

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
27 August 2014

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

The text in bold is additional/amended information to that circulated to Members on Tuesday 26th August 2014.

Item 7(a) – 14/04177/OUT – Land at Former Blounts Court Nursery, Studley Lane, Studley, SN11 9NQ

One letter and a news paper article have been received. These documents were submitted by 'Studley Action Group'. A copy has been forwarded to members of the Development Control Committee, these documents are also available on the Councils Website.

An error occurred on the Council website in relation to the expiry date of the neighbour consultation period. The website incorrectly advertised the expiry date as 28 August 2014. This has been altered to the correct date- 15 August 2014.

OFFICER COMMENTS:

The concerns raised above have been addressed within the committee report and adequate conditions, safeguards and mitigation are in place to ensure that the development is acceptable in planning terms.

EDUCATION COMMENTS:

The development generates a need for 8 primary infrastructure and no developer contributions towards secondary infrastructure as there is still sufficient space to accommodate the proposed demand. The current cost multiplier for primary places is £16768 per place.

The recommendation for Planning Application 14/04177/OUT remains as set out in the committee report but the following additional heads of term is required:

A sum of £134144 towards primary education infrastructure. However, the assessment is specific to the site location, housing number and mix supplied, and any changes to these would necessitate a new assessment.

Item 7(c) – 14/05686/OUT – Land to the South of Potley Lane, Corsham,

The applicant has submitted additional plans to overcome concerns raised by the Council's Highway Officer. The plans show the following:

1. A plan showing a secondary emergency access at the western end of the site
2. A plan showing 2.0m wide footway from the point of the secondary emergency access west towards the existing footway towards the Leafield Industrial Estate. Sufficient land has been safeguarded to provide a full 2.0m wide footway along the

site frontage, to accommodate a future development at Potley House (should it ever come forward) and enable that site to connect to the footways.

3. Alterations to the proposed site access to improve the alignment of the highway with the proposed site access.

HIGHWAYS OFFICER COMMENTS:

I recommend that no highway objection be raised subject to the following S106 obligations and conditions.

EDUCATION COMMENTS:

The development generates a need for 18 primary and 13 secondary school places. The current cost multiplier for primary places is £16768 per place and for secondary is £19084 per place.

The recommendation for Planning Application 14/05686/OUT remains as set out in the committee report but the following additional heads of terms and conditions are required:

Additional Heads of Terms

A sum of £8,000 to be paid and held in accordance with drawing ITB7141-SK-009 titled 'potential additional footways' for provision of footway and including land to be safeguarded for provision.

A sum of £10,000 towards the upgrading of the bus stop (known as Potley, The Estate) improvements including bus shelter and raised kerb.

A sum of £301824 towards primary education infrastructure and £248092 towards secondary education infrastructure. However, the assessment is specific to the site location, housing number and mix supplied, and any changes to these would necessitate a new assessment.

Additional Planning Conditions

No part of the development hereby permitted shall be occupied until the access, footways and crossing point has been completed in accordance with the details shown on the approved plans ITB7141-SK-007RevA titled "Site Access – Avoiding Trees – option 4" and ITB7141-SK-008 titled 'emergency access'. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

No part of the development shall be first occupied, until the visibility splays shown on the approved plans ITB7141-SK-007RevA titled "Site Access – Avoiding Trees – option 4" have been provided with no obstruction to visibility at or above a height of 0.6 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

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.

No more than 64 dwellings shall be developed on the application site edged red on the submitted Site Plan.

REASON: For the avoidance and in the interest of proper planning

The Studley Action Group would like to respond to the additional consultation response made by the highway authority on 14th July 2014 and, having now read the Committee report, comment further on the Council's policy position when determining this application.

We were very disappointed to read Mr Tilley's brief and somewhat dismissive email. We have given lengthy consideration to transport matters and our earlier note to you covered matters of sustainable travel, severance, highway design and traffic impact. Mr Tilley's email only referred to sustainable travel and was silent on severance and traffic impact. Furthermore, he dismissed as 'design issues' the important points we raised about the devastating effect the road layout and proposed urbanising signs, lines, kerbing and lighting would have on the character and setting of Studley. They may well be design issues but they are still within the remit of the highway authority to address as the application seeks to determine means of access at this stage. It is therefore somewhat disingenuous for Mr Tilley to say that there is not much to be gained from justifying his response at this stage; the local residents would gain significantly from understanding the highway authority's reasons for supporting this scheme.

Sustainable travel

In his original consultation response Mr Tilley says that he considers the site will be heavily dependant on the car for most journeys. In his latest comments he then says that had there been no established use on the site he would have objected. He is clearly confusing the issues of sustainable travel and traffic impact, as indeed we stated in our previous submission. The Core Strategy has separate policies on 'Sustainable Travel', 'Transport and Development' and 'Development Impact on the Transport Network'. When considering the impact on the network it may well be relevant to consider the net increase in traffic when compared to a garden centre use, but that has no bearing whatsoever on whether this is a sustainable site for new housing. If the site were to be heavily dependent on the car for most journeys, then the Council has a very clear policy base for raising objection to new housing in this location irrespective of any extant use. In addition, of course, the proposed development would deprive the village of an existing local employment site and add new residents who would out-commute by car to Chippenham or beyond so the extant use is in fact a negative consideration in terms of sustainable travel, not something to be 'netted-off'. We note that the committee report includes a somewhat abridged version of the highway authority's consultation response. When referring to the difference in trips between the garden centre and the proposed housing Mr Tilley added that many of the garden centre vehicle trips could have been pass-by trips not giving rise to sustainability issues. The inference is that residential trips would give rise to sustainability issues but that important sentence has been omitted from the committee report and will not inform the Members' decision making.

We note that the Committee report says that the site is in close proximity to the immediate facilities in the settlement, and that this supports the argument that the site may be 'well related' to the existing settlement. This is wholly incorrect. We have previously demonstrated that when measured against the national guidance document 'Providing for Journeys on Foot' the site is not within acceptable walking distance of the few facilities in Derry Hill even when the severance caused by the A4 is taken out of the equation. Moreover, many facilities listed in the guidance document are only available in Calne or Chippenham. This is an unsustainable site for housing development and certainly not well related to the existing settlement boundary.

Severance

In his original consultation response Mr Tilley requested a Grampian style planning condition which required a controlled pedestrian crossing to be placed on the A4 prior to the occupation of the first dwelling and this has been included as a recommended condition in the Committee report. This is patently an 'unreasonable' condition. The introduction of a controlled crossing in this location is beyond the control of the applicant and would require the reduction of a speed limit with the support of the Police and for the principle and details of design to pass a Road Safety Audit. We understand that Government advice on the imposition of planning conditions states that a negative condition of this type "*should only be imposed if there are at least reasonable prospects of the action in question being performed within the time-limit imposed by the planning permission*". We previously wrote that in order for the Council to establish that this condition has 'reasonable prospects' then at the very least the crossing should be designed and audited and the Police should be consulted to establish their view on reducing the speed limit. It would appear from Mr Tilley's email that neither action has been pursued. The applicant would therefore have every right to appeal such a condition after consent had been granted. We suspect the Planning Inspectorate would conclude that this was an unreasonable condition as it could prevent occupation of houses that have already been built and would require the consent or authorisation of a third party which may not be forthcoming. The Inspector would undoubtedly state that the reasonable approach would be for the developer to make a S106 contribution. However, as we stated previously that would merely oblige the developer to make a financial contribution and would not guarantee the delivery of the crossing. If the Police objected to the reduced speed limit or the crossing failed the safety audit then the principle of housing would have been established but with the A4 still severing the development from the few facilities that exist in Derry Hill.

Given the above, it is unacceptable that Mr Tilley should have ignored the points we raised previously. A Grampian condition would be unsafe and easily appealed, and a S106 contribution would have no guarantee of delivering the crossing that the highway authority clearly considers to be a pre-requisite of development. The Police must be consulted; if the Council doesn't, then we may. The crossing must be designed and a safety audit carried out in order to demonstrate that there is a reasonable prospect of the condition being achievable. The application should be deferred until this important work has been completed.

We note that this part of the Committee report is also abridged. The highway authority's consultation response said that "*if residential development is permitted, it should be subject to a requirement for a formal crossing to be provided*". The Committee report changes this to "*if permission is granted the provision of this would form part of the permission*". These are two very different statements; the first demonstrates that the highway authority considers a crossing in this location to be a pre-requisite of development; the amended phraseology does not make that point. The Members are being led to believe that the words in the Committee report are those of the highway authority, which they are not.

Notwithstanding the above, we still consider a controlled crossing in the location of the existing pedestrian refuge may be a very expensive white elephant as it does not fall on any pedestrian desire line, either for the development or for existing residents. It would clearly be an example of a developer throwing money at a problem to make it go away. The problem would still exist, the site is

on the wrong side of the A4 and there is no coherent pedestrian movement strategy for the development.

Road Layout

It is insufficient for Mr Tilley to dismiss the points we made about the harmful effect of an inappropriate road layout as 'design issues' for others to consider. We raised important points about the urbanising effect of poorly designed road types and 'improvements'. Indeed the Committee report describes the indicative layout as suburban in nature. Studley is not suburban in nature so any such development would dramatically affect the character and setting of the village, particularly as it would create an urban gateway into Studley for those arriving on foot or by car from the A4. The solution to this is not to apply a standard condition requiring details to be submitted prior to commencement. That is fruitless unless some parameters have been set first. The proposed condition requires an Urban Design and Landscape Framework Plan to be submitted as a reserved matters application and that such a plan should be in accordance with the submitted Master Plan. That layout is appalling and totally inappropriate in this location. We request that the highway authority consult with the landscape officer and that a design code is drawn up prior to the application being determined. The applicant would then provide details of a detailed layout as a reserved matters application but against the background of a well-considered set of rules, not a dreadful and poorly considered illustrative site sketch.

The landscape officer says that "*The proposed development will introduce additional urbanising elements and permanently alter the character along this section of Studley Lane.*" That could be avoided but only if any planning permission is framed correctly. Mr Tilley's suggested standard condition, and the suggested condition in the Committee report, would fall short by a long way. The developer would almost certainly submit a 'could be anywhere' design and as long as it had standard roads and footways, street lighting and road signs the highway authority would have no reason to object. Rest assured, the residents of Studley would have every reason to object – but of course it would be too late by then.

The application includes a large car park within its red line. This is purported to be parking for Vastern Timber but none of the conditions or obligations make any reference to it despite a request from the highway officer to that effect. In the absence of any such restrictions that parking area could be used by anyone, for anything. Indeed, Vastern could be precluded from using the car park and be forced to return to parking alongside the public highway. You may be aware that the area of verge between the saw mill buildings and the public highway has recently been entirely hard paved with tarmac and looks wholly appropriate for parking. This is rather an odd move if the intention is for Vastern staff and visitors to park within the Blounts Court site. The highway officer refers to a safety risk that would arise from vehicles parking on the verge of Studley Lane. That verge no longer exists and parking is highly likely to take place there, fulfilling the highway authority's fears.

Noise

The Committee report also includes a Grampian condition in respect of noise mitigation, originally suggested by the applicant. They are suggesting that they fund acoustic mitigation measures on third party land (Vastern Timber) and then monitor noise levels on the site. The public protection officer suggested that the off-site mitigation measures should be prescribed in a legal agreement but rather

than suggesting a legal agreement the Committee report includes a toothless negative condition which says that the noise mitigation shall thereafter be permanently retained. Most of the measures are on third party land so the applicant would be powerless to adhere to the condition, and of course the planning authority would be powerless to enforce that part of the condition. This is therefore another challengeable condition.

If I were the developer I would offer Vastern a set of mobile acoustic screens that could be moved to their site in Wootton Bassett the day after the noise monitoring took place. The developer would have met their obligations in terms of noise monitoring, Vastern would have a set of acoustic shrouds that they could do with as they wish, and the Council would have been well and truly hood-winked.

It is perfectly clear that if the development cannot be made acceptable by mitigation measures which they can deliver on their site (or public land) then the only alternative would be a three-party agreement between the developer, the Council and the owner of the third party land. If the third party is unwilling to sign a S106 agreement then the development should be refused for the reasons set out in the Protection Officer's original consultation response. Additionally, if Vastern are not prepared to enter into a S106 agreement linking the proposed parking to their use and precluding them from parking alongside the public highway then the proposed parking area is inappropriate development in the open countryside and should be removed, or the application refused.

Land use planning policy

All of the above points are important and need to be addressed; however, we are perplexed by any suggestion that this application may be recommended for approval against the policy advice of your Spatial Planning colleagues. They have stated that as the site falls outside the settlement boundary it would be contrary to your adopted Development Plan policies and those in the emerging Core Strategy. Housing development on this site is development in open countryside and contrary to Wiltshire Council's policies. It should be refused accordingly.

The Spatial Planning officer has said that there is no justification for this site to be considered as an exception site as the Council can demonstrate more than 5 years housing land supply. This is reiterated by the Proof of Evidence prepared by Mark Henderson (August 2014) in respect of the Abberd Lane, Calne appeal. That statement on behalf of Wiltshire Council also confirms that there is sufficient land supply. If that is the case then the proposed development at Blounts Court is assuredly not required as an exception site and is simply contrary to adopted and emerging policy. This is unequivocal.

The Committee report suggests that NPPF advice is that the availability of housing land supply does not preclude further planning permissions from being granted. That is correct where those developments otherwise comply with local planning policy. However, this site does not. The only way in which this site should be approved for housing development is if it were considered an exception site or it was promoted through another plan-making process. This cannot be considered an exception site if the Council is to maintain its position that there is sufficient housing land supply.

The Committee report is factually incorrect (or misleading) when it says that there is no adopted or emerging neighbourhood plan or site allocations development plan document (DPD). There most

certainly is an emerging DPD. The local community has already engaged in the process and we also understand that an initial Calne and Calne Without consultation meeting was held at the end of July, where the future settlement boundaries for Derry Hill and Studley were discussed (although no residents were informed or invited). The Committee report makes no reference to this so Members of the Planning Committee may not be aware that the local community has already started the process of identifying appropriate sites for housing development in our area.

A draft plan from that meeting, available on the Council website, shows possible future boundary alterations. We note that most of the proposed development site would still fall outside that boundary. Therefore, not only is this proposal contrary to current policy, it is not even considered to have any merit in the emerging housing site allocations process. It may be that as part of that process this site is ultimately considered to be suitable for housing but until that time this opportunistic planning application is premature and contrary to Council policy.

If permission is granted for residential development on this site in advance of the housing site allocations DPD process, the various Councils and local community will have no option but to place the revised settlement boundary around Blounts Court, irrespective of the relative merits of any other sites put forward. This prejudices any balanced consideration of alternative sites and is clearly harmful to the plan making process. The developer should withdraw this application and engage in the DPD process together with the Council and local community. If this site is found to be the most suitable for meeting future local housing needs then they should make a policy compliant application at that stage.

Balance of benefits and harm

The Committee report says that in the officer's opinion the benefits of this non-compliant development outweigh the harm. The provision of additional affordable housing would arguably be a benefit to the local community but every other suggested benefit is redundant or irrelevant.

The proposed controlled crossing on the A4 cannot be guaranteed but even if it could it is in the wrong place and would be of no advantage to local residents. It would however, contribute towards the urbanising effect on this local area.

The widening of Stanley Lane is not a benefit, it is mitigation required to offset the increase in traffic caused by the proposed development. The combined effect of localised widening and more traffic would be a worsening of highway conditions, not an improvement.

The proposed footway on Stanley Lane is similarly required as a mitigation measure. However, it would encourage pedestrians to cross at the cross roads rather than the proposed crossing and so would contribute to pedestrian safety issues. Furthermore, it would create a suburban feel to the entrance to Studley Village rather than the rural appearance of Stanley Lane at present. This would be harmful to the distinctive local character.

The proposed public open space, sandwiched between a housing estate and a saw mill and flanked by a car park would be of no benefit to existing residents, and limited value to the proposed new residents other than giving them somewhere for their pets to relieve themselves. This would be a maintenance liability for the Council and no benefit to the community.

The financial contribution towards the un-named Pool and Sports Hall seating is mitigation, not benefit and would in any case only have a tenuous benefit to the residents of Studley and Derry Hill.

The contribution towards school places is mitigation against new housing putting extra strain on existing infrastructure. This is not a benefit to the local community.

The argument that the development of this site would provide economic benefits to the local community is very weak. The construction of 28 houses is a very short term project so the economic benefits during construction are limited. Furthermore, the same or more economic advantage would have been gained from the construction of a garden centre. The argument that additional residents will benefit local businesses is also rather tenuous as an argument in favour of development in open countryside but again, would apply equally to the permitted garden centre.

The proposed car park for Vastern timber is not secured in any way for that use and could simply become overflow parking for the new residents, parking for people using the open space or an ongoing maintenance liability for the unknown future owner of that land. It would not remove parking from the Vastern frontage, but would add new parking and associated traffic movements close to Studley crossroads.

By contrast the harm caused by developing this site for housing is manifold:

- The development is contrary to Wiltshire Council land-use policy and would be harmful to the proper plan-making process.
- The site is in an unsustainable location and would be heavily reliant on the private car. It would remove a local employment opportunity and replace it with a dormitory settlement reliant on out-commuting to Chippenham or beyond.
- The development relies on noise mitigation measures on third-party land which cannot be secured in perpetuity and may be removed or altered in the future without any planning control being available. Any such failure would be detrimental to the residents of the new houses and could jeopardise the future of the saw mill as a local employer.
- The development is severed from Derry Hill by the 60mph inter-urban A4 road and there is no guaranteed prospect that that severance can be overcome.
- The proposed form of development is out of keeping with the distinct character of Studley and would have a harmful urbanising effect on the village.

It is evident that the purported benefits are of little or no value to the local community and, with the exception of affordable housing, any marginal benefits would be better delivered by a garden centre in this location. The harm caused by this development clearly outweighs any slight benefit and must be borne in mind when this site is promoted as an exception site or supposedly acceptable despite being contrary to the Council's own land use policies.

Summary

In summary, we consider that the proposed residential development should be refused for land use policy reasons in line with the advice provided by the Spatial Planning officers at Wiltshire Council. We also consider that there are good reasons to refuse this development on grounds of public protection (noise), sustainable transport, and landscape impact. The suggested Grampian conditions

are unsafe and easily appealed and the resultant consent would then allow the developer to promote this site for housing with little or no mitigation measures against the harmful effects originally raised by statutory consultees as sound reasons for refusal.

We would therefore respectfully request that these matters are brought to the attention of the Members of the planning committee so that they can make a properly informed decision.

Wood dust cancer fears for residents

FAMILIES living near waste wood recycling centres are demanding government action to stop clouds of "toxic" dust that may cause cancer blanketing their homes and gardens.

They claim they suffer nosebleeds, headaches, sore throats and asthma and have become prisoners in their homes, forced to shut all windows to avoid breathing in tiny particles of silica, arsenic and asbestos.

Thousands of adults and children live near plants at Avonmouth, Bristol, Mossley and Horwath in Lancashire, Blarneyham, West Sussex, Frodsham, Cheshire, and Kirby, Merseyside, have reported poor health.

And research carried out by Donna Lacey, secretary of Mossley Environmental Action Group, found that eight people from 72 families with homes backing on to the local plant had suffered from cancer and five from Alzheimer's or dementia, both much higher than the national incidence rates.

Resident Alan Carter, 72, who lives with wife Val, 68, has had two different types of cancer in the past decade, including male breast cancer, of which there are only about 200 cases a year in

EXCLUSIVE

By Jon Coates

the UK. The companies involved have not broken the law and meet industry regulations enforced by cosmetics and the Environment Agency.

But in a bid for tougher regulations, the six companies have completed a Citizen's Science investigation.

Independent testing has shown dust samples contained harmful substances like arsenic, asbestos, cadmium, chromium, formaldehyde, lead, potassium, silica and silica sand in worryingly high concentrations.

The report, published today, calls for waste wood to be stored in enclosed spaces to avoid dust becoming airborne and regular monitoring. It also says residents should be given the same protection from exposure to low on work areas at the processing plants.

Wood dust has been classed as a group one carcinogen by the World Health Organisation since 1989 yet in the UK it is still only seen as a "nuisance" to nearby homes.



Waste wood recycling centre

