

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	7 July 2021
Application Reference	20/11601/REM
Site Address	Land East of Spa Road, Melksham
Proposal	Reserved Matters for 25 homes forming Phase 1A of outline planning permission originally granted under 14/10461/OUT and varied by consented application 17/09248/VAR. REM approval is sought for all outstanding matters relating to this phase, comprising Scale, Layout, External Appearance, Landscaping, Internal Access Arrangements and the Mix and Type of Housing.
Applicant	BDW South West Mr Mark Powell
Town / Parish Council	Melksham Without CP
Electoral Division	Melksham South – Cllr Sankey
Grid Ref	391581 - 163371
Type of Application	Reserved Matters Application
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This application has been 'called in' for the Western Area Planning Committee to determine at the request of the local ward member (prior to the May election), by Cllr Nick Holder should officers be minded to support the application so that the elected members can consider the following material matters:

- The relationship to adjoining properties
- The environmental or highway impact
- To open this application to public debate at the request of the Parish Council and local residents.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions.

2. Report Summary

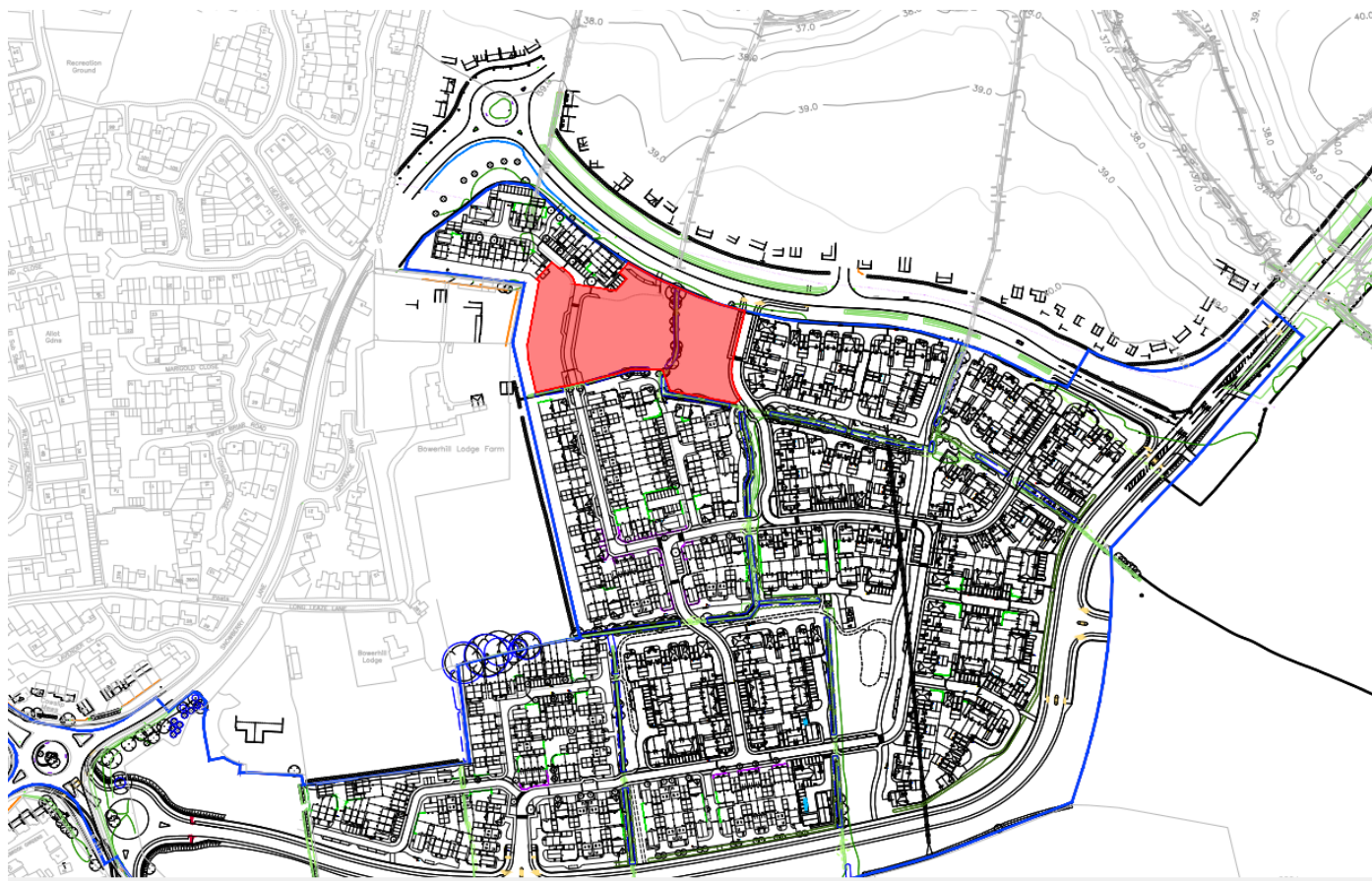
The key determining planning issues are considered to be: The principle of development, the impacts upon the area and wider landscape; drainage impacts, heritage asset setting impacts as well as highway impacts and neighbouring impacts.

3. Site Description

The red lined extent of the application site is shown below left – which is a parcel of land that is located outside the town policy limits of Melksham as map insert reveals below right (with the black line depicting the settlement limits). However, as referenced above within the application description, the site benefits from extant outline planning permission and reserved matters approval for 447 dwellings.



The site is known as Land East of Spa Road, Melksham and the particular phase to which this application refers, extends to approximately 1 hectare in size and forms part of the wider site's development for housing – which is illustrated below, and is well under way.



The site is relatively flat and previously comprised agricultural land forming part of two fields which are bisected by hedgerow with the southern boundary formed by hedgerow. The site is within the Melksham Without Parish.

4. Planning History

14/10461/OUT – Erection of 447 dwellings and access – Approved 22/09/2016

17/09248/VAR – Variation of Condition 32 of 14/10461/OUT relating to site access – Approved 09/08/2018

18/04644/REM – Erection of 447 Dwellings – Approved 05/12/2018

18/02128/FUL – Construction of surface water drainage detention basin, associated with permission 14/10461/OUT, including associated access, groundworks and landscaping – Approved 15/08/2018

21/01111/REM – Erection of 50 dwellings – pending a decision (reported to WAPC for consideration)

Note: There have been additional variation and REM applications for this site, but these have not been implemented.

5. The Proposal

This application seeks REM approval for various material revisions to the scheme previously consented under the 18/04644/REM application. The proposed changes are summarised as follows:

To reduce the number of dwellings within the phase from 27 to 25; and to: -
 To remove **two** 2bed dwellings and remove **five** 3bed dwellings as previously consented; and to erect **five** 4bed dwellings in their place.

The previous approved layout is illustrated below:



The proposed revised layout which requires committee determination is revealed next:



6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP15 – Spatial Strategy Melksham, CP45 (meeting Wiltshire’s housing need) CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management, CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration): U1a Foul Water Disposal.

Other Matters

- The Wiltshire Waste Core Strategy (adopted 2009)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework 2019 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- The emerging Joint Melksham Neighbourhood Plan (which has a referendum date set and can be afforded significant weight in the planning balance)

7. Consultations

Melksham Without Parish Council – Objects and expressed a disappointment that work is still taking place on the site whilst there are flooding issues affecting neighbouring properties and until the flooding issues are resolved, the Parish Council is unable to support any further changes to the planned redevelopment of the site. The application proposes the removal of several smaller dwellings and provide five 4bed units when there is local demand for smaller properties. Can some affordable/social housing be allocated on this application site in order to give an even spread?

Melksham Town Council – Objects and cannot support any further progress of building works until the specific issues are resolved.

Wiltshire Council Drainage – No objection.

Wiltshire Council Urban Designer – No objections to amended plans

Wiltshire Council Archaeology - No objection

8. Publicity

The application was advertised by a site notice and individually posed neighbour notification letters. The deadline for third party representations was 5 March 2021. In response to the public notification exercise, 6 letters of objection have been received. The objections and comments are summarised below:

Drainage Concerns

- The flooding that has occurred since building works began is not due to the exceptional weather events.
- The implementation of new drainage ditches must call into question the validity of the flood assessment for the whole site.
- The blue line on the flood mitigation proposal is an extended land drain – is this to be a ditch or buried?
- The green/yellow lines are ditches/hedge lines which run into areas with no external access – who will maintain these features?
- The enhanced flood mitigation should extend around Farmhouse Court to prevent further damage.
- The flooding may have an impact upon the stability and preservation of third-party boundary walls which forms part of the listed curtilage of Farmhouse Court.
- Has the flood mitigation proposal been presented to the Council for its approval?

Impact on Amenity

- The land has been raised by 1m which has had a greater impact on residential amenity.

- The proposed orientation of the new dwellings would result in additional loss of privacy/amenity.
- The bedroom windows would overlook neighbouring properties and gardens.
- The proposed dwellings would be built on elevated land and would lead to overbearing of neighbours.

Other Matters

- Works should be stopped on site as Wiltshire Council are aware of the issues and are yet to take any action.
- An ecological survey is being redone by the same company that provided the flawed assessment previously.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of Development

The principle of residential development for this site has already been established through the approval by the Council of the 2014 outline application and the 2018 reserved matters application. This application seeks consent for material revisions to the previously approved reserved matters and the Council can only consider those matters which are reserved by the outline and the details of the REM submission which in the case of this application, includes the proposed reduction in the number of homes to be built within the identified phase (from 27 to 25); and the construction of five 4bed dwellings and to not construct two 2bed homes and five 3bed dwellings as previously approved. The following table sets out the spread of the previously consented phase and what is now proposed:

	<u>As-approved in</u> 18/04644/REM	Proposed in 20/11601/REM
2 bed	2	-
3 bed	9	4
4 bed	16	21
Total	27	25

Melksham Without Parish Council have enquired whether additional affordable social housing can be secured for the development site within their consultation response. This cannot be secured at this REM stage as the quantum of social housing has been set by the 2016 outline application - which has been implemented via subsequent approved REM/VAR applications. The Council cannot impose additional obligations at this stage, as doing so would be *Ultra Vires*; and in any case, it should be noted that the proposed housing quantum would be less than what was previously consented. It is important to confirm that the spread of the policy required affordable/social housing provision across the entire site has already been agreed and is not open for re-consideration. The proposed revised layout for this REM submission reveals the nearest pepper potted A/H provision to the immediate north of this phase - indicated by way of yellow and blue dots on the submitted plans.

Whilst the local concern is noted about the proposed removing of seven 2 and 3bed units from this particular phase, it is important to be cognisant of the fact that the consented 2018 reserved matters application, to which this parcel of land forms a part, included the following market housing (19) 2bed units, (60) 3bed units and (104) 4bed market houses (totalling 183). If approved and implemented, the total for the wider land parcel area would be (17) 2bed units, (55) 3bed units and (109) 4bed units (181 units).

The affordable housing provision would remain unchanged and would still comprise: (8) 1bed units, (34) 2bed units, (24) 3bed properties and (2) 4bed homes in addition to the above.

Officers are satisfied that there would still be a good spread of housing types to meet a range of housing demands across the wider site.

9.2 Impacts upon the character and appearance of the area

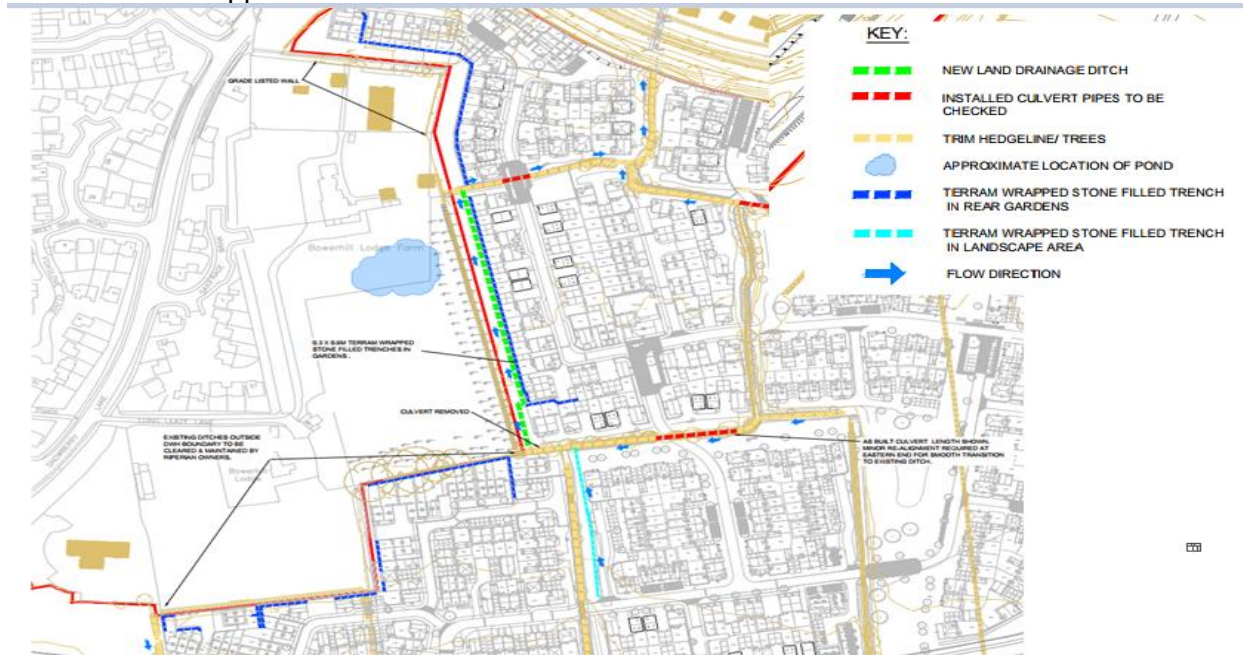
The proposed revision to this phase of development would not have an adverse impact upon the character and appearance of the area. The proposed dwellings would remain two storey and would use materials that have already been approved for the wider site. The orientation of the new house types would be similar to the layout previously approved and the land levels have not been significantly increased.



It has been noted that concerns have been raised regarding the landscaping of the buffer zone. This was subject to a suspensive planning condition which was approved under application 19/01789/DOC that includes a structural woodland mix for the buffer and the planting of wild cherry, birch, hornbeam and field maples – which is illustrated above. This REM application does not seek to change this approved buffer.

9.3 Drainage and Flooding Concerns

The local concerns expressed about site flooding and neighbouring impacts are duly noted. Officers are aware of some dwellings near the site experiencing some surface flooding to their gardens. Officers from the development management and planning enforcement team as well as the Councils drainage team engaged with the developers and the affected neighbours to ascertain the source of the flooding which led to the recent submission of application PL/2021/05925.



The recently submitted PL/2021/05925 application was submitted on the back of the recent off-site surface water flooding events, which updated and addressed the drainage condition requirements set within the original outline consent for 14/10461/OUT. Officers can confirm that the additional technical details submitted to the Council have been appraised by the Councils drainage team and Wessex Water, and both are satisfied with the revised surface water drainage plans that reflect the land level changes made on the site during construction, and have confirmed that the surface water and foul drainage connections are to be adopted by Wessex Water, and would fall within the scope of the extant s104 adoption agreement.

Officers are therefore satisfied that the drainage system and the remedial works enshrined within the recent DoC application (as shown below) would mitigate the impacts of the development and would not make things worse, thus satisfying the Framework requirements.

It is important to fully appreciate that the changes submitted as part of this reserved matters application do not impact upon the recently submitted discharge of condition application and as such, it does not result in any drainage or flooding concerns that would warrant a reason to refuse the application.

9.4 Impact upon the setting of the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘*special regard*’ to be given to the desirability of preserving a listed building or its setting.

Paragraph 193 of the NPPF states that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

The following points are taken from the Historic England document “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3) that are considered to be particularly relevant:

HE GPA3 Part 1:

“The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.”

“The extent and importance of setting is often expressed by reference to visual considerations. ...views of or from an asset will play an important part...”

“While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time.”

“The importance lies in what the setting contributes to the significance of the heritage asset or to the ability to appreciate that significance.”

The listed building in question is Berkeley House (which is grade II listed), which was originally listed as Bowerhill Lodge Farmhouse was split into four dwellings and is located North East of this application site. Also, to the north, there is an inverted U shape stable block that is considered to be a curtilage listed building to the main farmhouse and has been considered as such, when the stable block was converted to residential use.

This revised REM proposal does not compromise the previous conservation officer conclusions which recognised that the proposed dwellings facing the listed buildings were all two storey which would have a landscape buffer. The approved buffer between the proposed development and the boundary of the listed buildings would be maintained at 10 metres to 12.75 metres.

Officers are satisfied that this REM proposal would not harm the setting of the nearby listed and curtilage listed buildings, and the development would comply with the relevant policies of the adopted Core Strategy namely CP57 and CP58, as well as conforming with the Historic England guidance contained within “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning” and would accord with the NPPF.

9.5 Neighbouring Amenity Impacts

This revised AREM proposal would not result in any additional housing units along the north western site boundary which is closest to the existing dwellings/neighbours. There would still be seven units as previously approved and would remain two storey with the same orientation and maintain the same separation distances as previously approved with the 15 metre landscape buffer which would secure at least a 21m separation from the proposed rear elevations to the boundaries of the neighbouring properties.

Officers raise no neighbour impacts grounds of concern with respect to overlooking, overshadowing or overbearing when the revisions are compared against the extant approved plans.

Concerns have been raised regarding the increased land levels on the site which has consequently led to the proposed dwellings on the boundary being higher than the neighbours initially thought. For clarification purposes the approved finished ground levels along the north western boundary varied between 40.8m AOD to 41m AOD. At the outline stage, the existing land levels in this area were shown as between 39.6m AOD to 40m AOD which represents a 1.4m increase of the land levels along the northern part of this site which has been approved.

Under this revised REM application, that are a few plots with increased land levels of between 10-20cm which officers are satisfied would not result in demonstrable harm to neighbouring interests, and it has been observed that in the main, the proposed finished floor levels would be slightly lower across the site. The following insert reveals what was previously approved and what is now proposed in terms of the finished floor levels for the properties near to the north west site boundary - which officers are satisfied about.



9.6 Highway Impacts

The vehicular access and highway layout are not subject to any revision under this application. The car parking provision and proposed garaging all comply with the Wiltshire Car Parking Strategy.

10. Conclusion

The proposed REM revisions to what was previously approved are considered acceptable when assessed against the adopted Wiltshire Core Strategy and the emerging Neighbourhood Plan and the NPPF, and as such, officers recommended that the committee approves this REM application subject to the following conditions.

11. Recommendation – Approve subject to the following conditions:

Conditions: (11)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing RP1-PL: 01A (site location plan); Drawing 02-A (context plan); Drawing 03-A (coloured site plan layout); Drawing 03-E (planning layout replan 1); Drawing 04-B (materials plan); Drawing RP1-SS-01A (street scene plan); Drawing 4769-L: 209R (strategic landscape drawing 1 of 5); Drawing 218-O (landscape hedgerow corridor drawing 1 of 1); Drawing 219-K (landscape boundary 1 of 1); Drawing 22-P (landscape proposal 1 of 4); Drawing RP1-HT: GAR 01 (garage) and GAR-02 (garage); Drawing AVO-18023-CIV-5000 A; Drawing of House Types: RP1-HT: HADLEY-01, ARCHFORD-01A, INGLEBY-01, KIRKDALE-01, AVONDALE-01, AVONDALE-02, HOLDEN-01, CORNELL-01

REASON: For the avoidance of doubt and in the interests of proper planning

- 2 The development hereby approved shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) approved by the Local Planning Authority under application reference number 19/01795/DOC.

REASON: To ensure the development is undertaken in an acceptable manner, in the interests of preventing pollution of the water environment

- 3 The materials to be used for the external walls and roofs shall be carried out in accordance with the details approved by the Local Planning Authority under application reference number 19/05715/DOC.

REASON: In the interests of visual amenity and the character and appearance of the area

- 4 The area of hardstanding adjacent to the Grade II Listed Building that is to be removed shall be carried out in accordance with the method statement that was approved by the Local Planning Authority under application reference 19/01795/DOC.

REASON: In the interest of preserving the Grade II Listed Wall.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order

with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 6 The development hereby permitted shall be carried out in accordance with the drainage scheme for the southern area of the site including the associated attenuation pond, landscaping and infrastructure works that was approved by the Local Planning Authority under application reference 19/04603/DOC

REASON: To ensure suitable drainage for the site.