
Parking spaces / garages		76	80
Parking spaces / garages per dwelling		1.2	1.6

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

The road layout is similar to that in the original scheme with changes made only at the northern end of the site to accommodate a turning head at the end of the shortened cul de sac.

The original application was amended at the request of the Highway Authority to provide for additional car parking spaces to achieve an acceptable parking ratio giving 76 spaces for 63 dwellings at a ratio of 1.2 spaces per dwelling. The amended scheme shows spaces is 80 parking spaces and this gives an overall ratio of 1.6 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 Housing PFI Project Manager of the council has provided the following information in support of the application:

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.

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
- 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

West Wiltshire LDF

Leisure & Recreation Development Plan Document, January 2009

- LP2 - Proposals that involve the loss of open space or sport and recreation provision
- LP4 - Providing recreation facilities in new development
- LP5 – New sport and recreation facilities
- OS2 – New grass pitch provision

- 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 – Consultations in respect of the amended plans

Melksham Town Council

It was noted account has been taken of the Town Council's previous objections regarding 3 storey buildings being located close to existing two storey buildings. Therefore they raised no objection. However, there is a concern due to the density of the site cars may park in the nearby street (ie Pembroke Road) where there is already a problem with cars parking on the roadside.

Highway Authority

The plans are acceptable.

The conditions required to the large scale development previously submitted still broadly apply, however the financial contribution should be reduced in line with the reduction in the level of development and the residential travel plan is no longer necessary and so it follows the monitoring fee is no longer required. The condition relating to the use of garages previously recommended is not appropriate as there are no garages shown on the plan.

Therefore I recommend no highway objection be raised to the application subject to the developer entering into a legal agreement to secure a financial contribution of £50,460 towards sustainable transport (ie 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 parking, driveway gradients, surface water disposal, construction roads to serve houses before they are occupied, visibility splays, doors and windows not opening over the highway, highway details.

Wessex Water

No comments received in respect of the amended plans

In respect of the original scheme no objections were raised 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 applicant has applied the Sequential Approach and located the built development outside of the high flood risk area. We therefore wish to remove our objection to this proposed development subject to conditions with regard to flood risk, pollution prevention during construction, oil, fuel and chemical storage areas and informatives with regard to flood risk, protection of biodiversity and water efficiency.

Sport England

No comments received in respect of the amended plans

Commented on the original scheme as follows:

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.

Leisure Manager

No comments received in respect of the amended plans

Arboricultural and Landscape Officer

No comments received in respect of the amended plans

Commented on the original scheme as follows:

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.

Police Architectural Liaison Officer

No comments received in respect of the amended plans

Commented on the original scheme as follows:

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.

The 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.

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.

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

Ecology Section

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 / Neighbour Notification in respect of the amended plans

Nearby residents who were notified of the original plans and others, not notified at that time but who commented on those plans were notified of the amended plans.

The expiry date for the receipt of comments was the 14th October, 2009.

No representations have been received in respect of the amended scheme

The following representations were received from 2 nearby residents and a trustee of the Queensway chapel Pre- school. The main concerns/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 for 50 to 70 houses. 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 Flood Risk

The Environment Agency objected to the earlier scheme for 63 dwellings on the grounds that the development extended into flood zone 3 and no sequential test had been carried out as required by PPG 25. In response the applicants have submitted amended proposals for a reduced scheme of 51 dwellings all of which is outside Flood zone 3.

There are no objections to the reduced amended scheme on flooding grounds

9.3 Affordable Housing

The West Wiltshire Planning Committee resolved to approve the principle of 100% affordable housing on this site in October last year in respect of an outline scheme for 50 – 70 dwellings. There have been no changes in circumstances to revise that decision particularly as the current housing need for Melksham is now 1246 homes and this application provides an appropriate mix of accommodation of appropriate quality in a sustainable location within an area of predominantly market housing to help meet that need.

The lower case text following policy H2 of the West Wiltshire Local Plan 1st Alteration 2004 indicates that the council will seek affordable housing of a type, mix and standard to meet identified housing need and that the layout, form and design of that housing should as far as possible be indistinguishable from adjoining market housing. It goes on to say that the council will encourage affordable housing to be provided in small clusters throughout larger schemes rather than as larger

blocks of affordable housing but does not preclude the council from permitting larger blocks of affordable housing. The council's Supplementary Planning Guidance on Affordable Housing in West Wiltshire reiterates these comments. PPG3 similarly talks of a mix of housing both market and affordable being delivered, particularly in terms of tenure and price. Neither document specifies appropriate maximum or minimum numbers or percentages for affordable housing.

In planning policy terms, until the new Wiltshire Core Strategy is adopted the council needs to be flexible in the consideration of planning applications for affordable housing to ensure that adequate provision is made. 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. 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.

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 the district plan and PPS3 and will also make a significant contribution to the delivery of affordable housing in Wiltshire which reflects the corporate priorities of the Council

9.4 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 terraced and semi-detached dwellings with some detached houses.. The buildings vary in height, dependent on their location within the site. It is considered that the height, including the three storey blocks of flats in the centre of the site 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 gross density (including the open space) is 31 units per hectare, and this reflects the larger area of open space created as a result of the Environment Agency's earlier objection and the fact that the scheme has been developed effectively in order to make the most efficient use of the land which can be developed. 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.

9.5 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 2, 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 Open Space, Sports Pitch and Financial Contribution

The proposed application will result in a net loss of safeguarded open space. Policy LP2 of the Leisure & Recreation Development Plan Document, January 2009 sets out criteria under the development of open space may be permissible. Relevant to this proposal are the enhancement of other existing open space or the provision of equivalent replacement facilities.

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. In effect the statutory instrument has reduced to 0.2 hectares the threshold above which Sport England seek a replacement sport pitch (the equivalent of half a full sized soccer or rugby pitch).

Sport England originally objected to the proposal but withdrawn their objection on the basis that the applicants make a financial contribution to the council to secure a replacement playing field at least equivalent in terms of size, usefulness, attractiveness and quality as the existing playing field provision of a replacement playing field. The council has identified land adjoining Melksham Oak School, Melksham for sports pitches and as yet funding is not in place for this area. This is in line with policies LP5 and OS2 of Leisure & Recreation Development Plan Document, January 2009. It is also considered that any agreement should include the fall back provision 'of other locations in Melksham as may be agreed between the parties' in the event of the pitches at adjoining Oak School being delayed in coming forward.

The requirement for a replacement playing field would replace the previous requirements for a pedestrian foot bridge across Clackers Brook and linking footpaths were 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, 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 and the implementation of works identified in that plan which would be more directly related to the site. The financial contributions for both of these items identified in 2008 were broadly similar.

It should be noted also that the reduction in developable site area to address the Environment Agency objection, results in a larger area of land being available for open space on the south side of Clackers Brook.

In summary, in mitigation for the loss of safeguarded open space, the council will secure

- * A larger area of public open space on the south side of Clackers Brook
- * A financial contribution towards a detailed management plan for Clackers Brook and the implementation of works identified in that plan.
- * A financial contribution 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.

9.7 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 not included the footbridge in the scheme considering it 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. 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 Police Architectural Liaison Officer who does not support its inclusion.

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

The Police Architectural Liaison Officer does not support the inclusion of a footpath and footbridge commenting that the addition of a pathway on the Manor School development that I feel from a security point of view is unnecessary. 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 as housing provider does not support the footpath and footbridge because 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.

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.

9.8 Highways including access and parking

The Highway Authority raise no objections to the amended proposals subject to a number of conditions which are included in the recommendation.

Re-arrangement of car parking on the site has increased the number of parking spaces to 80, increasing the number of spaces per dwelling from 1.2 to 1.6. This accords with Government policy which seeks a maximum of 2 spaces per dwelling.

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 Trees, Landscaping and ecology

There are no landscape or tree objections to 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.

A condition is recommended requiring that the development is carried out in full accordance with the submitted ecological 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.

Conclusion

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 legal agreement legally binding obligation to secure the:

- a) **The provision of a 100% affordable housing on a grant basis.**
- b) **A financial contribution of £50,000 towards a detailed management plan for Clackers Brook and the implementation of works identified in that plan.**
- c) **A financial contribution 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.**
- d) **A financial contribution of £50,460 of which £28,762 is to secure improvements to the Town Cycle Network and bus and cycle shelter and £21,698 is for bus passes for residents of the development for one year**

For the following reason(s):

The Area Development Manager be authorised to grant permission for the following reason:-

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, and H24 in the West Wiltshire District Plan – 1st Alteration 2004

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

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

- 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.

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

- 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

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

- 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.

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

- 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.

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

- 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.

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

- 19 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.

- 20 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

- 21 No part of the development shall be commenced until the local planning authority has approved in writing a scheme to secure the provision of affordable housing, the management of Clackers Brook, a replacement playing field and sustainable transport measures.

REASON: In the interests of securing affordable housing, open space and playfield provision and the provision of sustainable transport measures

POLICY: West Wiltshire District Plan 1st Alteration 2004 – Policies H2 and T3, and West Wiltshire Local Development Framework, Leisure and Recreation Development Plan Document, January 2009 – Policy LP2

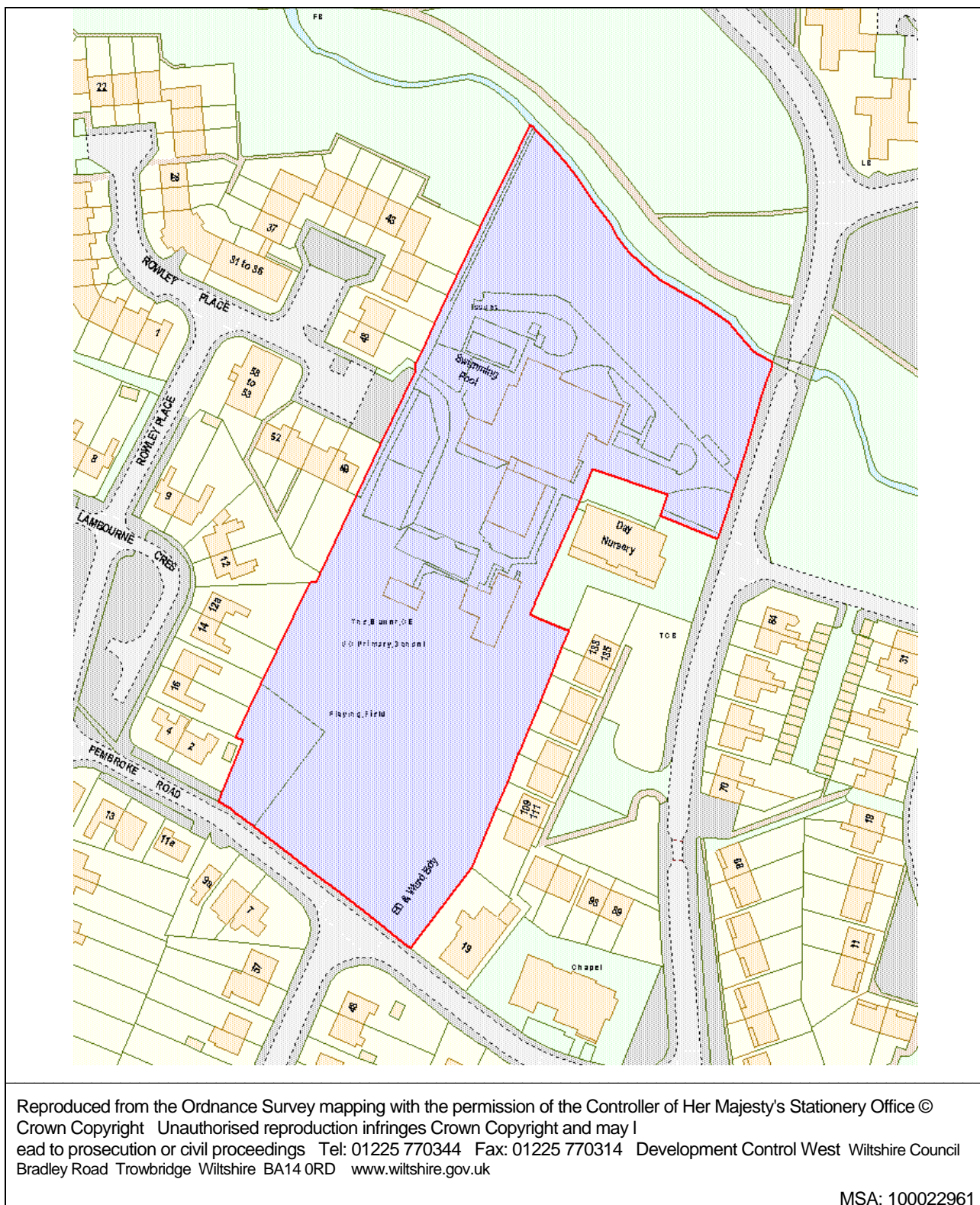
Informative(s):

- 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 Book, 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.

- 3 The details of the planning benefits referred to in condition 21 have been approved by the local planning authority. A scheme to secure the provision of these approved benefits needs to be submitted and approved by the local planning authority

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



RELEVANT APPLICATION PLANS

Drawing : MANOR 102 REV F PLANNING LAYOUT
 Drawing : MANOR 103 REV G STREET SCENES
 Drawing : MANOR 101 LOCATION PLAN
 Drawing : MANOR 104 REV E EXTERNAL WORKS LAYOUT
 Drawing : MANOR 105/1 REV E VEHICULAR TRACKING LAYOUT
 Drawing : MANOR 105/2 REV E VEHICULAR TRACKING LAYOUT
 Drawing : MANOR 106 REV A EXTERNAL DETAILING
 Drawing : MANOR 107 REV F ADOPTION PLAN
 Drawing : MANOR 10108 REV E MATERIALS LAYOUT

Drawing : MANOR 109 REV A CYCLE STORES
Drawing : MANOR 113 REV A PARKING LAYOUT
Drawing : MANOR 200 REV A PLANS & ELEVATIONS
Drawing : MANOR 201 REV A PLANS & ELEVATIONS
Drawing : MANOR 202 REV A PLANS & ELEVATIONS
Drawing : MANOR 203 REV A PLANS & ELEVATIONS
Drawing : MANOR 204 REV A PLANS & ELEVATIONS
Drawing : MANOR 205 REV A PLOTS & ELEVATIONS
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Drawing : MANOR 221 REV A ELEVATIONS
Drawing : MANOR 222 REV A ELEVATIONS
Drawing : MANOR 223 REV A PLANS
Drawing : MANOR 224 REV A PLANS
Drawing : MANOR 302 REV B ROAD & SEWER SECTIONS
Drawing : MANOR 320 REV E DRAINAGE STRATEGY PLAN
Drawing : MANOR 321 PRIVATE POROUS PAVING DETAILS
Drawing : JBA 08/192-01 REV F SOFT LANDSCAPE LAYOUT
Drawing : JBA 08/192 TS03 REV A TREE PROTECTION PLAN
Drawing : JBA 08/192 TS02 REV B ARBORICULTURAL ASSESSMT
Drawing : JBA 08/192 DT1 GRANITE SETT TREE SURROUND
Drawing : MANOR 100 SITE SURVEY

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 04

Date of Meeting	28.10.2009		
Application Number	W/09/01964/FUL		
Site Address	Land East Of Orchard House Shaw Hill Shaw Wiltshire		
Proposal	Development land for affordable housing		
Applicant	Wiltshire Rural Housing Association		
Town/Parish Council	Melksham Without		
Electoral Division	Melksham Without North	Unitary Member:	Mark Griffiths
Grid Ref	388389 165407		
Type of application	Full Plan		
Case Officer	Mr Sim Manley	01225 770344 Ext 240 sim.manley@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

* Scale of development and “in the interest of public debate”

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

Principle of development
Sustainability
Trees
Layout
Scale and Appearance
Access
Ecology
Green Belt
Foot and Mouth Burial Site
Drainage Issues
Sewage Disposal
Education
Lack of S106 Agreement

3. Site Description

The application site comprises Land East of Orchard House, Shaw Hill, Shaw. This is a greenfield site, measuring 0.28 Ha, that is located outside, but adjacent to the identified village policy limits, to the south of settlement.

The site is currently agricultural pasture land enclosed on all sides by a mature hedge containing a number of large trees of various vigour. The site has a gently sloping topography from Shaw Hill southwards down the site.

The A365 runs along the northern boundary of the site. A footpath is located on the northern side of the road with grass verge onto a tall stone wall. To the rear of the wall are detached 2-storey houses fronting onto Shaw Hill which lie within the defined Village Policy Limits.

The northern boundary of the site is heavily screened by an existing hedge which contains a number of large trees onto a grass highway verge. There is an existing gated access onto the A365 which is located towards the north western corner on this boundary.

The east side is bordered by Norrington Lane running alongside the site from Shaw Hill. This site is also heavily screened by trees and vegetation on this boundary. At the south east corner of the site, located opposite, is the residential property 22, Norrington Lane.

The southern boundary is formed by a substantial hedge with a number of trees located within it, to the south of which is agricultural pasture land.

The western border is a private driveway leading to 25 Shaw Hill. The site is heavily screened by mature trees and vegetation.

The A365 runs parallel east/west along the northern boundary of the site but, to the north east corner of the site, at the junction with Norrington Lane, bends sharply in a north easterly direction.

4. Relevant Planning History

07/03045/OUT- Withdrawn -Develop land for affordable housing (outline)

08/02338/OUT- Refused –Development of land for affordable housing - 15/10/2008

Refusal Reasons

- 1) The proposed development fails to meet the criteria set out in Policy H22 and is therefore unacceptable as a rural exception site contrary to policy H22 of the West Wiltshire District Plan 1st Alteration 2004.
- 2) The proposal, located remote from services, employment opportunities, lack of safe pedestrian crossing facilities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.
- 3) No Arboricultural Method Statement has been submitted to address onsite constraints and the proposals in its current form would have a detrimental impact on existing vegetation directly and indirectly. The proposed access would result in the removal of a number of trees and the proximity of proposed dwelling will have proximity related issues on others. The current application is unacceptable in tree and landscape terms and contrary to Policy C32 & C40 of the West Wiltshire District Council First Alteration 2004.

5. Proposal

This proposal seeks full permission for the development of a green field site for 100% affordable housing, being brought forward as a rural exception site under the provisions of Policy H22 of the West Wiltshire District Plan First Alteration 2004.

The submitted layout plan proposes 5 x 2 bedroom, 2-storey houses and 2 x 3 bedroom, 2-storey houses with associated 14 parking spaces. The houses comprise three pairs of semi detached dwellings with one detached unit served off an access road and turning head. Parking provision within the site is in the form of parking spaces.

One pair of semi detached and the one detached unit are orientated east/west within the site and are positioned to the western side, fronting onto the access road with rear gardens onto the western boundary of the site.

The remaining 2 pairs of semi detached units are orientated north/south and are positioned to the south of the site at the terminus of the access road and turning head. The rear garden areas of the dwellings back onto the southern boundary of the site.

All the dwellings are of a 2-storey design with pitched roof over with a mono pitched roof porch projections.

6. Planning Policy

PPS1 – Sustainable Development and climate change

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

PPG13 - Transport

PPG 24 - Noise

PPS25 – Development and Flood Risk

Structure Plan

DP1 – Priorities for Sustainable Development

DP3 – Development Strategy

DP7 – Housing in Towns and main Settlements

DP8 – Affordable Housing

DP14 – Housing, Employment and Related Development in Open Countryside

T5 – Cycling and Walking

C1 – Nature Conservation

C5 – Water Environment

C12 - Agriculture

West Wiltshire District Plan 1st Alteration 2004 –

C1 – Countryside Protection

C31a – Design

C32 - Landscaping

C34a – Resource Consumption and Reduction

C34 – Renewable Energy

C35 – Light pollution

C38 – Nuisance

C40 – Tree Planting

H17 - Village Development limits

H19 – Development in Open Countryside

H22 – Affordable housing on rural exception sites

H24 – New Housing Design

T10 Car Parking

U1a- Foul water disposal

U2 – Surface water disposal

S1 - Education

West Wiltshire Affordable Housing SPG

7. Consultations

Melksham Without Parish Council

Objection - Comments received 30/7/2009

The Council strongly objects to this application and wishes to reiterate previous objections to this development as well as add some additional comments as follows,

- a) The site is a poor choice for affordable housing. It is some distance from Shaw village and does not relate well to the main village either physically or in terms of community facilities and access.
- b) The development is on the wrong side of A365 and so all pedestrians and cyclists would have to cross this road in order to get to the main village. There are no cycleway facilities.
- c) Visibility provisions for this application do not alter the fact that the traffic moves very quickly along this stretch of A365. Access is right next to a busy and dangerous corner. The camber of the land slopes away from the main road, making any access road onto A365, steep and difficult to negotiate. This junction, being so close to the Norrington Lane bend/junction would be particularly lethal: an accident waiting to happen.
- d) Local residents emphasise that due to the topography of the land, it is really difficult for pedestrians to hear traffic coming round the corner. Traffic is very fast moving, which makes it a particularly hazardous road to cross or walk along.
- e) Visitor parking for this site would spill out into the main A365 or Norrington Lane which would create a serious highway hazard.
- f) The development is in open countryside, outside village policy limits.

Additional comments

- a) Shaw has an oversubscribed primary school. The footway to the school is narrow and incomplete in places. It is not safe either for adults or children to walk to school due to speeding traffic and poor visibility around the large bend. The main secondary school is being located to the east side of Melksham.
- b) The sewage system is inadequate for further expansion as there are sometimes problems now with backflow.
- c) There are reports that the land has been used in the past, for foot and mouth disease burials. This would need to be formally investigated.
- d) The Parish Council is concerned to ensure that any affordable housing really does meet identified local needs as set out in a proper formal agreement. However, although it is argued these units are needed to meet local housing needs as identified in a recent Shaw and Whitley Housing Needs Survey, there is no guarantee that this housing will be used for Shaw and Whitley people.
- e) The Parish Council is disappointed that this Rural Housing Association has not Consulted with elected local council representatives re identifying a suitable local site. This application has been submitted without any discussion with the local Council.
- f) It seems this application is being submitted because the land has become available due to unanimous rejection of an earlier planning application on the same site by the Planning Committee. That in itself is not a good enough basis for allowing an exception site, especially when the Planning Committee has already recognised the serious problems which exist here.
- g) If permission were to be granted on the present application, without a Section 106 Agreement even being considered or negotiated, the community would be deprived of the essential planning gains needed to make the site safe. Once the precedent for development is granted at this unsuitable site, there would be nothing to stop further applications for developments on adjacent plots. A section 106 Agreement is essential for this site because the applicant should have to meet the costs for a wider path and easier access into the village, including an improved "off road" footpath to the local shop. There is no such link with the village at all at present.
- h) While the housing units in themselves maybe constructed to a high standard, this is a small compensation for a site in an isolated location, adjacent to one of the most dangerous bends in the area, on the wrong side of an increasingly busy road. The A365 is scheduled to take even more heavy traffic in the near future.

i) There are already plans for additional housing to be provided by the Selwood Housing Association at Eden Grove, Whitley. The Eden Grove site is a very central. There are other central sites which could be used for housing as well. In the interest of community cohesion, these need to be fully explored.

The Parish Council therefore requests that the application for this seriously flawed site, be withdrawn in favour of a proper round the table discussion between the applicant, the Parish Council and Wiltshire Planners, to find a better quality for Shaw and Whitley's local housing needs. Please think again and please talk to your local Council.

Comments received 9th September 2009 – Plan revised

The Council notes the revised plans re the entrance and more secure fencing. However, the Council still strongly opposes this application on the grounds that the development is extremely dangerous from a highway point of view. The housing site is well away from the villages of Shaw and Whitley on the Norrington side of the A365 which means that residents would have to traverse the A365 near the busy bend at the Norrington Lane junction to reach the village facilities and the local school. Due to the camber of the land which slopes away from the A365 down towards Norrington, it is very difficult for residents wishing to cross this road to hear approaching traffic. Traffic moves extremely fast, particularly from the Bath direction travelling towards Melksham and there is at present no designated pedestrian footway. The site is very poorly related to village facilities and so there would be a heavy reliance on private transport for school and shopping etc

Planning Policy Team

Comments received 21/9/2009

The exceptions schemes are only justified where there is an identified local need and that this should be confirmed with the housing team. This aside there are no policy objections to this proposal.

Education Officer

7 houses is below our assessment threshold, so we do not assess a development as small as this, and hence no contributions will be required

Housing

Comments received 19/8/2009

The New Homes Team supports this application from Wiltshire Rural Housing Association, one of our RSL development partners. The RSL has been liaising closely with the Council's Enabling Team for some time to develop a scheme on this site at Shaw which meets affordable housing need, maintains a socially balanced community and fulfils the rural exceptions criteria of Policy H22. I can confirm that a local Housing Needs Survey was carried out, by Wiltshire Rural Enabler, which supports the number of units and the tenure of units proposed in this application. The survey was undertaken in 2006 and identified a minimum of 7 units being required. The figure is also supported by the current statistics on the Council's Choice Based lettings system. The units on site conform to the HCA Scheme Design Standards and we support the layout and design proposed.

Highways

Whilst highways originally objected to the scheme amended plans have been submitted which have amended the internal layout as well as provided for two pedestrian crossing points. For this reason they no longer object to the development subject to conditions.

The response recognises that whilst the site is in an unsustainable location on the edge of a village, this is a planning consideration having regard to the affordable housing nature of the development.

Environmental Health – Foot and Mouth

I have found a F&M file in the archives (pre 1994). The records show that sites were identified at Redlynch, Thorney Down, Everleigh, Purton and Compton Bassett. However, there is no record of

any of the said sites being used for the disposal of F&M carcasses. I have not found any other records or have any personal knowledge of any other sites being used for this purpose.

Environmental Health

No objection subject to condition

In respect of the comments that this is a foot and mouth burial site, there are no records of this taking place on the site.

County Ecologist

No objection subject to conditions

Drainage Engineer

No objection subject to conditions

Wessex Water

Water Supply

- A 9" trunk water main is located within the site and statutory easements must be maintained – building over, including tree planting, will not be permitted.
- It maybe feasible to divert the main, at the developers' cost
- The existing system would be adequate to serve the proposed development – point of connection to be agreed
- Building with more than two storeys may require pumped storage

Surface Water Drainage

- Separate public storm sewers are not available and should not be discharged to the foul sewer. We have no objections to the use of a sustainable drainage system as proposed.

Foul Drainage

- Although the local will be able to accept foul only flows at an agreed point of connection – however the local sewers discharge into the system to Melksham – we have identified a need to provide storage on this system to cater for the potential redevelopment of the existing George Ward site – to determine if this site on its own will result in storage being required can not be determined without modelling. The applicant will need to apply for a requisition as the foul sewer lies on private land as there is no right to cross third party land.

Sewage Treatment

The sewers drain eventually to Melksham STW which has been identified as operating at capacity.

Landscape and Arboricultural Officer

No objection subject to conditions

Environment Agency

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee – No comment to be made.

8. Publicity

The application was advertised by site notice/neighbour notification.

Expiry date: 28/7/2009

Summary of points raised:

A total of 29 responses have been received and comments relate to,

- Design and layout of the site clearly reflects the requirements of the Secured By Design
- Is in open countryside and against local policy plan and would place social housing outside the main settlement, local facilities and infrastructure to socially disadvantage the occupants.
- Plenty of empty viable properties available in Melksham
- Proposed location is on a very busy road, where a number of accidents have taken place in the last 5 years
- Lack of infrastructure to support these dwellings and the villages of Shaw and Whitley are poorly related to them
- Lack of a close secondary school, which is moving to the other side of Melksham
- Poor visibility due to the Norrington corner and Shaw Hill bend further along the A365.
- Other areas of Shaw and Whitley that would be better physically well related to the village.
- Increased traffic flow to the area
- Little demand for low cost housing in the area
- No footpath to the south side of the A365, throughout the entire length of the village, very dangerous to pedestrians trying to cross the road
- Possible infected carcasses from foot and mouth outbreak during the Second World War buried on site.
- No sewage system on site, existing housing in areas all have septic tanks
- Better to incorporate the development into the George Ward development as it is much closer to all the amenities, services and facilities.
- The Housing Needs Survey by the Rural Housing Enabler (RHE) was undertaken in 2005 and houses in 2009 are now at a much more affordable price.
- Increase in the level of traffic to exacerbate the problem of the A365 being the major route through to Bath.
- Location would not best serve the needs of young couples with young families or elderly citizens
- The area is Green Belt, which protects against inappropriate development outside established community limits

9. Planning Considerations

9.1 This site was the subject of a previous application for the siting of 26 dwellings which were being brought forward on the basis of a rural exception site for the provision of affordable housing. The application was refused permission on the basis of lack of affordable housing need for 26 units, unsustainable development and the lack of an arboricultural method statement.

9.2 For this current application to be granted planning permission it must demonstrate that the current proposals have overcome the previous reasons for refusal and that there exists a material change in the circumstances to allow a recommend to be forthcoming.

9.3 Principle of development and whether this is an exception site

As already stated, the site was the subject of an application in 2008 seeking permission for the siting of 26 affordable units under the Rural Exception Policy H22. Whilst the site is located on the edge of the existing village, and, therefore, met the requirements of the policy in this regard, an existing need survey, undertaken in 2006, identified a need for only 7 households with a local connection. For this reason the application was considered contrary to the provisions of Policy H22 as the number of units proposed far exceeded the local need and on this basis the application was refused.

9.4 In response to the refusal, this application has been submitted which now seeks permission for 7 units on a reduced site area, in line with the housing need survey undertaken in 2006. The Affordable Housing Enabling Officer has confirmed through the consultation process that the need for 7 units still exists and on this basis the proposed development is considered to be acceptable in terms of the location of the development and the number of units proposed.

9.5 In terms of the controls sought through Policy H22 over the future occupation of the units, this can be adequately controlled through a legal agreement which shall require that the development shall be solely for the provision of affordable housing to accommodate people with a local housing need.

9.6 For the above reason the proposed development for 7 units is considered to be materially different from that previously refused and for this reason fully accords with the provisions of Policy H22 of the West Wiltshire District Plan 2004

9.7 Sustainability

The previous application was refused on the grounds of being considered to be unsustainable. This was due to the fact that the development was far in excess of any local need and, for this reason, the proposed development would have introduced a significantly large number of dwellings into an intrinsically unsustainable location. Without that local link, it was considered that the additional dwellings, above the identified local need, would have introduced unjustified dwellings into a unsustainable location where the future occupiers, without any local connection, would have needed to travel out of the village to other settlements for work etc.

9.8 In respect of this application, the proposed development is providing for an established local need and, whilst acknowledging that it is in an intrinsically unsustainable location, being an extension to a rural village with a limited range of services and facilities, the proposed development is considered to be acceptable. The justification for this approach is that the development will accommodate households either presently resident within Shaw who may be living with relatives or in temporary accommodation or those who have a local link but have to travel to Shaw being resident in other settlements. Notwithstanding this however, it is recognised that the location of the development is unsustainable but, that in meeting this need, the benefits associated with the scheme outweighing the harm from a sustainability perspective. For this reason the proposed development has overcome the previous reason for refusal and is considered to be acceptable.

9.10 Trees

The previous application was refused on the basis that the submission did not address the issue of the trees on the site. However, the current application has been supported by an arboricultural report which has properly assessed the impact of the development upon the existing trees. In this regard, the proposed development is considered to be acceptable subject to conditions seeking protection of the retained trees and requesting of a detailed landscaping scheme. For this reason the proposed development is considered to have fully addressed the previous reasons for refusal and for this reason is considered to be acceptable.

9.11 Having regard to the above, therefore, it is considered that the proposed development is materially different from that previously refused and moreover, has addressed the previous reasons for refusal.

9.12 Layout

Turning to the issue of the layout of the proposed development, which relates to the way in which the buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development, the current proposal is considered to be acceptable.

9.13 The proposed layout provides for sufficient space within the development to be adequately serviced by motor vehicles and pedestrians, whilst at the same time provides for the minimum distances between the proposed units to provide for an acceptable level of residential amenity for the future occupiers. Furthermore, due to the distance between the existing neighbouring dwellings and proposed units it is not considered that the proposed development would be injurious to the residential amenity of those properties through loss of light, outlook or privacy. For this reason the proposed layout of the scheme is considered to be acceptable.

9.14 The density of the proposed development equates to 25 dwellings per hectare (dph) which is slightly lower than the 30 dph sought by the Government. However, the Government advice does allow for lower densities in particular circumstances. In this instance, it is recognised that, in this particular location, a higher density housing development would be considered to be visually intrusive being located on the fringe of the existing settlements and not reflect the looser grain of development to the north of the A365. For this reason the lower density is considered to be acceptable.

9.15 Concern has been raised that the proposed layout is such that, at a future date, the adjacent land will be developed. However, it must be stated that any such proposals would need to be supported by a demonstrated housing need as been mentioned above. If the need does not exist for the future development of the land then any subsequent application will fail the provisions of Policy H22 of the West Wiltshire District Plan First Alteration and be refused.

9.16 Scale and Appearance

In terms of the scale of the development, which relates to the height, mass and bulk of the proposed dwellings, and their visual appearance, the proposals are considered to be acceptable being similar in height to neighbouring properties, particularly those located on the north side of the A365. In terms of the visual appearance of the properties proposed it is considered that the design of the units is acceptable subject to the careful consideration of materials used in their construction. For these reasons the proposed development is considered to be acceptable having regard to the provisions of Policy C31a of the West Wiltshire District Plan First Alteration 2004.

9.17 Access

The development proposes an access directly off the A365. Careful consideration has been given to this element of the proposal given the level of objection received in relation to this element of the development. In this regard, the proposed development fully accords with the Council's highway safety requirements in terms of the adequacy of the inter-visibility at the junction of the site to the road, achieving the required visibility in both directions. In meeting the required standards the proposed development would not, it is considered be injurious to the safety and free flow of traffic on the neighbouring highway. On this basis it is considered that the access onto the A365 is acceptable and there is no justification to refuse the application on these grounds.

9.18 As part of the previous application reason for refusal 2 referred to the lack of adequate pedestrian link from the site to the village. In this regard amended plans have now been received which provide for off-site pedestrian crossing points on both sides of the new access into the site to link to the footpath on the other side of the A365. This off-site provision will be delivered through a conditional requirement attached to the decision. For this reason the proposed development is now considered to be acceptable as it has addressed the previous reason for refusal.

9.19 In terms of the parking provision, the scheme is considered to be acceptable being fully in accord with the Council's standards.

9.20 Ecology

In support of the application, various ecological reports were undertaken, including a reptile report. In the Ecology report, it was considered that the dead Scots pine to the north west of the site had "features suitable for the use by roosting bats". In the judgement of the Council's Ecologist the dead Scots pine has a "very low potential" for roosting bats and has for this reason, suggested a condition requiring that it be surveyed for the presence of any bats prior to its removal. If bats are discovered within the tree then the condition will require that mitigation measures are put in place prior to its removal.

9.21 Green Belt

A number of objections have been received concerned that the development is inappropriate within the green belt. As a matter of clarity, the Council would advise that this area is not designated as Green Belt within the West Wiltshire District Plan First Alteration 2004 but, moreover, is defined as open countryside.

9.22 Foot and Mouth

Concerns have been raised that the site was historically used as a burial site for animals that had been destroyed as a result of foot and mouth infection. I would advise that the Council has investigated the records in respect of this issue but can find no evidence that this site was ever being used for this purpose.

9.23 Flooding/Drainage Issues

There would be no significant issues regarding flooding and conditions will be attached to ensure sustainable drainage is incorporated within the scheme should cover the requirements.

9.24 Sewage Disposal

Wessex Water have not raised objection in relation to foul water disposal subject to the a number of requirements covered by in formatives attached to this recommendation. In addition, conditions have been attached to the recommendation requiring that the details of foul drainage of the site be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

9.25 Education

No objection is raised by the education department to the proposed development and therefore, it is considered that the child product from the site could be accommodated within the existing schools in the area. It is important to note that, as the site is catering for existing need, some of the children who would occupy these units may already be attending the local schools.

9.26 Lack of S106

The Parish Council is concerned that there is no S106 proposed for the development. However, the only element which requires delivery through a S106 is one limiting the occupation to a local need as stated above.

9.27 Having regard to the above, the current application has overcome the previous reason for refusal being a materially different scheme from that previously refused subject to a legal agreement being entered into by the applicant in respect of the control of the future occupation by people on the waiting list with a local link . In addition, it is considered that the proposed development is acceptable in terms of the layout, scale, visual appearance and access and for these reason the proposed scheme is considered to be acceptable with there being justified reason to refuse the proposed development.

Recommendation:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement to secure:

**That the development inures solely for the benefit of a Registered Local Landlord;
Nomination rights over the future occupiers of the dwellings by the Council
Restriction of the occupation of the dwellings to those people who qualify as having a local need**

For the following reason(s):

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

Subject to the following condition(s):

- 1 The development hereby permitted shall 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 the precise position(s) of the approved building(s) has/have been pegged out on site and agreed in writing by the Local Planning Authority. The building(s) shall be positioned in accordance with the approved pegged out position.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H22 and C31a

- 3 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 4 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 those Orders with or without modification), no development within Part 1, Classes A, B, C, D, E, F, G, H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 5 No development shall commence on site until details of recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupation until the approved recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C33

- 6 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the

approved details. There shall be no land raising unless approved under the terms of this condition.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1, H22, C31a and C38.

- 7 That, if during the course of construction, contamination is discovered on the site, works shall immediately cease and shall not recommence until such time as a full contaminated land survey and mitigation strategy shall have first been submitted to and approved in writing by the Local Planning Authority; and shall be implemented in accordance with such approved details prior to the occupation of the dwellings, unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C37

- 8 Neither the mature oak (located within the southern hedgerow) or the dead Scots pine (located at the north-western corner of the site), as shown on Plan No.09.06.14, shall be removed until such time as survey report has first been submitted to and approved in writing by the Local Planning Authority to establish whether bats are present within the trees (such details to include the type and location of any proposed mitigation if bats are found on the site); and implemented in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority

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

POLICY : Policy C7 – West Wiltshire District Plan 2004 – PPS 9 Biodiversity ODPM Circular 06/2005

- 9 No works on shall be undertaken until such time as details of a badger survey shall have first been submitted to and approved in writing by the Local Planning Authority (such details to include any proposed mitigation in the event that badgers are found on site.); and implemented in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority

REASON: To ensure that the site has not been occupied subsequent to the grant of permission by badgers, in the interests of natural species which have statutory protection.

POLICY : Policy C7 – West Wiltshire District Plan 2004 – PPS 9 Biodiversity ODPM Circular 06/2005

- 10 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005

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 procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
 Details of all other activities, which have implications for trees on or adjacent to the site.
 Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2. Code of practice for day lighting

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the 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 and section 197 of the Town & Country Planning Act 1990.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – Policy C31a and C32

- 11 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 C31a and C32

- 12 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 weekly 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 C31a and C32

- 13 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any to be retained, together with measures for their protection in the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) finished levels and contours;
 - (e) means of enclosure;
 - (f) car park layouts;
 - (g) other vehicle and pedestrian access and circulation areas;
 - (h) hard surfacing materials;

- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 14 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.

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

- 15 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

- 16 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 17 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 first 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 U2, H1, H22, C31a

- 18 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a H22

- 19 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a H22

- 20 No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a H22

- 21 No works on site shall be undertaken until such time as details of the highway alterations to provide for the pedestrian link shown on the approved plans shall have first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details prior to the first occupation of the dwellings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of pedestrian safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C31a and H22

- 22 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (h) measures for the protection of the natural environment.
- (i) hours of construction, including deliveries;

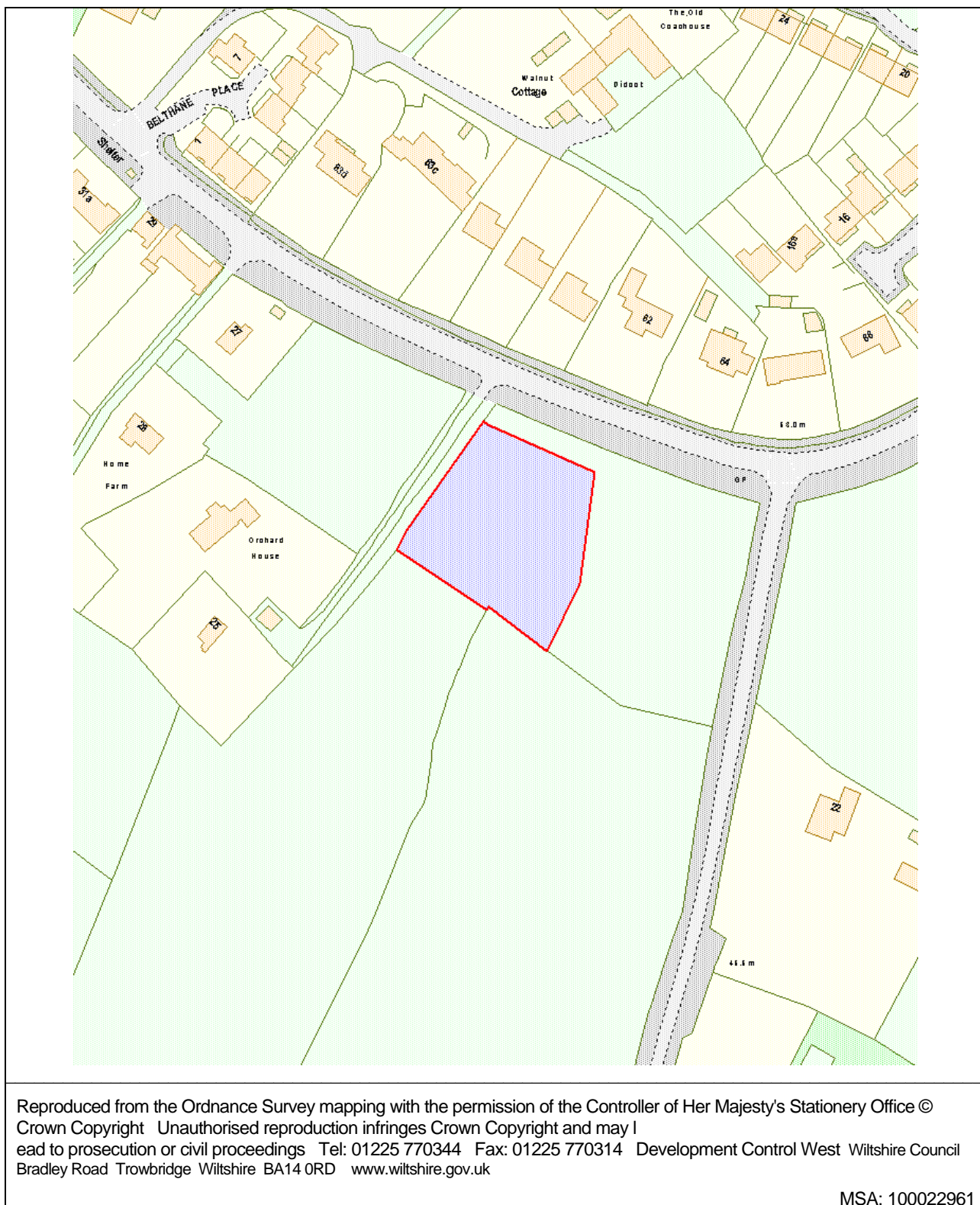
has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written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

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

Informative(s):

- 1 No materials or waste shall be burnt on site in order to alleviate the likelihood of nuisance occurring.
- 2 A written procedure must be produced and implemented to control as far as practicable dust pollution on and off site.
- 3 A suitable vehicle wheel wash to be installed at the entrance and exit to the site.
- 4 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

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



RELEVANT APPLICATION PLANS

Drawing : WILL BE LISTED ON THE LATE LIST

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 05

Date of Meeting	28.10.2009		
Application Number	W/09/02622/FUL		
Site Address	Land At Capps Lane Bratton Wiltshire		
Proposal	Mobile home, day room and retention of existing pair of sheds		
Applicant	Mr Freddy Hughes		
Town/Parish Council	Bratton		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	389997 153518		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

* "I understand that there is enforcement action ongoing with this and the land has been used as a site, unauthorised for several years."

* "complete lack of clarity on the number of sites we should allow in the West Wiltshire area".

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- * Impact on the rural character of the area
- * Impact on highway safety
- * Impact on amenity, including that of neighbours
- * Proximity to local services and facilities
- * The needs and safety of future occupants and their children

3. Site Description

The application site is located in open countryside which is subject to no special landscape designations. It is sited on the C-classified Capps Lane which runs between Heywood and the settlements of Bratton and Edington.

The site has natural hedges to the north and east boundaries. To the south the boundary is a post and wire fence. To the west it is a mix of hedge and post and wire fencing.

Part of the site is still open to grazing, but the northern part is occupied by 2 barns and a caravan; the site has been subject to enforcement action by the Council regarding this and its uses.

Access to the site is existing, denoted by solid timber gates set back nominally from the highway. A rough access track is laid into the site beyond.

4. Relevant Planning History

None

5. Proposal

This is a planning application for a single private gypsy pitch to include the siting of a mobile home and touring caravan and the erection of a day room.

The day room would have a footprint of 5 metres by 6 metres; a height to eaves of 2.35 metres and a height to the ridge of 4 metres.

The proposal also proposes the retention of two existing barns at the site for use in connection with horses; the applicant is a traditional horse dealer.

Further the proposal includes revising the existing access to the site, hard and soft landscaping and parking and turning provision.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

CF12 Gypsy Caravan Sites

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development

DP15 Accommodation for Gypsies and Travellers

National guidance

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.

DETR Circular 03/1999: Planning requirement in respect of the use of non-mains sewerage incorporating septic tanks in new development.

7. Consultations

Bratton Parish Council

OBJECTION:

"The council opposed the application on the following grounds:

1. The application is for a site outside the village policy limits contrary to policies H1 and H17 of the West Wiltshire District Plan 1st alteration (2004).
2. The proposal located in open countryside outside the defined village policy limits of Bratton would be tantamount to a new dwelling in the countryside without justification in the essential needs of agriculture or forestry contrary to Policy H19 of the West Wiltshire District Plan 1 Alteration (2004)

3. The proposal by reason of the proliferation of gypsy and traveller sites in the area would have a cumulative impact which fails to respect the scale of the village of Bratton contrary to paragraph 54 of ODPM Circular 01/2006.
4. The potential to accommodate further families.
5. It would appear that this application has been engineered to obstruct the declared wishes of Wiltshire Council (i.e the enforcement notice of 13.07.09) who have stated that the land should be cleared."

Highway Authority

NO OBJECTION: Subject to conditions:

The development hereby permitted shall not be occupied until the access has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. REASON: In the interests of highway safety."

Wessex Water

NO OBJECTION.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 7 October 2009.

2 letters of objection from 1 party have been received. Summary of points raised:

- * The land has been subject to planning enforcement, which has yet to be complied with.
- * If approved the land may be handed back to the original owner to proceed as they intended prior to Council enforcement action.
- * Blot on the landscape (confirmed by planning inspector)
- * Erode the isolated and unspoilt countryside location.
- * Noise from generators and barking dogs is disturbing amenity (tested by an inspector).
- * Increase in traffic cannot be coped with on this lane.
- * No footpath or lighting on this lane which is used by local riding school
- * In the enforcement appeal it was stated by the Council that the land should not be residential.
- * No bus service
- * This proposal is a means of side stepping planning law.
- * The siting of the caravan and the new day room would spoil views from lounge and bedroom windows.

9. Planning Considerations

9.1 This proposal has been presented as an application for a single private gypsy site. As such it must be principally considered under Policy DP15 of the Wiltshire Structure Plan 2016 and Policy CF12 of the West Wiltshire District Plan (2004). Further the proposals need to be considered in light of other relevant development plan policy and the regional and national context which includes the ODPM Circular 01/2006 on planning for gypsy and traveller caravan sites.

9.2 Policy DP15 clearly states that proposals for gypsy caravan sites cannot be assessed using policies for settlements and that travellers and gypsies have particular needs which are recognised in central government policy. Further it is clear that suitable sites may be found within and outside settlements.

9.3 Policy CF12 is consistent with the Structure Plan and also sets out criteria by which to assess applications and has a positive phrasing stating that proposals to provide caravan sites for gypsies will be permitted in appropriate locations having regard to issues such as nuisance, encroachment into open countryside, the needs and safety of future occupants and their children, highway safety,

availability and adequacy of infrastructure, proximity to services, protecting agricultural land and flood risk.

9.4 National policy on such matters was updated in February 2006 with the production of ODPM Circular 01/2006. This defines gypsies and travellers as 'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently.....', but acknowledges that the community has generally become more settled. Being settled can have benefits in terms of access to health and education facilities, and can contribute to greater integration and social inclusion within local communities as detailed in the circular.

9.5 The Council's spatial planning team continues to work towards the production of a Development Plan Document for Gypsy and Traveller site allocations as part of the new Local Development Framework for Wiltshire. However this is in its very early stages and no allocation have been made to date. The Regional Spatial Strategy has indicated that there is a shortage of allocated sites within the former West Wiltshire administrative area and so there is an acknowledged need in the area.

9.6 Turning to this specific case the applicant has stated that they are local to the area, having lived at the gypsy site in Dilton Marsh whilst growing up. Mr Hughes has been living in Westbury with his partner in regular accommodation but claims that this is having impacts on his health and relationships because he cannot keep with his culture as a Romani Gypsy. Whatever the motives the applicant has demonstrated a need for accommodation.

9.7 National and local planning documents accept that private sites are acceptable in principal, indeed this can be beneficial in that it can reduce conflict between different families, ethnicities and cultural origins of travellers on larger communal sites.

9.8 This application site is located in the open countryside remote of village policy limits. This site is very close to an existing authorised private gypsy site and via public rights of way can access the village of Bratton and its services and facilities. The first of the Capps Lane approved sites was granted by a planning inspector who considered the site to be reasonably sustainable for a gypsy site given their nomadic lifestyles.

9.9 The planning policy is explicitly clear that applications should not be considered against the normal policies for housing and village and town settlement boundaries. Applications outside of settlements may be perfectly acceptable.

9.10 It is noted that the highway authority raises no objection subject to safety orientated conditions. The access to the site is rather rough, although well established. The visibility in both directions can be improved without significant harm to landscaping interests. Therefore subject to conditions over visibility splays then the modest intensification of traffic at this point poses no significant concerns. Indeed the proposals would set back the gates which in itself would be an improvement over the existing access provision.

9.11 The site is located approximately 1.5 km from the village policy limits of Bratton which has all the facilities to be expected of a modest rural village, including a rural bus service which connects to larger local settlements and their facilities. This site, although not ideal in terms of its location some distance from an established settlement and not very well related to any settlement, in the context of being a gypsy application, is on balance reasonable. There is access to local facilities and services to satisfy the needs and safety of future occupants and their children including access to education, health facilities and work and leisure opportunities. Other locations, arguably, may be preferable, but without any LDF site allocations (indeed the Council's work is still at an early stage) it is hard to reasonably argue such a case when there is a demonstrable need. This site has been brought forward and must be assessed on its merits in light of the material considerations.

9.12 Turning to wider planning considerations of the site it is noted that this proposal is in open countryside that is subject to no special designations. The frontage of the site is well screened by an established hedge. The site would however be visible from public vantage points and the one neighbouring property to the west. However landscaping may mitigate against this to some extent and the planning system does not seek to protect an individual property owner's view. This can be

reasonably secured by planning conditions and the applicant states a willingness to discuss landscaping and take on board advice from the Council on additional planting.

9.13 The amount of development being proposed is quite typical of a single, private gypsy application including a large caravan, a touring caravan and a dayroom. All of this development is limited to single storey heights and would be suitably sited within the context of the area, viewed against the backdrop of vegetation. In summary the proposal would not have a significant impact on the rural character at this point.

9.14 The proposal seeks to retain the barns which were erected in connection with previous unauthorised uses on the site. It is reasonable to have these retained for equestrian/ancillary commercial purposes as detailed. The applicant is a gypsy who takes part in traditional horse deal as part of his living. Equestrian uses are perfectly in keeping with the rural location.

9.15 The proposals detail the siting of sewerage treatment facilities on the site, which seem reasonable. Since there are no mains facilities in the area then this is an acceptable approach. It is noted that Wessex water raises no objection. Conditions can reasonably control the points on services, and thus reduce the potential for nuisance noise from generators.

9.16 The application site is subject to the lowest level of flood risk and therefore this factor is not of significance. Further the land is not considered to be the best or most versatile agricultural land.

9.17 It has been noted that the proposals have been subject to some public objection following the display of a site notice and some neighbour letters being sent out. All the comments and points received in the consultation process have been noted and given consideration prior to reaching any conclusion or recommendation. Any planning matters have been discussed above, but other grounds for objection such as the loss of view are not material planning considerations.

9.18 Finally Cllr Swabey has highlighted that the site has been subject to enforcement action. The Council is in a continuing process to enforce against the existing unauthorised development of the site as a separate matter to this pending application. This application must be assessed on its own merits, independent of the enforcement action.

9.19 In summary the proposals are considered to be in accordance with the development plan policies for the area and national guidance in circular 01/2006. There is an acknowledged shortfall in traveller and gypsy provision within this area as detailed in the emerging regional spatial strategy and it is highly regrettable that the work for allocations at the local level is not complete. Given that there is an acknowledged need for further sites, and that the Council has not made any allocations to date then speculative applications must be given significant consideration in that context. Although arguably not ideally located, since this site meets the criteria set out in the principal development plan policy, and would not result in any demonstrable harm to planning interest (subject to the imposition of reasonable conditions), then this application may be recommended for permission.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 The development hereby permitted shall 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 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan or mobile home, shall be stationed on the site at any time.

REASON: In the interests of the visual amenity of the area.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 4 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 5 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 6 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 7 No development shall commence and no caravans brought onto site until details, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority for the following:

- i) the materials to be used in the construction of the external surfaces of the day room, hardstandings, access drives, parking and amenity areas;
- ii) the landscaping of the site (a scheme showing the species, plant sizes, numbers and densities) including details of any supplementary planting to reinforce the existing hedgerows;
- iii) any new boundary treatment, fencing or gates
- iv) refuse storage facilities
- v) electricity generation
- vi) lighting
- vii) details of septic tank

REASON: In the interests of amenity of the area and neighbours.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 8 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 site. 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.

REASON: To ensure a satisfactory landscaped setting for the development.

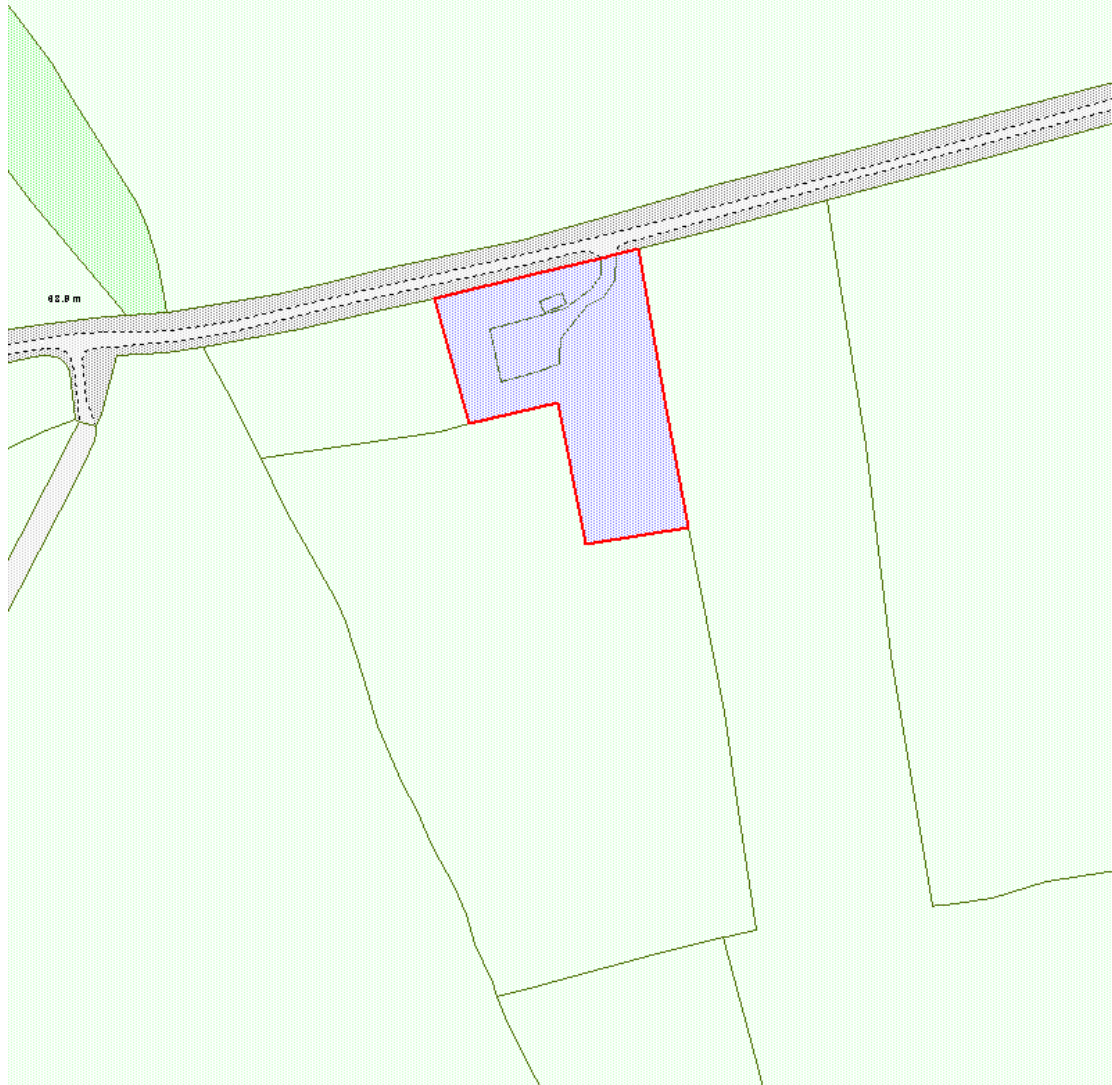
West Wiltshire District Plan 1st Alteration 2004 – POLICY CF12.

- 9 There shall be no burning of waste on the site.

REASON: In the interests of amenity and environmental protection.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

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



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RELEVANT APPLICATION PLANS

Drawing : SITE PLAN received on 08.09.2009
Drawing : 0946/01 received on 08.09.2009
Drawing : 0946/02 received on 08.09.2009
Drawing : DAY ROOM received on 08.09.2009