

Date of Meeting	25 th November 2015
Application Number	15/05079/FUL
Site Address	Withleigh House Spa Road Melksham Wiltshire SN12 7NP
Proposal	Redevelopment of site with the erection of a part two part three storey building comprising 30 Retirement Living apartments with associated communal facilities, car parking, access and landscaped grounds
Applicant	McCarthy Stone Retirement Lifestyles Ltd
Town/Parish Council	MELKSHAM (TOWN)
Electoral Division	MELKSHAM CENTRAL
Grid Ref	390709 163531
Type of application	Full Planning
Case Officer	Jemma Foster

This application has come back to the Western Area Planning Committee as the previous resolution is not able to be fulfilled.

This application was assessed by the Western Area Planning Committee on 14th October 2015. The minutes of the meeting (draft and not yet agreed) state that the decision of the committee was as follows:

Cllr Jonathon Seed proposed, subsequently seconded by Cllr Pip Ridout, that the Committee should approve the application as per the officer's recommendation detailed in the report, with the request from the Committee that a signal controlled crossing point between the new development at Withleigh and the existing Wharf Court on the other side of the road be included. (Minute 93 refers)

Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework' state that planning obligations have to comply with the following three tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The Applicant and the Highways Authority did discuss the requirements of the proposed development before submission of the application and it is the recommendation of the highways officer that when taking into account traffic flow on Spa Road and the relevant safety audit requirements, improvements to the existing crossing and/or an additional crossing is not justified by the development and is not necessary to make the development acceptable in planning terms. The request therefore fails the tests above especially as the majority of the pedestrian movement from this development would be longitudinal (to and from the town centre) rather than across the road.

Development Management since the last Committee Meeting have undertaken discussions with the Highways Authority who have confirmed that current Wiltshire Council practice requires a minimum level of pedestrian flow before a formal crossing (beacon, zebra or controlled) can be considered. The pedestrian flow would be a minimum average level of 50 pedestrians an hour over the four peak hours is required. There is not and would not be an average level of 50 pedestrians in this area even as a result of the proposed development. It is therefore considered by officers that the controlled crossing is not necessary to make the development acceptable in planning terms.

The cost of installing a controlled crossing is £70,000, a cost which the Applicant is not willing to provide on top of what has already been agreed. Even if Councillors considered reducing the amount of off-site affordable housing contribution to provide for the crossing, the Highways Team at Wiltshire Council would not support or install such a crossing as cars coming over the brow of the hill although may see the lights, would not see cars waiting at the controlled crossing and therefore would result in a danger to highway safety. As already stated there is also not sufficient footfall to warrant such a crossing.

Discussions have also taken place with the Local Ward Member who put forward an option of a no right hand turn lane. The Highways Officer has stated that a no right hand turn lane is difficult to control on private accesses and would in this location result in cars turning round on the nearby mini roundabout which is not practical or safe in highway safety terms.

The Highways Officer has confirmed that if cars turning right into the proposed development was causing concern, then a sign could be installed at a later date warning cars coming over the brow of the hill of waiting traffic. However Wiltshire Council only put signs up if there is an existing problem and not in anticipation of a problem that may never occur.

As a compromise, there is an existing uncontrolled crossing with a central splitter at the nearby roundabout (approximately 15 metres from the existing access to Withleigh). If the Western Area Planning Committee thought that a crossing was necessary to make the development acceptable, the Highways Authority have suggested widening the existing

central splitter at the nearby roundabout which would allow it to accommodate more waiting pedestrians.

The cost of providing this widened crossing would be £6000 which would include the cost of a full road closure. The applicant has confirmed that if the Committee were to find this improved infrastructure necessary then they would be willing to provide the financial contribution in addition to the commuted sums already agreed. This would need to be included with the Section 106 Legal Agreement.

RECOMMENDATION: To approve the application in accordance with the Officers Recommendation on 14th October 2015:

That the Area Development Manager be authorised to grant planning permission, subject to the conditions set out below, on prior completion of a Section 106 legal agreement for bus stops and off site affordable housing contribution.