

Wiltshire Council Planning Consultation Response

URBAN DESIGN

Officer name: Peter Martin

Date: 9.3.2022

Application No: 20/03641/OUT
Proposal: Land South of White Horse Business Park Trowbridge
Site Address: Outline application for up to 91 dwellings, landscaping, green infrastructure, associated drainage measures and vehicular access from the A363 as well as all associated works. Matters to be considered: Access into the site.
Case Officer: David Cox

Recommendation: No Support

Comments:

Introduction

1. I note that still no masterplan for the wider area has been agreed, to inform this unilateral application. I remain of the opinion that this is not just poor urban design, but a straightforward non-compliance issue with regard to the wording of Policy H2.2. Some of the problems below related directly to this omission.
2. Contrary to the conclusion of the DAS, there was never really any need to prove that this site 'could be brought forward for development'. That statement was a foregone conclusion as it is an allocated site.
3. The purpose of the DAS was to show *how* the applicant determined the matters it seeks not to reserve i.e. Access and Amount. In this sole purpose, the DAS has failed, because although it did eventually establish a developable area, it is still not clear if even 91 dwellings would satisfactorily fit here.
4. Frustratingly, this failure occurs despite *nearly 2 years* of constructive feedback from the LPA including myself; apart from removing the care home, it appears that little has changed. This does not comply with the NPPF requirement (para 126¹) to effectively engage with the LPA and community to ensure clarity on what is to be expected of this site.
5. The DAS, a professionally authored planning document, has numerous inconsistencies and contradictions. **It fails to either explain how the proposed Amount (100) has been established, or to make it clear what type/quality of built environment should be expected at REM, other than a vague number of homes, a lot of open space and a single play area for toddlers only, which is little more than what was known before the application came in.**

¹ NPPF 126 – Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

6. The DAS, (and accordingly the indicative layout) is also deficient, in that it includes no section on context, which should be a key input stage, as per the National Design Guides. For example, there is no map to show what the walking distances are to available facilities and amenities, or that any analysis of this matter has been undertaken, in order to satisfy the policy H2.2 wording and plan how the site should be designed. One specific example, elaborated below is the proximity of play areas for all ages.
7. In summary, the level, and quality of information in this submission is at substantial odds with that submitted (also for Outline) on another allocated sites in South Trowbridge i.e. Southwick Court and Elm Grove; its difficult to see how to justifiably support such a vague masterplan, without there being a robust set of conditions to compensate for the amount lack of clarity, but even then it leaves the question as to what is the point of such a permission.
8. Thus, I deem that the proposal fails to comply with CP57 xiii², and specific policies of the NPPF³ and guidance in the National Design Guide⁴, and cannot recommend support.
9. I also believe that the failures I have highlighted are all entirely and easily resolvable and there is no reason the applicant could not have resolved them all by now. A refusal may be all that is required to prompt them to make those revisions.
10. **However the lack of an agreed masterplan for the wider area is the real problem here, so that new facilities are secured and located in the right places for the whole new community i.e. both Policy sites, and the WHBP which is also forthcoming.**

Amount

11. Only 91 homes have been demonstrated to fit, not 100. I see no reason for the applicant to overstate the 'up to' figure by an arbitrary 10%. If the applicant believes that site could fit 100 units in an acceptable way, then the applicant should have shown how, in the many months available to them. As they have not, I recommend no weight is given to their suggestion that 100 homes are possible.

² CP57 xiii. "in the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place"

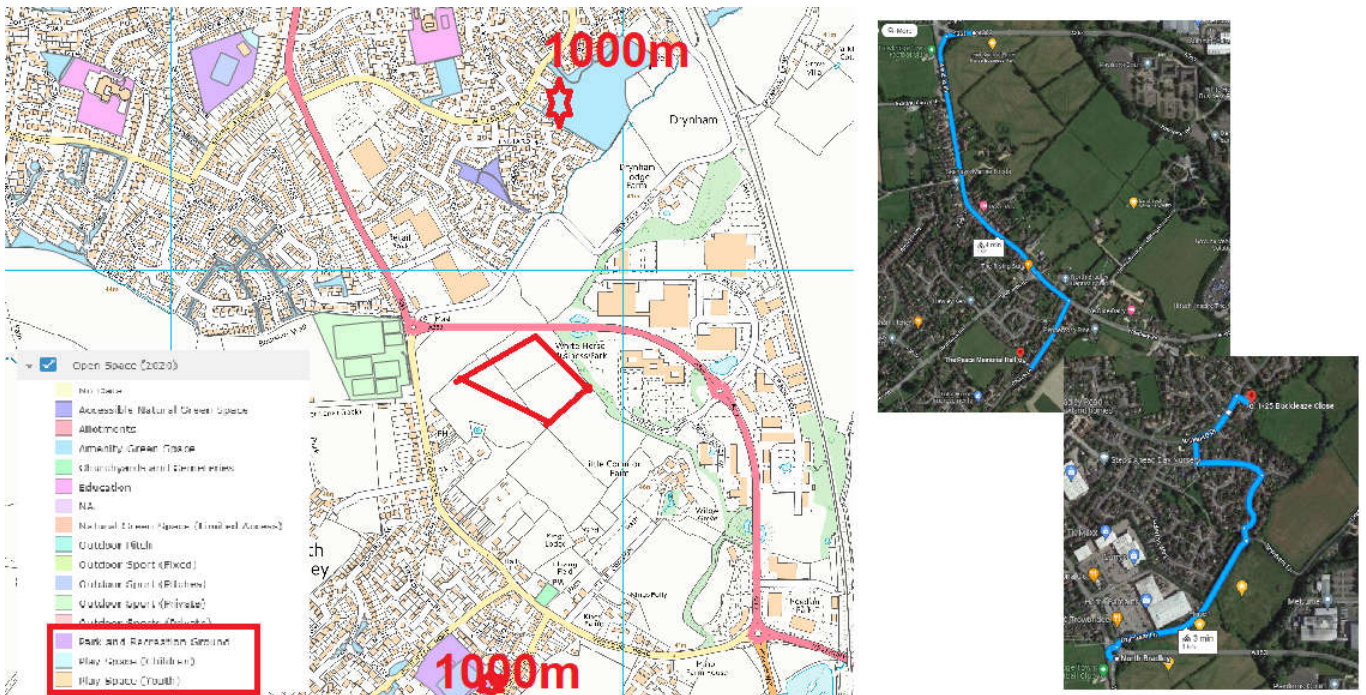
³ NPPF 132 "Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."

⁴ National Design Guide 42 & 43: (42) "...Baseline studies covering a wide range of topics are likely to be required for a larger scale development." (43) "Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation..."

12. (In the unlikely event that it transpired that the REM applicant discovered space for more dwellings, i.e. by some justification for a mix of more smaller dwellings (unlikely), there would be straight forward means available for them to do so, so the perceived 'risk' that the land might not be efficiently developed by and REM developer is unwarranted.)
13. Apart from the fact that it would be unreasonably inconsistent of the LPA to allow the Amount on this permission to be inflated to 10% above that which had been demonstrated to fit, there is, in my opinion, the significant risk that this would simply exaggerate the value of the land, and end up creating an avoidable viability constraint at REM. Therefore the description should be amended to state 91, and the mix, which is notably low on 4 bed homes, and therefore not quite CP45 compliant) must be referenced in an Informative.
14. **In fact, I suspect that when it comes to REM, 91 dwellings may not fit comfortably within the developable area, because of the omissions and contradictions I have highlighted below. If the Case Officer is minded to approve the application I would strongly recommend that a robust set of carefully worded conditions and informatives are appended to the permission to mitigate for the failings in the submitted documents.**

Play Areas

15. The writing in this proposal only commits to deliver a LAP. LAPs are of no use to children older than toddlers. The applicant must know this.
16. But, on p36 of the DAS the applicant declares that the LAP is "located within 480m or a 10 minute walking distance from all the new homes". Perhaps the applicant has simply confused LAPs with LEAPs, because on p43 they have clearly shown older children playing on equipment. The applicant should know that LAPs are expected to be within 100m of all homes they serve. i.e there should be several LAPs on this site and 1 LEAP (see Fields in Trust Guidance, see appendix 1).
17. Without doubt, a nearby equipped play facility is a top priority to new families in a new estate and social interaction, of both children and adults is centred around them. They also form opportune landmarks for wayfinding. This DAS simply does not attempt to address this issue, just as it omits any chapter on Context.
18. My understanding of the context is that the nearest equipped play areas for children (not toddlers) are both at least 1000m away (twice the recommended walking distance of 500m), across busy roads. Therefore, regardless of the number trigger for LAPs and LEAPs, it appears that this site should provide a LEAP because there is not one in the area, the applicant has the land available, and the requirement is to create a well-planned community. **This is precisely the problem with a unilateral planning application preceding a masterplan for the wider area, which would have obviously had to plan facilities for the true number of homes expected in this area:**



19. I estimate that this site should not only be providing an additional LEAP, but also a NEAP or maybe a MUGA, given how much POS it includes and its remoteness from existing facilities. (The applicant should do an analysis a.s.a.p of where the nearest NEAPs and MUGAs are and calculate if they are within the recommended walking distance or not – it can then, at least, be conditioned into any permission.) **This analysis should inform a masterplan for both policy sites.**
20. This could possibly be dealt with by a condition. But for the avoidance of doubt and budgeting/viability reasons, it should be a LEAP that is secured in the s106. Assuming that it was a simply mistake on the applicant's behalf to use the term LAP instead of LEAP, I expect there to be no hesitation from them to either correct the plans, nor any objection to having the wording in the s106.

Street Character

21. The DAS contradicts itself by stating that a positive character would be created by varying density from edge to core; low to higher. Yet it then includes a parameter plan showing the whole developable area as 40dph, (rather than a graduated density from the edge to the core). This is either wrong or redundant and should either be corrected to be more meaningful, or a condition included to nullify it.
22. More importantly perhaps, the DAS describes the provision of a 3m wide verge along the primary street, which I assume would be tree lined in accordance with NPPF policy. Yet the layout designer (who is presumably not communicating with the author of the DAS) simply omits to include this verge even though it would have a significant spatial requirement. That verge would also preclude the use of terraces with frontage parking:

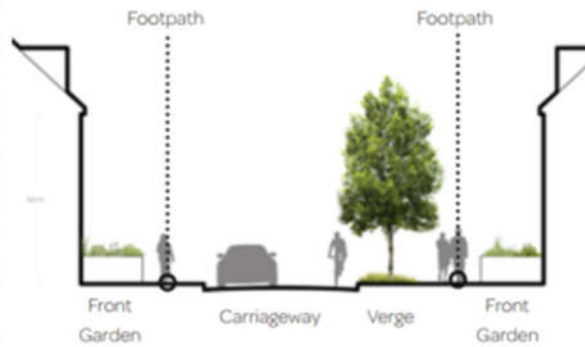


Fig. 7: Indicative Primary Street Section

Plans and sections contradict each other

23. Again, this hints at a layout which is not representative of the positive qualities which are what is being described in the DAS, and it gives reasonable doubt as to whether even 91 dwellings would fit in the developable area. A condition or informative should be included to draw attention to it so that its omission does not impact viability at REM.
24. Neither do either of the 2 photo images shown in the DAS (p26) match what is indicated in the proving layout (the seemingly randomly selected photos are of development blocks with continuous frontages and rear court parking), ostensibly, because drawing it correctly would show block depths that don't fit within the constraints of these particular field enclosures, or a lower site capacity, both of which the applicant may have reason to conceal.
25. The submitted details for the Secondary Route (DAS p27) also do not match that which is drawn in the layout; the secondary street is too long to be shared surfaces. On this occasion it is the figure drawing (fig.8) which is problematic and should not be approved. No additional space would be needed to because the layout has drawn the more appropriate street type, but a condition may be necessary to clarify the matter.
26. And there is another contradiction in the text about the secondary street: the ped-cycle parameter plan (p31) which says that there would be segregated footways serving most of the southern parcel.
27. Page 29 appears to be part of the Park Edge section yet is just a collection of random photos with no annotation to show their significance or value. I am unable to comprehend what the author of the DAS means to convey by these, either to the LPA or to a future REM developer; the ambiguous use of indicative images simply undermines the parameters that are intended to regulate the REM stage.
28. The one ironic value is that the page includes a photo which shows the true amount of space needed for a Primary Street with a tree lined verge, and hence, the applicants problematic underestimation of it in their 'proving' layout:



29. The section on 2 storey housing is a peculiar and unwarranted addition: I do not understand why is it necessary to draw out what a 2 storey semi-detached building form looks like. The section therefore seems to be 'padding' for a DAS that has failed to include more meaningful design analysis and proposals.
30. For expediency, I will defer to the Landscape officer and ecology officer to evaluate the landscape and ecology sections and parameters, but considering the number of problems I have found with the urban design, **I suggest they carefully scrutinize the wording and what has been shown.**

Suggested conditions and informatives – Exact Wording to be reviewed in due course!

Suggested Condition - Formal Play Spaces

Notwithstanding information shown on the supporting plans, no application for the submission of Reserved Matters shall be submitted until after an analysis of the existing provision of LEAPs, NEAPs and MUGAs (as defined in the Fields in Trust Guidance, Tables 1 & 4) in the surrounding area has been undertaken and approved by the Council; and until after an updated Parameters Plan (to include the provision of different types of equipped play area) has been submitted to and agreed in writing by the Council.

REASON: For the avoidance of doubt, and to ensure that the development is comprehensively planned and designed in accordance with Policy H2.2, Wiltshire Core Policy 57 and the National Planning Policy Framework paragraphs 126 and 132.

Suggested Condition - Amount

No more than 28 dwellings shall be constructed on the site.

REASON: For precision and clarity and the avoidance of doubt. (The council is not satisfied that the proposal can fit the quantum of development proposed on site as this would be the planning permission.

The applicant proposes 100 dwellings but has only managed to show that 91 would fit.) see condition 5 in **Appeal Ref: APP/Y3940/W/21/3275477**

Suggested Condition – Density

Notwithstanding information shown in the DAS, it is not approved that the whole site could or should be developed at a minimum or average density of 4dph

REASON: for the avoidance of doubt as to the capacity of the site, and in the interests of high quality design.

Suggested Condition – Street Trees

The indicative design of the Primary Route indicated in the sketch layout is not approved.

REASON: for the avoidance of doubt as to the capacity of the site, and in the interests of high quality design. (There is conflicting information shown between the DAS and sketch layout, with the DAS explaining that the Primary Route will be lined with trees in a 3m wide verge.)

Suggested Condition – Street Design Principles

The indicative Street Section on p27 of the DAS is not approved.

REASON: for the avoidance of doubt, because of the contradictory information in the DAS

Suggested Condition – Pedestrian Connections

The inclusion of a foot/cycle connection into WHBP will be researched and if possible provided.

REASON: The WHBP site is coming forward and there are clearly opportunities to connect through to integrate the new communities and POS, despite the various landowners failure to cooperate on such matters.

Suggested Informative – Amount and Mix

The Amount of dwelling which this permission has approved has been determined by an indicative mix of house sizes put forward by the applicant, which is predominantly 3 and 2 bed houses, few 4 beds and no 5 bed houses. At REM, should a different mix with more larger homes be required, the Amount may be required to reduce, as opposed to more land being developed.

REASON: for the avoidance of doubt as to the capacity of the site, and in the interests of high quality design.

Suggested informative – Street Character (Built form, green verges and Street Trees)

Notwithstanding the indicative details on the sketch masterplan, the design of the layout around the primary street will be required to make spatial provision for a verge, in accordance with the Primary Route Design Principles on p26 of the DAS.

REASON: for the avoidance of doubt and to ensure tree lined streets.

Appendix 1 – FIT Guidance for LEAPS and LAPS

Table 1: Fields in Trust recommended benchmark guidelines – formal outdoor space

Open space typology	QUANTITY GUIDELINE ² (hectares per 1,000 population)	WALKING GUIDELINE (walking distance: metres from dwellings)	QUALITY GUIDELINE
Playing pitches	1.20	1,200m	* Quality appropriate to the intended level of performance, designed to appropriate technical standards. * Located where they are of most value to the community to be served. * Sufficiently diverse recreational use for the whole community. * Appropriately landscaped. * Maintained safely and to the highest possible condition with available finance. * Positively managed taking account of the need for repair and replacement over time as necessary. * Provision of appropriate ancillary facilities and equipment. * Provision of footpaths. * Designed so as to be free of the fear of harm or crime. * Local authorities can set their own quality benchmark standards for playing pitches, taking into account the level of play, topography, necessary safety margins and optimal orientation¹. * Local authorities can set their own quality benchmark standards for play areas using the Play England Quality Tool.
All outdoor sports ¹	1.60	1,200m	
Equipped/designated play areas	0.25 See table 4 for recommended minimum sizes	LAPs – 100m LEAPs – 400m NEAPs – 1,000m	
Other outdoor provision (MUGAs and skateboard parks)	0.30	700m	

Table 2: Recommended Application of Quantity Benchmark Guidelines – Equipped/Designated Play Space

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
5-10 dwellings	✓			
1-200 dwellings	✓	✓		Contribution
201-500 dwellings	✓	✓	Contribution	✓
501+ dwellings	✓	✓	✓	✓

Table 3: Fields in Trust Recommended Benchmark Guidelines – Informal Outdoor Space

Open Space Typology	QUANTITY GUIDELINE ³ (hectares per 1,000 population)	WALKING GUIDELINE (walking distance: metres from dwellings)	QUALITY GUIDELINE
Parks and Gardens	0.80	710m	* Parks to be of Green Flag status. * Appropriately landscaped. * Positive management. * Provision of footpaths. * Fields in Trust protection. * Designed so as to be free of the fear of harm or crime.
Amenity Green Space	0.60	480m	
Natural and Semi-Natural	1.80	720m	

Table 4: Recommended minimum sizes – formal outdoor space

Open space typology	Minimum sizes		Minimum dimensions	Buffer zones
Playing pitches	Association football			
	Adult soccer	0.74ha	106 x 70 metres	-
	Mini soccer U7/U8 pitch	0.14ha	43 x 33 metres	
	Mini soccer U9/U10 pitch	0.25ha	60 x 42 metres	
	Rugby Union	0.70ha	100 x 70 metres	-
	Hockey			
Other outdoor (non-pitch) sports	Mini Hockey	0.31ha	65 x 48 metres	-
	Lacrosse	0.66ha	100 x 60 metres	-
	Cricket			
	Senior recreational 12 pitch	1.43ha	111.56 x 128.04 metres	-
	Athletics			
	6 lane track	1.51ha	172.03 x 87.64 metres	-
Equipped/designated play areas	Tennis courts			
	1 recreational court	0.06ha	34.75 x 17.07 metres	-
	2 recreational courts	0.11ha	34.75 x 31.70 metres	
	For each adjacent court	0.05ha	34.75 x 14.63 metres	
	Bowling greens			
	Flat green	0.12ha	34.4 x 34.4 metres	-
Other outdoor provision (MUGAs and skateboard parks)	Crown green	0.08ha	27.4 x 27.4 metres	
	LAP	0.01ha	10 x 10 metres (minimum activity zone of 100sqm)	5m min separation between activity zone and nearest property containing a dwelling
	LEAP	0.04ha	20 x 20 metres (minimum activity zone of 400sqm)	20m min separation between activity zone and the habitable room façade of dwellings
	NEAP	0.1ha	31.6 x 31.6 metres (minimum activity zone of 1,000sqm comprising an area for play equipment and structures & a hard surfaced area of at least 465sqm (the minimum needed to play five-a-side football))	30m min separation between activity zone and the boundary of the nearest property containing a dwelling