

AGENDA

Meeting: Eastern Area Planning Committee
Place: Council Chamber - Council Offices, Browfort, Devizes
Date: Thursday 15 December 2011
Time: 6.00 pm
Matter:

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Jane Burton	Cllr Chris Humphries
Cllr Peggy Dow	Cllr Laura Mayes
Cllr Nick Fogg	Cllr Jemima Milton
Cllr Richard Gamble	Cllr Christopher Williams
Cllr Charles Howard	

Substitutes:

Cllr Liz Bryant	Cllr Jerry Kunkler
Cllr Nigel Carter	Cllr Francis Morland
Cllr Peter Colmer	Cllr Christopher Newbury
Cllr George Jeans	Cllr Jeffrey Ody
Cllr Simon Killane	Cllr Jonathon Seed

Part I

Items to be considered when the meeting is open to the public

Apologies for Absence

2. Minutes of the Previous Meeting_ (Pages 1 - 24)

To approve and sign as a correct record the minutes of the meeting held on 24 November 2011(copy herewith).

Declarations of Interest

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. Chairman's Announcements

5. Public Participation

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to

ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 8 December 2011**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

Planning Applications

To consider and determine the following planning applications:-

6.a E/11/0001/OUT - Drummond Park, Ludgershall, SP11 9RT - Outline Planning Application for the Redevelopment of the Site for a Phased Residential Development (Class C3) with Primary Access from A342 and Matters relating to Layout, Scale, Appearance, Internal Access and Landscaping Reserved (Pages 25 - 54)

6.b E/2011/0990/FUL - Samarie, Dunkirk Hill, Devizes, SN10 2BD - Construction of a Drive (Pages 55 - 62)

7. Urgent items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 24 NOVEMBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Peggy Dow, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jeffrey Ody (Substitute) and Cllr Christopher Williams

Also Present:

Cllr Mark Connolly and Cllr Stuart Wheeler

189. **Apologies for Absence**

Apologies for absence were received from Cllr Jane Burton (who was substituted by Cllr Jeffrey Ody), Cllr Nick Fogg and Cllr Jemima Milton.

190. **Minutes of the Previous Meeting**

Resolved:

To confirm and sign the minutes of the Committee meeting held on 3 November 2011.

191. **Declarations of Interest**

There were no declarations of interest.

192. **Chairman's Announcements**

There were no Chairman's announcements.

193. **Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would be held.

Members of the public addressed the Committee as set out in Minute no 194 below.

There were no questions received from members of the public or members of the Council.

194. **Planning Applications**

1.a **E/09/1078/OUT - Land to North of Tidworth between A338 (Pennings Road) and A3026 (Ludgershall Road), Tidworth - Outline Planning Application for 600 Civilian Houses, Primary School, Link Road and Landscaped Public Open Spaces**

The following people spoke in favour of the proposal:

Mr Glen Godwin, the agent
Cllr Christopher Franklin, Mayor of Tidworth

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Mark Connolly, the local member, who supported the proposal.

After discussion,

Resolved:

To grant planning permission for the following reason:-

The application site comprises an allocated housing site in the Kennet Local Plan 2011. The proposal is to develop the site largely in accordance with the specific local plan policy for the site (HC19). In particular, the proposal is for housing, a school, a link road and a river corridor open space. In terms of impact, the application demonstrates that the proposed development can be accommodated on the allocated site without causing harm to interests of acknowledged importance, including local infrastructure, highway safety, ecological interests, heritage assets, visual amenity and residential amenity. The application makes adequate provision for infrastructure made

necessary by the development, namely affordable housing, open space, education facilities, community facilities and highways works. The application is, therefore, in accordance with central government planning policy set out in PPS's/PPG's; and the development plan – specifically, policies PD1, HC1, HC2, HC5, HC19, HC28, HC30, HC34, HC37, HC42, HC43, AT3 & NR6.

In reaching its decision the local planning authority has taken into account the Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Environmental Statement meets the requirements of these regulations, and sufficient information has been provided to enable the authority to assess the environmental impact of the development.

Subject to:-

(a) The applicant entering into a Section 106 Agreement covering the following matters:-

- **Affordable housing – to be 25% of the total number of units (tenure mix: 70% social rented and 30% shared ownership);**
- **Highways works – to make financial contributions towards the cost of traffic regulations orders, Travel Plan monitoring, bus stops and shelters on site;**
- **Public open space – to equip and transfer to public ownership the River Bourne amenity area, equipped play areas, casual play areas and incidental open spaces on-site; and to transfer to public ownership 2.4 ha of playing fields at Humber Lane Sports Ground off-site. To make financial contributions towards the maintenance costs of these open spaces.**
- **Education - to transfer to Wiltshire Council a serviced 1.2 ha primary school site, and to make a financial contribution to meet the cost of the primary school; and to make a further financial contribution towards the cost of secondary education provision at Wellington Academy;**
- **Other community considerations – to make a financial contribution towards the cost of professional fees for a new community centre.**

(b) The following conditions:-

1 Details of the appearance, landscaping, layout and scale

(hereinafter called "the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

- 2** Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995

- 3** The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

- 4** The details of the layout of the development hereby permitted shall include an area for a primary school of at least 1.2 ha, two areas for 'equipped play space provision' of at least 4,464 sq m in total, two areas for 'equipped casual play space provision' of at least 5,904 sq m in total, a 'river corridor' informal open space of at least 9.02 ha, and no more than 600 dwellings. The equipped play space provision and equipped casual play space provision shall be provided in accordance with the specifications set out in the adopted Benefits from Planning SPG 2005.

REASON: To clarify the terms of the planning permission and to accord with Policies HC37 and HC34 of the Kennet Local Plan 2011 which seek adequate infrastructure in new developments.

- 5** The details of the layout of the development hereby approved shall include detailed plans of the proposed 'green links' including pathway and bridge designs, and a phasing programme for their construction. The green links shall be provided as approved in accordance with the programme.

REASON: In the interests of proper planning of the development

and amenity in general.

- 6 The 'access' to the site (which for the purposes of this planning permission includes the link road, bridge, junctions with the A338 (Pennings Road) and A3026 (Ludgershall Road) and footpath improvements to footpath no. 11) shall be constructed in accordance with drawing nos. 4400:01A (Mar 11), 4400:02A (Mar 11), 4400:03A (Mar 11), 4400:275 (Feb 11) and 4400:05 (Apr 11). The Pennings Road/Ordnance Road junction improvements shall be constructed in accordance with drawing no. 4400:80 (Feb 11).

REASON: To confirm the details of the access and Pennings Road/Ordnance Road junction improvements, which are approved at this stage.

- 7 No development shall take place until a programme for the phasing of the development has been submitted to and approved in writing by the local planning authority. The programme shall specify in particular that the link road, bridge and junctions with the A338 (Pennings Road) and A3026 (Ludgershall Road) shall be completed and open to traffic prior to the occupation of the 300th dwelling on the site; and the Pennings Road/Ordnance Road junction improvements shall be completed prior to the occupation of the 300th dwelling on the site. Development shall be carried out in accordance with the approved programme.

REASON: To ensure the proper planning of the development in accordance with an appropriate and viable programme.

- 8 No development shall commence on site in any particular phase of the development as referred to in the approved programme of phasing of the development until details of the proposed ground floor slab levels of all buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

- 9 All soft landscaping comprised in the approved details of landscaping for any particular phase of the development as referred to in the programme for the phasing of the development shall be carried out in the first planting and seeding seasons following the occupation of the first building in that phase of the development, whichever is the sooner; and any trees or plants which within a period of five 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. All hard landscaping in any particular phase of the development shall also be carried out in accordance with the approved details prior to the occupation of any part of that phase of the development or the completion of that phase of the development, whichever is the sooner.

REASON: To ensure a satisfactory landscaped setting for the development.

- 10 The detailed landscaping plans to be submitted pursuant to condition no. 1 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

- 11 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed at the outer edge of the overhang of their branches by a chestnut paling fence. The exact position of this fencing shall be first agreed in writing with the local planning authority. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

12 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

13 No development shall take place in any particular phase of the development 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 for the phase (as referred to in the programme for the phasing of the development). The approved boundary treatments for each phase shall be completed in accordance with the plan prior to the first occupation of the first building in that phase.

REASON: To ensure proper planning of the development in the interests of amenity.

14 Notwithstanding the details set out in the submitted Biodiversity Enhancement Scheme, a further revised Biodiversity Enhancement Scheme shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The revised Biodiversity Enhancement Scheme shall take into account the issues raised by the WC Principal

Ecologist, Natural England and the RSPB. Development shall be carried out strictly in accordance with the recommendations of the approved revised Biodiversity Enhancement Scheme.

REASON: To safeguard and enhance ecological interests.

- 15 The development shall be carried out strictly in accordance with the Reptile Mitigation Strategy by Middlemarch Environmental Ltd dated March 2011.**

REASON: To safeguard reptiles.

- 16 No development shall take place until full details of how on-site renewable energy will be provided for the development to reduce carbon dioxide emissions from energy use by owners/occupiers of the buildings by 10% 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 achieve reductions on carbon dioxide emissions in accordance with the local planning authority's adopted policy.

- 17 Prior to development commencing a water management scheme, to include water efficiency measures and a water metering scheme, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.**

REASON: Water from the site is currently obtained from the single supply source of the Tidworth borehole. The scheme will ensure a long term understanding of the development's water usage on the source, reduce leakage and encourage water efficiency. The scheme is necessary in the interests of sustainability and prudent use of natural resources.

- 18 The development hereby approved shall not be commenced until such time as a scheme for foul drainage provision has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.**

REASON: To ensure appropriate drainage for the site which does not cause pollution of controlled waters.

- 19 Details of the means of disposal of foul sewage shall be submitted to and approved by the local planning authority in writing before development commences on the site.**

REASON:To ensure satisfactory foul water drainage.

- 20** Development shall not commence until a surface water management scheme for the site based on the sustainable drainage principles and assessment of the hydrological and hydrogeological context of the development site set out in the Flood Risk Assessment has been submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the approved details before the development is commenced.

There shall be no infiltration of surface water into the ground unless it has been demonstrated through appropriate risk assessments that there is no resultant unacceptable risk to controlled waters.

The scheme shall also include details of how the scheme shall be maintained and managed after completion and over the lifetime of the development.

REASON: To ensure that the proposed development does not cause pollution of controlled waters, to prevent the increased risk of flooding, to improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 21** Finished floor levels shall be set a minimum of 600mm above the 1 in 100 year flood level plus an allowance for climate change, as set out in table B2 of PPS25.

REASON: To reduce the risk of flooding to the proposed development.

- 22** The soffit level of any bridge shall be set a minimum of 600 mm above the 1 in 100 year flood level plus an allowance for climate change and shall have a horizontal clearance from the banks at least equal to that detailed in section 4 of the submitted flood risk assessment.

REASON: To reduce the risk of flooding to the proposed development.

- 23** No spoil materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.

REASON: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity

- 24** If during construction contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a method statement detailing how this contamination will be dealt with. The contamination shall then be dealt with in accordance with the approved method statement.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of protecting controlled waters.

- 25** No development shall commence until a construction environmental management plan, incorporating pollution prevention measures and phasing details, has been submitted to and approved in writing by the local planning authority. The plan shall be implemented in accordance with the approved details.

REASON: To prevent pollution of the water environment.

- 26** No external construction or demolition works shall be carried out before 0800 on weekdays and on Saturdays nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

- 27** Before the development hereby permitted is first occupied, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 28** No building hereby permitted shall be first occupied until the access, turning area and parking spaces serving that building have been completed in accordance with the details shown on the approved plans. The access, turning area and parking spaces shall be retained for those purposes thereafter.

REASON: In the interests of highway safety.

- 29 No street lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting and illumination levels have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 30 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing no. 10-1734-MP-000-E (Indicative Masterplan) received by lpa 21/07/2011;

Drawing no. P.0620_05-D (Landscape Masterplan) dated 20/07/2011;

Drawing no. 10-1734-OPEN-C (Open Space Areas) dated 21/06/11;

Drawing nos. 4400:01A, 4400:02A & 4400:03A (Link Road General Arrangements) dated 03/11;

Drawing no. 4400:275 (Bridge Details) dated 02/11;

Drawing no. 4400:05 (Existing public footpath improvement works) dated 04/11;

Drawing no. 4400:80 (Pennings Road/Ordnance Road junction improvements) dated 02/11.

- 1.b K/59795/O - Land adjacent to Deans Close and Fields to South opposite Tedworth House, Tidworth - 360 New, Single Family Military Residences with Associated Garages, Parking and Landscaping (Area 19)

The following person spoke in favour of the proposal:

Cllr Christopher Franklin, Mayor of Tidworth

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be granted subject to conditions and with the terms of the legal agreement changed to allow for the updated education requirements generated by the development.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from the Mayor of Tidworth, expressing the views of the Town Council regarding the planning application.

Members then heard the views of Cllr Mark Connolly, the local member, who supported the proposal.

After discussion,

Resolved:

To grant outline planning permission for the following reason:-

The Council is satisfied that there is an overriding need for this residential development to meet the requirements of the military garrison and that this site is a suitable and sustainable location for such a development. Accordingly, although the proposal is a departure from the development plan, it is justified and is considered acceptable.

Subject to:-

- (c) The applicant entering into a Section 106 Agreement covering the following matters:-**
- A financial contribution towards primary and secondary education**
 - Provision/maintenance of children's and casual equipped areas of play.**
 - The payment of; £500 per annum for 5 years to monitor the travel plan, £7,500 towards the up-grading of the Right of Way adjoining the eastern boundary of the site, up to £6,000 for the cost of preparing, advertising and pursuing Traffic Regulation Orders associated with the development and the provision of two bus stops and shelters within the development.**

- The provision of land for sports pitches provision, in conjunction with the NEQ development.

(d) The following conditions:-

1 The development hereby permitted shall be begun 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 to be approved, whichever is the later.

REASON:

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

2 Approval of the details of the layout, scale and appearance of the building(s), the access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

REASON:

This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3 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:

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4 This permission relates to the scheme of development as submitted except insofar as amended by the revised plans number ***** and letter from ***** received on the *****.

REASON:

For the avoidance of doubt as to the development authorised since the proposal originally submitted has been amended during the course of its consideration.

5 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the ***.**

6 All hard and soft landscaping comprised in the approved landscaping scheme shall be carried out in accordance with a scheme of phasing to be agreed in writing by the local planning authority before development commences on the site. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

REASON:

To ensure a satisfactory landscaping setting for the development.

7 No work shall commence on site, including any site clearance works, until there has been submitted to and approved in writing by the local planning authority a scheme giving details of all retained trees and hedgerows on or overhanging the site together with details of their protection during the course of construction. The scheme shall include details of the method of protection and locations of the protective fencing. The protective fencing shall be maintained in accordance with these approved details during the course of the construction on the site.

REASON:

To ensure the retention of existing trees and hedgerows on the site in the interests of visual amenity.

8 Within the protective fencing around the retained trees and retained hedgerows there shall be no storage of equipment, materials or machinery; grounds levels shall not be altered and no excavation shall be carried out without the written agreement of the local planning authority.

REASON:

To ensure the adequate protection of the retained trees and hedgrows in the interests of visual amenity.

9 The detailed landscaping plans to be submitted shall include a 1/200 scale plan showing the position of any existing, retained and proposed trees and landscaped areas and of all existing and proposed pipes, drains, sewers, and public services, including gas, electricity, telephone, water and cable. Once approved there shall be no departure from these positions without the prior approval of the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order) no such runs or services shall be dug or laid into the ground subsequently without the prior written consent of the local planning authority.

REASON:

To ensure the retention of trees on the site in the interests of visual amenity.

10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON:

To ensure the proper management of the landscaped areas in the interests of visual amenity.

11 Prior to the commencement of any work on the site, including any site clearance works, a Reptile Mitigation Method Statement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with that approved method statement.

REASON:

To ensure the existing reptile population, which is protected

under the Wildlife & Countryside Act 1981 (as amended), is protected.

12 No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON:

To ensure a satisfactory landscaped setting for the development.

13 Before any temporary storage compound is placed, sited or constructed within the site, details of them, together with access routes to them, shall be submitted to and approved in writing by the local planning authority.

REASON:

To safeguard the character and amenities of the area.

14 The development shall make provision for open space, amenity areas and play areas in accordance with the former Kennet District Council's adopted guidance on 'Recreation Space, Public Open Space and Private Amenity Spaces in Residential Areas'. The plans shall define the boundaries and shall include details of the intended future uses of each area, in particular the user age groups of play areas together with the features and items of play equipment it is proposed to install.

REASON:

To ensure a satisfactory provision of different forms of open space throughout the development in the interests of the amenity of future residents.

15 Prior to the commencement of development a surface water management scheme for the site based on the sustainable drainage principles and assessment of the hydrological and hydrogeological context of the development set out in the FRA (Entec, October 2008), and including site designing for event exceedence, shall be submitted to an approved in writing by the

local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in accordance with the timescales set out in the submitted scheme. There shall be no infiltration of surface water drainage into the ground unless it has been demonstrated through appropriate risk assessments that there is no resultant unacceptable risk to controlled waters. The scheme shall also include details of how the scheme shall be maintained and managed after completion and over the lifetime of the development.

REASON:

To prevent the increased risk of flooding, to prevent pollution of controlled waters, to improve habitat and amenity and ensure future maintenance of the surface water drainage system.

16 Prior to the commencement of development impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority. The studies should determine the magnitude of any additional capacity required in the system and a suitable connection point. The necessary works required by the studies shall be completed in accordance with the timescales set out in the studies.

REASON:

To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

17 INFORMATIVE TO THE APPLICANT:

Thames Water have advised that they will aim to provide customers with a minimum pressure of 10 metres head (approximately 1 bar) and a flow rate of 9 litres per minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

18 Prior to the commencement of development a scheme for foul drainage provision shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON:

To ensure appropriate drainage for the site which does not cause pollution of controlled water.

19 Prior to the commencement of development full details of how sufficient on-site renewable energy will be provided to reduce CO2 emissions from energy use by users of the dwellings on the site by 10% shall be submitted to and approved in writing by the local planning authority. Those details shall include the phasing of the renewable energy provision and shall accord with the details set out in the 'Tidworth Housing - Sustainability Statement October 2008' submitted with the application. The development shall be carried out fully in accordance with those details.

REASON:

To ensure that the use of renewable energy is satisfactorily integrated into the development to assist in the reduction of CO2 emissions.

20 No external construction or demolition work shall be carried out before 0800 on weekdays and on Saturdays nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON:

To protect the living conditions of the occupiers of nearby houses.

21 Prior to the commencement of development a Water Management System, to include water efficiency measures and a water metering scheme, should be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plans.

REASON:

Water from the site is currently obtained from a single supply source of the Tidworth Borehole. The scheme will ensure a long understanding of the developments water usage on the source, reduce leakage and encourage water efficiency. The scheme is necessary in the interests of sustainable development, prudent use of natural resources and nature conservation.

22 Prior to the commencement of development a Construction Environmental Management Plan, incorporating pollution prevention measures and phasing, shall be submitted

to and approved in writing by the local planning authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON:

To prevent pollution of the water environment.

23 Prior to the commencement of development the finished floor levels of all buildings on the site shall be submitted to and agreed in writing by the local planning authority. The finished floor levels shall be set at least 600mm above the adjacent future design flood level (being that derived from the flow for a flood with a 1% annual probability increased by 20% as set out in table B.2 of PPS25. The development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and to reduce the risk of flooding to the proposed development and future occupants.

24 INFORMATIVE TO THE APPLICANT:

The applicant should note that the upper levels of the scale parameters provided in the amended Design and Access Statement may not be suitable when detailed building designs are being considered at the Reserved Matters stage. At that stage particular attention should be made to the ridge heights and gable depths of the buildings proposed.

25 INFORMATIVE TO APPLICANT

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency dated the 15th January 2009..

26 No development shall take place within the application site 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.

REASON:

To safeguard the site of archaeological interest.

27 No development shall take place until detailed schemes for the layout of the site accesses shown indicatively on drawings 23464-L28 Rev B, 23464-L-12 Rev A and 23464-L27, which for the avoidance of doubt shall include the necessary street lighting, highway drainage and having been safety audited have been submitted to an approved in writing by the local planning authority. The works shall be carried out in accordance with the scheme approved by condition 29.

REASON:

In the interests of highway safety and satisfactory servicing of the development.

28 No development shall take place until detailed schemes for the off-site highway works shown indicatively on drawings 23464-L26 and 23464-L41, including any traffic signal's processing software to link or optimise traffic signal installations, together with street lighting, highway drainage and having been safety audited have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the scheme approved by condition 29.

REASON:

In the interest of ensuring that the site accesses and off-site highway works are provided at the appropriate time.

29 No development shall commence until a comprehensive programme for the undertaking of the site access works and the off-site highway works, as agreed by conditions 27 and 28, has been submitted to and approved in writing by the local planning authority. All those approved works shall be provided and undertaken strictly in accordance with the approved programme or any changes as any subsequently have been agreed with the local planning authority.

REASON:

In the interests of ensuring that the site access and off-site highway works are provided at the appropriate time.

30 Prior to the commencement of development full details of the provision of pedestrian access from the site to St Mary's Church shall be submitted to and approved in writing by the

local planning authority. The details submitted shall include a timescale for the provision of the pedestrian access. The pedestrian access shall be provided in accordance with the approved details.

REASON:

To enable pedestrian access to be provided to this community building.

31 No development shall commence until a Travel Plan has been submitted to and approved in writing by the local planning authority. The travel plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the plan arising from those results.

REASON:

In the interests of road safety and reducing vehicular traffic to the development.

32 INFORMATIVE TO THE APPLICANT:

Prior to any works within the public highway starting a S278 Agreement(s) will be required by the highway authority.

1.c **E/2011/1157/FUL - 23 Stokke Common, Great Bedwyn, Marlborough, SN8 3LL - Demolition of Existing Covered Car Parking Area. Existing Single Storey Extensions to become Double Storey with an Additional Proposal to match Existing**

The following person spoke in favour of the proposal:

Ms Katie Nettleton, the agent

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that permission be refused. Attention was also drawn to the late observations.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from the agent in support of the application.

Members then heard the views of Cllr Stuart Wheeler, the local member, who supported the proposal.

After discussion,

Resolved:

To approve planning permission for the following reason:-

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to the appearance of the area and having regard to national Planning Policy Statement 5: Planning for the Historic Environment, Planning Policy Statement 7: Sustainable Development in Rural Areas and the following policies and proposals in the Kennet Local Plan 2011 namely: policy PD1.

Subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years of the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

2 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref: EL 01 Rev D, PL 02 Rev D, PL01 Rev C and EL02 Rev C all received on the 21st November 2011 and the Location Plan and Site Plan received on the 24th August 2011.

195. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.00 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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REPORT TO EASTERN AREA PLANNING COMMITTEE

Date of Meeting	15 December 2011
Application Number	E/11/0001/OUT
Site Address	Drummond Park, Ludgershall, SP11 9RT
Proposal	Outline Planning Application for the redevelopment of the site for a phased residential development (Class C3) with primary access from A342 and matters relating to layout, scale, appearance, internal access and landscaping reserved.
Applicant	Zog Brownfield Ventures Ltd
Town/Parish Council	LUDGERSHALL
Grid Ref	425723 150882
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

The application is before the Committee at the request of the local division member, Cllr Williams, and because it is a significant development on un-allocated land.

1. Purpose of Report

To consider the recommendation that the application be approved subject to a planning obligation and conditions.

2. Report Summary

The main issues in this case are, firstly, the principle of residential development at this site; and then assuming the principle is accepted the impact of the specific proposal on the following matters:

- Visual amenity;
- Highway safety;
- Affordable housing provision;
- Public open space;
- Infrastructure provision;
- Ecology;
- Residential amenity.

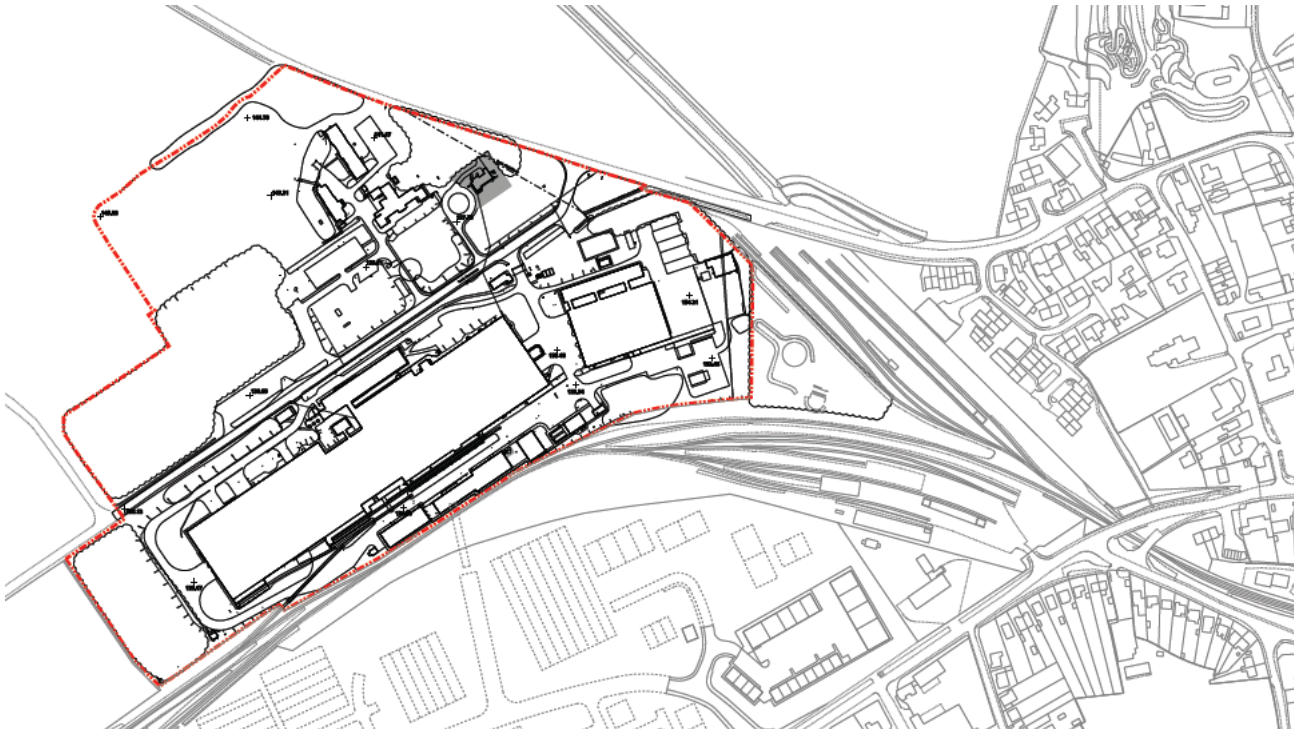
The application has generated 47 letters of objection (including from Ludgershall Town Council) and 58 letters of support. A petition in support has raised 57 signatures.

3. Site Description

The 13.4 ha application site lies on the west side of Ludgershall. The larger part of the site is occupied by former military storage buildings and related offices and residential accommodation, now vacant, and reasonably described as 'brownfield'. The remainder of the site comprises open green spaces and some woodland. An existing 'tank road' passes through the centre of the site from east to west. Within the site is a house (Ludgershall House) in separate ownership. Access to the site is via the tank road from the A342 (to the north side of the site). Ground level rises gently from south-east to north-west.

Immediately to the south-east side of the site is a military railway line. Beyond this railway line is the Castledown Business Park which remains largely un-developed at this time. To the east of the site are railway sidings. Beyond these are the western 'suburbs' of Ludgershall. To the north and west sides of the site is open countryside.

In planning policy terms the larger part of the site lies within the Limits of Development of Ludgershall as defined in the Kennet Local Plan 2011. One relatively small area of the site (to the west side of the existing buildings) lies outside the limits in open countryside. Part of this small area is also within an Area of High Ecological Value.



Site Location Plan – between the railway line and A342

4. Planning History

K/52303/F Change of use from military use to B1, B2 and B8 uses under the Town and Country Planning (Use Classes) Order 1987, as amended – withdrawn.

K/52861/F Change of use from military use to B1, B2 and B8 uses – withdrawn.

5. The Proposal

The application is for outline planning permission to re-develop the site for residential purposes (450 to 475 units) with associated open spaces, landscaping and access. All matters except external access are reserved. External access is to be via a new roundabout junction from the A342 (approximately in the position of the existing tank road 'T'-junction).

Although all others matters are reserved (layout, scale, appearance, internal access and landscaping), the application is supported by statements and master plans which illustrate the broad approach to development. These show the new houses to be located in two areas, either side of the tank road. Open spaces are illustrated within and at the edges of the residential areas, most notably a large informal green space on that part of the site outside of the limits of development, and further linear open spaces either side of the tank road and beside the A342. Housing densities are indicated to range between 45-50 dwellings per hectare (on the south-eastern 'built-up' side of the site), and 30-40 dph adjacent to the countryside.

The Design and Access Statement which accompanies the application refers to access to the development via the new A342 roundabout junction. It also suggests where future access points could be achieved (across the railway line or via the tank road to the south-west). However, these do not form part of the application.

Building heights are indicated to be predominantly 2-2.5 storeys, reducing to 2 storeys at the western edge of the site.

The application has been amended during its processing. Most notably the number of units has been reduced from 500 to 450-475, and the indicated 'built' footprint of the development has reduced to exclude land outside of the limits of development. This excluded land is now proposed to be kept open and used for informal recreation and natural conservation. Additionally, a roundabout junction is now proposed with the A342.



Indicative Layout Plan

The application is accompanied by various reports and documents including a Planning Statement, Design and Access Statement, Landscape & Visual Appraisal, Landscape Design Statement, Arboricultural Survey, Archaeological Evaluation, Habitat Regulations Assessment for Salisbury Plain, Addendum to Ecological Assessment (Assessment of Impacts on Local Designated Sites), Barbastelle Bats Impact Assessment Report, Preliminary Geo-Environmental Assessment, Energy Feasibility Study, Transport Assessment, Housing Strategy, Housing Demand Statement, Flood Risk Assessment, Employment Report, Utilities Appraisal, Sustainability Statement, and Statement of Community Involvement.

All reports and documents can be viewed on the working file or via Planning Explorer. The conclusion to the Planning Statement makes the following points:

- *The site is a brownfield site, containing redundant former MoD warehouse buildings. It has been demonstrated that the site is not suitable for continued employment use or an employment led development and that there is sufficient capacity to deliver this function within the existing allocated employment sites, namely Castledown Business Park.*

- *The site predominantly lies within the Ludgershall limits of development and lies on the edge of the town centre. The entire site has been identified in the emerging Core Strategy and Strategic Sites Background Paper as a preferred housing site.*
- *In Tidworth and Ludgershall, the emerging Core Strategy seeks to provide up to 1,700 new homes over the period 2006 to 2026, of which approximately 11% have already been built and a further 19% are committed and deliverable. The Drummond Park site is further identified as a preferred option for a residential development, due to its good location for access to employment (Castledown Business Park) and educational facilities (Wellington Academy) within the town.*
- *Whilst the emerging policy seeks to focus new residential development on urban sites, it recognises that in order to meet anticipated demand in the medium to long term housing will need to be provided on edge-of-centre sites.*
- *A key objective of the emerging Core Strategy is creating a more balanced and sustainable community in Ludgershall. It is anticipated that the number of MoD personnel will increase within the community and if a better balance between military and civilian personnel is to be achieved, a significant amount of development needs to be directed to the area.*
- *Further to the above objective, the emerging Core Strategy notes a better range of housing and employment opportunities will lead to a more sustainable and integrated community, with the release of surplus MoD land, which will provide the opportunity to deliver future development on previously developed land.*
- *The Masterplan proposes a residential development capable of providing between [450 and 475] units across the site. The Masterplan facilitates the creation of housing which respects the views and context of the surrounding landscape while maximising the potential opportunities of this rural setting.*
- *The indicative landscape strategy proposes a green network that meanders around the edges of the site creating a sensitive buffer in particular along the north and western boundary; this can offer an exciting journey connecting open space, play and tree planting while protecting views into the site from the north and west.*
- *The Masterplan has been prepared with the objective of reduced dependence on travel by private car. A package of local transport improvements has been identified, to both mitigate the impact of the development and to act as an incentive to promote sustainable modes rather than to increase their capacity.*
- *An ecology mitigation/management plan will be put in place to ensure that the identified habitats and species are protected.*
- *All new homes will be designed to achieve Code for Sustainable Homes Level 3 and incorporate a number of measures to reduce carbon emissions.*

6. Planning Policy

Kennet Local Plan 2011 – policies PD1, HC1, HC5, HC26, HC28, HC30, HC34, HC37, HC42, HC43, AT10, NR6 & NR7;

Wiltshire & Swindon Structure Plan 2016 – Policy DP4;

PPG's/PPS's – 1, 3, 4, 7, 9, 13, 17, 19, 22, 24 & 25. Ministerial Statement on Planning for Growth

7. Consultations

Ludgershall Town Council: objects for the following reasons –

The Transport Assessment for this application is totally unacceptable due to –

- Only one egress/ingress to proposed new development from A342. TC propose this junction should be a roundabout as most vehicular movements leaving the development would be turning right joining the busy A342 travelling through the town towards Andover;
- The tight bend on the A342 in Butt Street/Castle Street will be problematic with increased traffic through the conservation area of the town;
- War Memorial junction at A342/A3026 – all three options listed are totally rejected as it will adversely impact on Ludgershall Town and existing business premises. Traffic lights at this junction will cause excessive traffic build up at peak periods and prevent emergency vehicles especially the fire engine, with the fire station situated in Castle Street, from exiting the town;
- It is also noted that the proposed pedestrian access over the live MoD railway line to the A3026 and Wellington Academy will probably be denied as there is no existing right of way.

The developer needs to negotiate with the MoD to either allow:

- Vehicular access over the railway line through the business part to the traffic lights on A3026;
- Remove the covenant on the sale deeds to allow the existing military road to be upgraded along the entire length (A342 to A3026) thus allowing egress/ingress for all traffic at Brimstone Bottom junction with A3026. This option would allow two points of egress/ingress on to the proposed development.

Either of these two options would reduce vehicular movements through the tight bend mentioned above and situated with the conservation area boundary.

Finally, the TC feels that this application needs to be looked at strategically with other possible developments in the town at Granby Gardens and Empress Way and to include the NEQ development at Tidworth, and they want funding for a generic highways scheme to be deposited with WC for a lengthy time period.

Further comments from TC relating to amended plans –

Foul waste water removal: TC has concerns regarding the removal of foul waste water. Pipework is of unsuitable size for the removal of waste from a development of this size, and requires a complete appraisal and study of the network.

With the additional housing being a considerable strain on local infrastructure the facilities such as pre-school, dental practice and health practice within Ludgershall should be consulted and if necessary S106 money made available to upgrade these facilities.

Wiltshire Council Spatial Planning Team:

The key strategic issues are:

- i. Loss of employment land;
- ii. Release of land outside of the limits of development and ensuring that the proposed development does not compromise the longer term development potential of Ludgershall.

Loss of employment land - Recent consultations, including the work carried out by the consultants for the application, have shown that there remain some ambitions within the community, particularly from the local Chamber of Commerce, for employment use as part of the site. However, the application is accompanied by an Employment Report prepared by GVA Grimley which concludes that this ambition is neither commercially viable nor consistent with the allocation of employment land at Castledown, a neighbouring site. The key findings of the report have similar conclusions to the Wiltshire Workspace and Employment Land Strategy (WWELS) in terms of the employment prospects for Ludgershall.

The Council's own Employment Land Report (2008) and up to date monitoring confirms that only Phase 1 of the Castledown site has been completed and there remains up to 12ha that could be developed. The requirements of planning policy, particularly those of Planning Policy Statement 4 (PPS4) Policy EC2 and Policy ED7 of the (KLP), have therefore been met in regard to employment use on the site.

Release of land outside limits of development and the long term needs of Ludgershall - The Council is seeking to ensure plan led development within Wiltshire. As such under normal circumstances any site proposed within the emerging Core Strategy should not be considered favourably until the plan has been adopted. However, it is recognised that the site has a number of merits in terms of existing planning policy.

The key issue of housing land supply is addressed in the Wiltshire Council Annual Monitoring Report (2010). This report confirms that the annual structure plan target for the former Kennet District area has been exceeded. The monitoring report does note that there has been a reduction in the rate of delivery, but identifies that there are enough housing sites to continue to exceed the annualised Structure Plan target through to the end of the plan period. Nevertheless, Policy DP3 of the Structure Plan is clear that priority should be accorded to previously developed land. It continues by making it clear that '...development of such land in sustainable locations should not be inhibited solely on the grounds that the housing land requirement is met on other sites.'

Ludgershall is identified as playing a secondary role as larger village within the KLP and is identified as local service centre in Policy DP3 of the Wiltshire and Swindon Structure Plan (Structure Plan) 2016. The KLP considered that "these settlements should play a lesser role in locating new housing development. That is not to say that housing would be inappropriate in these locations; it should be a matter of appropriate scale and appropriate location." (KLP, para. 1.15). Despite housing delivery across east Wiltshire being in line with Plan targets, sites in Tidworth and Ludgershall have struggled to deliver new homes. Local plan allocations at North East Quadrant (north east Tidworth) and Granby Gardens (south Ludgershall) have as yet not delivered new housing in these settlements even though there are current permissions on both sites. These sites are scheduled to deliver 600 and 120 homes respectively and benefits to Ludgershall from these sites have not been realised. The long term viability of these sites is not questioned, but in the short term complimentary development may encourage their delivery.

National Policy in the form of Planning Policy Statement 3 (PPS3) encourages the use of sites that are currently allocated for industrial and commercial use, particularly public sector PDL, for residential development where it is felt that the current land uses are not viable (PPS3 Para44). Policy DP9 of the Structure Plan also makes it clear that development on well located PDL should be encouraged within or adjacent to settlements. The site is well related to a range of services, employment and sustainable transport options including public transport, cycling networks and walking access to Ludgershall town centre.

The emerging Wiltshire Core Strategy recognises the need to seek a greater balance within the military and civilian population in the Tidworth and Ludgershall area. This is consistent with a long standing policy that is reflected in existing development plan (KLP). The proposed distribution of some 1,750 dwellings within the emerging Core Strategy to the settlements of Tidworth and Ludgershall, should enable these settlements to develop their complimentary roles, and to encourage a more integrated and sustainable community. This level of growth has generally been supported through earlier consultations with the local community. The masterplan accompanying the application outlines up to 450 – 475 dwellings can be achieved on the site with an average density of approximately 41 dwellings per hectare. The number of houses in the application could contribute towards meeting the level of growth proposed to be delivered within the emerging Core Strategy.

The revised masterplan demonstrates that the part of the site that lies outside of the boundary will be greenspace to compliment the housing that lies within the settlement boundary. The site that has been identified within the Wiltshire Core Strategy consultation document includes land to the

west of the application site and land on the other side of the A342. Best Practice and Guidance on site assembly for LDF documents shows that multiple-ownership should not be considered a barrier to site selection, particularly if this enables the efficient and effective use of land. The site that was developed as part the option for Wiltshire Core Strategy includes a substantial section to the west of the application site, and also includes the section of the application site to the north that is outside of the Ludgershall boundary currently part of this application. The part of the extended site to the west offers direct access to the nearby school and in the long term may also offer better opportunities to provide access to Castledown Business Park and a secondary access to the development. The extended site could also offer the opportunity to a deliver over and above the 450 - 475 homes currently proposed. It is important that full consideration is given to the need to ensure that the longer term planning of the town is not compromised. How the development of the application site could link with the wider potential area for development should be an important consideration including potential links via the sidings area currently in MoD ownership to the east.

Conclusions - It is considered that the overall principle of delivering 450 - 475 homes on a previously developed site at Ludgershall is in accordance with both current and emerging local planning policy. In particular the policy teams recognises that the revised masterplan for the site shows that housing on the site will take place within the defined settlement boundary and that parts of the site outside the boundary will be greenspace to complement the development.

This development could potentially form a significant contribution to the proposed housing in the area and will resolve a contaminated site that has been redundant for some time and has now become completely derelict. The site is well related to the existing facilities and employment at Ludgershall and provided the right scheme materialises should provide significant benefits to the area by providing new housing in an area where local plan sites have not come forwarded in a timely manner.

No strategic objection.

Wiltshire Council Highways: The Transport Assessment is accepted and its conclusions in respect of traffic generation and highway capacity are agreed. The junction of the site access with A342 will have adequate capacity as a simple priority junction but I note the Town Council's wish for it to be a roundabout. Provision of a roundabout at this location will be a benefit as it will act as a traffic calming feature at the entry to the town.

As the development will, in effect, extend the urban area, the speed limit and street lighting will need to be extended to a point to the west of the site access. Improvements to the existing lighting on Butt Street and Castle Street will also be required.

The junction at the war memorial is also an issue. The Transport Assessment identifies that there will be capacity problems at this junction in the future. None of the alternatives proposed are acceptable to the Town Council and I also understand that there may well be planning objections to the provision of traffic signals within the conservation area. I estimate the cost of the traffic signal scheme to be about £250,000 and I would suggest that the applicant be requested to provide this as a contribution in lieu of the works.

The Town Council has also raised the issue of the use of the MoD road which links the site to the Tidworth road. I agree with the view of the TC that the developer should have further negotiations with MoD with the view to allowing general use, and possible upgrading, of this road as this would give a shorter route from the development site to Tidworth and relieve pressure on the town centre. It would also enable a bus service to be provided to the development by diverting an existing service if the operator so wished.

The Transport Assessment and the related Travel Plan make reference to the existing bus services serving Ludgershall and providing links for non-car journeys. Because of the current financial pressures on bus service provision there is a strong possibility that some existing services will be cut back or even withdrawn. Whilst the development will, in time, lead to greater use of the services

there is a need to try and ensure that services can be maintained in the interim. A contribution of £50,000 per year for three years towards bus revenue support is therefore required.

Subject to the applicant entering into a legal agreement to secure the following matters there is no highway objection to this application.

- A contribution of £250,000 for future highway improvements in the Ludgershall area
- Extension and improvement of the street lighting on Butt Street and Castle Street.
- A contribution of £50,000 per year for three years for bus revenue support for local services

Wiltshire Council Environmental Health: Castledown Business Park to the south of the site is approved for Class B1, B2 and B8 uses. There are potential concerns relating to noise, odour, dust and air pollution. Some loss of amenity may be expected and this should be taken into account at the detailed design stage. It would be advisable to consider a barrier between the site and business park, or a thoughtful design, to minimise the potential effect on both occupiers of the new houses and occupiers of the business park.

The preliminary geo-environmental assessment has highlighted the presence of several potentially contaminative processes at the site. As such a full assessment of contamination will be required, and a condition is recommended accordingly.

Wiltshire Council Housing Officer: No objection. 25% of the units will be affordable, and this is considered acceptable in the light of other obligations. This percentage equates to 119 units, of which 67 will be 'affordable rent', 28 will be 'intermediate – shared ownership', and 24 will be 'intermediate – "first buy"'.

Wiltshire Council Landscape Consultant: The landform exhibits a north west to south east fall, which restricts views of the site from the countryside, and relates the site to Ludgershall. The site is further contained by mature vegetation on the eastern and western sides, with more fragmented tree cover to the north and close to the site entrance from the A342. To the south deciduous tree cover along the route of the railway filters views from the industrial park to the south.

The site is bisected by a wide, north east to south west road. To the north, the land rises gently, and contains the existing residential component of the site, as well as significant open space areas and a mixed species woodland block towards the western end. To the south on the lower, and flatter, part of the site, large redundant warehouse/industrial buildings and hardstandings border the railway sidings.

Landscape and Visual Assessment – The LVIA accompanying the application concludes no significant negative impacts on surrounding designated landscapes (AONB and SLA). There are no significant impacts on the historic environment, SAMs or listed buildings.

The amended master plan addresses initial concerns relating to the number of dwellings, the access road alignment, tree retention, building heights and open space provision.

Wiltshire Council Open Space: In new residential developments of 20 or more dwelling units, recreational open space will be required to be provided on the basis of 2.43 ha/1,000 people, comprising Equipped Play Space (0.31 ha/1,000 people), Casual Play Space (0.41/1,000 people), and Formal Sports Pitches (1.71ha/1,000 people).

The Landscape Design Statement and masterplan state that some 3,720 sq m of equipped play space (1 x LEAP; 4 x LAP's; and 1 x LLAP) and 5,000 sq m of casual play space would be provided on-site. This adequately meets the policy requirement for such recreation provision. Prior to occupation of any phase of the development the areas must be fully laid out, equipped and ready for use. It is understood that the areas will be kept and maintained by the developer. Any

subsequent request for the areas to be adopted by WC would require payment of maintenance sums to WC.

Some 5,000 sq m of additional open amenity land would also be provided which is also acceptable.

There is no formal sports pitch provision as this is adequately catered for in existing spaces within 15 minutes walking distance of the site (most notably at Wellington Academy).

Wiltshire Council Education: There is insufficient capacity at schools within the catchment area to accommodate all children generated by the proposed development. In view of this financial contributions will be required to fund expansions at the schools.

There is insufficient capacity at pre-schools within the catchment area. A financial contribution is also sought to address this.

County Archaeologist: Recommends condition requiring programme of archaeological investigation.

County Ecologist:

Salisbury Plain Special Protection Area (SPA) - The application includes a Habitats Regulations Assessment of potential impacts of the development on the nearby Salisbury Plain SPA, which deals specifically with potential for increased recreational disturbance on breeding stone curlew. The assessment has considered the effect of disturbance on 25 known, specially maintained stone curlew plots within the boundary of the SPA by modelling the number of additional visits to the plain based on data generated by Liley et al (2007). This assessment predicted an additional 1.53 visits per day to three of these plots, which was considered to be insignificant. An 'in combination' assessment has also considered the effect of a further 700 houses proposed for the Tidworth/Ludgershall area; this could not rule out significant impacts upon the SPA. Mitigation is therefore proposed to reduce recreational pressure on the SPA by providing 2 ha of green space within the development site itself as a 'Suitable Area of Alternative Natural Green Space' (SANGS).

It has been established that the proposed development could have likely significant effects upon the SPA, and so Wiltshire Council as a competent authority must carry out an 'appropriate assessment' in accordance with Regulation 61 of the Habitats Regulations (2010). Ideally this would involve accepting and formally adopting the conclusions of the submitted assessment; however, unfortunately this is not possible for the following reasons:

- Stone Curlew Breeding Sites – there are other sites outside of the maintained plots/SPA which have not been considered.
- Limitations of the data - The data used is constrained by the time of year and methodology used to estimate visitor numbers. The report acknowledges this. In order to overcome this minimum constraint it would be necessary to apply a precautionary approach to the assessment, which does not appear to have happened.
- In-combination assessment – The work by Liley et al indicates that the visitor catchment for Salisbury Plain is 15km with 89% of visitors from within the area. The latest projections for the emerging core strategy indicate that an additional 20,000 dwellings will be built within this area during the plan period, and so an in combination assessment would need to consider this level of impact, and then propose to deliver a proportionate level of mitigation for the development itself.
- Mitigation measures – The proposed provision of 2 ha of SANGS within the development would be unlikely to be effective in reducing recreational pressure on Salisbury Plain.

In light of this, the most effective and efficient solution would be to secure alternative mitigation measures with a better chance of success. WC is currently in discussions with Natural England, MoD and the RSPB about a strategic approach to delivering cost effective and successful mitigation for all development in the visitor catchment area to ensure this is Habitats Regulations

Compliant. A modest developer financial contribution secured through a S106 agreement is justified, where this would deliver a small proportion of future management

River Avon Special Area of Conservation (SAC) - Veolia Water have confirmed that it will be feasible to upgrade the Tidworth STW to accept the additional sewage discharge flows from the development, and it is understood the Environment Agency (EA) has confirmed that this could be delivered without any increase in nutrient loading in the Hampshire Avon SAC catchment. I am satisfied that in principle the development could be delivered without adverse effects upon the integrity of the SAC; protection would be secured through developer contributions to provide the necessary infrastructure upgrades, and the EA's application of the Environmental Permitting Regulations to monitor and control any likely significant effects. It is not necessary for the Council to carry out a detailed appropriate assessment of any potentially adverse effects from sewage discharges as this will be carried out by the EA as part of the permitting process; Regulation 65 of the Habitats Regulations allows the Council to adopt this approach where more than one competent authority is responsible for assessing the effects of a project.

Non-statutory sites – The Heaven's Corner/Heron Copse CWS to the west of the site shows significant signs of vehicle, bicycle and pedestrian access which is likely to increase with the development; however, this is a beech woodland with limited ground flora and has well established tracks which should be sufficiently robust to accommodate an increase in recreational use. Windmill Down Hill and Pickpit Hill CWS's comprise sensitive calcareous grassland habitats; however the tracks in this area are well defined and well used, while there is little evidence of informal access. Therefore if recreational patterns continue most pedestrian/cyclist pedestrian pressure should be accommodated by the track network.

The provision of the 2 ha area of green space may help to absorb some of the 'doorstep' recreational pressures which would otherwise be likely to affect sites such as these. Overall, given the good existing pedestrian/cycle infrastructure and the accommodation of an area of recreational space within the site, pressures on the local CWS's should be minimal.

Grassland – Grassland habitats within the proposed area of open space are of a general neutral character and relatively species-poor. ... Nonetheless there may be opportunities to carry out habitat enhancements in that area as part of an Ecological Management Plan.

Bats – It should be possible to retain a length of woodland edge habitat through the site and enhance for bats through landscaping and maintenance. If this strategy is combined with a sensitive design layout, landscape plan and lighting scheme (to be addressed at the detailed design stage) then I am satisfied that in principle the majority of impacts upon commuting/foraging bats could be avoided.

Reptiles – Small populations of slow worms and grass snake have been recorded within the site. An outline mitigation strategy is included in the ecological assessment which would have translocated the reptiles to an offsite receptor; however given the inclusion of the proposed area of open space in the north of the site, it should now be possible to retain these populations onsite, subject to enhancement.

Design – Support the principle of the green open space in the north west, and retention/enhancement of the tree line running through the site east-west and the woodland edge. Layout will need to be carefully designed to ensure these areas work for both wildlife and residents of the new development.

Details such as habitat creation, planting, and protected species mitigation measures, can be secured at reserved matters stage, although these should be informed and accompanied by appropriate survey work. A Construction Environmental Management Plan and Ecological Management Plan will be required as conditions.

Environment Agency: Recommends conditions relating to foul drainage, surface water drainage, construction management, water efficiency, waste management, contamination and green infrastructure.

Natural England: Welcome most of the amendments to the application, which address several of our concerns. However, there remain a number of substantive concerns.

Para 5.1 of the Habitats Regulations Assessment for the development, states:

It is considered that as a stand-alone development the Drummond Park proposals are unlikely to have a significant impact on features for which the Salisbury Plain site is designated (namely stone curlew). The proposals will have no direct impact on Salisbury Plain, and the assessment concludes that whilst there is likely to be a small increase in visits to Salisbury Plain that the likely increase in disturbance to stone curlew would not be significant. Taken in combination with developments proposed in the wider area, however, it cannot be certain that increased residential pressure, especially from dog walkers, would not have a significant impact on breeding stone curlew. As such provision and enhancement of an area of open space on site as a SANG is proposed.

We agree with this analysis, but while we welcome the “*provision and enhancement of an area of open space on site*”, its provision does not allow us to conclude that, in combination with developments proposed in the wider area, it can be certain that increased residential pressure, especially from dog walkers, would not have a significant impact on breeding stone curlew. This is not least in part because it is very hard to know what the impact on recreational behaviour will be by providing this kind open space.

We recognise that demonstrating the absence of impact, in this type of case, is difficult. However, in a recent development we judged that a one off S106 contribution to a project focussed on enhancing the stone curlew population would ensure that the development would be Habitats Regulations Assessment compliant. In our judgement, the same per dwelling contribution would allow this development to meet the requirements to the Habitats Regulations Assessment. ... In the absence of such a contribution we advise that the development does not meet the requirements of the Habitats Regulations.

[NB – the Applicant has agreed to make a financial contribution to address this objection].

The second area of concern is that it is unclear what the width of the buffer around the eastern edge of the development. At a meeting with the developers, a buffer width of 15m was informally agreed. It is difficult to scale off the masterplan, but we would want confirmation that the buffer would be at least this wide. This is primarily for landscape purposes, but also to provide good bird nesting habitat, and a “green” movement corridor for people, to effectively extend the Public Open Space. In this respect the original masterplan appeared better than the new one.

Thirdly, we note that in P21 of the Landscape design statement the choice of species in the “Soft Materials Palette” is neither based on any biodiversity or local landscape character considerations. This is a significant omission, which we fear will lead to the development being very generic. This should be reconsidered, with these two considerations being given a high priority in considering what species to plant. In particular, native trees should be planted which will reach the size (height and canopy extent) of trees in the countryside locally. This will reduce the visual impact of the development from all directions including from within the site.

Issues such as bird and bat box provision, management of the Public Open Space, and the management of trees on site will need to be addressed at some stage. While it may be more appropriate to detail these at reserved matters stage, we would wish these issues to be flagged as needing addressing.

As per our previous response, whilst we appreciate there is no local policy with respect to allotment provision, it is disappointing that the development does not consider any provision, and urge the council to consider allotment provision – whether this development will increase any unmet demand for further provision, and if so whether this development can and should provide for this.

RSPB: The RSPB considers that there is insufficient information provided in the Ecological Assessment for the Council to conclude a decision. Specifically, we refer to the lack of information provided regarding the potential impacts on the Salisbury Plain Special Protection Area (SPA), specifically, the stone curlew, a designated interest feature. The application site is within 2.5km of the SPA.

Our primary concern is the potential increase in recreational use of the SPA that developing this land for housing may create. Being a highly attractive and accessible open area, Salisbury Plain is already used by many people for informal recreation. Further housing development is likely to increase recreational demand in this area, this increased recreational activity has the potential to impact on stone curlews.

Salisbury Plain is designated as a Specially Protected Area (SPA) for bird species of European conservation concern, including the stone curlew. Stone-curlews have been shown to be very susceptible to disturbance, particularly from walkers with dogs, with the effect being a decrease in breeding success. If recreational use increases, mitigation measures may be required to ensure that the SPA is not detrimentally affected.

Regulation 61 of the Habitats Regulations requires the competent authority (WC in this instance) to determine likely significant effect, and if necessary, carry out an appropriate assessment of the implications. To meet the Habitats Regulations requirements, assessment of likely significant effect no stone curlew must be carried out with regard to the current stone-curlew population and distribution, and in combination with other plans and/or projects, including the Council's latest housing allocations.

Once the extent and intensity of these impacts are assessed any suitable mitigation measures can then be identified. To carry out the AA it will be necessary to obtain adequate information of the nature of existing recreational use of the SPA, such as jogging and dog walking activities, and produce a projection of the potential change in demand arising from additional households. The RSPB can further advise.

Urban bird species – We welcome the recommendation that consideration be given to installing/building in, nesting/roosting features for birds in the Ecological Assessment. A number of urban bird species (e.g. swifts and sparrows) rely on the provision of artificial nest sites due to the lack of nesting opportunities in modern building design. We suggest that in order to fully meet the enhancement measures for biodiversity under PPS9 provision of such features are made within the built fabric of the development.

Wessex Water: Wessex Water supplies potable water to customers in Ludgershall. Veolia provides sewage services in the area and supplies potable water to communities south west of Ludgershall.

There is a Wessex Water 200mm diameter distribution main adjacent to the site in the A342. This main has sufficient capacity available to service the development, subject to minor improvements at the upstream valve complex.

Veolia Water: Confirm that the waste water network can receive the foul sewerage volumes expected from the proposed development. ... Further detailed studies are being undertaken in relation to the expected loads and treatment options at Tidworth STW. This is to ensure that Veolia meets the EA's requirement for the treatment of nitrate and its reduction.

Wiltshire Police: no objection.

North Wessex Downs AONB: The North Wessex Downs AONB support the reduced development in the north west of the site centred only on the developed part of the site, as defined within the adopted Kennet Local Plan.

Particular care still needs to be taken over building heights and street lighting to the north of the site to ensure the development and its new access is not prominent from the AONB even if this additional landscaping and retained area of open countryside to the north-west of the site is secured.

CPRE: We object strongly to this outline application, principally on grounds of its inadequate provision for affordable housing.

Paragraphs 1.4 and 1.5 of the Housing Demand Study assert that a level of employment creation well above the south-east (sic) average exists in the area, yet this employment tends to be lower paid than the study average. It concludes from this that there is a demand for “intermediate” housing.

Much of the discussion in the Housing Strategy document conducts the argument for forecast need for affordable housing principally against the market in Andover and the Test Valley. Though the Planning Statement does acknowledge (paras 3.5.2 and 5.2.15) that the current Kennet Local Plan seeks (saved policy HC30) 30% subsidised affordable housing and 20% low-cost housing, the offer in Appendix B of the Housing Strategy document is for 80% open market housing and 20% affordable housing. Within that affordable 20%, the offer is zero social housing and 20% “intermediate” housing. We believe the housing offer should meet the target set out in the Kennet Local Plan.

Tidworth Community Area Transport Group: The main concern of the TCATG relates to the lack of detail concerning proposals for the Memorial junction (where the A342 meets the A3026). We are aware that there are suggestions of priority being given to the A342, a roundabout or variations on traffic light solutions.

The group has concluded that it would have been appropriate for this scheme to be looked at strategically with other potential developments (ie Granby Gardens and Empress Way) so that a contribution could have been made towards a by-pass for the town. Contributions for infrastructure within Community Areas is I believe the way things are going and this could, or should, be the first in the Tidworth Community to be considered in this way. However, as this appears not to be the way forward on this application, the Group has concluded that the developer should be requested to make a financial contribution equivalent to the most expensive solution it has suggested for the memorial junction for the purpose of providing a highway solution for Ludgershall. Moreover, the money should be set aside for any highway improvement that would relieve traffic movements at the Memorial junction and the Butt Street/Castle Street conservation area.

8. Publicity

The application has been publicised by way of neighbour letters, site notices and a press advert.

The publicity has generated 46 letters of objection and 58 letters of support. A petition in support with 57 signatures has also been submitted.

The objections are summarised as follows:

- Infrastructure – there is not adequate infrastructure (including employment) within the town to support the development. In particular, doctors, school places, play parks. Inadequate footpaths/footways from the site to the town centre. The pre-school is at full capacity.
- Employment land – proposal does not include an element of employment land.

- Failure to consider alternative sites – proposal does not consider other better opportunities for windfall development in Ludgershall. Site should be considered with all other sites via LDF process – premature at this time.
- Housing land supply – there is presently not a housing land supply shortage in this part of Wiltshire.
- Traffic generation – Vehicles generated by the development (perhaps 1,000 in number) will cause congestion on the A342 and within the town centre, and add to danger of the Butt Street bend. Access should be provided direct to the A3026 (for both vehicles and pedestrians, including children attending Wellington Academy). A roundabout should be provided at the junction with the A342. Either way, there should be two accesses to the site. Footpaths/cycleways should be provided/improved. Comprehensive transport plan for Ludgershall is required. Pollution/noise from traffic. Speed limit will need to be moved.
- Memorial junction – this is the centre of Ludgershall. Any alterations to this junction, including moving the war memorial, would adversely impact on the character of this part of the town. It would be disrespectful to move the war memorial in the interests of traffic flow. Traffic lights and related signage would add to existing clutter and detract from the conservation area. Traffic lights will cause congestion.
- Impact on wildlife – site includes areas of woodland and open land. Proposal would result in loss of habitats for wild birds, and potential habitats of reptiles. Proposal would also result in more people accessing Salisbury Plain for recreation with resulting impact on wildlife.
- Tree loss – proposal includes removal of amenity trees.

The support is summarised as follows:

- Housing is needed in Ludgershall, including affordable housing.
- More public open spaces are supported.
- Site is presently disused and an eyesore.
- Wellington Academy welcomes the opportunity to accommodate more students, assuming there is support to increase places.
- Development will trigger New Homes Bonus for WC.
- S106 agreement has the potential to provide for the local community.
- Design will be respectful to local environment and sustainability.

The reasons for the petition are as follows:

- Support for new affordable housing.
- Support for re-development of an abandoned and dangerous site.
- Support for investment in Ludgershall.

9. Planning Considerations

The main issues for consideration in this case are, firstly, the principle of new development on the site; and then, assuming the principle is accepted, the impact of the specific proposal on visual amenity, highway safety, local infrastructure (including school places, community facilities and other services), affordable housing provision, ecological interests, and residential amenity.

9.1 Principle of development

The larger part of the site comprises a former military base where storage and distribution of medical supplies once took place with some related office and residential accommodation. The base has been redundant for a number of years, although all buildings remain. For the purposes of planning the site is 'brownfield'.

In policy terms the site presently has no particular designation in the adopted Kennet Local Plan. The larger part of the site lies within the 'limits of development' of Ludgershall as defined in the Plan. Within the limits of development, in principle, planning permission for new housing on previously developed land not defined for other purposes will be permitted provided:-

- a) the scale of the proposal reflects the scale and character of the settlement in accordance with Policy PD1;
- b) the proposal does not conflict with other policies of the plan which seek to protect local services, amenity and employment;
- c) the site is well related to a range of services (including shops, education and health) and jobs;
and
- d) there is easy access to the public transport, cycle and footpath networks.

The proposal complies with these requirements as a matter of principle. The reasons for compliance with criteria a) to d) are explained later in the report. That part of the site which is outside the limits of development would be retained as open land, albeit used for informal recreation and nature conservation purposes. This is also acceptable, and explained later in the report.

The Wiltshire Core Strategy consultation draft identifies the site and some adjoining land as a housing site for 550 dwellings. However, as the Core Strategy is at a very early stage in the development plan process little, if any, weight can be attached to it.

9.2 'Brownfield' land

As is evident, the proposal is to re-develop the site principally for residential purposes. Central Government guidance set out in PPS1 advises that local planning authorities should seek to –

“Promote the more efficient use of land through higher density, mixed use development and **the use of suitably located previously developed land and buildings**. Planning should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land”.

And PPS3 further states that –

“In support of its objective of creating mixed and sustainable communities, the Government’s policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment, and include consideration of the opportunity for housing provision on surplus public sector land (including land owned by Central Government and its bodies or Local Authorities) to create mixed use developments. **The priority for development should be previously developed land, in particular vacant and derelict sites and buildings**”.

The proposal, involving re-use of a ‘brownfield’ site (or previously developed land), complies with this underpinning principle of sustainable development.

9.3 Loss of employment land and residential re-use only

The existing site is occupied by a mixture of storage buildings and related offices, with some limited incidental residential uses. Policy ED7 of the Local Plan seeks to ensure that employment opportunities in the settlements are retained where the site is suitable. The relevant part of the policy states the following:

“Elsewhere within the Limits of Development of Devizes, Marlborough, Pewsey, Ludgershall, Market Lavington and Tidworth, applications for non-employment uses on existing employment sites will be considered on their individual merits, taking into consideration:

- a) the general policies of the Plan;
- b) the contribution the existing site makes to the range and diversity of employment sites in each settlement; *and*
- c) demand for the type of employment site the subject of the application”.

The proposal is to use the site entirely for residential purposes with no retained, or new, employment element.

In this case this approach to re-development of the site is considered acceptable. Firstly, it is not considered that this site makes a critical contribution towards the range and diversity of employment sites in Ludgershall. This is because close by is the Castledown Business Park which is designated as a Strategic Employment Site. It provides superior employment development opportunities being 'greenfield', and it is largely un-developed at this time.

Slow take up of sites on the business park demonstrates that supply presently exceeds demand in Ludgershall. In view of this it would be difficult to argue that all, or even part of, the application site should be reserved for employment use.

Finally, the proposal complies with other policies of the plan, and so as a matter of principle complies with Policy ED7 (and criteria b) and c) set out above). It follows that loss of employment land would not amount to a sustainable reason for refusing planning permission in this case.

9.4 Visual amenity

Being largely brownfield the site presently supports buildings and other infrastructure. Although not strictly relevant, the site is presently run-down and unattractive.

The North Wessex Downs AONB is located approximately 4km to the north of the site, over the brow of the hill. All immediately surrounding countryside to the north and west is attractive and unspoilt.

The proposal would replace the existing buildings and some existing 'green' spaces on the site with residential development and new green spaces. By its nature it is inevitable that the existing ratio of buildings to open space on the site would change (particularly on the north side of the tank road), and that the new development would present a different, and perhaps more intense, backdrop in local and distant views. These circumstances are not, however, seen as a restraint to development. With an appropriate layout, building scales and landscaping the new development should satisfactorily fit into its context, and provide views which are an improvement over the existing situation.

With these considerations in mind the Design Strategy in the Landscape Design Statement says the following:

- The highest point, the most sensitive, should offer a naturalistic buffer, and visually should be responsive and offer screening to surrounding viewpoints.
- The lower part of the site is reasonably well screened from surrounding views and should reflect the more urban character towards the town.
- The landscaped strategy proposes the creation of a Local Landscaped Area for Play to the north of the site. The creation of this area will reduce the impact of the development on the surrounding area and offer a natural exciting and educational space for all to enjoy.
- The introduction of new native buffer tree and shrub planting to the periphery of the site will improve biodiversity of the site and protect views into the site from the north and west.
- The strengthening of existing hedgerows and boundary screening along the far northern and eastern boundary will also aid in screening the development.
- Play and open space is strategically located throughout the site offering an even distribution of both public open space and equipped play.".

With these measures (in particular, landscaped 'buffers' at the edges of the development and green spaces within the development), together with the limits on scale specified in the Design and Access Statement (namely, lower density and two storey development only at the north and west sides of the development, and maximum 2.5 stories elsewhere) it is not considered that any adverse impact would be caused to visual amenity in general and the AONB in particular.

Conditions are recommended requiring landscaping details to be provided, in particular for the strategic edges of the site. This is in accordance with criteria a) and b) set out above.

9.5 Highway Safety

The application has generated considerable local objection on the grounds of increased traffic on the A342 passing through the centre of Ludgershall causing congestion and pollution. A number of objectors have suggested that there should be two accesses to the site – one from the A342 and another from the A3026.

The application is accompanied by a Transport Assessment. This concludes the following:

“.... The transport impact of the proposed development is determined by a comparison of the person trips that might realistically be generated by the existing and proposed uses. An analysis of predicted trips shows that the redevelopment would result in an increase in travel by car, a likely increase in travel by sustainable modes, but a reduction in large goods vehicles.

The access strategy for the site uses the existing MoD road as the means of access from Butt Street [A342], but with other pedestrian-friendly routes running internally to allow a permeable internal layout. In addition, the layout will allow for a future local link across the MoD rail lines and through the Castledown Business Park to Tidworth Road [A3026]. If such a link can be delivered it would reduce the site’s impact on the High Street and would also allow an alternative access for the business park. However, as such a link requires third party land the traffic impact assessment assumes a worst case scenario of a single point of access on to Butt Street.

An analysis of the operational capacity of two junctions within the agreed area of assessment has been undertaken. This has shown that the site access will operate with ample spare capacity 10 years after opening. The High Street Memorial junction would experience queues in 2025 without this development. Those queues would increase as a result of the development if single car occupancy is permitted to grow unfettered. Three junction formats were considered as mitigation and the preferred option would be a set of traffic signals that are shown to improve the operational capacity of the junction to achieve at least nil-detriment, or if linked to existing signals potentially better than without development. ...”.

The Council’s highways officer accepts these conclusions. However, he, and your planning officers, acknowledge local objection to the proposed alterations to the Memorial junction. It is considered that the introduction of traffic signals and related street furniture at this key location in the town centre would detract from its status as a conservation area, and adversely impact on the setting of the war memorial. With this in mind, the Council’s highways officer has accepted that this junction can remain unaltered, although subject to the applicant making a financial contribution towards the cost of other highways works in the locality which would relieve congestion. This contribution should be equivalent to the cost of the traffic signals.

Clearly the capacity issue at the junction identified in the TA would remain using this approach. However, it is of note that the housing land allocation for Ludgershall in the Wiltshire Core Strategy consultation draft includes not only the current application site but also land further to the west between the application site and the A3026. On the assumption that this allocation remains and its development is pursued by the owner, then this may provide an opportunity for a second access to the application site. The financial contribution could be used to part facilitate this, or alternatively to provide access to the business park across the railway line, subject to third party agreement.

The applicant has acknowledged local objection to the proposed ‘T’-junction access to the site from the A342 by changing this to a roundabout. This is supported by the Council’s highways officer. A roundabout would act as a means of traffic calming at this location.

Regarding alternative transport choices the TA concludes the following:

“.... An assessment of the development’s impact on the transport network shows that the existing infrastructure for pedestrians, cyclists and bus passengers has adequate capacity to accommodate the predicted number of journeys. Any improvements to such facilities would therefore only be required as an incentive to use sustainable modes rather than to increase their capacity.

Even without the travel plan in place the proposed uses could expect a significant proportion of trips to be on foot, by bike, by bus or as a car share passenger. The TP would provide an opportunity to increase the number of trips undertaken by sustainable modes further still”.

Again, the Council’s highways officer concurs with these conclusions. As a consequence the S106 agreement will also cover the following matters in addition to the financial contribution referred to above:

- A financial contribution towards bus revenue support for local services;
- An assurance in perpetuity that land will be set aside at nil cost for any potential future link road(s) between the application site and the A3026 (whether direct or crossing the railway line);
- The provision of new and/or improved street lighting in Castle Street and Butt Street to a point west of the new roundabout;
- A financial contribution towards the cost of preparing and implementing road traffic orders to extend the speed limit in Butt Street.

A condition is recommended seeking construction of the roundabout junction from the A342.

With these provisions the proposal complies with criteria d) set out above.

9.6 Impact on local infrastructure

It goes without saying that new large scale developments such as this can place pressure on existing local services and infrastructure. With this in mind a number of policies in the local plan seek adequate provision of services and infrastructure as part of the new development – most notably, Policy HC34 (Recreation Provision on Large Housing Sites), Policy HC37 (Demand for Education), Policy HC42 (Additional Social and Community Needs), and Policy HC43 (Off Site Service Infrastructure). Such provision will be facilitated by planning conditions or obligations (Section 106 agreements).

9.6.1 Recreation Provision - Beginning with recreation provision, the application is accompanied by a Landscape Design Statement which considers existing open space and play provision within the locality. It states the following:

“Within a 15 minute walking distance from the centre of the site the village of Ludgershall has an existing provision of recreation space as follows:

- The proposed development for Wellington Academy will offer sport and community facilities to accommodate the needs of the whole site regarding pitches;
- 2 no. small recreation spaces;
- 1 no. large recreation space containing sports pitches”.

And:

“The figures below provide the open space and play provision requirements in relation to Kennet Policy HC34 and are indicatively modelled on 500 units (it is likely that the final density of the development will be below this figure) –

- Sport provision = 20,520 sq m
- Casual play = 4,920 sq m
- Equipped play = 3,720 sq m

- Plus an additional Policy PD1 states that 10 sq m per house of residential amenity area is required = 5,000 sq m

The indicative masterplan proposes the following open space and play provision:

Sport provision – provided off site at the new Wellington Academy which is within 15 minutes walking distance.

Casual play – 5,000 sq m.

Equipped play – 3,720 sq m. The equipped play provision is distributed across the site through 1 Locally Equipped Area of Play [750 sq m], 4 Local Areas of Play [each 1560 sq m] and 1 Local Landscaped Area for Play [2,370 sq m]”.

This provision complies with Policy HC34, and is agreed by the Council’s open spaces officer. Provision and design can be assured by planning condition. The applicant intends to maintain the areas himself, so there is no requirement for maintenance contributions to be paid the WC.

9.6.2 Education – The WC education officer has advised that there is insufficient capacity at the local primary and secondary schools to accommodate the likely numbers of children coming from the proposed development. In view of this financial contributions are requested to enable improvements to and/or expansions of the schools. These requests satisfy the legal tests of necessity, relationship and reasonableness set out in the planning obligations regulations. The applicant has agreed to make these contributions. The proposal, therefore, complies with Policy HC37.

The WC education officer has also requested a financial contribution towards pre-school provision in the locality, which is also at capacity. However, there is no specific development plan policy relating to this particular school group. Furthermore, the applicant has declined to make any such payment in any event. Having regard to these circumstances, and the tests for obligations which include a requirement for them to be fairly and reasonably related in scale and kind to the development proposed, it is considered that this request cannot be justified in planning terms.

9.6.3 Community facilities – Policy HC42 requires social and community needs to be met where the local planning authority has evidence to demonstrate existing infrastructure is inadequate. The Benefits from Planning SPG further states that developments of 500 dwellings should provide a new building equivalent to a “small sports hall” (to the value of approx. £400,000 (2005 figures).

Ludgershall Town Council has provided a list of current and proposed community projects within the locality. It is considered reasonable to assume that new residents in the proposed development would assimilate into the existing community and utilise the existing infrastructure. With this in mind a financial contribution towards new and on-going community projects and infrastructure is considered both reasonable and relevant. The applicant has agreed to make such a contribution. This is in accordance with Policy HC42.

9.6.4 Off site service infrastructure – Policy HC43 states that development which increases the demand for off-site service infrastructure, such as water supply, surface water, foul drainage or sewage treatment, will not be permitted unless sufficient capacity exists or extra capacity can be provided in time to serve the development without harm to the environment.

Mains water supply – The application is accompanied by a Utilities Appraisal. The Ludgershall area is supplied by both Wessex Water and Veolia Water. On-going discussions between the applicant, Veolia Water and the Environment Agency have concluded that both water supply and foul water discharge from the site must be from the same groundwater catchment to avoid cross-catchment discharge. The only viable option is to, therefore, obtain mains water supply from the public supply boreholes at Tidworth and to return foul drainage to the Tidworth sewage treatment works.

In view of comments in the Utilities Appraisal that "... a contribution would be required to improve local mains water infrastructure to ensure provision of new supply did not affect water pressure for existing users", a condition is recommended requiring details of the improvements to be agreed with the local planning authority before works commence.

Foul water discharge – The Utilities Appraisal states that both the Humber Lane and Perham Down STW's would require infrastructure improvements to ensure they would be able to provide sufficient capacity to serve the new development within existing discharge consents. Subsequent to the drafting of the appraisal further discussions have taken place between the applicant's consultant and Veolia resulting in the following statements by the applicant's consultant:

".... there are concerns in the Bourne Hill/Avon catchment with regard to nitrate levels in discharges either to the watercourses themselves or indirectly via discharges to the ground. Therefore, the Environment Agency has set a target of 'no net increase' in nitrate loading at the Tidworth STW as a result of accepting the additional foul flows from the proposed development at Drummond Park. This same target also applies for the proposed NEQ development at Tidworth that is also proposed to discharge to the Tidworth STW.

Veolia is currently carrying out detailed capacity studies to establish the detailed infrastructure improvements and costs for upgrading the existing treatment facilities at the Tidworth STW to ensure that the additional foul flows from Drummond Park are accommodated and that they meet the target of no net increase in nitrate loading. Confirmation has been obtained from Veolia that sufficient space is available at the Tidworth STW to increase the size of the treatment works to facilitate treatment to the desired nitrate level".

On the basis of these discussions the Environment Agency has raised no objections to the development subject to a condition requiring details of the alterations to the STW to be submitted to the local planning authority for approval prior to commencement of development. Ultimately the alterations will need to be funded by the applicant.

Surface Water – The application is accompanied by a Flood Risk Assessment. This sets out a conceptual drainage design based on discharge of surface water runoff from each house to individual soakaways, and with run-off from roads and pavements to infiltration trenches also for discharge to ground. The FRA concludes that the proposed development will be safe and that it would not increase flood risk elsewhere.

The Environment Agency recommends a condition requiring the specific details of the surface water discharge scheme to be further approved.

9.6.5 Other infrastructure – Objections have been received relating to capacity issues at the local doctor's and dentist's surgeries.

As with the pre-school issue, there is no specific policy in the development plan requiring contributions from development sites towards medical facilities. It would, therefore, be unreasonable to require a contribution in this case.

9.7 Affordable Housing

The proposal is for 25% of the houses to be affordable. This is acceptable to the Council's Housing Officer in view of the other obligations. It also the same overall figure as agreed for the nearby NEQ site, and so achieves consistency in this respect. The details of tenure will be set out in the S106 agreement.

9.8 Ecological Issues

There are a number of ecological considerations relevant to this proposal – namely, the Salisbury Plain SPA, the River Bourne SAC, locally protected designations and protected species.

Salisbury Plain SPA - Regarding the Salisbury Plain SPA, the applicant has provided a Habitat Regulations Assessment to understand the impact of the proposal on the designation, and in particular the stone curlews. The assessment concludes that the proposal in isolation is unlikely to have a significant impact, but in combination with other nearby developments (for example, NEQ, Tidworth) it cannot be certain that there would not be a significant impact. In view of this uncertainty the assessment proposes an approx. 1.1 ha Suitable Alternative Natural Greenspace (SANG), to be located on the west side of the application site. In theory this space would offer an area for informal recreation which would reduce the pressure on the Plain to provide such a facility.

As is evident from the consultation responses, the WC Ecologist, Natural England and the RSPB do not agree that the proposed mitigation through a SANG would be adequate on its own for a number of reasons. As an alternative the WC Ecologist and Natural England recommend that the applicant makes a financial contribution towards the cost of improving general management of the SPA in the interests of the stone curlews. This approach in other cases has been found to be Habitat Regulations compliant. The applicant has agreed to this.

River Bourne SAC – The issue of discharge of nitrates from foul water has been addressed in the ‘Impact on local infrastructure’ section of the report. Briefly, the Environment Agency is satisfied that discharges can be adequately managed at an improved sewage treatment works (STW), and consequently raises no objection. This conclusion is accepted by the WC Ecologist. Conditions are recommended requiring details of the manner in which both foul and surface water discharges are designed and managed.

Local Designated Sites – A number of sites have been surveyed including Heaven Corner/Herons Copse, Windmill Hill Down and Pickpit Hill. The Ecological Assessment concludes that any impacts stemming from the development will be limited in view of their large sizes and the other opportunities for informal recreation in the locality, including the proposed SANG. This is accepted by the WC Ecologist.

Protected Species – Several species of plant and animal were recorded in and around the site, including orchids, bats, barn owls, nesting birds and reptiles. Proposed mitigation measures set out in the Ecological Assessment include improving grassland, retaining or translocating orchids within the site, installing bat, barn owl and other bird boxes, and relocating reptiles. These are accepted by the WC Ecologist and can be conditioned accordingly. To address the specific concern of Natural England about widths of buffers, a minimum 15m width can also reasonably be required by condition.

Although the comments of Natural England relating to provision of allotments are noted, there can be no requirement to provide them as part of the development.

9.9 Residential Amenity

There is an existing house (Ludgershall House) on the application site which is outside the applicant’s ownership, and effectively land-locked. The layout of the development will have to have regard to the position of this house to ensure the privacy and amenities of its owner are safeguarded. This is strictly a matter for the reserved matters stage when design and layout will be considered in more detail.

Noise and disturbance is an inevitable consequence of the construction process, and it is likely that the owner of Ludgershall House will be inconvenienced at some point. Considerate working is a matter for the applicant and the owner to manage rather than the local planning authority. Environmental health legislation can respond to issues of nuisance.

There would be no adverse impact on other residential properties beyond the site in view of their distance from the boundaries.

Regarding the amenities of future occupiers of the new houses on the site, the WC environmental health officer has expressed concern that the adjoining Castledown Business Park has planning permission for Class B1, B2 and B8 employment uses which could potentially generate noise

and/or cause other disturbance. In view of this a condition is recommended requiring the applicant to provide details of how the new residential units will be designed and laid out to ensure a satisfactory relationship.

A condition is also recommended relating to land contamination.

10. Conclusion

The application seeks permission to re-develop a 'brownfield' site located largely within the limits of development of Ludgershall. As a matter of principle this is acceptable being in accordance with Central Government planning guidance set out in PPS's 1 and 3. Although part of the site steps outside of the limits of development, the intended use of this area is informal open space which would have limited visual impact and would provide opportunities for nature conservation.

Although an employment site would be lost, it is not of strategic importance; and another better located site at Castledown Business Park will meet any short and medium terms needs in the locality in any event. This is in accordance with Policy ED7.

In terms of impact, the application demonstrates that the proposed development can be accommodated on the allocated site without causing harm to interests of acknowledged importance, including local infrastructure, highway safety, ecological interests, heritage assets, visual amenity and residential amenity. The application makes adequate provision for infrastructure made necessary by the development, namely affordable housing, open space, education facilities, community facilities and highways works.

RECOMMENDATION

That the application be GRANTED subject to the applicant entering into a Section 106 agreement covering the following matters and subject to the conditions set out below:

- 1. Affordable Housing – 25% of all units to be affordable.**
- 2. Highways Works –**
 - a financial contribution towards future projects to relieve congestion in Ludgershall;
 - a financial contribution towards bus revenue support for local services;
 - An assurance in perpetuity that land will be set aside at nil cost for any potential future link road(s) between the application site and the A3026 (whether direct or crossing the railway line or other land);
 - The provision of new and/or improved street lighting in Castle Street and Butt Street to a point west of the new roundabout;
 - A financial contribution towards the cost of preparing and implementing road traffic orders to extend the speed limit in Butt Street;
- 3. Education – a financial contribution towards the cost of primary and secondary education provision in the locality.**
- 4. Ecology – a financial contribution towards the cost of future management and monitoring of stone curlews for the Wessex Stone Curlew Project.**
- 5. Community Facilities – a financial contribution towards the cost of providing and /or improving existing social and community facilities within Ludgershall.**

The reasons for granting planning permission are:

The application is for the re-development of a 'brownfield' site located largely within the limits of development of Ludgershall. As a matter of principle this is acceptable being in accordance with Policy HC21 of the Kennet Local Plan and Central Government guidance set out in PPS's 1 and 3. Although part of the site steps outside of the limits of development, the intended use of this area is

informal open space which would have limited visual impact and would provide opportunities for nature conservation.

Although an employment site would be lost, it is not of strategic importance; and another better located site at Castledown Business Park will meet any short and medium terms needs in the locality in any event. This is in accordance with Policy ED7.

In terms of impact, the application demonstrates that the proposed development can be accommodated on the allocated site without causing harm to interests of acknowledged importance, including local infrastructure, highway safety, ecological interests, heritage assets, visual amenity and residential amenity. The application makes adequate provision for infrastructure made necessary by the development, namely affordable housing, open space, education facilities, community facilities and highways works. The application is, therefore, in accordance with central government planning policy set out in PPG's/PPS's; and the development plan - specifically, policies PD1, HC5, HC28, HC30, HC34, HC37, HC42 & HC43.

- 1 No development shall commence on site until details of the following matters (hereinafter called "the reserved matters") have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;
 - (e) The means of internal access within the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 2 An application for the approval of all 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: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 No development shall commence until a programme for the phasing of the development has been submitted to and approved in writing by the local planning authority. The programme shall specify in particular that the new external means of access to the site (the roundabout) shall be completed prior to the first occupation of any part of the development. Development shall be carried out in accordance with the approved programme.

REASON: To ensure the proper planning of the development in accordance with an appropriate and viable programme.

- 5 The details to be submitted under condition no. 1 of the layout of the development hereby permitted shall show one Locally Equipped Area of Play of at least 750 sq m, four Local Areas of Play of at least 150 sq m each, one Suitable Alternative Natural Greenspace of at least 1.1 ha (which shall incorporate one Local Landscaped Area of Play of at least 2,370 sq m), Casual Play Space of at least 4,920 sq m in total, incidental residential amenity land of at least 5,000 sq m in total, and no more than 475 dwellings.

REASON: To clarify the terms of the planning permission and to accord with Policy HC34 of the Kennet Local Plan 2011 and PPS9 which seek adequate infrastructure in new developments.

- 6 External access to the site from the A342 shall be by means of a roundabout junction in accordance with drawing no. SK10 dated 9 March 2011. Full details of this roundabout and related traffic calming measures and signage shall be submitted to the local planning authority for further approval prior to commencement of development.

REASON: To clarify the terms of the planning permission.

- 7 The details to be submitted under condition no. 1 relating to the landscaping of the site shall include a strategic landscaping scheme for those parts of the site outside of the built-up areas (including all 'buffer planting' zones) and separate local landscaping schemes for each phase of the development as referred to in the approved programme for the phasing of the development. The strategic landscaping scheme shall show that all buffer planting zones shall be at least 15m in width. The development shall be carried out in accordance with the approved landscaping schemes.

REASON: To clarify the terms of the planning permission and to safeguard visual amenity and wildlife interests.

- 8 No development shall commence on site in any particular phase of the development as referred to in the approved programme of phasing of the development until details of the proposed ground floor slab levels of all buildings within that phase have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of visual amenity.

- 9 All soft landscaping comprised in the approved details of landscaping for any particular phase of the development as referred to in the programme for the phasing of the development shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping in any particular phase of the development shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 10 The detailed landscaping plans to be submitted pursuant to condition no. 1 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

- 11 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 12 No development shall commence on a particular phase of the development until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) within the phase has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 13 The Locally Equipped Area of Play (LEAP) and Local Areas of Play (LAP) shall be designed and equipped in accordance with the minimum specifications set out in the adopted Kennet District Council Benefits from Planning SPG. Prior to installation full details of the LEAP and LAPs shall be submitted to the local planning authority for approval in writing. No dwelling in any particular phase of the development shall be first occupied until the approved LEAP or LAP (whichever is relevant) within that phase has been completed.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 14 No development shall take place in any particular phase of the development 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 for the phase. The approved boundary treatments for each phase shall be completed in accordance with the plan prior to the first occupation of the first building in that phase.

REASON: To ensure proper planning of the development in the interests of amenity.

- 15 The development shall be carried out strictly in accordance with the ecology mitigation strategies and recommendations set out in the Ecological Assessment, the Habitat Regulations Assessment for Salisbury Plain, the Barbastelle Bats Impact Assessment Report, and the Addendum to Ecological Assessment by Entran accompanying the planning application.

REASON: To safeguard ecological interests.

- 16 No development shall commence in any particular phase of the development hereby approved until details of measures to safeguard the amenities of future occupants of the development within the phase from potential disturbance from future employment developments on the adjoining business park have been submitted to the local planning authority for approval in writing. Development shall be carried out in accordance with the approved details.

REASON: The adjoining business park has planning permission for Class B1, B2 and B8 uses which could cause disturbance to the Drummond Park development unless appropriate design or mitigation measures are applied. This is in the interests of residential amenity.

- 17 No development shall take place within any particular phase until full details of how on-site renewable energy will be provided for the phase to reduce carbon dioxide emissions from energy use by owners/occupiers of the buildings by 10% 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 achieve reductions in carbon dioxide emissions in accordance with the local planning authority's adopted policy.

- 18 No development shall commence within any particular phase of the development hereby approved until a scheme for the discharge of surface water from the phase (incorporating sustainable drainage principles) and an assessment of the hydrological and hydrogeological context of the development (as outlined in the Flood Risk Assessment by Entran) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the

approved scheme.

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

- 19 No development shall commence until a scheme for the disposal of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an options appraisal which will consider the options available and assess the impacts of each on the environment and appropriate mitigation measures. No dwelling on any part of the development shall be first occupied until the approved scheme has been fully implemented.

REASON: To minimise the risk of pollution of the water environment.

- 20 No development shall commence within any particular phase of the development hereby approved until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the local planning authority for that particular phase. The plan shall be implemented as approved throughout the construction period.

REASON: To prevent pollution of water environment.

- 21 No development shall commence within any particular phase of the development hereby approved until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of sustainable development and prudent use of natural resources.

- 22 Prior to the commencement of development within any particular phase of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing by the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the land within the particular phase shall be submitted to and approved in writing by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways & receptors;
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved prior to first occupation of the development.

REASON: To prevent pollution of the water environment.

23 No development shall commence within any particular phase of the development hereby approved until -

a) A written programme of archaeological investigation affecting land within the particular phase, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

24 No building within any particular phase of the development hereby permitted shall be first occupied until the access, turning area and parking spaces serving that building have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

25 No development shall commence within any particular phase of the development hereby approved until a Green Travel Plan relating to development within that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

26 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Masterplan drawing nos. DPL-AL02-030revA, DPL-AL02-031revA, DPL-AL02-032revA, DPL-AL02-033revA, DPL-AL02-034revA dated April 2011;

Revised Design and Access Statement dated April 2011;

Drawing no. SK10 - Proposed traffic calming scheme (March 2011);

Revised Indicative Landscape Masterplan p revA;

Updated Landscape & Visual Appraisal (April 2011);

Updated Landscape Design Statement (April 2011);

Tree Survey Report (March 2011);

Archaeological Evaluation Report (April 2011);

Habitat Regulations Assessment for Salisbury Plain (April 2011);

Barbestelle Bats Impact Assessment Report (April 2011);
Ecological Assessment (November 2011);
Addendum to Ecological Assessment (April 2011);
Transport Assessment (December 2010);
Utilities Appraisal (October 2010);
Flood Risk Assessment (October 2010);
Employment Report (October 2010);
Sustainability Statement (November 2010);
Intermediate Housing Demand Study rev E (November 2010);
Housing Strategy (November 2010);
Energy Feasibility Study (November 2010);
Preliminary Geo-environmental Assessment (November 2010).

Appendices: None

Background Documents Used in the Preparation of this Report: None

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REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	15 th December 2011
Application Number	E/2011/0990/FUL
Site Address	Samarie, Dunkirk Hill, Devizes, Wilts SN10 2BD
Proposal	Construction of drive.
Applicant	Mr A Jurkiewicz
Town/Parish Council	DEVIZES
Grid Ref	399440 161690
Type of application	Full Planning
Case Officer	Christie Binmore

Reason for the application being considered by Committee

This application is brought to committee at the request of the Division Member, Cllr Nigel Carter.

1. Purpose of Report

To consider the recommendation that planning permission be granted.

2. Report Summary

The main issues in this case are:

- a) Impact on the character and appearance of the area;
- b) Impact on residential amenity; and
- c) Impact on highway safety.

3. Site Description

The bungalow known as "Samarie" lies on the west side of Dunkirk Hill and is currently accessed via a private unmade track leading from the A342 Devizes to Chippenham road. The track serves Samarie and then continues to Dunkirk Hill Farm. The curve of the track means that the property is not visible from the main road at the junction, although there are views of the bungalow from the A342 on the approach towards Devizes from Rowde. Above the site and to the south, there is a small residential estate (High Lawn) which is served by a cul-de-sac leading onto the A361 Bath Road. There is currently a low brick wall separating High Lawn from Samarie. A public footpath runs parallel to the eastern boundary of the site and links High Lawn to the unmade track to the north. Samarie faces north towards Rowde, with its rear garden sloping upwards to the walled boundary with High Lawn.



Site Location

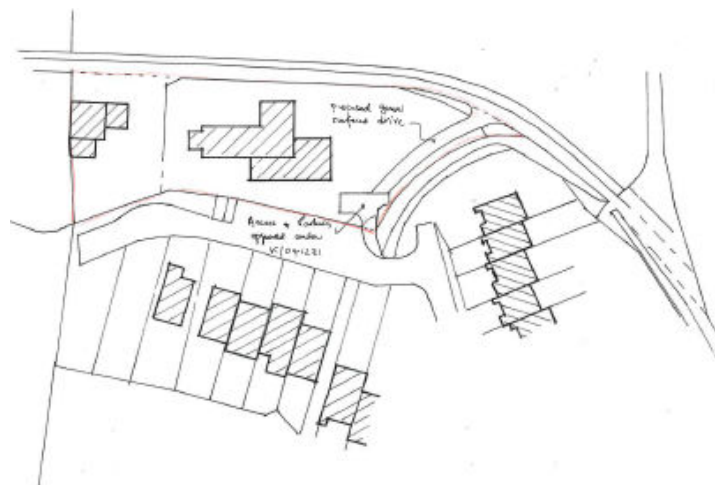
4. Relevant Planning History

K/041321 Certificate of Lawfulness for Proposed Development – granted 5 July 2001. This Certificate confirmed that at the time of the application, planning permission was not required from the local planning authority for the construction of a vehicular access to High Lawn from Samarie, in connection with the construction of a hardstanding within the curtilage of Samarie. This was because the work was granted planning permission under 'permitted development rights' contained in Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995.

5. The Proposal

The current proposal is for the construction of a gravel driveway within the existing residential curtilage, leading from the unmade access track to a flattened area at the top of the slope in the south-eastern corner of the site. It is largely retrospective as work has already been undertaken. The driveway requires planning permission as it is an engineering operation.

The plan submitted with the application shows the driveway connecting to the access and parking area for which the Certificate of Lawfulness was issued in 2001.



Plan showing proposed drive

6. Planning Policy

Kennet Local Plan 2011 – policy PD1 is relevant to the consideration of this application.

7. Consultations

Devizes Town Council - Asked that local Wiltshire Councillor, Cllr Carter, call in the application in order that it could be considered by the Planning Committee as Devizes Town Council could not make any comment on this application as it was felt that there was insufficient information on the driveway's construction; in addition, following representations from local residents, there were anomalies; the town council also expressed concerns about access through High Lawn.

Wiltshire Council Highways Officer – No highway objections to this application, provided that a through-route is not created for general use.

Wiltshire Council Rights of Way Officer – no objections.

8. Publicity

The application has been publicised by a site notice and 13 consultation letters sent to the properties in High Lawn.

Representations have been received from the owner/occupiers of twenty-one properties in High Lawn. No objections are raised to the proposed driveway itself, but significant concerns are expressed about the possibility of the driveway being joined with the access into High Lawn. Objectors raise the following issues:

1. Questioning the validity of the Certificate of Lawfulness approval
 - a) Inaccuracies in the original plan (0103/J1) accompanying the Certificate of Lawfulness application – in relation to its dimensions, position of kerb-lines, Samarie boundary, position of public footpath & size of hammer-head and therefore the objectors request that the certificate be revoked. A plan showing the inaccuracies (HL/001PZ) has been supplied by residents.
 - b) Differing opinions about who owns the boundary wall, which is in the same brick & appears to have been built at same time as the nearby houses; some residents believe it is in the ownership of the seven houses built in 1973 and therefore the applicant would not be able to create this opening.
 - c) Approval was given ten years ago (2001) for “an access and hard-standing” with no mention of a driveway to connect the exit to the main driveway of Samarie from Dunkirk Hill; the creation of this new access means there has been a material change and the conditions of the Certificate have been contravened.
 - d) No information about the Certificate of Lawfulness application nor its subsequent approval was published, nor were residents in High Lawn notified to enable any objections to be raised.

2. Increased traffic volume with the creation of a through-road between A361 & A342

- a) Samarie is not an ordinary single residence but a care-home for three residents and has a considerable amount of associated traffic, with carers, numerous visitors & delivery vehicles (including meal van four times/day & daily pharmacy vans); this would provide an opportunity for further substantial usage by Samarie residents, creating progressively a substantial increase in High Lawn traffic far beyond its intended purpose; it is essentially a narrow steep estate road with many “twists and turns”.
- b) Mr Chatfield, who owns the Brick Store and keeps construction equipment (such as a small digger & roller, which he transports with the aid of a trailer towed by a small lorry) actually constructed this new driveway and would be able to use this exit should he wish. If this application was approved, the applicant could allow whoever he wishes to use his driveway and access High Lawn.
- c) There could be a further application for planning permission to convert the Brick Store into a holiday let, using the access into High Lawn (residents have been told verbally that this is the intention as Mr Chatfield’s previous application – E/09/1580/FUL – was refused and dismissed on appeal because of the dangerous exit onto Dunkirk Hill).
- d) Despite the gradients of the proposed drive being steep, it could be used as a by-pass (rat-run) for traffic seeking to avoid congestion on the near-by principal roads.

3. Unsuitability of High Lawn for any further traffic

- a) High Lawn is a narrow, steep, cul-de-sac with 29 houses currently accessing onto it. It has a varying and non-standard width and alignment (5.5m wide at Bath Road junction, narrowing to 4.4m) with a severe “S” bend to the top of a very steep slope, at the bottom of which there is a difficult 90° turn to the left (by the end of Samarie); there are already problems, particularly in wet, snowy or icy weather.
- b) Parked cars reduce this available width already and, at times when everyone is in residence, it becomes a single track road where quite modest delivery vehicles are obliged to mount the pavement to negotiate the difficult nature of the way.
- c) Larger delivery vehicles, including the Council’s refuse/recycling vehicles, are often obliged to reverse the whole length – already hazardous and this would jeopardise future collections.
- d) Additional hazards for residents, who have to reverse in or out of their drives onto this blind right-angled bend and where some have gardens on the other side of the road from their homes; also dangers to children who play outside.
- e) Vehicles using the new access onto High Lawn would cross the well-used footpath (Footpath No: 11) and could be a danger to pedestrians.
- f) Parking is already at a premium and the access would involve the loss of two parking bays, which are used by residents & non-residents (such as parents collecting children from St Peter’s school).

- g) There would be an increase in noise & air pollution in an area that already suffers from higher than acceptably safe levels of pollution from vehicle exhaust fumes.

4. Accuracy of the Application

- a) The application is for the driveway to actually connect to an exit into High Lawn; neither application mentions the intention “to create a connecting driveway”.
- b) Question 5 on the application form states “Is a new or altered vehicle access proposed to or from the public highway?” Answered “No” – should be “Yes” on the basis that no vehicular access exists at the present time and the drawing specifically links the two proposals together.
- c) Question 8 states “Will the proposed works affect existing car parking arrangements?” Again, answered “No” – should be “Yes” because it will involve the loss of two parking spaces in High Lawn.

9. Planning Considerations

It is important to focus on the fact that the Council is dealing with an application for the creation of a driveway to Samarie.

The issues in relation to this are:

- a) **Impact on the character and appearance of the area** – the driveway is comparatively short and is not widely visible from public vantage points, other than from the footpath that runs alongside. It is not considered that there is any adverse impact on the character or appearance of the area.
- b) **Impact on residential amenity** – the driveway does not pass close to existing dwellings and its use would not have an adverse impact on the residential amenities of nearby properties.
- c) **Impact on highway safety** – the Highway Officer confirms that the design standards of High Lawn are more than adequate to serve the number of dwellings currently existing (29), and would in fact allow for up to 50 dwellings to be served. The additional traffic generated by creating a new access for Samarie could therefore be accommodated by the existing highway situation.

The Highway Officer is mainly concerned regarding the possibility of increased traffic using the sub-standard junction onto Dunkirk Hill. However, the creation of a through-route for the residents of Samarie would tend to reduce the level of traffic using this sub-standard junction as they could use High Lawn instead. Subject to controls being in place to ensure that a through-route is not created for general use, no highway objection is raised. A planning condition is therefore recommended to ensure that the driveway is used solely for purposes incidental to the enjoyment of Samarie, and for no other use.

The neighbours' concerns have been raised with the applicant and he has confirmed in writing that, although he intends to proceed with the access onto High Lawn as soon as possible and his intention would be to join up the two drives serving Samarie, this is for the clients, staff and relevant persons who are connected with Samarie, and he confirms that there is no arrangement for other people to make use of this drive and access.

Other Matters

Objectors raise various other matters to which officers would respond as follows:

1. Certificate of Lawfulness

There have been some concerns about the status of the Certificate of Lawfulness. It should be noted that although this is a legal document it is not a planning application and is not processed in the same way, e.g. there is no requirement for a Certificate of Lawfulness application to be notified to adjoining owners/occupiers or for it to be advertised; also there is no time-limit for commencing development because the purpose of the application is only to formally establish whether what is proposed to be done would be “lawful” in that there are no planning restrictions on the property, no planning permission is required and no enforcement action may be taken.

The work proposed to be carried out in this case (i.e. the construction of a hardstanding within the site and the insertion of a gateway in existing wall) was permitted development and therefore did not require planning permission, hence the Council was obliged to issue a Certificate of Lawfulness. The planning merits of the work, including its effect on residential amenity and highway safety, were not for consideration and the Council was not entitled to attach any conditions to the Certificate when it was issued.

A couple of the residents have referred to the inaccuracies in the original plans submitted for the Certificate of Lawfulness; however, it is still clear from the application, what was intended and that this would be within permitted development rights no matter the exact position of the access along the wall. The site boundary line, position of the public footpath & kerb-line and width of the turning head were not relevant to that application. The fact remains that, although there was an amendment to “permitted development” in 2008, the hardstanding (being of a porous material and not forward of the principal elevation) and gate (being 1m in height) would still not require planning permission and therefore the validity of the Certificate of Lawfulness is irrelevant (except to provide an indication of what the applicant ultimately intends to do). There is no need to revoke the Certificate because the applicant can carry out similar work, without requiring planning permission under the property’s permitted development rights; in any event, there is no requirement in law for him to obtain a Certificate of Lawfulness prior to commencing the development. Put another way, revocation of the Certificate of Lawfulness would not prevent the works from proceeding.

A resident has raised the question about ownership of the brick wall; this is not a planning issue as permission can be given on land not owned by the applicant; the permission stands with the land and does not convey any right for the applicant to proceed if he does not have ownership – this is a private matter to be resolved between the applicant and the owner of the wall.

2. Use of Samarie as a Care Home

Several residents have mentioned that Samarie is now a care home with quite a few vehicular movements because of residents/staff/deliveries. However, the C3 Use Class was introduced for the primary purpose of providing a freedom from the need for planning permission for small scale multiple uses of dwelling-houses and it includes use of a dwelling-house by not more than six residents living together as a single household (including a household where care is provided for residents); therefore, although there is a business use at this property, it is still classed as a dwelling-house and has the same permitted development rights as an “ordinary” dwelling-house.

It is clear from the Highway Officer’s comments that High Lawn has been designed to a standard capable of serving up to 50 dwellings. Whilst the vehicle movements associated with the care home use may be slightly greater than a typical dwelling, they are still well within the design capacity of High Lawn which currently serves only 29 dwellings.

10. Conclusion

Officers consider that this application has to be considered as it stands – i.e. for the creation of a gravelled access driveway from the existing private unmade track to the hardstanding being constructed under permitted development rights. Assessed in these terms, it is considered that the proposal is acceptable. The driveway would cause no harm to highway safety, the residential amenities of nearby properties or the character and appearance of the area. Accordingly, a grant of planning permission is recommended. A condition should be imposed on any planning permission to ensure that the driveway is used solely for purposes incidental to the enjoyment of Samarie, and for no other purpose (including as a general through-route for third parties unrelated to Samarie).

RECOMMENDATION

Approve with the following conditions:

1. The driveway hereby permitted shall be used solely for purposes incidental to the enjoyment of the property known as “Samarie”. It shall not be used for any other purpose, including use by persons unrelated to Samarie as a general through-route.

REASON: The application has been considered on the basis that the proposal is for a domestic driveway. The Council would wish to give further consideration to any proposal for use of the driveway as a general through-route, as it is likely to give rise to additional planning issues.

2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Approved Plans

Application Form; 1:1250 Location Plan & Plan No: 1724.1 – date-stamped received 29 July 2011).

Appendices: None

Background Documents Used in the Preparation of this Report:

The Application File

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