

# PLANNING COMMITTEE

19 February 2009

## Planning Applications for Determination

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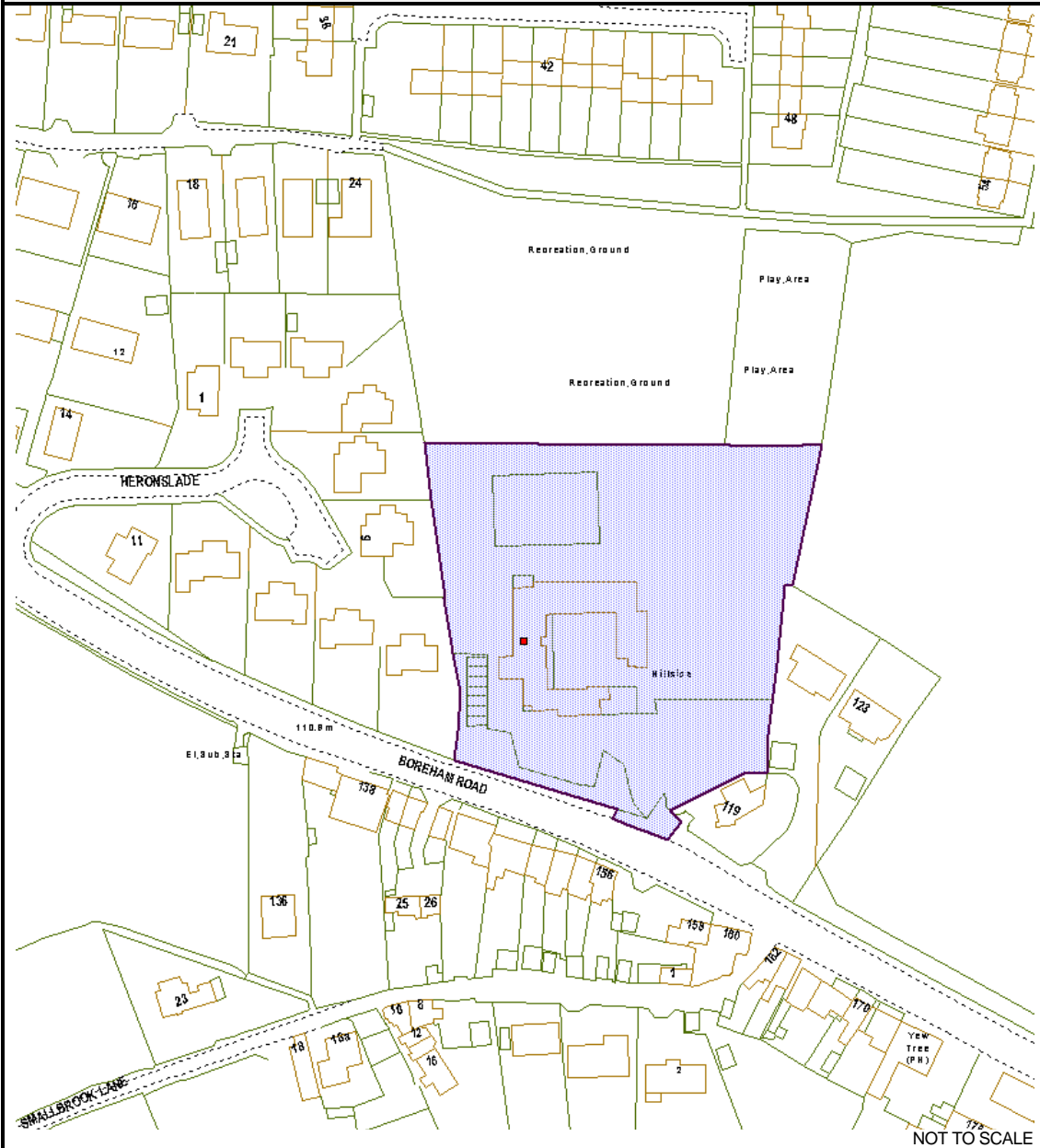
# PLANNING COMMITTEE

19 February 2009

ITEM NO: 01

APPLICATION NO: 08/03269/REM

LOCATION: Hillside Hostel 117 Boreham Road Warminster  
Wiltshire BA12 9HA



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SLA: 100022961

**01 Application: 08/03269/REM**

**Site Address: Hillside Hostel 117 Boreham Road Warminster Wiltshire BA12 9HA**

Parish: Warminster Ward: Warminster East  
Grid Reference 388803 144415  
Application Type: Reserved Matters  
Development: Proposed development of 17 houses, 16 flats and parking spaces  
Applicant Details: SPB Homes  
F A O Mr Chris Hodgson C/o Westbury Partnerships Sabre Close  
Quedgley Gloucester  
Agent Details: Focus On Design  
F A O Mr Oliver Coles The Old Brewery Lodway Pill Bristol  
Case Officer: Mike Williams  
*Phone: 01225 776655 ext 320*  
*Email: michael.williams57@btopenworld.com*  
Date Received: 03.12.2008 Expiry Date: 04.03.2009

## **COMMITTEE REPORT**

This application is brought to Committee because the proposal forms part of the Council's housing private finance initiative (PFI) to deliver at least 400 new affordable homes throughout the District.

### **APPLICATION SITE & SURROUNDING AREA**

This application is a reserved matters submission following the grant of outline planning permission on a site which is located on the north side of Boreham Road, Warminster. The outline permission related to the erection of 33 affordable dwellings to be provided as part of the Council's housing private initiative (PFI) to deliver at least 400 new affordable homes throughout the District.

The site is currently occupied by the Hillside Hostel for the homeless, a relatively modern mainly 2 storey brick built complex set in extensive well wooded grounds. The site measure approximately 0.8 hectare, is generally rectangular in shape and rises up gently to the Queensway Recreation Ground at the rear of the site. There are however steeper areas falling away from the rear of the existing dwellings in Heronslade on the western boundary of the site. The 90 metre frontage onto Boreham Road is marked by a high brick and artificial stone wall which screens much of the site from clear public view. There is a single vehicular access into the site from Boreham Road.

The other three boundaries of the site are screened by trees and dense planting with significant groups of individual trees on the site particularly in the north east and south west corners. There are currently 2 TPO's on the site.

In granting the outline permission a Section 106 Agreement was completed securing contributions to the Highway Authority for cycling, bus shelter, improved road signage and kerb improvements. The outline planning permission contained 20 conditions together with 4 informative notes including one which advised that the illustrative layout could not be supported and that the suggested ridge heights were excessive.

## PROPOSAL

The current proposal although for reserved matters has been accompanied by a Design and Access Statement. It has been the subject of lengthy and successful pre-application negotiations with both officers and planning consultants employed by the Council.

The proposal involves the erection of 12 two bed houses, 5 three bed houses and 16 two bed apartments. The form of development has been designed as a mixture of 2 storey terraced and semi detached buildings together with 2 larger detached blocks. One of these blocks would be 3 storey with Georgian style proportions set towards the centre frontage of the site. It would be sited well away from existing dwellings, fronting both an open space to the south and a proposed square/street to the north with a back to back design.

The concept for the scheme provides for an essentially inward facing development with all established boundaries being retained except for a short length whereby in the north eastern corner the open space will flow into the adjoining playing field. A pedestrian link will be provided across the open space into the playing field to enhance the permeability of the development itself and the general locality.

The accompanying Design and Access Statement states that careful consideration has been given to satisfactorily relating the new buildings to the existing dwellings in Heronslade to the west and the existing dwellings adjacent to the south eastern part of the site.

The proposed dwellings will largely have external walls of brick with some having a mixture of brick and render. Brick and stone detailing will be used and windows will be of UPVC. The roofing will be a mixture of smooth grey concrete tiles and artificial slate.

Except for the previously mentioned 3 storey block the building elevations will be designed to reflect simple cottage forms similar to those found along Boreham Road. The 3 storey building will be a focal point in the scheme and will be the most prominent element in the street scene along Boreham Road. It is intended that the use of a better quality material finish and detailing for this building will ensure that its character and appearance reflects the grander properties in this part of Warminster. Car parking for the development is proposed at 2 spaces for each 3 bed dwellings and at least one allocated with 0.5 visitor spaces for every 2 bed dwelling. These ratios have been agreed with the County Highway Authority.

The Housing PFI Project Manager for the Council has provided the following information in support of the application.

“This application forms part of West Wiltshire District Council’s housing private finance initiative (PFI) 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.

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 affordable 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 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 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.

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.

Hillside Hostel is a former children's care home which currently provides temporary accommodation for homeless households. The site is under developed and the existing building is approaching the end of its useful life, without significant investment. Local authorities are required to reduce the use of such temporary accommodation and Cabinet has previously decided to close Hillside, in favour of retaining Kingsbury Square in Melksham."

## **CONSULTATIONS**

### Parish/Town Council

#### **WARMINSTER TOWN COUNCIL**

There was a long discussion at the outline planning stage of this application and the members thought this new layout looks more sympathetic than the original. The local community has raised no objections to the application. Councillor Field proposed acceptance of the plan, Councillor Fryer seconded, voting unanimous in favour.

Further comments are awaited on revised plans.

### External

#### **WILTSHIRE COUNTY COUNCIL-COUNTY HIGHWAY AUTHORITY**

I refer to the above planning application received on 05 December 2008.

The development is acceptable in principle however some minor changes to the layout are required. I have annotated an extract of the layout plan to help illustrate the following points:-

- Better definition of accesses to parking courts serving Plots 2-4 and Plots 22-23 are required, this could be in the form of a different colour or type of surfacing.
- Allocated parking spaces should not be such that an "island" is created between adoptable areas (parking to Plots 12,13 and 18-21), visitor spaces in the adoptable area are acceptable.
- Echelon parking spaces force extra turning manoeuvres and therefore should be changed to right angle parking with a 6m min aisle behind (to the front of Plots 17-21 and adjacent to Plot 14)
- A separate path to the rear of parking spaces is not required (to the front of Plots 17-21) and where parking is adjacent to the adoptable area and no separate footway or service strip is provided an adoptable width of 7.5m in total is required.
- To ensure that parking does not occur in areas required to allow refuse vehicle manoeuvring and to protect pedestrians emerging from buildings bollards should be placed as indicated on the attached plan.

Please invite the applicant to submit amended plans in accordance with the above.

#### **WILTSHIRE COUNTY COUNCIL – COUNTY ARCHAEOLOGIST**

Thank you for consulting the Wiltshire Archaeology Service on the above planning application. My predecessor, Sue Farr gave the following advice in a letter dated 11th December 2006 for outline planning application 06/03526/OUT

Thank you for the plans relating to the above

Nothing of archaeological interest is likely to be affected by the proposal and therefore I have no issues to raise.

On this basis, there are no archaeological recommendations being made on this Reserved Matters planning application.

## Internal

### URBAN DESIGN AND CONSERVATION OFFICER-WWDC

This consultation response relates to matters of design only. If a policy response is required, please contact the Planning Policy and Conservation Manager.

This consultation response has regard to the following Policies within the LDF.

West Wiltshire District Plan First Alteration Policies: C31a C32, C34a, H12, and H24  
Supplementary Planning Guidance/Documents: Design Guidance – Principles Document  
SPG Residential Design Guide SPD

The proposed scheme has been developed following considerable pre- application consultation. It is felt that the proposed layout makes the best use of the site and responds well to the character of Boreham Road as well as creating a good living environment for future occupants.

### AFFORDABLE HOUSING ENABLER-WWDC

Thank you for the opportunity to comment on the above planning application. The Enabling Team supports the provision of much needed affordable housing through the PFI scheme.

We currently have in the region of 282 households in priority need in Warminster, of which 83% require two bedroom accommodation and 17% three bedroom accommodation. It is my understanding that, as the proposed scheme exceeds 25 units, an 'open book' will be required in order to prove that the viability of the site would be affected by the provision of 30% AH at nil subsidy as required under Policy H2. I believe that Kathy Green and Chris Trowell have discussed this requirement on all PFI schemes that exceed the SPG thresholds, both urban and rural.

My only other comment is that we would not normally expect to provide 2 bedroom accommodation over 3 floors. This is a view purely based on the practicality of living above the first floor with children, however, we would not want to see a large number of one bedroom units on site either. If SPB Homes are confident that this will not cause a major management or sustainability issue then we would consider removing our concerns from the file.

### ENGINEER-WWDC

Having checked the planning documents for the above proposal I have the following comments

1. It is likely that the developer will need to consult Wiltshire County Highways if proposing to make connections to Highway drainage sewers. They may require the development to incorporate storm water attenuation arrangement.
2. Sustainable drainage systems have been considered though their effectiveness will be unknown until suitable soakage tests have been carried out.

## **NOTIFICATIONS**

### Site Notices/Visits

The site notice was displayed on the Boreham Road frontage of the site. Site inspections have been carried out both prior and subsequent to the application being submitted. A meeting was also held with an adjoining resident and as a result of that meeting and discussions with the agents revised plans have been submitted which seeks to address the concerns expressed.

### Neighbours

Letters of objection have been received from residents of Heronslade for the following reasons:-

- Unacceptable to the style and character of Boreham Road
- Does the other bidder have the right to resubmit?
- Supporting statement states that the new dwellings to the west should respect the siting of the existing buildings in Heronslade by maximising the distance and minimising any impact
- Not all trees shown on the plan
- Maintenance to adjoining boundaries necessary
- New dwellings shown closer than on the layout submitted at outline stage – resiting of plots 9/14 and 15/16 would resolve the problem
- Majority of development pushed into the north and west sides of the site
- Over development of site
- Dangerous for only one point of entry and exit
- Government policy of social integration does not work

Revised plans have been submitted to address the concerns of nearby residents.

## **RELEVANT PLANNING HISTORY**

06/03526/OUT - As stated previously in the report outline planning permission was granted for the erection of 33 dwellings on the site on the 22nd April 2008.

## **KEY ISSUES**

- design and scale of dwellings
- external materials
- layout of development
- relationship with adjoining properties
- retention and protection of trees
- parking and highway layout

## **RELEVANT PLANNING POLICIES**

RPG/RSS 10 – Regional Spatial Strategy

Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable Housing
- DP9 Reuse of land and buildings

West Wiltshire District Plan – 1st Alteration 2004

- C4 Landscape setting
- C7 Protected species
- C15 Archaeological Assessment
- C31a Design
- C32 Landscaping
- C34a Resource consumption and reduction
- C40 Tree Planting
- R4 Open space in new housing developments
- H1 Further housing development within towns
- H2 Affordable Housing
- H24 New Housing Design
- T10 Car Parking
- CF2 Reuse of community facilities
- S1 Education
- U1 Infrastructure

- PPS1 Delivering Sustainable Development
- PPG3 Housing
- PPG13 Transport

## **OFFICER APPRAISAL**

As outline planning permission has been granted for the erection of 33 dwellings on the site then the principle of such a development has been established. The acceptance of such a number of dwellings does of course mean that the flexibility for designing an appropriate form of development on the site is somewhat restricted particularly given the need to both ensure the retention of existing trees and an adequate protection zone around them.

The proposed layout has therefore been much influenced by the presence of the existing trees on the site particularly on the road frontage and in the north east corner. In those areas significant open land is shown as being retained.

The dwellings have been designed to be inward looking around a central square except for the 3 storey block which faces outwards over Boreham Road. Vehicular parking areas are positioned so as to minimise their impact on the street scenes within the development.

Given the constraints on this site it is considered that the most appropriate form of layout has been devised. The scheme will have a distinct sense of place with dwellings arranged around a series of clearly defined enclosed spaces. The new dwellings will be sited close to the highway with the buildings defining the spaces a clear objective of Policy H24 in the Local Plan.

In the pre-application negotiations careful consideration was also given to achieving a satisfactory scale of new building which would integrate with and complement the immediate area. In this regard the bulk of the new development is 2 storey reflecting the predominant scale of traditional buildings along Boreham Road. The 3 storey block is of a greater scale than originally envisaged at outline stage but it is considered that such an approach is appropriate.

The incidence of such a substantial structure towards the frontage of the site will be offset by the presence of existing mature trees and the fact that it will be well set back from the road. It is crucial however that a high standard of detailing and material finish is used for this building which would then be characteristic of properties of such size and character in the town.

The proposed siting of all the dwellings has been designed to ensure an acceptable level of amenity and privacy for adjoining existing properties. In particular this is an important objective along the east and west boundaries. In this regard the new dwellings along those boundaries would be at lower level than the existing nearest properties. This factor together with the distances between the respective buildings and their relative orientation would mean that no unacceptable loss of privacy or amenity would result.

The two storey dwellings have been designed in the form of simple traditional cottages reflective of those found on the opposite side of Boreham Road whilst the 3 storey block has the appearance of a large Georgian terrace but with one entrance way. This mixture of styles reflects that found in Warminster and provided the individual buildings are well designed it is considered that such an approach can be successful.

The proposed mix of external materials with brick and brick and render being used in combination with slate and tile is considered appropriate. Such a mixture will ensure that the new development will suitably integrate into the locality whose character is partly founded upon an attractive variety of external materials.

The comments of the Highway Authority have been conveyed to the agents and revised plans have been submitted, which it is anticipated will overcome the objection, however, no highway comments have been received.



As far as the comments of the Council's Affordable Housing Enabler are concerned the site is intended to provide 100% affordable rented housing for the 30 year PFI contract period with 30% of the dwellings being conditioned to remain affordable in perpetuity. An open book appraisal was accepted at outline planning stage which demonstrated that the nil subsidy requirement under Policy H2, produces a negative site value. All of the affordable homes will therefore be funded through the PFI.

## **CONCLUSION**

This proposal has been submitted after lengthy pre-applications discussions. The grant of outline permission on the site for 33 dwellings has restricted flexibility in designing the form and layout of development on the site as has the presence of existing trees. However given those constraints it is considered that a scheme has been achieved which will both respect the character of the site and its context.

### **JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would ensure an appropriate form of development for the site and its context. The proposed development would not materially affect the amenities of neighbours and would not result in any detrimental impact on the street scene. It would conform with the Development Plan and there are no objections to it on planning grounds.**

### **RECOMMENDATION: Approval**

#### **Condition(s):**

- 1 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.

- 2 This approval shall relate to the revised plan(s) set out in letter ref. 0302/APP/ONC/21.01.09 dated 21 January 2009 and JBA08/190-01, received by West Wiltshire District Council January 2009

REASON: In order to define the terms of this approval.

#### **Note(s) to Applicant:**

- 1 You are advised that this approval must be read in conjunction with the outline permission 06/03526/OUT and any conditions attached thereto.

## RELATED PLANS

Drawing : 08/190-01REV.A received on 03.12.2008  
Drawing : HILLSIDE/100 REV A received on 21.01.2009  
Drawing : HILLSIDE/110 received on 03.12.2008  
Drawing : HILLSIDE/214 received on 03.12.2008  
Drawing : 08/190-01 REVA received on 21.01.2009  
Drawing : 08/190/02 received on 03.12.2008  
Drawing : HILLSIDE/101 received on 27.11.2009  
Drawing : HILLSIDE/102 REV A received on 21.01.2009  
Drawing : HILLSIDE/103 REV A received on 21.01.2009  
Drawing : HILLSIDE/104 REV A received on 21.01.2009  
Drawing : HILLSIDE/105 REV A received on 21.01.2009  
Drawing : HILLSIDE/106 received on 21.01.2009  
Drawing : HILLSIDE/107 REV A received on 21.01.2009  
Drawing : HILLSIDE/108 REV A received on 21.01.2009  
Drawing : HILLSIDE/109 received on 03.12.2008  
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Drawing : HILLSIDE/202 received on 03.12.2008  
Drawing : HILLSIDE/203 received on 03.12.2008  
Drawing : HILLSIDE/204 received on 03.12.2008  
Drawing : HILLSIDE/320 REV A received on 21.01.2009  
Drawing : HILLSIDE/205 received on 03.12.2008  
Drawing : HILLSIDE/210 received on 03.12.2008  
Drawing : HILLSIDE/211 received on 03.12.2008  
Drawing : HILLSIDE/212 received on 03.12.2008  
Drawing : HILLSIDE/213 received on 03.12.2008  
Drawing : HILLSIDE/321 received on 03.12.2008  
Drawing : HILLSIDE/200 received on 03.12.2008  
Drawing : HILLSIDE/206 received on 03.12.2008  
Drawing : HILLSIDE/302 received on 03.12.2008  
Drawing : HILLSIDE/207 received on 03.12.2008  
Drawing : HILLSIDE/208 received on 03.12.2008  
Drawing : HILLSIDE/209 received on 03.12.2008



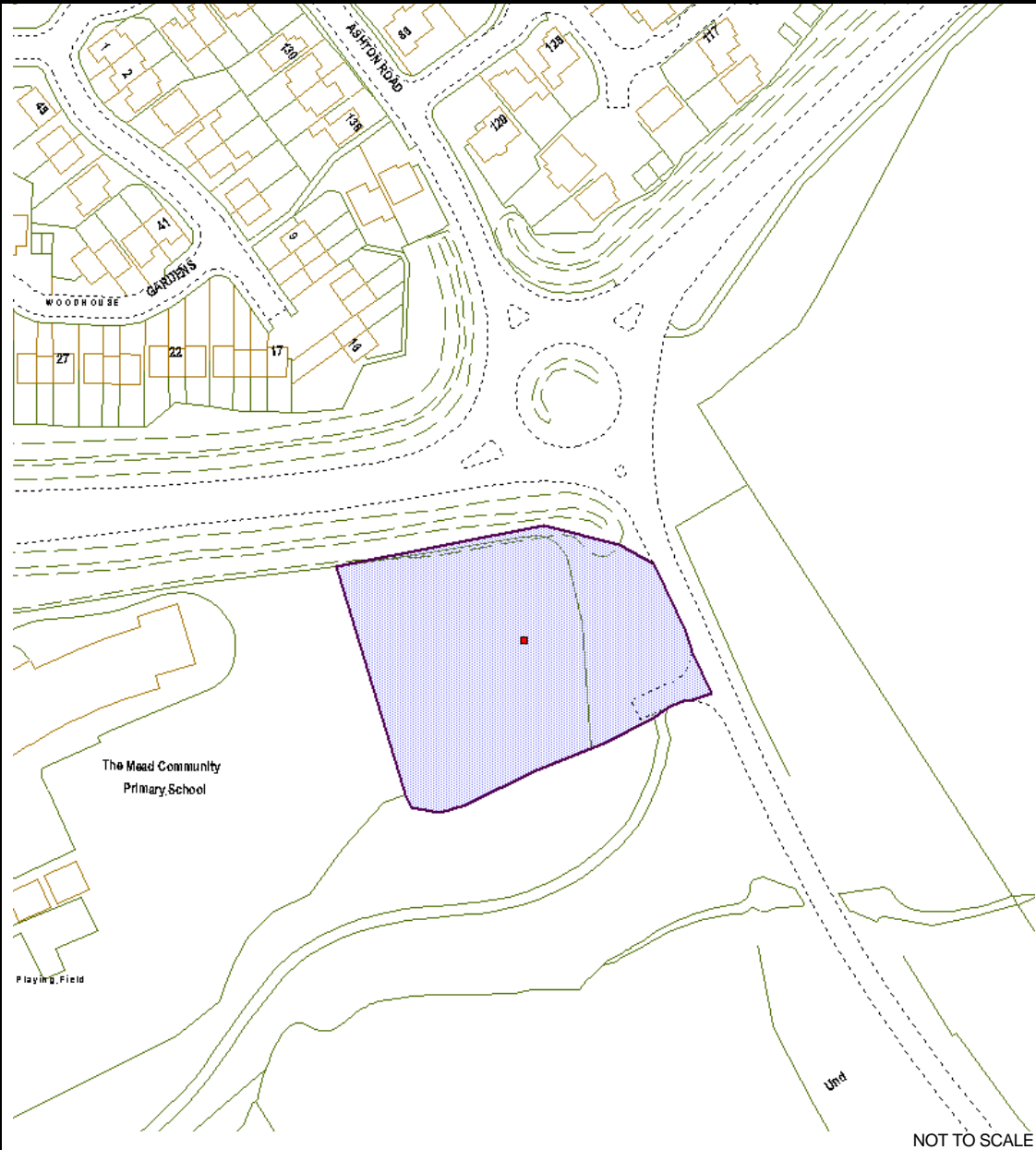
# PLANNING COMMITTEE

19 February 2009

ITEM NO: 02

APPLICATION NO: 08/03268/FUL

LOCATION: Land Adjoining Hilpertown Drive And Ashton Road  
Hilpertown Wiltshire



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SLA: 100022961

**02 Application: 08/03268/FUL**

**Site Address: Land Adjoining Hilperton Drive And Ashton Road Hilperton Wiltshire**

Parish: Hilperton Ward: Avonside

Grid Reference 387688 158513

Application Type: Full Plan

Development: Erection of 18 residential dwellings and their associated roads, sewers and parking

Applicant Details: Mr Chris Hodgson  
SPB Homes C/o Westbury Partnerships Sabre Close  
Gloucestershire GL2 4NZ

Agent Details: Mr Oliver Coles  
The Old Brewery Lodway Pill Bristol BS20 0DH

Case Officer: David Davies  
*Phone: 01225 776655 ext*  
*Email:*

Date Received: 04.12.2008 Expiry Date: 05.03.2009

## **COMMITTEE REPORT**

This 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 District. In addition, the Parish Council has objected to the proposal, contrary to the Officer's recommendation.

### **APPLICATION SITE & SURROUNDING AREA**

The site measures 0.46 hectares and is located immediately south-west of the junction between Hilperton Drive and Ashton Road. The site is fairly level, dropping gently down towards the Paxcroft Brook and is currently open grassland with no buildings or vegetation of note other than some small low density planting along the eastern boundary. To the west lies the Mead Community Primary School and its playing fields, whilst to the south is the Country Park which runs alongside the Paxcroft Brook. There is an existing vehicular access to the site at the south-east corner and this also links to the cycleway and footpath that runs through the Country Park.

Just beyond the northern boundary is a large established heavily planted noise bund which was built as part of the primary infrastructure for the strategic development of the former agricultural land now known as Paxcroft Mead.

Outline planning permission was granted for 23 dwellings on this site in November last year. In granting permission, a section 106 agreement was completed securing contributions to public transport and education.

### **PROPOSAL**

This is a full application for the erection of 18 dwellings and their associated access, parking and sewers. The application has been submitted with a Design and Access Statement, together with a range of documents originally submitted as part of the outline planning application. These consist of a Flood Risk Assessment, a Desk Top Study relating to geology, ground stability and contamination, a Protected Species Assessment, and an Archaeological Assessment. A further updated (Phase 1) Habitat Survey has also been submitted, together with a detailed landscape planting scheme. Full details have been provided of the surface treatment, the external materials, the garden and fencing, the cycle stores, the vehicle tracking and the drainage strategy.

The proposal is for 10, two bedroom houses, 3, three bedroom houses and 5, two bedroom bungalows. There are 27 allocated parking spaces and 7 visitor spaces which gives a total number of 34 which is a ratio of 1.89. This ratio has been agreed by the County Highway Authority. Each dwelling has a timber cycle store within its curtilage.

The proposed materials are a range of bricks and reconstituted stone, together with smooth grey concrete tiles.

The Housing PFI Project Manager for the Council has provided the following information in support of the application:-

“This application forms part of West Wiltshire District Council’s housing private finance initiative (PFI) 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.

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 affordable 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 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 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.

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”.

Prior to the application being submitted, significant negotiations have taken place between the applicants and Council Officers to achieve an acceptable layout. However, since the application was submitted further small amendments have been made following consultation with the Council’s Urban Design Officer and the County Highway Authority. These relate to the detailing of some of the dwellings, and issues relating to the parking spaces.

## **CONSULTATIONS**

### Parish/Town Council

#### **HILPERTON PARISH COUNCIL**

This is to inform you that the Parish Council objects to the application, due to the inadequacy of the car parking provision and the excessive proportion of tandem parking. We would like to point out that, when an application was considered recently for affordable housing at Broughton Gifford, West Wilts District Council agreed to two spaces per property. We would also remind the District council that, when the outline planning application was considered by the Parish council, a suggestion was made that, when a detailed application was submitted, further investigation would be required into surface water run-off and the possible introduction of porous paving, given the site’s close proximity to the flood line. The Parish Council is, however, fully supportive of the inclusion of bungalows in the proposed development.

#### **STEEPLE ASHTON PARISH COUNCIL**

With reference to this application, Steeple Ashton Parish Council objects, as it believes that the land was to be a designated open space.

It was felt that with the continuing expansion of the Paxcroft Mead area and the proximity of the school to this land, that the area would be better used to allow future expansion of the school.

However, the Parish Council also has concerns regarding the close proximity of the site to the flood plain of the nearby river, which quickly rises with significant rainfall.

A further concern is the lack of another secondary school and it is felt that this should be considered prior to more dwellings being built.

Thus Steeple Ashton Parish Council would not recommend that the planning application gain consent.

### External

#### ENVIRONMENTAL SERVICES WILTSHIRE COUNTY COUNCIL (HIGHWAYS)

The development is acceptable in principle however in order for the layout to be acceptable the following should be addressed:

- Allocated parking is not permitted in adoptable areas, visitor parking is, therefore the Parking to Plots 13 and 15 should be “swapped” with two of the visitor spaces (e.g. between parking to Plots 14 and 17 and to the front of Plot 11).
- Echelon parking causes more manoeuvring than right-angle parking therefore the echelon parking spaces should be rotated accordingly.
- An intervisibility splay is required, on the boundary of Plot 1 between the parking spaces to Plots 1 and 18, as provided on the boundary of Plot 2.
- To allow visibility from the parking to Plot 4 onto the access road a condition will be required restricting the height of the planting on the eastern frontage of Plots 3 and 4 to a height not exceeding 600mm.
- I am concerned that the refuse vehicle swept path is extremely close to the parking space to Plot 2, if a car is not within the space correctly it could be hit, therefore the parking to Plot 2 should be moved 2m south – the boundary will have to be moved accordingly.

In accordance with my recommendations for the outline planning permission I will be seeking contributions towards public transport serving Paxcroft Mead – this should be secured by a Section 106 Agreement.

I look forward to receiving amended plans in accordance with the above, however until a satisfactory layout is achieved I must offer a holding objection.

Amended plans have been received and Highways raise no objection subject to the above contribution.

#### WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST

The Wiltshire Sites and Monuments Record (SMR) show that the proposed development site was archaeologically evaluated in 2007 by Cotswold Archaeology.

Despite the potential, only evidence of post medieval agricultural activity was revealed. In light of these results no further archaeological work will be necessary and no conditions relating to archaeology need to be attached to any approval granted. The report on the archaeological evaluation is retained by this office as a record of the archaeological work undertaken. This advice is in line with that previously provided by my predecessor.

LIBRARY & HERITAGE- awaited

#### WESSEX WATER

The development is located within a sewered area, with foul and surface water sewers. There is a public sewer crossing the site, Wessex Water require a minimum, three metre easement width on either side of its apparatus, for the purposes of maintenance and repair. The existing sewerage system should have adequate capacity to receive the foul water from the development.

Calculations and discharge rates will need to be provided in due course for Wessex Water to confirm this.

The developer has proposed to dispose of surface water to existing arrangements. The existing surface water system may not have adequate capacity to receive flows from the development, again calculation and discharge rates will need to be provided in due course. Surface water attenuation may be required for the storage on on-site flows.

It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage.

It is my recommendation that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection on Wessex systems.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implication. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

## ENVIRONMENT AGENCY

The Environment Agency has no objections in principle to the proposal providing that, if planning permission is granted, the following condition is imposed:

### CONDITION:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA Rev. A (Ref: W297), May 2007, by PFA Consulting), which states the following:

- Section 2.7: there shall be no development within the floodplain
- Section 1.4: Surface water shall drain by direct connection to the existing surface water sewers.

### REASON:

To reduce the risk of flooding to, and as a result of, the development.

### NOTE TO APPLICANT:

If the applicant wishes to pursue a change to our Flood Zone Maps on the basis of the FRA they should contact our Flood Risk Mapping and Data Management team at this office. This may be beneficial for all parties in the long-term.

We would further comment:

The Environment Agency considers that the controlled waters at this site are of low environmental sensitivity; therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports/Planning Policy Wales and the WLGA/EA "Land Contamination: A Guide for Developers" should be followed.

In order to maintain our records please could you sent us a copy of the decision notice issues for this application.



## Internal

### URBAN DESIGN & CONSERVATION OFFICER

This consultation response relates to matters of design only and has regard to the following Policies within the LDF.

West Wiltshire District Plan First Alteration Policies: C31a, C32, C34a, H12, and H24.  
Supplementary Planning Guidance/Documents:

Design Guidance – Principles Document SPG  
Residential Design Guide SPD

The proposed scheme has been developed following considerable pre application consultation. It is considered that the proposed layout of the scheme responds well to the constraints of the site and is appropriate within this locality.

### AFFORDABLE HOUSING ENABLER

In confirm that there are in the region of 726 households in priority need in the Trowbridge area with the majority requiring 2 bedroom accommodation.

The proposed scheme appears to meet housing need in relation to the mix and, I understand that this is to be a PFI site.

I confirm that this application has the support of the Enabling Team.

### DRAINAGE ENGINEER (TECHNICAL SERVICES)

Having checked the planning documents for the above proposal I have the following comments:

1. I would have expected to see some sort of attenuation of the storm water flows to Wessex Waters main storm sewer. This will need to be agreed with Wessex Water and they would need to approve this. The brook at Paxcroft Mead already accepts large quantities of storm water from the other housing developments in the near vicinity. I would expect that the levels and flood risks elsewhere area of a sensitive nature and increased flows could cause an imbalance downstream.
2. I accept they have included Sustainable drainage systems with their permeable paving but the area of road which connects to the main sewer from my understanding is not permeable and therefore could cause a surge flow to the storm sewer and subsequently the Brook at Paxcroft Mead during certain storm events.

### ENVIRONMENTAL HEALTH

No issues raised in terms of noise or contaminated land.

The developer is advised to undertake a desk study to confirm that there is unlikely to be any land contamination. It is also noted that the land is marshy in character so the developer should satisfy themselves that there is no likelihood of methane generation or that the construction is designed accordingly.

### DISTRICT ECOLOGIST

I have read through the relevant documents for this application. Aerial photographs seem to confirm the conclusions of the Phase 1 Habitat Survey and the protected species survey, that the site has relatively low ecological interest.

The risk of reptiles occurring on the site was low in 2007 but since then (i.e. for two seasons) vegetation has been left unmanaged. This lack of management increases the risk of reptiles being present. Given that the current application also seems to involve the loss of scrub vegetation along the eastern side. I recommend adding a condition to require a reptile survey and mitigation proposals to be submitted for approval before work commences. Although there is no space in the development to create a habitat to accommodate reptiles if any are found, I expect total numbers to be low and translocation to surrounding habitats( with permission of the landowner) would therefore be acceptable.

Active badger's setts are known to exist nearby and it is likely that badgers forage within the proposed development site. It is unlikely that badger legislation will be infringed although clearly badgers are experiencing a progressive reduction foraging area as result of previous development which the current application will contribute to, albeit in a small way.

Although I do not wish to object to this application on ecological grounds, it should be noted that due to the density of development and lack of offsite mitigation, this application will lead to an overall loss of nature conservation interest. The application will therefore not meet the following two targets in the Wiltshire Biodiversity Plan:

GAPT2: No planning permission is granted where it is likely that there will be a net loss of biodiversity.

GAPT3: New major developments deliver biodiversity gain through the provision of new features and where possible integrated green infrastructure.

## **NOTIFICATIONS**

### Site Notices/Visits

The site was visited on the 22nd December 2008 and a site notice was attached to the gate at the south-east corner of the site.

### Neighbours

Seventeen neighbour notification letters have been sent out and no representations have been received.

## **RELEVANT PLANNING HISTORY**

06/03598/OUT – The development of 23 dwellings – permitted 7th November 2008.

## **KEY ISSUES**

The principle of residential development on this site has been established by the granting of outline planning permission in November last year. The key issues therefore relate to the quality of development in terms of design and layout, the access and parking arrangements, drainage, nature conservation protection, the landscaping and any other environmental impacts the proposal might have.

## **RELEVANT PLANNING POLICIES**

RPG/RSS 10- Regional Spatial Strategy

Wiltshire Structure Plan 2016

- 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
C1	Nature conservation
C5	The water environment
HE2	Other sites of archaeological or historic interest
RLT1	Recreation, sport and leisure
RLT2	Informal countryside recreation

#### West Wiltshire District Plan – 1st Alteration 2004

C4	Landscape Setting
C7	Protected species
C9	Rivers
C14	Archaeological Field Evaluation
C15	Archaeological Assessment
C16	Archaeological Investigation and recording
C31a	Design
C32	Landscaping
C36	Noise
C38	nuisance
R1	Recreational space
R4	Open space in new housing developments
R9	Country Parks
H1	Further housing development within towns
H2	Affordable housing within towns and villages
H24	New housing design
T9	Bus services
T10	Car parking
T11	Cycleways
T12	Footpaths and bridleways
S1	Education contribution
U1	Infrastructure
U1A	Foul water disposal
U2	Surface water disposal
U3	Flooding
U4	Groundwater Source Protection Areas
I1	Implementation

PPS1- Delivering Sustainable Development

PPS3- Housing

PPS13-Transport

SPG

Design Guidance – Principle (Adopted July 2004)

Open Space Provision in New Housing Developments (Adopted August 2004)

Residential Design Guide (Adopted November 2005)

Affordable Housing (Adopted August 2005)

## **OFFICER APPRAISAL**

A full application for this allocated site has been submitted and includes extensive details of all aspects of the scheme.

Although the site forms a physically isolated area, divorced by roads from the rest of the Paxcroft Housing it was originally identified for affordable housing as part of the 1996 Paxcroft Mead Masterplan. It is currently shown as being within Trowbridge's Town Policy Limit whereby the principal of residential development will be permitted. This principle was further confirmed by the granting of outline planning permission in November last year.

Notwithstanding the acceptance in principle, the relevant policies of the District Plan and the Design Guidance require a high standard of design and layout, adequate drainage, the protection of nature conservation interests and safe and convenient connection to the highways as well as to existing pedestrian, cycle and public transport networks.

The Paxcroft Mead Estate is a large area of modern housing of a mix of designs and materials, including detached, terraced and semi-detached houses. The proposed scheme in terms of layout and design has taken its lead from this development as well as respecting its location adjacent to the Country Park and school. It consists of a mix of terraced units with some detached and semi-detached, and with the introduction of a number of bungalows there is a variety of heights. The shape and form of the development creates a continuous and legible street pattern and pedestrian, cycle and vehicle permeability. The location and disposition of the buildings creates an identifiable space at the centre which is effectively the core of the site. The design approach achieves an appropriate layout whilst at the same time ensuring the most efficient use of the land. The proposal achieves a density of 39 dwellings per hectare which is acceptable in the context of PPS3. The building elevations are designed to offer simple cottage styles, reinforcing the semi-rural approach to the southern edge. The design, layout and materials are considered to be acceptable, subject to small changes to the detailing relating to the canopy design, the sills and lintels. Amended plans showing these have been submitted and the changes are considered to be satisfactory.

The Environment Agency have not objected to the proposal subject to the imposition of a condition, and the principles of foul and surface water drainage have been accepted by Wessex Water and the Council's Drainage Engineer.

The site is currently overgrown and the submitted Habitat Survey indicates that the site is of low and insignificant ecological value, although it does have limited potential for nesting birds. The report recommends that bird and bat boxes are included throughout the development.

The Highway Authority now raise no objection to the amended plans.

The Highway Authority will also seek contribution towards Public Transport serving Paxcroft Mead.

Following archaeological investigation of the site, the County Archaeologist has confirmed there is nothing of archaeological significance at the site.

A desk top study has indicated that there are no significant ground contamination issues.

In terms of the housing issues the site was identified for affordable housing as part of the 1996 Paxcroft Mead masterplan and has been transferred to the Council under the old Section 106 policy. The site is conditioned to provide 100% affordable housing in perpetuity.

Development Plan policy and the supporting Supplementary Planning Guidance requires sites of 10 or more dwellings to provide public open space provision. In this instance the Paxcroft Mead Masterplan provided for public open space for the whole of the developed area. The Planning Policy Section has previously raised no objection to housing on this site without the provision of additional public open space.

Policy S1 of the District Plan requires the provision of an education contribution where required. The County Council have previously highlighted that the development requires extra pupils, and a Section 106 Agreement to provide a contribution was included as part of the outline consent.

The Parish Councils have raised a number of objections. Hilperton Parish Council objects to the inadequacy of car parking provision and the use of too many tandem spaces. The ratio (1.89) is more than the ratio approved at the outline stage (1.52) and the plans for the parking arrangements have been amended to satisfy the Highway Authority. The concerns on drainage raised by the Parish Council have been covered by the inclusion of porous materials on some of the surface areas.

Steeple Ashton Parish Councils consider that the site should be used for the expansion of the school, but the principle of residential development has been accepted. Their concern about the Secondary School is to some extent covered by the financial contribution to the Education Authority.

## **CONCLUSION**

The principle for the residential development of this site has been long established and was formalised in November last year with the granting of outline planning permission.

Extensive pre-application negotiations have taken place to ensure a high standard of design and layout. The public transport and education contributions will require a Section 106 Agreement.

### **JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would ensure an appropriate form of development for the site and its context. The proposed development conforms to the Development Plan and there are no objections on planning grounds.**

**RECOMMENDATION:** That the Development Control Manager be authorised to grant permission on completion of a Section 106 Agreement to secure the following:-

**(a) An index linked financial contribution towards public transport.**

**(b) An index linked financial contribution towards education provision in accordance with Education Authority approved formula.**

### **Condition(s):**

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 This permission shall relate to the revised plan(s) received by West Wiltshire District Council on 28 January 2009.

REASON: In order to define the terms of this permission.

- 3 The development hereby permitted shall not be occupied until the sewage disposal works proposed as part of the development scheme have been completed in accordance with the submitted and approved plans.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

- 4 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

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

5 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

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

6 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

\* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

\* All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

\* The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

\* The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

8 The boundary treatments indicated on the approved plans shall be completed prior to the occupation of the dwellings to which they relate.

REASON: In the interests of the appearance of the street scene.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

9 The materials to be used in the construction of the external surfaces of the development hereby permitted will be as detailed in the submitted plans.

REASON: To ensure that the development harmonises with its setting

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A

10 The materials for the surface of all roads, footpaths, parking areas and other hard surfaced areas of the development hereby permitted will be as detailed in the submitted plans.

REASON: To ensure that the development harmonises with its setting

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A.

11 The dwellings hereby granted shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan – First Alteration 2004 for so long as the dwellings remain on the site.

REASON: To accord with the terms of the application and to secure the delivery of affordable housing on the site in accordance with Council Policy.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy H2

- 12 Prior to the commencement of development a detailed scheme and programme for the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with approved programme.

REASON: In order to protect wildlife habitats.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C1

- 13 Prior to the commencement of development a reptile survey and relevant mitigation measures shall be submitted to and approved by the LPA.

REASON: In order to protect wildlife habitats.

POLICY: West Wiltshire District Plan – 1st Alteration 2004- Policy C1

- 14 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA Rev. A (Ref: W297), May 2007, by PFA Consulting), which states the following:

- Section 2.7: there shall be no development within the floodplain
- Section 1.4: Surface water shall drain by direct connection to the existing surface water sewers.

REASON: To reduce the risk of flooding to, and as a result of, the development.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy U3

**Note(s) to Applicant:**

- 1 You are advised that planning permission does not exempt the developer from the statutory requirements for protected species and their habitats. You are advised to contact Natural England before any works commences on the site, including site clearance.

**RELATED PLANS**

Drawing : PAXCROFT/100 received on 04.12.2008  
Drawing : PAXCROFT/101 received on 04.12.2008  
Drawing : PAXCROFT/106 received on 04.12.2008  
Drawing : PAXCROFT/109 received on 04.12.2008  
Drawing : PAXCROFT/302 received on 04.12.2008  
Drawing : PAXCROFT/321 received on 04.12.2008  
Drawing : OX/193-DTI received on 04.12.2008  
Drawing : PAXCROFT/102 Rev A received on 28.01.2008  
Drawing : PAXCROFT/103 Rev A received on 28.01.2008  
Drawing : PAXCROFT/104 Rev A received on 28.01.2008  
Drawing : PAXCROFT/105 Rev A received on 28.01.2008  
Drawing : PAXCROFT/107 Rev A received on 28.01.2008  
Drawing : PAXCROFT/108 Rev A received on 28.01.2008  
Drawing : PAXCROFT/320 Rev A received on 28.01.2008  
Drawing : PAXCROFT/203 Rev A received on 28.01.2008  
Drawing : PAXCROFT/204 Rev A received on 28.01.2008  
Drawing : PAXCROFT/205 Rev A received on 28.01.2008  
Drawing : PAXCROFT/206 Rev A received on 28.01.2008  
Drawing : PAXCROFT/207 Rev A received on 28.01.2008  
Drawing : PAXCROFT/208 Rev A received on 28.01.2008  
Drawing : PAXCROFT/209 Rev A received on 28.01.2008  
Drawing : JBA 08/193-01 Rev B received on 28.01.2008

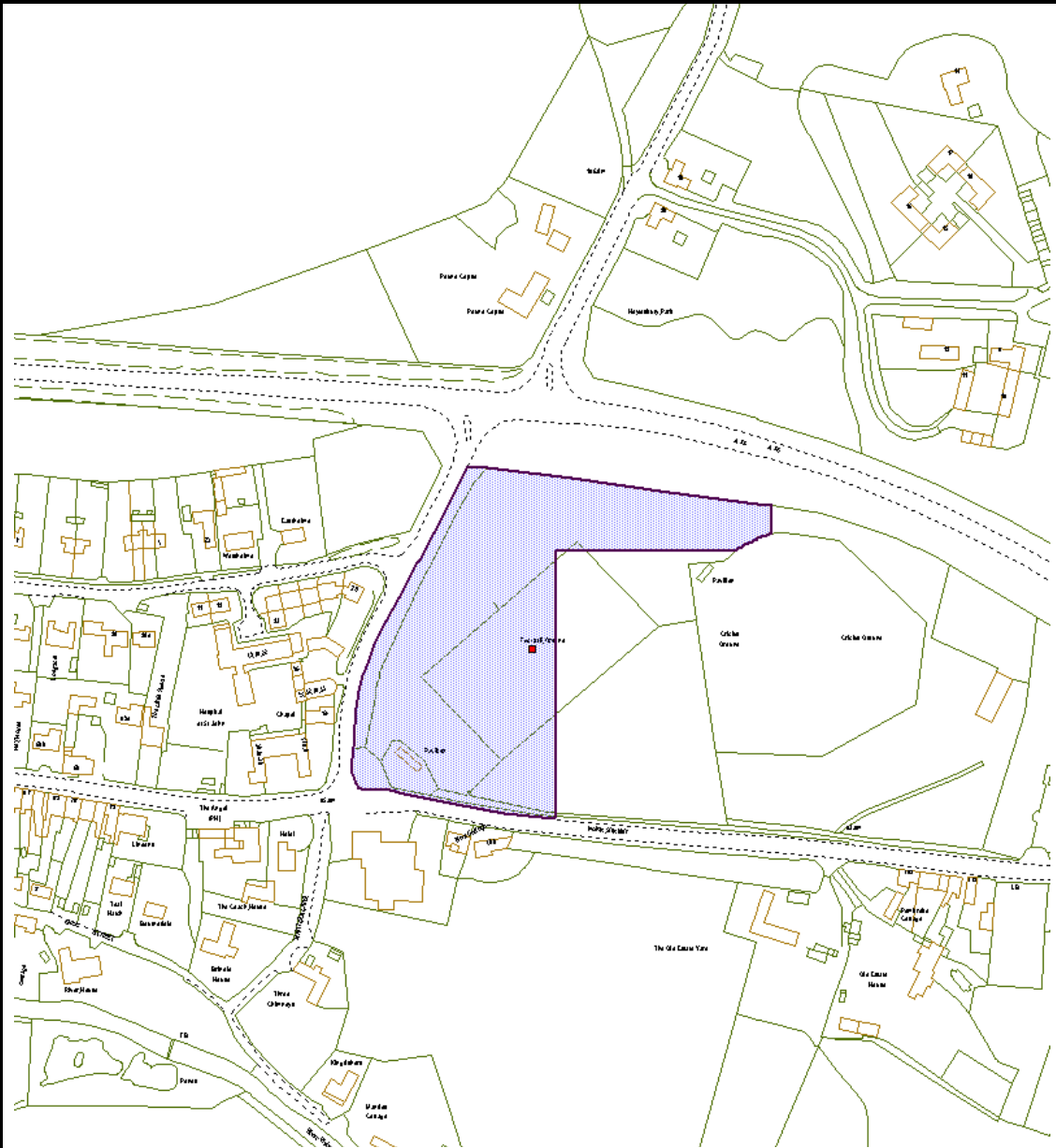
# PLANNING COMMITTEE

19 February 2009

ITEM NO: 03

APPLICATION NO: 08/03292/FUL

LOCATION: Football Ground Park Street Heytesbury Wiltshire



NOT TO SCALE

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SLA: 100022961



<b>03</b>	<b>Application:</b>	<b>08/03292/FUL</b>
	<b>Site Address:</b>	<b>Football Ground Park Street Heytesbury Wiltshire</b>

Parish: Heytesbury Imber & Knook      Ward: Mid Wylve Valley

Grid Reference: 392885 142671

Application Type: Full Plan

Development: New Village hall and 12 new dwellings

Applicant Details: Heytesbury Village Hall Committee  
C/o Michael Fowler Architects Mr Michael Fowler 19 High Street  
Pewsey Wiltshire

Agent Details: Michael Fowler Architects  
C/o Mr Michael Fowler 19 High Street Pewsey Wiltshire SN9 5AF

Case Officer: Mr James Taylor  
*Phone: 01225 776655 ext 169*  
*Email: jtaylor@westwiltshire.gov.uk*

Date Received: 27.11.2008      Expiry Date: 26.02.2009

## COMMITTEE REPORT

This application is brought to Committee at the request of Councillor Christopher Newbury in the interests of public debate.

### APPLICATION SITE & SURROUNDING AREA

The application site is situated on the edge of the village of Heytesbury to the south of the A36 highway outside Village Policy Limits within a Special Landscape Area and on the edge of, but just outside, the Heytesbury Conservation Area. There are a number of listed buildings on the opposite side of the road and numerous TPO trees in the vicinity.

The site forms part of the original parkland setting to the Grade II\* Listed Heytesbury House but is now separated from that property by the A36 highway. The site currently comprises existing recreation facilities including an existing football pitch. The site slopes from north to south and currently has a pavilion to the south west corner of the site. On the half way line of the football pitch is a timber and corrugated iron spectator shelter. Access to the field is obtained from New Road to the north west of the site.

### PROPOSAL

This application is a resubmission of a previously refused application in March 2008. Prior to this an application for a similar development was withdrawn in 2007.

This is a full planning application for a new village hall and 12 new dwellings together with access thereto and associated landscaping.

It is proposed that six of the new dwellings, of which two would be 4-bedroomed and four would be 5-bedroomed two-storey detached dwellings, would be for sale on the open market. The remaining six new two-storey dwellings would be affordable housing for rent through a registered social landlord. These would comprise three pairs of two-storey 3-bedroomed semi-detached dwellings.

The houses would be built from brickwork, stone or render under plain tiled or natural slate roofs and would be surrounded by a native hedgerow on all sides.

The proposed village hall would be built in the north-eastern corner of the site. It would be built from brickwork under a natural slate roof with black clay ridge tiles. A reduced number of parking spaces are now proposed, namely 39 parking spaces would be provided adjacent to the village hall, six of which would be allocated to three of the affordable units. As such the parking provision for the village hall would be 33 parking spaces.

An existing football pitch would need to be repositioned and realigned. This would involve the felling of two trees which are the subject of a Tree Preservation Order. The existing pavilion would be demolished.

Vehicular access to the site would be via a revised access off New Road and there would be a pedestrian footpath link to Park Street. The site has an area of approximately 1.76 hectares.

In support of the application several documents have been submitted, namely a revised Planning, Design and Access Statement dated November 2008, a revised Financial Appraisal dated November 2008, an Arboricultural Report dated January 2007, an Archaeological Report dated May 2007 and an A4 sheet as 'justification for affordable housing'.

## **CONSULTATIONS**

### Parish/Town Council

HEYTESBURY PARISH COUNCIL: Objection. "This application does not clearly show the location of the football and cricket pitches. The parish council need to see the location of both pitches, and the size and levels of the football pitch and the essential surrounding area for spectators and access, along with the necessity of removal of any trees. For this reason the parish council object to the application."

### External

WESSEX WATER: The existing water supply system is adequate to supply the proposed development. This is not a sewered area and the applicant should provide sewage treatment with a licence from the EA. Rainwater run-off should be discharged to the land drainage system.

LIBRARIES AND HERITAGE: Re-iteration of previous comments on 07/00214/FUL and 08/00175/FUL:

"The Wiltshire Sites and Monuments Record (SMR) shows that an archaeological evaluation took place in April 2007 to assess the earthworks recorded at this location.

Although the earthworks noted on the site are not medieval but the result of modern dumping, a number of other archaeological features have been revealed across the site. In total nine trenches were excavated under archaeological conditions and positioned in areas most at risk from the current development proposal. Six of the trenches contained archaeological features and deposits and represent two distinct periods of earlier activity on the site. Pits and postholes dating to the late Bronze Age or Early Iron Age were revealed and some 45 pottery shreds of medieval date were collected from several pits and a ditch on the site. Both discoveries are indicative of earlier settlement activity across the site.

No archaeological trenches have been positioned over the current football pitch although based on the discoveries in trenches positioned adjacent to the pitch, it is highly likely further archaeological features will exist here. I would recommend that an archaeological excavation is undertaken on the site prior to development in order to gain further information on the prehistoric and medieval remains in Heytesbury. This work should be undertaken in accordance to a brief set out by this office by a professional archaeological contractor. I would advise that the following condition as set out in DoE Circular 11/95 should be placed on the application:

No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

This approach is in line with the advice given in PPG16 and follows local planning policy. It would be helpful if a copy of this letter could be sent to the applicant as this type of archaeological work will be expensive and the on site excavations will take some time to complete. Given the majority of the trenches contained archaeological material and not all the area could be adequately evaluated, large areas will need to be excavated and time will therefore need to be built in to the ground works programme to ensure the archaeologists can complete the excavations prior to construction. There is also a responsibility on the developer to ensure post excavation costs are met and that the work is fully published.”

SPORT ENGLAND: We've been consulted on this application (as a statutory consultee on planning applications affecting playing fields). We've commented on previous applications on this site and not objected subject to a replacement football pitch of good quality being provided. A replacement pitch was shown on the previous layout drawings.

However, latest application doesn't show a replacement pitch – it shows 2 large existing trees (T10 and T11) on the land previously earmarked as a pitch. Please could you confirm whether it is proposed to replace the football pitch, and if so we would need to see this marked on the site layout plan. If it isn't proposed to replace the football pitch, it's likely that we'll have to object to this application, based on our national playing field policy.  
(09.12.2008)

Upon receipt of revised site layout plan including a replacement pitch:

“Provided a replacement pitch is secured by planning condition or planning obligation, the Sport England does not wish to object to this application.”  
(23.12.2008)

ENVIRONMENT AGENCY: “The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

Condition: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Reason: To prevent the increased risk of flooding.”

HIGHWAY AUTHORITY: “I note this resubmission has attempted to address the refusal grounds where they relate to parking level and road layout. The village hall parking has been reduced from 46 spaces to 38 and the road layout has been improved. However, the improvement in road layout still presents some concern about the safety for users, but could be reasonably amended to overcome these concerns.

The following changes to the road layout would overcome the original highway objection to the earlier submission:-

- \* A continuous footway should be included on both sides of the access road and should be "returned" around the corner of the north-south access road to extend to a point 2m beyond a suitable ramp feature which will ensure that pedestrians can stand clear of vehicles at the junction. The ramp should be located at the tangent point of at least 4m radii.
- \* 2.4m x 25m visibility splays should be provided at the junction of the access road with the north-south access road.
- \* The north-south access road should include a 2m wide service strip on the housing side and at least a 0.5m service strip/margin on the opposite side.
- \* The "public access steps" present some concern because it is not normal practice to encourage public access where there are steps. This is particularly relevant for disabled users and pushchairs. On balance, I would therefore recommend that the stepped access is only provided for private use and does not (assuming development proceeds) become a public route. As the route is shown along a narrow private drive, it is assumed that the owners would remain responsible for this section of the route.
- \* Vehicular parking and turning space for plots 11 and 12 appear very substandard. Parking for plots 1-4 appears to have been omitted.

Without the above changes to the scheme, I must continue to recommend unfavourably on highway safety grounds.

I also confirm that the transport sustainability objection must remain even with the parking level for the village hall reduced as, clearly, a more suitable location could be provided for this facility.

I therefore confirm that my previous recommendation for refusal stands. For your assistance, I repeat the grounds as follows:-

1. The proposed housing and village hall will encourage the use of the private car, being likely to be poorly served by public transport, remote from the populated part of the village where walking and cycling would be encouraged and is therefore contrary to the key aims of PPG13 which seeks to reduce the growth in the length and number of motorised journeys.
2. The proposed layout of the internal road remains substandard, does not accord with the principles laid out in Manual for Streets and will create an unacceptable road safety hazard for all users of the proposed highway.

Please note that whilst the above listed amendments to the road layout can overcome this objection, the currently submitted scheme remains unacceptable.”  
(20.01.2009)

Following clarification with the case officer the following additional comments were made:

“I note that 39 spaces are provided with 6 spaces dedicated for plots 2 to 4, leaving a total of 33 spaces available for the hall. My comments about the suitability of the hall location remain.

It was unclear from the drawing whether plot 1 included parking provision within the plot - however, there is only space for one vehicle to park without obstruction to the footway and, as you note, the access is close to the junction and is not acceptable. The 1:500 drawing does not indicate the parking spaces provided for plots 2 to 4, hence my query (I have now noted the 1:200 scale drawing which shows this information)- I would not object to communal parking within the hall parking area, should a revised layout be provided, but remain opposed to the development on the sustainability ground.”  
(02.02.2009)

DISTRICT ECOLOGIST: “I think the recommendations of the ecological scoping survey (Ecosupport Jan 2007) are a fair summing up of the ecological value of this site, although slightly at odds with the initial statement in the conclusions that the site is "of negligible nature conservation value for the majority of habitats and species considered". The site appears to be a remnant of old parkland and as such has a high biodiversity potential, especially for the less obvious species such as invertebrates and fungi.

Land on the northern and western boundaries is suitable for reptiles, mainly slow worms, since it is only occasionally cut and offers basking and refuges sites in close proximity to each other. The total area of suitable habitat is less than 0.5ha. It is likely that construction of the A36 will have reduced and isolated any population and made it more vulnerable to further habitat loss. Unmitigated, the development could lead to further reduction of slowworm populations south of the A36.

I noted signs of badger foraging and also evidence of preliminary sett excavation on the western side. I noted one sett off site to the north in the planting alongside the A36. Although not of conservation concern, the developer needs to have strategies in place to ensure that Badger legislation is not infringed if the "preliminary excavations" become an occupied sett before development is completed. An expanding badger population could also cause disruption to future residents.

Most of the large mature trees on site are Limes and there is also one notable Beech tree. They are all valuable for nature conservation, not least for their potential for bats, birds and invertebrates. Although it appears all could be retained as part of the development, I have no information to confirm this. Long term protection for these trees is preferable. But the developer should also consider planting specimen trees to become their long term successors.

In assessing this application, we should be mindful of the following two targets in the Wiltshire Biodiversity Action Plan (2008):

GAPT2: No planning permission is granted where it is likely that there will be a net loss of biodiversity

GAPT3: New major developments deliver biodiversity gain through the provision of new features and where possible integrated green infrastructure

We also need to take ODPM circular 06/2005 "Biodiversity and Geological conservation - statutory obligations and their impact within the planning system" into account. Para 99 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place through conditions and/or planning obligations, before the permission is granted."

Because no mitigation (i.e. replacement habitat for reptiles), or opportunities for habitat enhancement have been put forward, we should, in my view, insist on a reptile survey before the application is determined. However, on the basis that the population is likely to be low, if adequate precautionary mitigation could be put forward as part of the application (and therefore conditioned), it would be possible to condition the reptile survey. Mitigation should comprise an equivalent area of habitat to that lost, set aside for conservation management.

For badgers, I recommend we condition a pre-construction survey and badger mitigation strategy to deal with these risks.

For the trees, I recommend we condition the retention of all trees within the application boundary. Also condition the planting of mixed species hedges as depicted on dwg 031203 - 208 and submission of proposals to identify the location, species and planting stock of trees which will ensure the continuity of the parkland landscape is secured for the long term."

#### Internal

LEISURE MANAGER: "The proposed development is on a substantial area of recreation land which is currently under utilised. If the existing football pitch can be relocated within the site by making use of the available land there would be no loss of recreational amenity. However, given the presence of a number of mature trees which are subject to TPO it may be challenging to locate the pitch without compromising at least one tree.

The development of a new village hall would clearly offer improved opportunities for cultural activity and this is likely to be of significant benefit to the local community.

The proposal may have the effect of bringing the village hall and/or housing near enough to the cricket boundary to present a risk of injury to residents or passers by. I would recommend that this issue is subject to a formal risk assessment and appropriate measures put in place if necessary."

HOUSING SERVICES: "Please note that our response to this application does not differ from those submitted for the two previous applications for this site (07/00214/FUL and 08/00175/FUL)

We are not able to comment on the proposals for the proposed village hall, therefore our comments are concerned only the proposed development of 12 residential units.

The site is located outside of Village Policy Limits and therefore can only be developed in accordance with Policy H22. This means that the site can only be used for 100% affordable housing subject to local need etc.

We can confirm there is need in Heytesbury for affordable housing, however, we feel that we are unable to support this application in its current forms as it also provides 6 executive type homes for open market sale which are a) contrary to policy and b) contrary in size and scale to the Housing market Assessment which reports an excess of large detached dwellings in West Wiltshire, particularly in village locations.

We would encourage the applicant to work with this department and the Rural Housing Enabler in order to discuss housing need in greater detail and to look at other potential development sites for affordable housing provision.

We are therefore unable to support this application in any way and would strongly recommend refusal on affordable housing grounds being contrary to Policy H22.”

**DRAINAGE AND CIVIL ENGINEER:** having checked the planning documents for the above proposal I am unable to make any comments as no details of storm water disposal has been provided.

**PLANNING POLICY:** No comments received. However the comments on the previous application were as follows:

“This application fails to overcome the objections raised with regard to the previous application. Any issues which have not been repeated within this consultation are still relevant but it was felt that no further explanation or update was required. Therefore, please consider this as additional information to be considered in conjunction with the objections previously raised:

Planning ref: 07/00214/FUL

Urban Design and Conservation consultation dated 01 May 2007

I believe that in order to appropriately consider this application it is necessary first to look at the current nature of the site and the principle of development.

#### Principle

Housing development outside of the village settlement boundaries is only permissible in policy terms if it is 100% affordable housing and it is suitable in terms of both justification and mix. The use of funds to enable the construction of a village hall with changing facilities is not sufficient justification to contravene basic policy. Consequently, the application should be refused as it is contrary to principle planning policy, please see previous comments from the Planning Policy manager none of which appear to have been addressed.

This is a very sensitive location on the edge of the village, within a Special Landscape Area, adjacent to the Conservation Area, and a number of Listed Buildings. The consultation response on the previous application refers to the site as “open parkland character beyond the existing built up edge of the village” to this I would add that the site is currently of a very rural and informal nature. The boundaries of the sports grounds and fields whilst well landscaped particularly on the western boundary allow long views and so the site is viewed as part of the wider countryside and not as part of the village.

Looking into the site from the south east it seamlessly blends into the rolling hills of the Salisbury Plain. Looking across the site from the north west you get distant views of the scattered houses and other rural buildings which are outside of the settlement boundary. To develop this site would completely alter both the nature of this site, and would redefine the settlement boundary. The effect of this would be to adversely impact on the landscape setting of the village and as identified previously “compromise the setting and character of the Conservation Area as well as the open character of this part of the village”

The current village boundary is clearly identifiable on the ground and visually appropriate to both the setting of the conservation area and the character of the village. I do not think that under these circumstances it would be appropriate to build on this site.

#### Design

The architectural quality and layout of the scheme is irrelevant as principally this site should not be developed. Nevertheless, I have been asked to comment on this issue so I will.

## Layout

Residential development - This proposal has a distinctly suburban feel. Irrespective of the architectural form of these building, this arrangement of large houses is not characteristic of the historic village or suitable, on a rural site outside the built up area.

The creation of a formal access arrangement and road layout are also visually harmful to the character of the locality and wider landscape.

Village Hall – As previously identified by the Planning Policy Officer “the development of part of an existing open space to provide enhanced community facilities can be acceptable in principle”, it may be possible to produce a proposal for additional village facilities on its own, but the scale and form of this aspect of the proposal is at present not acceptable:

\* The creation of a new access, the creation of a large expanse of hard surfacing and formality of the site layout is completely inappropriate in such a rural location.

\* The building itself would be obtrusive and visually inappropriate by reason of its size and architectural form.

The previous urban design and conservation comments refer to a need to “blend in with the surrounding landscape” as well as a need for a more “traditional style of sports pavilion”. I totally agree with this recommendation and in addition suggest reconsidering the size and requirements for the building. It is understood that as a minimum some changing facilities in this locality is desirable, however my suggestion would be a modest timber clad scout hut style building, considerably smaller than that proposed, and with less parking, and a less formal arrangement, would be a better approach. A village centre location would be far more appropriate for a village hall, both functionally and with regard to the visual impact.

Changes to Sports Pitches – At present the sports pitches are inter dispersed with less formal areas of open space and fields of grazing horses. The proposal would not only lead to the loss of visually important TPO trees, but would also result in the synchronization of the pitches and a much more formal, less rural, arrangement which would adversely alter the current character of the site.

Building Design - The proposal does include good quality materials and some architectural detailing which has been informed by the character of the village. However, the architectural form of some buildings is still a bit cluttered, please see consultation response on the previous application (ref: 07/00214/FUL dated 01 May 2007). In addition the combined impact of the character and arrangement of the residential building is inappropriate.

Whilst it appears to me that the principle issues cannot be overcome, should this happen I recommend that both the arrangement and form of buildings be based on a rural reference. The other buildings outside the village boundaries could provide an appropriate reference i.e. an arrangement of one or two larger domestic style buildings with any additional development taking the appearance of outbuildings a small terrace of small units directly relating to the existing settlement would also be considered more visually appropriate.

In conclusion I strongly object and would recommend refusal for the following reasons:

\* The proposal represents inappropriate development in the countryside by reason of the residential use and mix, as well as the design and form of the whole development.

\* The proposed development would have an adverse impact on the special landscape character of the area.

\* The proposal would adversely impact on the landscape setting of the village which will have a knock on effect on views of the village and the overriding character of the village.

\* The proposal would have an adverse impact on the setting of the Conservation Area and subsequently a number of listed buildings.’

Planning Policy comment on previous application:

The comments referred to above from the Policy and Conservation Team on application number 07/00214/FUL were as follows:-

The site is an existing recreation space located outside Heytesbury village policy limits.

The development of part of an open space to provide enhanced community facilities can be acceptable in principle. The development of a community building on part of the site, to include changing facilities, would undoubtedly enhance the use of the current open space for the community and is therefore acceptable in principle.

The proposal involves market and affordable housing located outside village policy limits for Heytesbury. Delivery of any market housing in this location is strictly contrary to policy as it involves the encroachment of development into countryside. 100% affordable housing schemes can be acceptable in the countryside, but only as an exception to policy and provided need outweighs adverse environmental impact. Housing Services should be contacted regarding housing need in the village.

In terms of detailed housing policy issues, if the scheme were within village policy limits, we would require a variety of market house types to meet the profile of households requiring market housing including low cost market units. In this case, the provision of 5x5 bed and 1x4 bed houses does not meet national policy. In such a scheme we would also require the clustering of affordable housing units throughout the scheme. In this case, the separate provision of affordable and market units is unacceptable.

Heytesbury is located within a Special Landscape Area where development should not be permitted where it is considered detrimental to the high quality of the landscape. I consider the development of houses in this location would be detrimental to the open character of this part of the village.

In terms of meeting our design policies, the proposed dwellings are of a size and type uncharacteristic of the historic townscape of Heytesbury. The access road and the siting of buildings in relation to it are not characteristic of the village and appear suburban in form. The siting of properties with their backs to the remaining open space will be unsightly.

Urban Design and Conservation comment on previous application:

This consultation response relates only to matters of design and conservation.

This site is located on one of the main entrances into the village. It is a sensitive location adjacent to the edge of Heytesbury's Conservation Area, and with listed buildings in close proximity. Heytesbury is also located within a Special Landscape Area identified in the West Wiltshire District Plan.

## Setting

Site is located within an area having an open parkland character beyond the existing built edge of the village. The area was once part of the extensive grounds of Heytesbury House, although now bisected by the road bypassing the village. The emparkment of the Heytesbury House estate occurred in the 17th Century pre-dating the current house (an earlier manor house was on the site of the existing house). Heytesbury House is a Grade II\* listed building and the listing description for the house notes that the 'house is set in a park with fine planting'. Although the road has severed the estate it is still apparent that the area subject to this application was once part of the main grounds of the house with its combination of open grassland and mature trees retaining the parkland character. The parkland forms a historical edge to the built up area of the village on its eastern side and extending the built village in this direction would compromise both the setting and character of the Conservation Area as well the open character of this part of the village.

A row of mature trees line Park Street and the High Street contributes to an attractive approach to the village. There are also mature trees in Southwest corner and the central area of the site. All contribute to the setting of the Conservation Area. I am concerned about the loss of any trees, which would compromise the parkland quality of the area and the setting of the Conservation Area.



## Design/Access

The proposed access road is suburban in its form with its uniform width, visibility splays and kerb detailing and I am therefore concerned about its impact on the conservation area, nearby listed buildings and the rural quality of this part of the village.

## Layout

The layout of this proposal is unsatisfactory and I have a number of concerns.

Firstly the layout is very suburban in its form with the road dominating and shaping the layout rather than showing consideration the characteristics of the site and the surrounding context. As a result the relationship between the buildings is weak and creates an incoherent, fragmented street scene. Note should be taken of how existing traditional buildings relate to the village street. For example along the High Street (particularly on the south side) the buildings are more or less continuous and form a strong frontage to the street. Another issue is separation of the larger units from the smaller ones, effectively splitting the scheme into two parts. In villages such as Heytesbury it is more typical to see a mix of both larger houses and more modest cottages co-existing harmoniously alongside each other, creating interest and variety within the street scene.

Secondly, the relationship between the proposed units and public space is poor. The new units back on to the village's public open space, which provides poor natural surveillance of the area and leaves the rear of proposed dwellings vulnerable to crime and unsociable behaviour. There is also poor natural surveillance of the village hall car park. I am also concerned about the orientation of units 11 and 12 which results in them turning their backs to the village street."

TREE AND LANDSCAPE OFFICER: No comments received. However the comments on the previous application were as follows:

"Some of my previous comments relating to the residential area appear in part to have been addressed. The submission of the Arboricultural Report remains inadequate in relation to trees and the development.

The primary area of concern is within the football pitch area where T9, T14, T16, T18 & T20 will be unacceptably and directly impacted on. In particular at least a third of the trees canopy of T9 overhangs the proposed football pitch and an even large root system passes beneath the pitch. The root system will be foreseeably damaged when placing drainage systems ripping the ground and scarifying. The 4 trees to the south will be indirectly impact on the pitch by prevent the growth of grass during the summer months and killing the grass during the autumn and winter period when the trees shed their leaves. The removal of T10 and T11 is totally unacceptable as there is inadequate space to replant specimen trees in this parkland setting. The loss of these two mature parkland trees would destroy the character currently offered to the local area.

Although a detailed tree survey has been submitted, it does not address the foreseeable impact this development would have on these valuable and protected trees. Before any further constructive arboricultural comments can be made on this application, a detailed Arboricultural Method Statement must be submitted and based on BS5837:2005. This statement must include the following information:

The Arboricultural Method Statement should be 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;
- 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 sitting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures which will include the football pitch and sections through them, including the installation of boundary treatment works, the method of construction of the football pitch including details of the no-dig specification and extent of the areas 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.

Recommendation:

The application should be refused on the grounds that it does not conform to Policy C32 of the West Wiltshire District Plan First Alteration, June 2004.

If the applicant can later demonstrate that there will be no impact on trees within or surrounding this site this discussion will be reviewed."

SUSTAINABLE COMMUNITIES SERVICES MANAGER: No comments received.

## NOTIFICATIONS

### Site Notices/Visits

Date of visit: 11 December 2008 when site notices were erected.

### Neighbours

38 letters have been received from the consultation process, with 26 letters of objection and 12 letters of support (including one from the Warminster and Villages Community Partnership).

The letters of objection raised the following points:

- Contrary to WWDC policies as outside Village Policy Limits
- Will open the floodgates to other development by setting a precedent
- Harmful to conservation area and special landscape area
- If accepted must be legal guarantees that the facilities will be handed over to the Parish before the houses are occupied
- There are other options for a village hall, e.g. behind the Red Lion or to the West of the church
- Understands that the last village hall fell into a state of disrepair due to lack of interest – village cannot sustain such a facility
- Highway safety – additional traffic on a fast junction of the A36.
- Likely to have parking in the streets due to inadequate parking.
- Diocese of Salisbury may reconfigure the church to make a village hall less necessary, given the church may provide a facility.
- Harm to wildlife / Loss of trees
- Noise disturbance from construction and future occupiers/users, including foul language of sports players
- Security and crime should be considered with regard to increased population.
- Save us from an unmitigated social, environmental and financial disaster.
- Heytesbury no longer has a football club within the village and the majority of cricket matches are at Sutton Veny with which they have amalgamated.
- There are 10 new houses at the Griffin Site, no more housing is necessary
- In the present economic climate it is hard to image a developer wanting to build a village hall and 12 houses before receiving a return.
- The proposal would be out of keeping with character of area and adjacent listed buildings
- Provision of sewerage is of concern.

- There are no employment possibilities in Heytesbury at present, so this would be a dormitory development.
- Irreversible damage to parkland – lost to future generations.
- Application made before Christmas is a ‘stealth’ tactic.
- How will the staffing required to run the hall (1.5 people) be financed?
- Turnout at the referendum 2 years ago was only 60-63%, with 60-65% of those in favour. This is only 40-41% of the village.
- Heytesbury is a village and should not, for whatever reason, be turned into a dormitory suburb.
- The proposal will attract ‘bored’ youth and anti-social behaviour
- Loss of light and privacy
- Disruption to the existing sports pitch users during construction.
- Other village halls in the vicinity need to be supported, this may harm their viability.

The letters of support raised the following points:

- More low cost housing is needed in towns and villages
- Cultural and Sport facilities would be improved
- Would support the Parish in developing their own facilities
- The pitches currently are available because of goodwill only, this will ensure their long-term use for the village
- The site is bounded by residential properties on three sides and the A36 bypass on the other.
- Policies change and the land may be developed in the future – even 100% lost to housing
- Other sites locally have been developed
- There is no other suitable site for the village hall
- The majority of the village has shown support for the proposals
- Funding avenues are increasingly difficult to find
- The football pitch will be improved as a result
- Changing facilities provided will be sufficient for home/away teams and officials, existing facilities are disgraceful.
- Facilities can cater for many uses e.g. youth facilities
- Influx of young families would benefit village and school numbers
- Local employers would be able to get local staff
- Loss of countryside and housing proposed is the minimum required to fund the project.
- Appreciates the planning restrictions but this is a one off exception that will benefit the village as a whole
- Other villages in the locality have village halls, why can't Heytesbury?
- Village hall is essential part of community life, bringing people together.
- Denial of the application may ultimately change it irreparably.
- Turnout at the village referendum on the matter was high compared to many elections.
- The land may be considered a natural in-fill site given it falls within the by-pass.
- This is an ideal opportunity to remove trees that are beyond their best and make a new landscape

## **RELEVANT PLANNING HISTORY**

07/00214/FUL - New village hall and 12 new dwellings – Withdrawn - 25.10.2007

08/00175/FUL - New village hall and 12 new dwellings – Refusal - 04.03.2008 for the following reasons:

1. The site is situated outside the defined village policy limits for Heytesbury where new housing development will not be permitted unless justified in connection with the essential needs of agriculture or forestry, or as a rural exceptions site for 100% affordable housing schemes. The proposal is therefore contrary to Policies H19 and H22 of the West Wiltshire District Plan -1st Alteration 2004 and Policy DP14 of the Wiltshire Structure Plan 2016 as no such justification has been submitted and the site would not provide 100% affordable housing.
2. The proposed village hall by reason of its design, materials, form, mass and location, together with a parking area for 46 vehicles, would appear overly prominent, intrusive and visually harmful to the high quality of the landscape and historic parkland to the detriment of the rural amenity and character of the countryside within a Special Landscape Area and to the setting of the adjoining Conservation Area contrary to Policies C3, C17 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.

3. The proposed development, by reason of the loss of open parkland, loss of mature trees of value, inappropriate suburban form of residential layout, design and materials uncharacteristic of the historic streetscape, does not respect the spatial form and characteristics of the settlement, would neither preserve nor enhance the setting of the Grade II\* Heytesbury House and other listed buildings nor the character and appearance of the conservation area and would be harmful to the appearance of the Special Landscape Area. The proposals as such are contrary to Policies C3, C17, C18, C31A, C32 and H24 of the West Wiltshire District Plan - 1st Alteration 2004 and the Supplementary Planning Document - Residential Design Guide November 2005.
4. The proposed housing development by reason of the limited mix of different house types, high proportion of large detached dwellings, and orientation of dwellings would fail to create a suitable mix and cohesive community and insufficient surveillance of the recreational areas which would not respect the spatial form and characteristics of the settlement contrary to Policies C31A and H24 of the West Wiltshire District Plan - 1st Alteration 2004, the Supplementary Planning Document Residential Design Guide November 2005 and the advice contained within Planning Policy Statement Note 3 - Housing.
5. The proposed housing outside village policy limits and the large scale of the village hall and parking provision would encourage the use of the private car, being likely to be poorly served by public transport, contrary to the key aims of Planning Policy Guidance Note 13 - Transport, which seeks to reduce the growth in the length and number of motorised journeys.
6. The proposed layout of the internal road is substandard, does not accord with the principles laid out in Manual for Streets and would create an unacceptable road safety hazard for all users of the proposed highway to the detriment of highway safety.
7. Insufficient information has been submitted as part of the Ecological Scoping Survey to assess the full impact of the proposals, and any necessary mitigation, on legally protected species contrary to the key objectives of Planning Policy Statement 9 - Biodiversity and Geological Conservation.
8. Insufficient information has been submitted as part of the Arboricultural Report to assess the full impact of the development on the valuable and protected trees within and adjoining the site that are shown as being retained contrary to Policy C32 of the West Wiltshire District Plan - 1st Alteration 2004.

## **KEY ISSUES**

The key issue to consider with this application is the recent planning history and whether the previous reasons for refusal have been adequately addressed and overcome. Further any material changes in circumstances or revisions of the application need to be considered and the planning implications of these matters.

Beyond this the main issues to consider are the same as the previous applications, namely planning policy in respect of new dwellings, affordable housing and recreation and community facilities outside village policy limits, design, neighbouring amenity, access and highway safety, impact on the historic environment, impact on trees of value, archaeology and impact on the countryside and water environment.

## **RELEVANT PLANNING POLICIES**

Regional Policy  
RPG/RSS 10: Regional Spatial Strategy

Wiltshire Structure Plan 2016  
 DP1 Priorities for Sustainable Development  
 DP3 Development Strategy  
 DP8 Affordable Housing  
 DP14 Development in Open Countryside  
 C9 Special Landscape Areas  
 HE7 Conservation Areas and Listed Buildings  
 RLT1 Recreation, Sport and Leisure

#### West Wiltshire District Plan 1st Alteration (2004)

C1	Countryside Protection
C3	Special Landscape Area
C15	Archaeological Assessment
C16	Archaeological Investigation and Recording
C17	Conservation Areas
C31a	Design
C32	Landscaping
C38	Nuisance
C40	Tree Planting
CF1	Community Facilities
R2	Protection of Recreation Space
R4	Open space in new housing developments
H19	Development in Open Countryside
H22	Affordable Housing in Rural Exception Sites
H24	New Housing Design
T10	Car Parking
S1	Education
U1a	Foul Water Disposal
U2	Surface Water Disposal
I1	Implementation
I2	The Arts
I3	Access for Everyone

#### National guidance

PPS1: Delivering Sustainable Development  
PPS: Planning and Climate Change: Supplement to PPS1  
PPS3: Housing  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPG15: Planning and the Historic Environment  
PPG16: Archaeology and Planning  
PPG17: Planning for Open Space, Sport and Recreation  
PPS25: Development and Flood Risk

#### Local guidance

Supplementary Planning Document: Residential Design Guide  
Supplementary Planning Guidance on Affordable Housing  
Supplementary Planning Guidance on house alterations and extensions

### **OFFICER APPRAISAL**

It must be noted that this is a resubmission of a recently refused application from March 2008. In order for planning permission to be granted all the previous reasons for refusal must be overcome and no new planning concerns should be raised. There have been no significant material changes in circumstance since the previous application was determined.

As highlighted previously the site currently forms part of the Heytesbury recreation ground which consists of a football pitch, cricket ground and pavilion. The proposal would seek to relocate the Football pitch, erect a new village hall and construct 12 new houses (6 affordable units) as enabling development to fund the village hall. The site is located outside the established village policy limits for Heytesbury, and therefore within the countryside.

#### Planning policy principles

##### Residential Development

The proposal involves both open market and affordable housing, all located outside the village policy limits. The provision of any open market housing in this location would be contrary to policy and would represent an intrusive and unacceptable encroachment of the built environment into the countryside. This aspect of the proposal is therefore unacceptable in principle.

Affordable housing schemes can be acceptable outside the village policy limits, in the countryside, but only as an exception to policy provided there is a justifiable need for affordable housing in the area which outweighs any adverse environmental impact and the scheme is only for affordable housing. This scheme does not provide 100% affordable housing and as such cannot be treated as a rural exceptions site. Furthermore, its location is such that it would have an adverse impact on both the built and natural environment.

This element of the scheme has not altered and reason 1 for refusal has not been overcome. Although it is acknowledged that there is a need for affordable housing in the village, the principle of open-market accommodation in open countryside is fundamentally unacceptable. Housing officers also highlight that the open-market accommodation is for executive style homes for which they contend that there is an excess in the locality.

#### Village Hall

The provision of enhanced community facilities in the form of a new village hall and changing facilities would, in itself, be acceptable in principle in this location subject to meeting certain criteria and would be likely to enhance the use of the area for the local community.

Although it would be located on the edge of the village, the site is relatively well related to the village, on an existing recreation ground and within walking distance of most houses in the village. As such, it is considered to be within a relatively sustainable location for the use of the village. Furthermore, in this location situated at sufficient distance from existing and proposed residential neighbours there would be little or no impact on residential amenity.

However, it is not simply the location of the hall in relation to the village but the size and scale of the proposal that is an issue. This matter formed reason 2 for refusal on the previous application and has quite simply not been addressed beyond the number of parking spaces being reduced.

The large size of the hall together with the large number of parking spaces proposed suggests that the building would not simply be used for the benefit of village residents. It is likely that it would also be used by those from beyond the immediate area. This would result in users needing to travel some distance to the premises by private car in an area that is not well served by public transport.

The highway authority maintains objection to the proposals because of the size of the hall and its siting in an unsustainable location. They acknowledge that the number of car parking spaces is reduced, however this is not sufficient to overcome the previous reasons for refusal. This is a view shared by some of the local residents who do not consider that a hall of this size could be sustained by the local village population.

It is considered that a small village hall on the edge of the village together with enhanced changing facilities for users of the recreation ground might have been acceptable subject to its design, location and access arrangements being appropriate but that a building of the scale proposed would not. It is quite feasible that after construction a further application may be made to increase the number of parking spaces to expand the use of the village hall in order to make it a viable 'on-going concern'. It may then be hard to sustain an objection and incrementally this would result in unsustainable behaviour.

This would be a massive building with a complex roof structure and as previously stated a substantial parking area to the side. It would appear overly intrusive within the landscape and visually harmful to the rural amenity and parkland setting within a Special Landscape Area on the edge of the Conservation Area.

Its impact on the historic environment will be more fully addressed later in this report.

#### Enabling development

As with the previous applications the applicant has stated that the open market housing would be to enable development for the village hall. They submit that the Council has permitted enabling development in the past and refer specifically to the new dwellings at Heytesbury House.

However, each application must be considered on its own merits.

The application for conversion of Heytesbury House together with an element of new build was an entirely different type of case in which a number of different and very complex issues needed to be carefully balanced.

The Grade II\* listed Heytesbury House was in poor repair, in danger of collapse and 'at risk'. The Council has in this and other special cases, such as the Grade II\* Heywood House, allowed sensitive enabling development in order to secure the retention of buildings of special architectural or historic interest. That policy is not relevant in the current circumstances and cannot be cited as a precedent.

In the current application there would be only limited gain to the local community and none to the historic environment. This limited gain would not outweigh the harm to the character of the area and the historic environment.

The proposal is contrary to the development plan and cannot therefore be justified as an exception on the grounds of being enabling development. This is a view consistent with the previous applications on the site and no significant additional information has been submitted on this matter.

### Historic Environment

The site is located on one of the main entrances into the village where the road leading from the A36 into the village clearly delineates the existing residential built form to one side of the road and countryside, the former parkland setting once part of the extensive grounds of Heytesbury House on the opposite side. This is a particularly sensitive location on the edge of Heytesbury's Conservation Area, within a Special Landscape Area, with listed buildings and numerous mature TPO trees in close proximity.

The open parkland character of the land beyond the existing built edge of the village is particularly important in defining the setting of the conservation area. This parkland is of considerable importance from an historic perspective. Although the parkland between Heytesbury House and the village is now separated by a bypass road and an earth embankment constructed when Heytesbury House was divided into separate dwelling units it remains of considerable historic interest. The Grade II\* Heytesbury House is described within the list description as 'house is set in a park with fine planting'. The application site even though visually separated from the house with its fine trees and open grassland is one of the few remaining vestiges of this fine parkland setting and would historically have formed the edge of the village.

The loss of this parkland to residential development and a large village hall would neither preserve nor enhance the setting and thereby the character and appearance of the Conservation Area. It would also harm the open character of this part of the village.

The mature trees in this area also make a significant contribution to both the setting of the Conservation Area and that of the village. The loss of any trees would not only compromise the parkland quality of the area but the setting of the Conservation Area.

### Special Landscape Area

The site is located within a Special Landscape Area where development considered detrimental to the high quality of the landscape is unacceptable. The proposals, for the reasons stated above would be detrimental to the open character of this part of the village and to the rural amenity.

### Design and layout

Government guidance is that new housing developments should include a mix of house types including low cost market units. The provision of large executive houses at low density does not meet national policy. Furthermore, the proposed dwellings within a cul-de-sac form of layout are of a size and type uncharacteristic of the historic streetscape of Heytesbury and by reason of their suburban appearance would not respect the historic spatial form and characteristics of the settlement.

The revisions to the layout of the scheme are quite nominal in many respects, including moving 2 affordable units to the north of the site in place of parking and bringing plot 8 to a frontage position within the cul-de-sac. These alterations do not adequately address the previous reasons for refusal in this regard.

The creation of the formal access arrangement and road layout are also visually harmful to the character of the locality and wider landscape. The access road still dominates and shapes the layout of the development. Within the existing village the houses are arranged in a traditional pattern lining the streets with particularly strong and continuous frontages within the High Street. The sense of separation of this site from the historic village remains in the scheme with rear gardens projecting to the village and the buildings having quite distinct executive style design which is not characteristic of the locality.

The proposal has been altered to mix the smaller and larger units to some extent over and above the previous scheme. However generally the larger units, effectively detached 'executive type' homes, set within large gardens would still be separated from the smaller ones, creating a clear distinction between the different house types. Although improved in this regard the scheme would still fail to create a mixed and cohesive community as the distinct between smaller and larger units is still quite apparent, for example 4 of the 6 affordable units are isolated at the north of the site. The proposals are contrary to the government's key aims to provide socially inclusive communities as well as achieving high quality and inclusive design.

### Trees

The Council's Tree and Landscape Officer has previously identified a significant number of points where there would be potential harm to the protected trees within the site both within the proposed residential development and within the football pitch area.

Furthermore, he is concerned about inadequacies in the submitted information and the lack of a detailed Arboricultural Impact Study. None of these concerns have been addressed in the resubmission of the application and as such the reasons for refusal in this regard remain, specifically reason 8.

The visual impact of these trees has previously been addressed under the heading Historic Environment. These mature trees, originally part of the formal parkland to Heytesbury House, are important to the visual amenity of the area, on the edge of the Conservation Area and within a Special Landscape Area as well as providing screening to the busy A36 highway to the north of the site.

### Access and highway safety

The Highway Authority has a fundamental objection to the proposals on grounds of sustainability and a further objection to the internal road layout. Their comments on this revised application are detailed above. However suffice to say that reasons 5 and 6 have not been overcome.

The views of the highway authority are supported because the site is located outside village policy limits and therefore in the countryside and as such an unsustainable location for further housing development. Furthermore, the size of the village hall and still high number of parking spaces suggests that it has been designed with a view to encouraging the use of the facilities by those who do not live within the village. It would as such be likely to result in a growth in traffic movements contrary to the aims of PPG13.

The road layout in cul-de-sac form with a number of tight turns and at one point reducing in width to 3 metres also fails to meet government guidance and would be likely to create a road safety hazard. Further some of the parking and turning, even for the executive style homes is substandard.

### Other matters

Although there is a likelihood of archaeological features at the site any archaeological work could be controlled by condition had permission been recommended.



Similarly, with regard to the water environment and ecology, conditions relating to drainage and protection of the natural environment and wildlife could be imposed on any development to prevent harm.

However, previously Natural England has clearly stated that its concerns could not be overcome by condition. This application has been subject to consultation with the District Ecologist who has noted that the site is a useful and important habitat. No ecological survey has been submitted with this application, however the Ecological Survey from the previous application has been referred to. Based on the comments of the District Ecologist and the previous reasons for refusal it is still considered that insufficient survey information has been carried out to identify satisfactory mitigation strategy to minimise the harm to the protected species and their habitat. Reason 7 for refusal has not been overcome.

## **CONCLUSION**

The conclusions with this scheme are largely the same as with the previous application refused in March 2008. Whilst some individual elements of this application might be acceptable in principle such as the community hall, which if it were to be reduced in scale and relocated might be acceptable, the proposal comes as a total package.

The site clearly falls outside the village policy limits where no new dwellings are allowed unless justified as an exception. The inclusion of 6 affordable houses represents only 50% of the dwellings and does not justify this proposal as an exception within the terms of policy H2. The harm created by the development outweighs any justification as enabling development.

In design terms the proposed village hall, by reason of its design, materials, form, mass and location, together with a parking area for approximately 33 vehicles, would appear overly intrusive and visually harmful to the high quality of the landscape and historic parkland to the detriment of the rural amenity and character of the countryside within a Special Landscape Area and to the setting of the adjoining Conservation Area.

The proposed housing development would result in a sub-urban layout, with materials which are uncharacteristic of the historic streetscape and does not respect the spatial form and characteristics of the settlement. This would represent an intrusive and unacceptable encroachment of the built environment into the parkland and surrounding countryside harmful to street scene, the appearance of the Special Landscape Area and setting of the adjoining Conservation Area. Furthermore, the mix would fail to create a mixed and cohesive community.

The loss of a large area of open parkland, of considerable historic interest, that defines both the edge of the village, the setting of the conservation area and the historic setting of the Grade II\* Heytesbury House, would be harmful to the open character of this part of the village and the character, appearance and setting of the conservation area. Furthermore, the loss of mature trees of value would compromise the historic parkland and the setting of the Conservation Area.

The proposals on the edge of the village, outside village policy limits together with the size of the village hall and high level of parking provision in an area that is poorly served by public transport would be unsustainable.

The proposals would be likely to create a hazard to highway safety.

Insufficient information has been submitted to fully assess the impact of the proposals on protected species and mitigation measures if required.

Although a detailed tree survey has been submitted there is insufficient information to address the foreseeable impact this development would have on protected trees. At least 2 trees would have to be removed to facilitate the relocated football pitch.

The proposals are therefore contrary to Development Plan Policy and there are no material considerations to indicate otherwise. The previous reasons for refusal have not been adequately addressed and therefore the application is recommended for refusal.

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The site is situated outside the defined village policy limits for Heytesbury where new housing development will not be permitted unless justified in connection with the essential needs of agriculture or forestry, or as a rural exceptions site for 100% affordable housing schemes. The proposal is therefore contrary to Policies H19 and H22 of the West Wiltshire District Plan -1st Alteration 2004 and Policy DP14 of the Wiltshire Structure Plan 2016 as no such justification has been submitted and the site would not provide 100% affordable housing.
- 2 The proposed village hall by reason of its design, materials, form, mass and location, together with a parking area for 33 vehicles, would appear overly prominent, intrusive and visually harmful to the high quality of the landscape and historic parkland to the detriment of the rural amenity and character of the countryside within a Special Landscape Area and to the setting of the adjoining Conservation Area contrary to Policies C3, C17 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.
- 3 The proposed development, by reason of the loss of open parkland, loss of mature trees of value, inappropriate suburban form of residential layout, design and materials uncharacteristic of the historic streetscape, does not respect the spatial form and characteristics of the settlement, would neither preserve nor enhance the setting of the Grade II\* Heytesbury House and other listed buildings nor the character and appearance of the conservation area and would be harmful to the appearance of the Special Landscape Area. The proposals as such are contrary to Policies C3, C17, C18, C31A, C32 and H24 of the West Wiltshire District Plan - 1st Alteration 2004 and the Supplementary Planning Document - Residential Design Guide November 2005.
- 4 The proposed housing development by reason of the limited mix of different house types, high proportion of large detached dwellings, and orientation of dwellings would fail to create a suitable mix and cohesive community and insufficient surveillance of the recreational areas which would not respect the spatial form and characteristics of the settlement contrary to Policies C31A and H24 of the West Wiltshire District Plan - 1st Alteration 2004, the Supplementary Planning Document Residential Design Guide November 2005 and the advice contained within Planning Policy Statement Note 3 - Housing.
- 5 The proposed housing outside village policy limits and the large scale of the village hall and parking provision would encourage the use of the private car, being likely to be poorly served by public transport, contrary to the key aims of Planning Policy Guidance Note 13 - Transport, which seeks to reduce the growth in the length and number of motorised journeys.
- 6 The proposed layout of the internal road is substandard, does not accord with the principles laid out in Manual for Streets and would create an unacceptable road safety hazard for all users of the proposed highway to the detriment of highway safety.
- 7 Insufficient information has been submitted as part of the Ecological Scoping Survey to assess the full impact of the proposals, and any necessary mitigation, on legally protected species contrary to the key objectives of Planning Policy Statement 9 - Biodiversity and Geological Conservation.
- 8 Insufficient information has been submitted as part of the Arboricultural Report to assess the full impact of the development on the valuable and protected trees within and adjoining the site that are shown as being retained contrary to Policy C32 of the West Wiltshire District Plan - 1st Alteration 2004.

## **RELATED PLANS**

Drawing : LOCATION PLAN received on 27.11.2008

Drawing : 031203-208 A received on 22.12.2008

Drawing : 020905-10 C received on 03.12.2008

Drawing : 2008/439 received on 27.11.2008

Drawing : 031203-200 received on 27.11.2008

Drawing : 031203-201 received on 27.11.2008

Drawing : 031203-202 received on 27.11.2008

Drawing : 031203-203 received on 27.11.2008

Drawing : 031203-204 received on 27.11.2008

Drawing : 031203-205 received on 27.11.2008

Drawing : 031203-206 received on 27.11.2008

Drawing : 031203-207 received on 27.11.2008

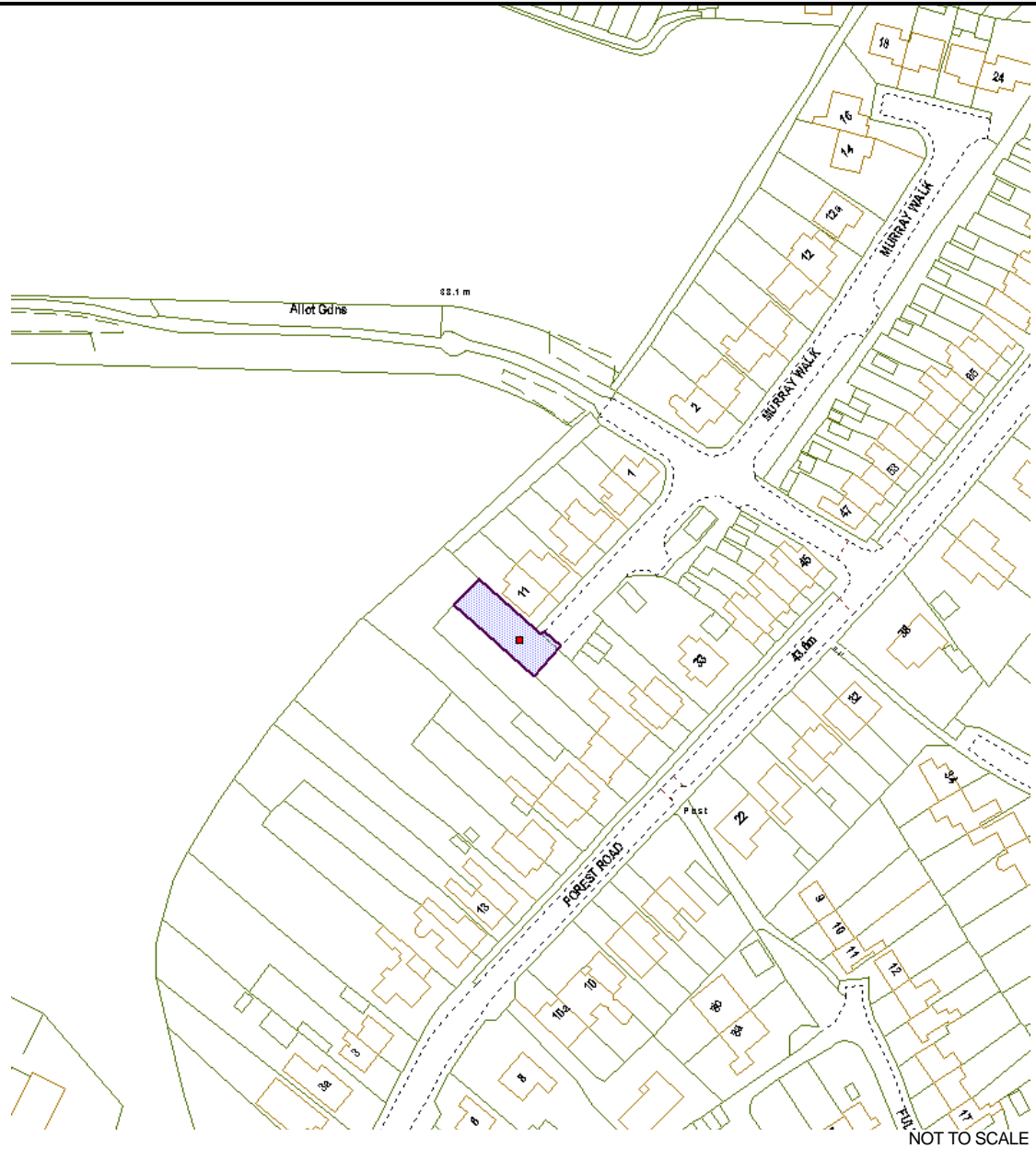
# PLANNING COMMITTEE

19 February 2009

ITEM NO: 04

APPLICATION NO: 08/03092/OUT

LOCATION: Garden Of 27 Forest Road Melksham Wiltshire



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SLA: 100022961

**04 Application: 08/03092/OUT**

**Site Address: Garden Of 27 Forest Road Melksham Wiltshire**

Parish: Melksham (Town) Ward: Melksham East  
Grid Reference: 390910 164447  
Application Type: Outline Plan  
Development: Renewal of outline planning permission 05/01175/OUT for new dwelling  
Applicant Details: Mr Les Edgar  
Gosterwood Forest Green Dorking Surrey RH5 5RX  
Agent Details: A Harlow & Son  
46 Longford Road Melksham Wiltshire SN12 6AT  
Case Officer: Miss Jennifer Fivash  
*Phone: 01225 776655 ext 297*  
*Email: jfivash@westwiltshire.gov.uk*  
Date Received: 09.12.2008 Expiry Date: 03.02.2009

## COMMITTEE REPORT

This application is brought to committee due to Melksham Town Council object contrary to your officer's recommendation.

### APPLICATION SITE & SURROUNDING AREA

This is an outline application for a new dwelling. The site is at the end of the garden of number 27 Forest Road. The site slopes away to the north finishing at the end of the site. There are fields beyond the site to the north.

The area is defined by two storey semi detached dwellings and two storey terrace properties to the South of the site. The proposed property would gain access off Murray Walk through an existing access.

### PROPOSAL

The application is seeking outline permission for a detached dwelling with all matters to be decided in a later application. This application is a renewal of previously approved outline application in 2005.

### CONSULTATIONS

#### Parish/Town Council

Melksham Town Council – Object. The Town Council objected to this application on the following grounds:

- Loss of light
- Loss of privacy for neighbours
- Contamination of site
- The impact this application will have on the ecology of the area
- There are no proposals in the plans for storm water drainage. Comments received 24 December 2008.

## External

Highway Authority – No highway objection subject to conditions. Comments received 14 January 2009.

Wessex Water – No objection needs agent/applicant needs to contact Wessex Water with regards connection. Comments received 17 December 2008.

Records – Badger sett within 150m in 2007. Comments received 17 December 2008.

## Internal

Policy – No comments received at end of consultation period.

Environmental Health – No objection subject to conditions. Comments received 28 January 2009

Drainage Engineer - No comments received at end of consultation period.

Tree and Landscape Officer – There are no arboricultural or landscaping reasons to refuse this application. However any consent must be subject to conditions. Comments received 24 December 2008.

Building Control Manager – No comments received at end of consultation period.

## **NOTIFICATIONS**

### Site Notices/Visits

Date of visit: 17 December 2008 site notice placed on gate outside site.

### Neighbours

2 objections received from neighbours. Objections raised concerns about:

- Design
- Drainage
- Overlooking
- Contaminated land
- Badger sets on site and in vicinity
- Loss of daylight
- Loss of privacy

## **RELEVANT PLANNING HISTORY**

06/01294/REM – New dwelling in rear garden – REFUSAL 20.06.2006

05/01175/OUT – One dwelling on site in garden north west of 27 Forest Road – PERMISSION 09.01.2006

## **KEY ISSUES**

- Impact street scene
- Impact on neighbours
- Principal of new dwelling

## **RELEVANT PLANNING POLICIES**

West Wiltshire District Plan First Alteration 2004

C31A Design

C38 Nuisance

CA4 Wilts and Berks Canal

H1 Further housing development in towns

## OFFICER APPRAISAL

As this application is a renewal of a previously approved scheme we have to determine whether there has been any material change to the site and the proposal to refuse this application. The plot of land is within the town policy limits of Melksham and as such the application is subject to the provision of policy H1 of the West Wiltshire District Plan first alteration 2004. The development of this site is therefore acceptable providing it meets the criteria of this policy.

All details for this application are reserved for a subsequent application to include access, appearance, landscaping, layout and scale of the development.

The application proposes a continuation of the form of development within Murray Walk which was originally backland development. The town council are concerned for the majority on design and the impact the proposed development would have. These comments do not relate to this application due to appearance and scale not being considered as part of this application. The proposal complies with policy H1.

The site is located over the old Wilts and Berks Canal which was filled in some years ago. As a result the properties built over this canal have suffered some subsidence and remedial measures have taken place. A condition is suggested to ensure that suitable mitigation measures are undertaken with regard to contaminated land.

There is evidence that badgers are active on and near the site, badgers are protected under the Protection of Badgers Act 1992. Having conducted a site visit and receiving information from our records the badger's sett is 150metres from the site but the land appears to be on the badger's foraging route. A badger survey will be requested to ascertain the movements of the badgers before the subsequent application is submitted.

The proposal complies with policy.

## CONCLUSION

Permission

### JUSTIFICATION FOR RECOMMENDATION:

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

### RECOMMENDATION: Permission

#### Condition(s):

- 1 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

3 Approval of the details of the layout, scale, appearance, access and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended.

4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscape setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

7 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.



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 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.

- 9 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- \* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- \* All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- \* The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- \* The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 10 The dwelling hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

REASON: In the interests of Highway safety

- 11 Prior to being brought into use the first 4.5m of the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highway safety

- 12 The development hereby permitted shall not be begun until a scheme to deal with any contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of protection of Controlled Waters

- 14 A Badger and Wildlife Survey of the whole site shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site.

REASON: To ensure that the existing badger and wildlife on the site are protected

POLICY: West Wiltshire District Plan 1st Alteration Policy C1

**Note(s) to Applicant:**

- 1 The Applicants are advised that badgers in the vicinity of the site are protected under the Protection of Badgers Act 1992
- 2 The applicant should note Environmental Health comments with regards to contaminated land received 28 January 2009

**RELATED PLANS**

Drawing : SITE PLAN received on 05.11.2008

Drawing : AH2008/11 received on 12.11.2008



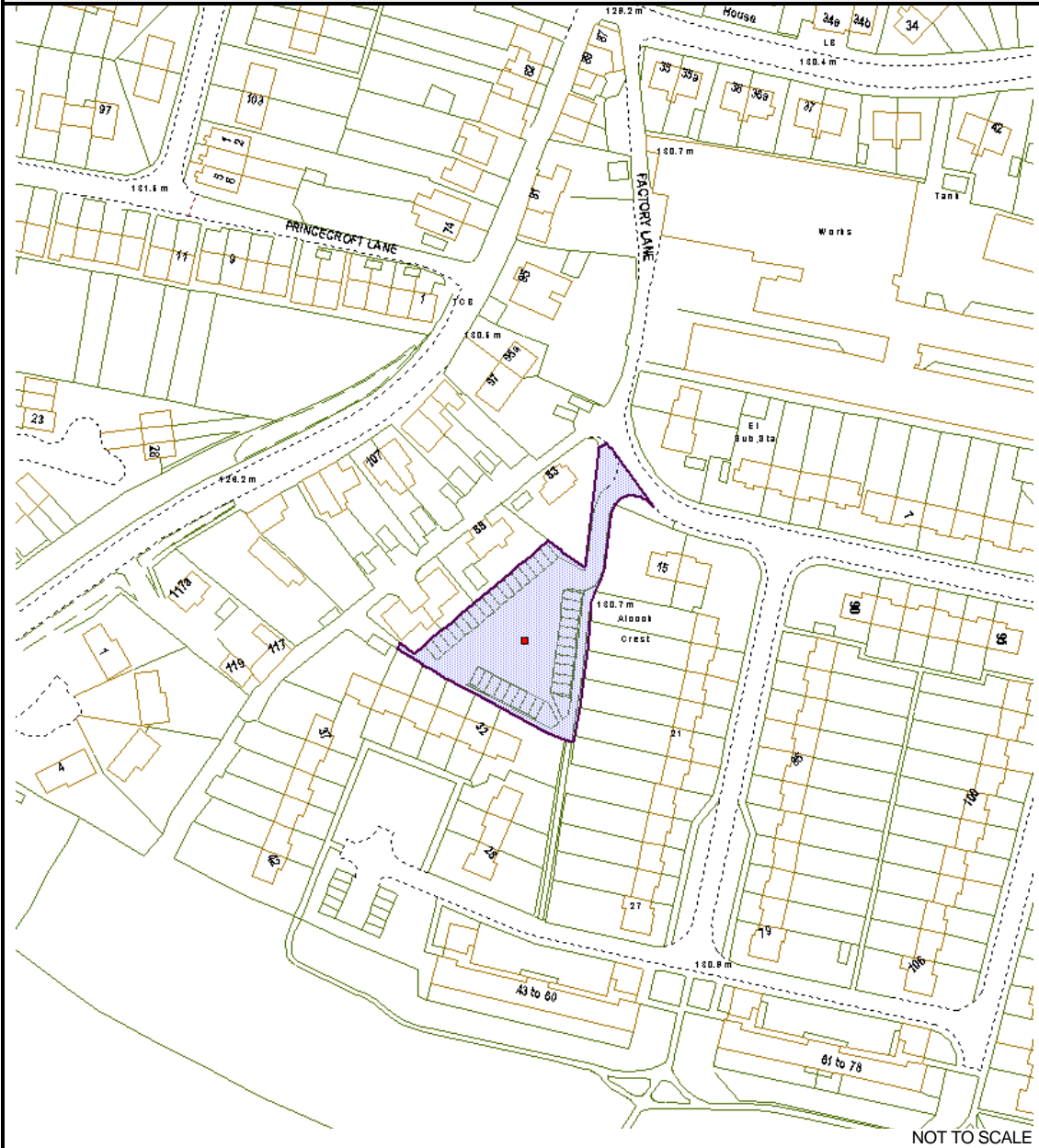
# PLANNING COMMITTEE

19 February 2009

ITEM NO: 05

APPLICATION NO: 07/02409/OUT

LOCATION: Garage Block Alcock Crest Warminster Wiltshire



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SLA: 100022961

<b>05</b>	<b>Application:</b>	<b>07/02409/OUT</b>
	<b>Site Address:</b>	<b>Garage Block Alcock Crest Warminster Wiltshire</b>

Parish: Warminster Ward: Warminster West

Grid Reference 386581 144608

Application Type: Outline Plan

Development: Redevelop existing garage courtyard to provide new dwellings

Applicant Details: West Wiltshire Housing Society  
Bryer Ash Business Park Bradford Road Trowbridge Wiltshire BA14 8RT

Agent Details: BBA Architects Ltd  
Henrietta Mews Bath BA2 6LR

Case Officer: Mr Ed Purnell  
*Phone: 01225 776655 ext 202*  
*Email: epurnell@westwiltshire.gov.uk*

Date Received: 23.07.2007 Expiry Date: 17.09.2007

## COMMITTEE REPORT

This application is brought to committee because the officer's recommendation is contrary to Warminster Town Council. In addition, Planning Committee Member Councillor Trevor Carbin has requested that the application is determined at committee owing to the "the level of public interest in the application".

### APPLICATION SITE & SURROUNDING AREA

The application site is in an existing residential area of Warminster. It measures 0.16 hectares and is triangular in shape. It currently contains 36 no. garages which serve the surrounding estate. The garages are divided into three blocks bordering the east, south and north west perimeter of the site. Public footpaths run along the southern and eastern boundary.

The surrounding development comprises: two storey terraces to the east and south, with detached and semi detached houses located to the north-west of the site.

Vehicular access into the site would be via the existing private drive, which serves the garages, directly off Factory Lane to the north-east of the site

### PROPOSAL

This is an outline application that seeks to establish the acceptability in principle of residential development on the site. Accordingly, only layout and means of access are currently sought. Scale, appearance and landscaping are for consideration at reserved matters stage. An elevation plan has been submitted which together with the layout plan provide scale parameters for the development. The elevation plan also shows the indicative appearance of the front elevation of the houses: this reveals that it is the applicant's intention to erect dwellings that are visually similar to the existing terraces within the locality.

The proposal seeks to provide a terrace of 3 no. dwellings each with a combined first and second floor area measuring 81 square metres. They would be located parallel to the eastern boundary of the site and laid out on a north / south axis. As a result the principal outlook (front elevation) would be to the west. Each dwelling would have a rear garden that backs onto the public footpath running along the eastern boundary of the site.

A total of 24 no. parking spaces would be provided: 18 no. would replace the existing garages and 6 no. would be provided for the new dwellings. The majority of the parking spaces would be located along the north west boundary of the site.

The Design & Access Statement (dated 02 February 2009) and a letter dated 20 February 2008 sets out the background to the application. The content of these documents can be summarised as follows:

- The site is owned by West Wiltshire Housing Society;
- Currently the Society has an overprovision of garage accommodation some of which is in a poor or derelict condition;
- The redevelopment of these brownfield sites can provide much needed new affordable housing;
- The proposal will contribute to the Housing's Corporation's and the District Council's strategic investment and targets for affordable housing at a local level;
- The proposal involves demolishing the existing garages 1 – 36 Alcock Crest and 37 – 46 Alcock Crest (for the avoidance of doubt garages 37 – 46 are located 55 metres south of the site area associated with the current application. Therefore, they are not included in the red line site location plan);
- A plan and list of addresses showing which garages are rented has been submitted (the same information is also included in the Design 7 Access Statement). This reveals that only 11 out of 36 garages are currently used with the remaining 25 being vacant.
- The current application proposes to provide 24 parking spaces: 6 to be used by the proposed dwellings (giving 2 spaces per dwelling); a further 12 spaces are to be utilised in accommodating displaced cars from the demolition of the existing garages; leaving the remaining 6 spaces to serve the wider area.

## **CONSULTATIONS**

### Parish/Town Council

WARMINSTER TOWN COUNCIL – Objection. Access not satisfactory but accept the need for low cost housing.

### External

HIGHWAYS, WILTSHIRE COUNTY COUNCIL – No objection, subject to 2 no. conditions to ensure the following: “the parking area shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority” and “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 have been submitted to and approved in writing by the Local Planning Authority”,

WESSEX WATER - No objection, subject to the Council being satisfied that the disposal of drainage from the proposal is acceptable. In addition, it is recommended that the developer should agree with Wessex Water, prior to the commencement of works, a connection onto Wessex Water infrastructure.

ENVIRONMENT AGENCY – No comment to make on application: the proposal falls outside of matters on which the Environment Agency is a statutory consultee.

### Internal

LANDSCAPE & ARBORICULTURAL OFFICER – No objection, subject to 3 no. conditions relating to a non-dig requirement around trees at the site, the submission of an arboricultural method statement and works to be carried out in accordance with the submitted method statement.

LAND DRAINAGE – “No comment on the application as drainage is unaffected”.

## **NOTIFICATIONS**

### Site Notices/Visits

Date of visit: 21st November 2008.

### Neighbours

5 objection letters from members of the public were received during the first consultation period of which 2 letters were from the same address. The contents of these letters can be summarised as follows:

- harmful loss of parking spaces;
- adverse impact on highway and pedestrian safety;
- loss of access to the back of existing properties;

1 letter was received seeking clarification on whether the garages, which currently act as the boundary wall for properties 85a and 85b, will be replaced by a new boundary treatment.

2 representations from members of the public were received during the final consultation period associated with this application. The contents of these letters can be summarised as follows:

### Support

- regeneration of the site would be beneficial to the community and environment.

### Object

- loss of parking spaces;
- adverse impact on highway safety.

One letter was received which expressed neither support nor opposition to the proposed development. It requested that the hours of construction be limited to 7am to 6pm Monday to Friday.

A representative of a local political party submitted the following comments: -

Recommends refusal on access grounds and highlight that a precedent for rejecting the application has been set by the dismissal of a proposal for two houses accessed off a single track lane to the north west of the site.

## **RELEVANT PLANNING HISTORY**

None.

## **RELEVANT PLANNING POLICIES**

C31a	Design
C32	Landscaping
C38	Nuisance
C40	Tree Planting
H1	Further Housing Development within Towns
T10	Car Parking
U1a	Foul Water Disposal
U2	Surface Water Disposal
U4	Groundwater Source Protection Areas

### National Policy

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

## KEY ISSUES

The main issues to consider are whether the:

- principle of residential development is acceptable;
  - density is acceptable;
  - proposal would be acceptable to the amenities of neighbours and future occupiers;
  - proposal provides adequate car parking and would be acceptable in highway terms;
  - proposal safeguards existing natural features that enhance the character of the area;
- and
- proposal does not adversely affect water resources.

## OFFICER APPRAISAL

### PRINCIPLE OF RESIDENTIAL DEVELOPMENT

The application site is located within the town policy limits of Warminster.

Policy H1 of the West Wiltshire District Plan – 1st Alteration 2004 advises that new housing development is in principle acceptable in the built-up area of Warminster.

### DENSITY

Paragraph 47 of PPS 3 stipulates that “30 dwellings per hectare (dph) net should be used as a national indicative minimum to guide policy development and decision-making”. Where Local Planning Authorities wish to plan for, or agree to, densities below this minimum, this will “need to be justified, having regard to paragraph 46 of PPS 3”.

The proposed development represents a density of approximately 19 dwellings per hectare. This is beneath the indicative minimum set out in PPS 3. However, when Local Planning Authorities assess the density of proposed developments paragraph 46 of PPS 3 states that, amongst other things, regard must be had to "the characteristics of the area" and "the current and future levels of accessibility".

In this instance officers consider that an increased density could not be achieved given the need to retain an acceptable level of parking to compensate for the loss of the existing parking facilities in the garages. The proposed density is therefore considered acceptable.

### RESIDENTIAL AMENITY

Policy C38 restricts development which would detract from the amenities enjoyed by neighbouring properties, through loss of privacy, overshadowing, traffic generation and the generation of unpleasant emissions.

West Wiltshire Local Development Framework Supplementary Planning Guidance – Design Guidance House Alterations and Extensions (Adopted) July 2004, states that as a general rule a distance of at least 21 metres should be maintained between habitable rooms in new development and existing properties.

The proposed houses would be located in excess of 21 metres from the closest dwellings to the south and north west. As a result the proposed development would not result in an overbearing impact or loss of privacy for surrounding occupiers.

Although the vehicular access into the site flows between two residential gardens, this is the same access arrangement as the existing garages. In light of this, officers consider the level of traffic movements would not result in harm to the residential amenity of Nos. 15 and 83 by reason of noise and fumes or any other associated nuisance.

The proposal therefore complies with Policy C38 West Wiltshire District Plan – 1st Alteration 2004.



## PARKING & HIGHWAY SAFETY

Criterion F of Policy H1 states that proposals for new housing development within the built-up areas of Warminster will be permitted provided that "they provide safe and convenient connection to...the highway...without creating transport problems".

Vehicular access into the site would be achieved via the existing private drive directly from Factory Lane to the north east of the site.

Concerns have been raised that the proposed development would result in a harmful loss of parking and have an adverse impact on highway and pedestrian safety.

In this instance Officers consider adequate parking would be available to serve the new development and the surrounding estate. The agent has confirmed that currently only 11 of the garages are tenanted with the remaining 25 being vacant. The proposed scheme would provide 18 spaces to accommodate displaced cars from the demolition of the existing garages and 6 spaces to serve the new dwellings. Consequently, 7 spaces over and above the current uptake would be available to surrounding dwellings.

It should also be noted that Wiltshire County Council's Highways Department have assessed the proposal and not objected, subject to 2 no. conditions relating to surface treatment and disposal of surface water.

An objection has been raised that a precedent has been set to reject the current application owing to 3 refusals and a dismissed appeal at land to the rear of 95A and 97 Pound Street (north west of the site). Notwithstanding the fact that each application must be judged on its individual merits, it should be noted that those applications and the associated appeal were not refused on highways grounds. Moreover, those applications proposed accesses from a completely separate street (a narrow access lane running to the rear of Pound Street); whereas the current application utilises an established access from Factory Lane. Consequently, the refused applications are of limited relevance in this instance and are not a material consideration in the determination of the current application.

The proposed development, therefore, is considered to provide sufficient parking to serve the development and wider locality and would not harm highways safety. The proposal would therefore comply with Policy H1 of the West Wiltshire District Plan – 1st Alteration 2004.

## VISUAL AMENITY (SCALE AND INDICATIVE DESIGN / EXTERNAL APPEARANCE)

Policy H1 West Wiltshire District Plan – 1st Alteration 2004 seeks to ensure that siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area.

Policy C31a of the West Wiltshire District Plan – 1st Alteration 2004 seeks to ensure, amongst other requirements, that new development respects or enhances the quality of architecture of surrounding buildings; the existing spatial characteristics; and, pay particular attention to proportion, composition, form, massing and scale".

An indicative elevation drawing has been included on the submitted plans (drawing no.2808/001 Rev. C). Whilst this is not for formal consideration at this stage (with the exception of the scale parameters shown on the drawing) they indicate that the appearance of the proposed development would replicate the form, scale, mass and general design of the surrounding properties. In light of this, the proposed development would be in keeping with the character of the surrounding area and the proposal would therefore comply with criterion Policy H1 and criterion C31a of the West Wiltshire District Plan – 1st Alteration 2004.

## INDICATIVE LANDSCAPING

Policy C32 the West Wiltshire District Plan – 1st Alteration 2004 seeks to "make provision for landscaping, including the protection of existing trees, hedges and other natural features of the site...".

Paragraph 2.4.20 of the supporting text states that "where possible, the District Council will seek the retention of existing site features to help give maturity to any proposed development".

Following the submission of amended plans the Council's Landscape Officer states that the layout is satisfactory, subject to the imposition of a 3 no. conditions. The conditions relate to the protection of trees on the eastern boundary of the site and the submission of an arboricultural methods statement. The trees in questions are located on land outside the application site and not under the control of the applicant. However, the tree spread and root system project across and underneath the application site. It is therefore considered reasonable to impose a condition requiring the hard surface for parking bay no.1 to be constructed to a no-dig specification above existing ground levels.

The proposal, subject to conditions, would therefore comply with criterion Policy C32 of the West Wiltshire District Plan – 1st Alteration 2004.

## **GROUNDWATER SOURCE PROTECTION AREAS**

Policy U4 of the West Wiltshire District Plan – 1st Alteration 2004 restricts development which would "adversely affect water resources, in particular source protection areas as defined by the Environment Agency and shown on the Proposals Map".

The Council's Land Drainage and Civil Engineer have made "no comment" on the application as drainage is unaffected. In addition, the Environment Agency has also made no comment to make on application as the proposal falls outside of matters on which the Environment Agency is a statutory consultee. Accordingly, the proposal would comply with criterion Policy U4 of the West Wiltshire District Plan – 1st Alteration 2004.

## **OTHER MATTERS ARISING**

Concern has been raised that the proposed development would stop access to the rear of no.31 to no.36 Alcock Crest.

Officers consider that the plans do not involve blocking the rear access path. However, even if the scheme did include such a proposal, a planning objection could not be substantiated on the basis that the occupiers of Nos. 31 - 36 do not have right to access land which is outside of their control.

In respect of the "affordable" nature of the dwellings, it should be noted that Policy H2, which promotes affordable housing, relates to sites "of 1 hectare or more, or sites containing 25 dwellings, or sites within Village Policy Limits". In this instance the application site measures 0.16 hectares. As a result there is no requirement to provide affordable housing. In addition, it is not possible to ensure to that the eventual development brings forward affordable units. To this end, the proposal, in terms of housing policy, is only required to comply with Policy H1 of the Local Plan (Further Housing Development within Towns) regardless of the intention to provide affordable units.

Finally, concern has been raised that the existing garages currently act as the boundary wall for properties 85a and 85b. The occupiers of these properties seek clarification as to whether a replacement boundary treatment will be erected.

This is a landscaping matter. As such it will be dealt with a reserved matters stage.

## **CONCLUSION**

The application is recommended for approval as the proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

**JUSTIFICATION FOR RECOMMENDATION:**

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

**RECOMMENDATION: Approval**

**Condition(s):**

- 1 Approval of the details of design, appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 The "reserved matters" shall be submitted in accordance and consistent with the details and parameters set out in the amended design and access statement, received on 02 February 2008.

REASON: In accordance with paragraph 73 of DCLG Circular 01/06: Guidance on Changes to the Development Control System.

- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 6 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

- 7 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

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

- 8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscape setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 9 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- \* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- \* All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- \* The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- \* The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 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.

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.

- 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 C32.

- 12 The parking areas indicated on the approved plans together with the means of access thereto shall be completed and made available for use prior to the commencement of the development on the houses on site and shall be maintained as such thereafter.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

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

- 13 Notwithstanding the submitted layout hereby approved, details of the means of separation to avoid a conflict between pedestrians and vehicles shall be submitted prior to the commencement of the development on site. The scheme shall only be carried out in accordance with the approved details.

REASON: To provide safe and unhindered pedestrian access for occupiers of the new dwellings.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.

- 14 The parking area shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of Highways Safety.

## RELATED PLANS

Drawing : SITE LOCATION PLAN received on 18.07.2007

Drawing : 516/4275/R received on 18.07.2007

Drawing : 2808/001 REV C received on 26.08.2008

Drawing : DESIGN & ACCESS STATEMENT REV C received on 02.02.2009

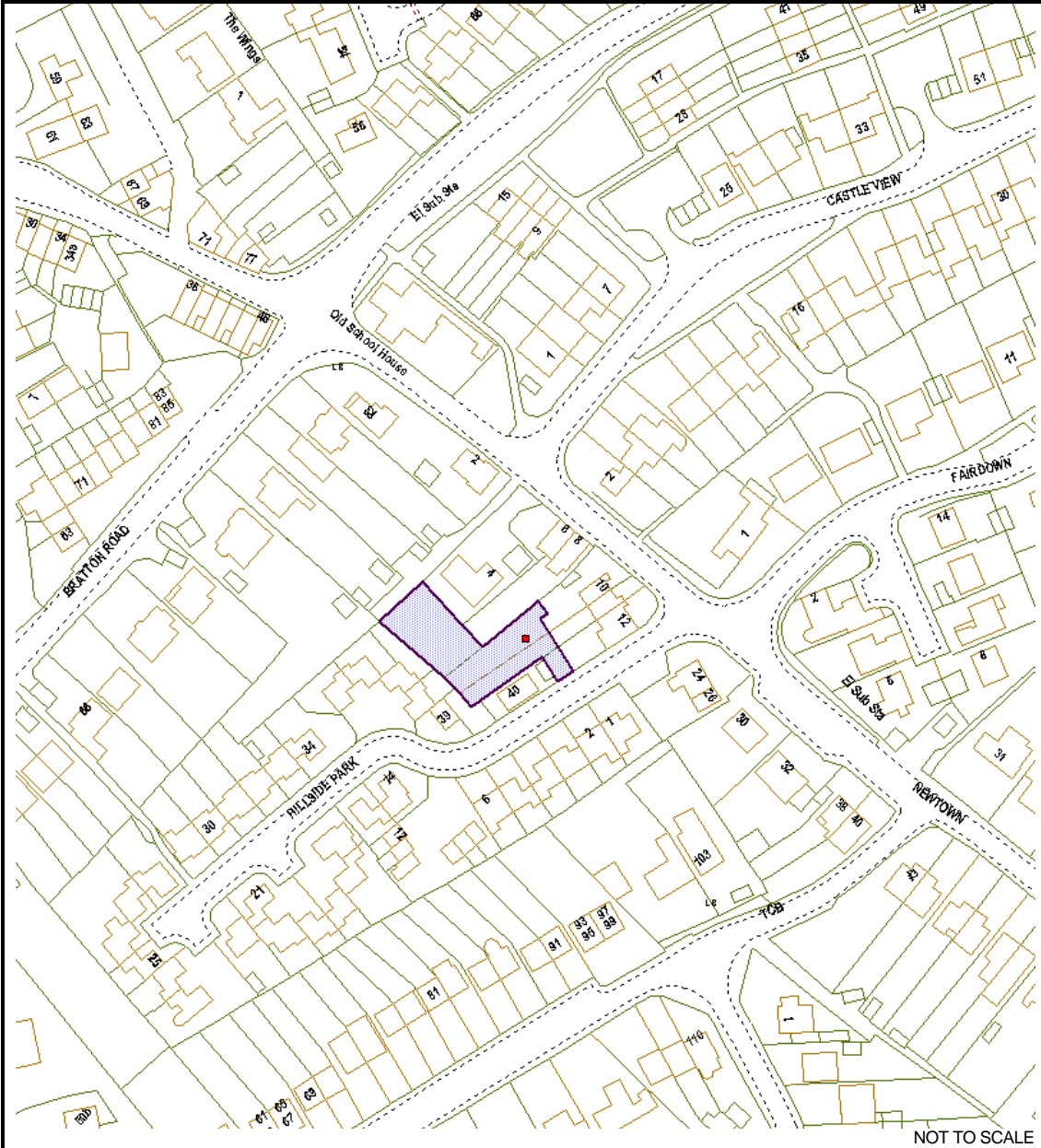
# PLANNING COMMITTEE

19 February 2009

ITEM NO: 06

APPLICATION NO: W/08/03495/OUT

LOCATION: Land Rear Of 10 Newtown Westbury Wiltshire



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SLA: 100022961

**06 Application: W/08/03495/OUT**

**Site Address: Land Rear Of 10 Newtown Westbury Wiltshire**

Parish: Westbury Ward: Westbury Laverton  
Grid Reference 387744 151294  
Application Type: Outline Plan  
Development: Erection of detached bungalow, garage and parking - renewal of previously approved application 05/01270/OUT  
Applicant Details: Mrs Antonietta Adams  
6 Gibbs Lane Westbury Wiltshire BA13 3DT  
Agent Details: Mr E C Stockley  
40 Clarendon Avenue Trowbridge Wilts BA14 7BN  
Case Officer: Mr Matthew Perks  
*Phone: 01225 776655 ext 207*  
*Email: mperks@westwiltshire.gov.uk*  
Date Received: 19.12.2008 Expiry Date: 13.02.2009

## **COMMITTEE REPORT**

This application is brought to Committee because the Westbury Town Council objects and officers recommend permission.

### **APPLICATION SITE & SURROUNDING AREA**

The application site is located within Westbury Town Policy limits and to the rear (south west) of 4 - 10 Newtown. It comprises of an irregular L-shaped area of land measuring approximately 700m<sup>2</sup> in extent.

The surrounding area is residential and is characterised predominantly by two storey dwellings, although there is a single storey dwelling immediately to the north east. Access to the site would be provided via Hillside Park. The land slopes upwards in a south easterly direction and the site is currently undeveloped.

### **PROPOSAL**

This is an application for the renewal of the application 05/01270/OUT.

This earlier application was refused by Council but allowed on appeal subject to conditions.

The application was for outline permission for a bungalow with approval being sought for siting and means of access with other matters reserved.

The proposal is identical to that which was previously permitted on Appeal.

### **CONSULTATIONS**

#### Parish/Town Council

The Westbury Town Council objects to the application on the grounds that:

- the proposed access is inappropriate;
- there would be a loss of privacy to adjacent owners;
- overdevelopment.

## External

HIGHWAY AUTHORITY - No objection subject to conditions.

WESSEX WATER - No objection.

## **NOTIFICATIONS**

### Site Notices/Visits

Date of visit:

The site was visited on 5 January 2009.

### Neighbours

Three neighbours responded to advertising. Objections are as follows:

- the site history of reputed refusals shows that this should again be refused;
- the access is outside of the applicant's control; and
- this derelict land should be allocated as a community allotment site.

## **RELEVANT PLANNING HISTORY**

04/02234/OUT: Erection of detached bungalow: Refused: 20 June 2005

05/01270/OUT: Erection of detached bungalow: Refused: 25 August 2005 : Appeal Allowed: 27 January 2006

08/02843/FUL: Erection of detached bungalow and garage: Refused : 24 November 2008

## **KEY ISSUES**

The permission 05/01270/OUT is extant at the time of writing. The only issue therefore is whether or not there have been any material changes to circumstances or policy which may indicate a different outcome to the previous permission.

## **OFFICER APPRAISAL**

Application 05/01270/OUT was considered under the West Wiltshire District Plan 1st Alteration, 2004. This plan is still in place. Planning Policy Statement 3 (Housing) has come into existence in the interim replacing PPG3, but it is considered that the proposal is in accordance with a primary goal of that guidance, i.e. the delivery of a mix of housing, in terms of tenure and price to support a wide variety of households in all areas and a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

Whilst neighbour and Town Council comments are noted, no material changes have occurred that are of a consequence significant enough to require that the permission be re-visited. Whilst application 08/02843/FUL was refused in the interim, this was on the grounds of the proposed changed access being unacceptable and on the specifics of proposed habitable room arrangement and associated window positions. Neither of these reasons has relevance to this outline application where there is a reversion to the earlier access and the window positions remain as a reserved matter to be submitted in the future.

Although a neighbour has objected on the grounds that the access is out of the applicant's control and has not been negotiated, this remains a matter of private treaty that does not fall to be considered under this application.

Any permission should be made subject to the same conditions made applicable by the Inspector in his decision.



## RECOMMENDATION

Permission.

### JUSTIFICATION FOR RECOMMENDATION:

**There have been no significant material changes of planning circumstances to merit a decision contrary to the approved permission 05/01270/OUT.**

### RECOMMENDATION: Permission

#### Condition(s):

- 1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, screening and means of enclosure, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.  
  
REASON: To provide a satisfactory landscape setting for the development.  
  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.  
  
REASON: To provide a satisfactory landscape setting for the development.  
  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.  
  
REASON: To ensure that the development can be adequately drained.  
  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

- 7 No development shall be commenced on the construction of the dwelling until space has been laid out within the site in accordance with drawing No 04- 75-1 Rev C for four cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and the first 4.5metres of the driveway from the Carriageway of Hillside Park has been consolidated and surfaced.
- REASON: To ensure that an adequate area for parking is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.
- 8 The dwelling hereby permitted shall be single storey only with no habitable accommodation above ground floor level.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 9 Before the development hereby permitted begins, a geological survey of the site shall be undertaken and the results submitted in writing to the local planning authority. A scheme for the stabilisation of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any building hereby permitted is first occupied.
- REASON: To ensure the stability of the site.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32

## **RELATED PLANS**

Drawing : 04-75-1 REV C received on 26.01.2009



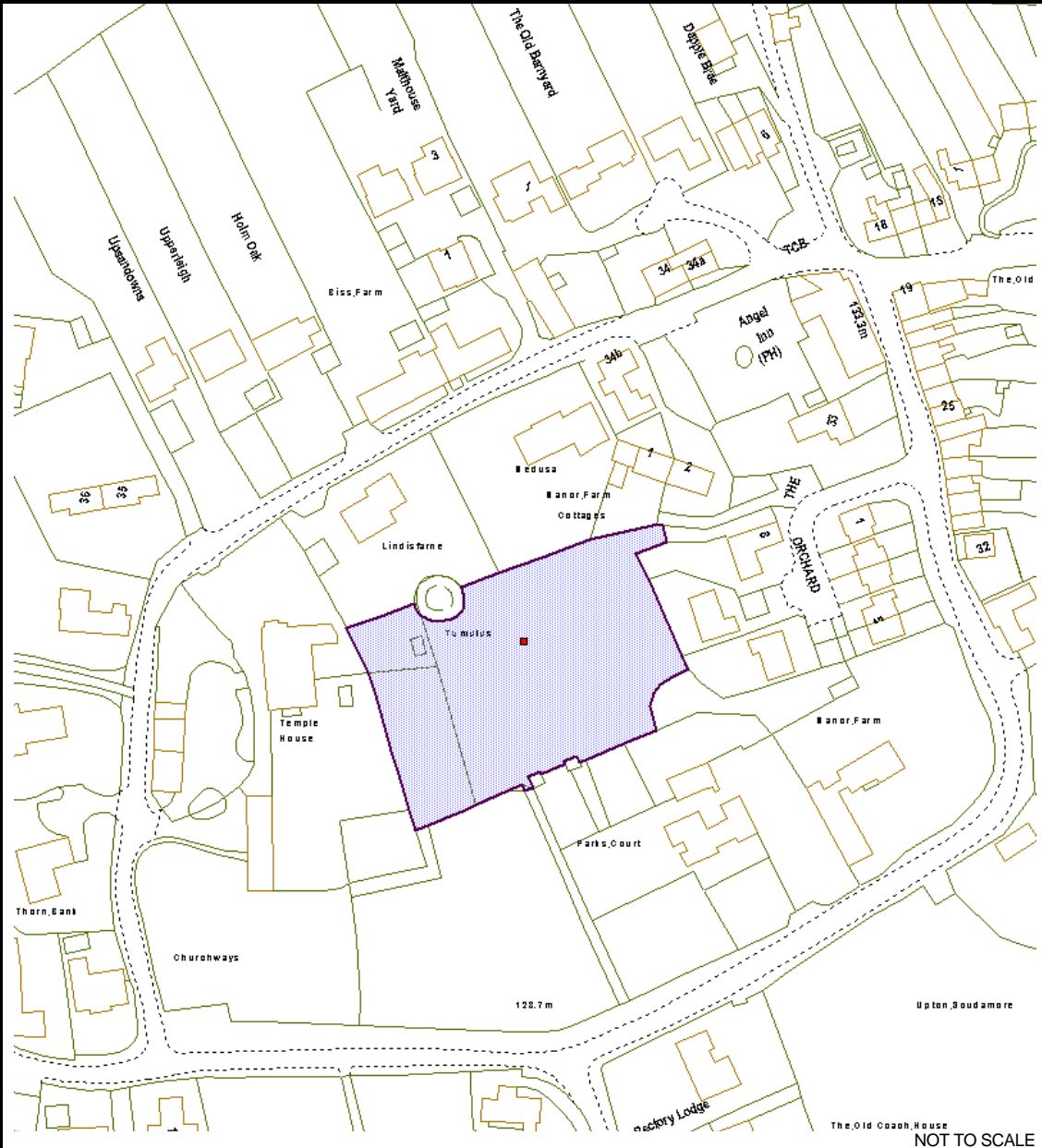
# PLANNING COMMITTEE

19 February 2009

ITEM NO: 07

APPLICATION NO: 08/00979/FUL

LOCATION: Land West Of The Orchard Upton Scudamore  
Wiltshire



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SLA: 100022961

<b>07</b>	<b>Application:</b>	<b>08/00979/FUL</b>
	<b>Site Address:</b>	<b>Land West Of The Orchard Upton Scudamore Wiltshire</b>

Parish: Upton Scudamore Ward: Dilton

Grid Reference 386509 147810

Application Type: Full Plan

Development: Change of use from agricultural land to domestic garden

Applicant Details: Mr K Dowley  
Temple Manor Upton Scudamore Warminster Wiltshire BA12 0AQ

Agent Details: CBRE  
F A O Mrs M Palmer Howard House Queens Avenue Bristol BS8 1QT

Case Officer: Mr Matthew Perks  
*Phone: 01225 776655 ext 207*  
*Email: mperks@westwiltshire.gov.uk*

Date Received: 31.03.2008 Expiry Date: 26.05.2008

## COMMITTEE REPORT

This application is brought to Committee because the Upton Scudamore Parish Council objects and officers recommend permission.

### APPLICATION SITE & SURROUNDING AREA

The application site is a roughly rectangular portion of land of some 1460m<sup>2</sup> located to the east of the existing garden area of "Temple Manor" in Upton Scudamore. The land is primarily surrounded by private residential garden spaces, except on the south western side where there is open land. There is a scheduled ancient monument ("Tumulus") immediately to the north of the site, and listed buildings to the south and west.

### PROPOSAL

This is an application for a change of use from agricultural land to domestic garden on land to the west of "The Orchard", Upton Scudamore.

The application is made in order to properly clarify and regularise the use of the land, which has been eroded over time and to make the area domestic curtilage, but with restrictions over it in terms of any development.

The proposal arises out of an historical situation where the land was to be set aside by a Section 52 Agreement (Town and Country Planning Act 1971) to agricultural and recreational use as part of a residential development scheme (now "The Orchard") under planning application 88/02307/OUT. The land has subsequently undergone various authorised and unauthorised changes in use, as well as splits in ownership. Council's enforcement officers have recently become involved with issues surrounding the use of the land for domestic/temporary recreational purposes and the view has been taken (following legal advice) that enforcement of the Section 52 Agreement in totality would be unlikely to be successful.

The proposal acknowledges the site history and it is proposed that a Section 106 Agreement to be entered into to replace the Section 52 Agreement to preserve the openness of the site.

The erosion of usage and changes of ownership over the twenty years since the original S52 Agreement are discussed in the section relating to site history, below.

The draft Section 106 Agreement submitted by the applicant would provide an accurate plan of the land to which it relates and sets out clearly the limits of use to which the different areas of domestic curtilage may be used (Areas "A", "B" and "C" on the plan in the presentation). This would allow the owners of Temple Manor to lawfully use their land for domestic garden purposes.

In terms of the draft, Area "A" would become wholly domestic garden without restriction, whilst the open field (Area "B") would be subject to restriction on any permanent structures or development. The S106 would prevent formal planting, surface treatments or other garden features, structures or buildings of any description, but would allow regular mowing and informal tree planting as well as temporary paraphernalia such as garden furniture, toy goal posts and other items associated with normal domestic use. The use of Area "C" would be regularised to accord with the planning permission attached to it for domestic garden use.

The applicant has provided formal Counsel advice on the lack of enforceability of the S52 agreement in support of the case.

## **CONSULTATIONS**

### *Parish/Town Council :*

The Upton Scudamore Parish Council objects to the proposal. The proposal (quoted as per the Parish response):

- "a. Is contrary to the intent of the current Section 52 Agreement;
- b. Would cause the loss of essential open space, the need for which has increased;
- c. Would compromise the setting of and access to a Scheduled Ancient Monument;
- d. Is contrary to the intent of the planning policies applicable to that area;
- e. Would be harmful to this villages' rural ambiance and public amenity;
- f. Does not include safeguards to prevent further intrusive development in perpetuity;
- g. Would completely negate current third party rights without any benefit;
- h. Is misleading, particularly so in respect of recent use of the area and aspects of the SAM."

The Parish has also submitted additional comments following the Counsel view that was submitted in support of the application:

- The Parish argues that the plan that was attached to the S52 agreement was a statement of intention that was approved and cannot now be disregarded;
- Consideration of application 98/00499/FUL for the kitchen garden took account of the S52 Agreement and conditions have been ignored;
- The orchard is not large enough to be classified for agricultural use and there is no commercial outlet;
- The intent of the original Agreement was clear and the view of the Parish and many villagers is that public recreation was proposed. There is no record of private recreation on the land prior to the arrival of the current owner;
- The requirement for the footpath is absolutely clear in the original agreement, as is public access in perpetuity. The fact that the one portion of the path to the south has fallen into disuse has no relevance;
- the applicant has breached the condition of planning permission as well as the S52 Agreement on the vegetable garden site with the erection of a greenhouse;
- The use by the applicants of the open land with recreational equipment that is left out permanently is in breach of the original agreement;
- the proposed change will disturb neighbours with noise from mowing as well as the family recreational use;
- There is no justification for the change of use and there are definite issues in relation to listed building settings, the tumulus and the possible further development in the orchard and the vegetable garden.

The comments of the Parish were submitted to Council's Legal section for a view. Legal opinion confirms the central issue that the agreement did not create a public open space although the Parish clearly holds that view. A new agreement would resolve the unsatisfactory planning position that currently exists.

(Both the Counsel view and the reply of the Parish are substantial in nature and have been significantly summarised in the interests of brevity. The full documents are however available on file for public scrutiny).

*External :*

English Heritage

The initial red outline plan submitted included a Scheduled Ancient Monument in the form of a Tumulus, within the area to be subject to a change of use. English Heritage offered advice to the effect that the Tumulus should be excluded and this was done in a revised plan. English Heritage now has no objection to the proposal.

Libraries and Heritage

The County Archaeologist has no objection or recommendations.

*Internal :*

Legal Section

Advice from the legal section is that the Counsel view (discussed further below) is correct and that the provisions of the S52 Agreement are too vague to be enforceable.

Policy

No comment received.

Conservation Officer

The loss of the parcel of land to domestic use with associated domestic trappings would be harmful to the setting of the surrounding listed buildings.

## **NOTIFICATIONS**

### Site Notices/Visits

The site was visited on three separate occasions, with site notices being posted on 04.04.2008 and 22.05.2008.

*Neighbours :*

There were 12 responses from neighbours. Objections are:

- the loss of green space;
- harm to the setting of the Listed buildings and the Tumulus;
- encroachment of domestic trappings into this space;
- future changes will not easily be controlled;
- the possibility of tennis courts, lighting and permanent football posts being placed on the land;
- Council should enforce the conversion to a Village Green as well as important areas of open space as designated in the current local plan;
- the intent of the original agreement was to provide for a village green for the benefit of the village not to be maintained at public expense;
- the Parish and villagers would lose control over what happens on the land;
- the land is designated as an Area of Minimum Change in the Local Plan;
- the loss of the "Village Green"; and
- increase in cars, noise and light pollution.

Cllr. Conley has recorded support for the Parish Council objection.

## **RELEVANT PLANNING HISTORY**

The site history is central to this case.

The current uncertainty revolves around a Section 52 Agreement (under the previous Town and Country Planning Act, 1971) dating from 1989, which was drawn up in connection with a planning permission for housing development adjacent to the application site. The agreement sought to limit the use of the application land to open space for recreational and agricultural uses only. It further sought to establish a footpath link across the land. However, questions have arisen over the poor quality of the plan attached to the agreement, the imprecise nature of the footpath requirement and the fact that the path relates partly to land outside the ownership of the applicant.

Council's enforcement officers have obtained internal legal advice and the view was consequently taken that Council would not seek to enforce the provision of a "future possible footpath" and "village green" annotated on the plan that was attached to the Agreement. This is because legal opinion is that the plan annotations are ambiguous and would have no legal weight. On the other hand, the view has been taken that the lawful use of the land is agricultural or recreational, and that the Section 52 may be enforceable in this regard only.

Further complicating factors exist. A portion of the land covered by the S52 Agreement now also incorporates a "vegetable garden" (domestic garden use) for which planning permission was granted under application Ref. 98/00499. This was never formalised by any variation of the Section 52 Agreement. There have also been some incremental changes to the ownership and use of the land, which have rendered the planning status of other portions of the land questionable vis-à-vis the S52 Agreement. The original land subject to the S52 Agreement has been subdivided so that the panhandle "footpath link" to the south no longer forms a part of the applicant's land. Smaller parcels were also sold to neighbours at 81 The Orchard, Manor Farm and Manor Farm Cottages.

With regard to any actual public use of the land post the Agreement, in researching the comments received from neighbours and the Parish no indication has been provided of regular or sustained use of the land for this purpose. Although there are repeated references to a "Village Green" it is evident that the land has not functioned as a community space and, based on the criteria in terms of which a claim for Village Green status could be made, it is considered unlikely that this could occur. In present circumstances it remains an island of land surrounded by predominantly rear garden spaces with limited views from the public realm.

## **KEY ISSUES**

The key issues in this case relate to the effect of the legal advice and the acceptability of the proposed change of use of the land in terms of its effects on the openness of the site.

## **RELEVANT PLANNING POLICIES**

West Wiltshire District Plan 1st Alteration, 2004

C15 - Areas of Archaeological Interest

H17 - Village Policy Limits

H18 - Areas of Minimum change

PPG 15 - Planning and the Historic Environment

## **OFFICER APPRAISAL**

The land is in private ownership but it appears evident that there was an intent of the original Section 52 agreement to provide for some form of publicly accessible open space on the site, together with a footpath. However, according to Council's own legal advice as well as that provided by Counsel in support of the application, there is a strong indication that the inadequacy of the agreement and, more particularly, the plan that was attached thereto, renders the agreement unenforceable as it relates to these aspects.



Further, no public right of way has ever been established to confirm public access over the site, and the land was not identified for recreation land or public open space within either the 1996 District Plan or the current West Wiltshire District Plan 1st Alteration, 2004. No "Village Green" status has been registered. The land is also not referred to in the new Leisure and Recreation Development Plan Document that was approved for adoption by the West Wiltshire District Council on 21 January 2009. It is evident therefore that the intent of the S52 Agreement never came to fruition and has not been pursued in Policy documents or in terms of efforts to secure public access status for the land, notwithstanding that a pathway was commenced over land (not now owned by the applicant) to the south of the site. The Parish advises that the southern section of the path exists but was last used around April 2005 and has fallen into disuse.

Given the above and based on the internal legal advice, it is considered that an attempt to enforce the agreement would be unlikely to be successful.

If this legal position is accepted, the application provides an opportunity to properly introduce enforceable controls over the land which has been the subject of encroachment and breaches of use over time, albeit without creating a public place.

The primary considerations would be the impact of the change of use on the "Tumulus" and the listed buildings adjacent to the site. The site is subject to Policy H18 ( Areas of Minimum Change) of the WWDP, 2004 and therefore has a strong degree of Policy protection insofar as new housing development is concerned. There is neighbour and Parish concern that the proposed change of use would represent the "thin end of the wedge" paving the way towards future subdivision and housing on the site. Policy H18 considerations indicate that proposals of that nature would be opposed by the Local Planning Authority. There are also related concerns in respect of the setting of the Tumulus and the adjacent listed buildings. The Conservation Officer has identified this as an issue. However, English Heritage only raised concerns in respect of the Tumulus and, once the plans were revised, raised no objection. The proposed S106 agreement would not allow any new buildings to be developed on the site without planning permission being applied for (see below).

The site also falls within an Area of Archaeological Interest but the District Archaeologist and English Heritage have not raised concerns in this regard. No grounds works to the site are implied by the application and the tumulus falls outside of it.

The actual effect of the proposals in the applicant's draft to the S106 Agreement would be that the applicant could:

- continue to utilise Area "A" as an orchard but the area would become domestic curtilage ;
- use Area "B" for domestic recreation with only non-permanent garden furniture and play equipment being allowed.
- continue to use already permitted vegetable garden in Area "C" which would be properly incorporated into an agreement, something that was previously neglected.

However, whilst it is stated in the application documents that the intention is to bring into the agreement the vegetable garden Area "C", the presented draft does not reflect a condition that was made applicable to the planning Permission 98/00499/FUL that removed permitted development rights. Concern is also raised in this regard by the Parish and some neighbours who note possible extension of development of outbuildings and other structures into this area. A similar situation would apply for Area "A" which abuts the currently open area.

In order to make the new S106 consistent with the Permission over Area "C" and to avoid potential development that may affect the setting of the tumulus and the openness of Area "A", any new Agreement should restrict permitted development rights so that any new structures need to be the subject of an application to the Local Planning Authority.

This can be achieved by the S106 legal agreement and, for clarity in respect of the recommendation, the Permitted Development Rights that would be removed are as follows:

Schedule 2, Part 1 Class E of the Town & Country Planning (General Permitted Development) Order 1995, as amended, relates to the provision within the curtilage of the dwellinghouse of:  
(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.;  
and

Schedule 2, Part 1 Class F of the Town & Country Planning (General Permitted Development) Order 1995, as amended, relates to development consisting of:

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Subject to the constraints that would be applied in a new agreement it is not considered that harm would arise for the setting of the tumulus or listed buildings, and a sense of openness would be preserved for the field. Although the setting is not purely a matter of views from the public domain, it is also the case that the area does not provide views from significant public vantage points, given that it is surrounded almost completely by private residential land.

## **CONCLUSION**

Permission subject to the completion of a Section 106 Agreement to replace the existing agreement and to control development on the land.

### **JUSTIFICATION FOR RECOMMENDATION:**

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

**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 the following:**

**1) The areas of land identified as "A " and "C" on the submitted plan shall not to be used for any other purpose than domestic garden ancillary to the dwelling house "Temple Manor" with no new development falling within Schedule 2, Part 1 Class E of the Town & Country Planning (General Permitted Development) Order 1995, as amended, to be carried out without the express planning permission of the Local Planning Authority;**

**2) The area of land identified as "B" on the submitted plan shall not to be used for any other purpose than domestic garden ancillary to the dwelling house "Temple Manor" but with no development falling within Schedule 2, Part 1 Classes E and F of the Town & Country Planning (General Permitted Development) Order 1995, as amended, and no formal planting schemes shall be carried out on this area of land which shall be retained as an open area of grassland.**

## **RELATED PLANS**

Drawing : PLAN CBRE3 received on 19.05.2008

Drawing : CBRE1A received on 19.05.2008