

**REPORT TO THE EASTERN AREA PLANNING COMMITTEE**

Report No. 2

<b>Date of Meeting</b>	9 <sup>th</sup> August 2012
<b>Application Number</b>	E/2011/1708/FUL
<b>Site Address</b>	The Pooles Yard, High Street, Ogbourne St George, Marlborough, Wiltshire SN8 1SL
<b>Proposal</b>	Demolition of existing farm buildings and erection of 15 no. residential dwellings.
<b>Applicant</b>	Mr & Mrs R Iliffe
<b>Town/Parish Council</b>	Ogbourne St George
<b>Grid Ref</b>	420521 174358
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Peter Horton

**Reason for the application being considered by Committee**

The application has been called to committee at the request of the Division Member, Cllr Mrs Milton.

**1. Purpose of Report**

To consider the recommendation that the application be approved subject to conditions.

**2. Report Summary**

The main issues to consider are whether the principle of the development is acceptable, whether it provides an acceptable layout, whether the design of the dwellings is acceptable, whether an appropriate level of affordable housing is proposed, whether the proposed "green" represents an appropriate form and amount of open space provision, whether adequate landscaping is proposed, whether the development raises any highway safety concerns and whether there are any residential amenity concerns.

**3. Site Description**

Pooles Yard is located in the heart of the village on the south western side of High Street, diagonally opposite the Parklands Hotel. It is occupied by a number of redundant modern farm buildings and extensive areas of cracked concrete hardstanding. Milking ceased in 1995 and the yard has been far less intensively used since then. The condition of the buildings, yard and layout are not fit for modern purpose. The yard is surrounded by residential development on three sides and by open fields belonging to the farm holding on the fourth (south western) side.



#### **4. Planning History**

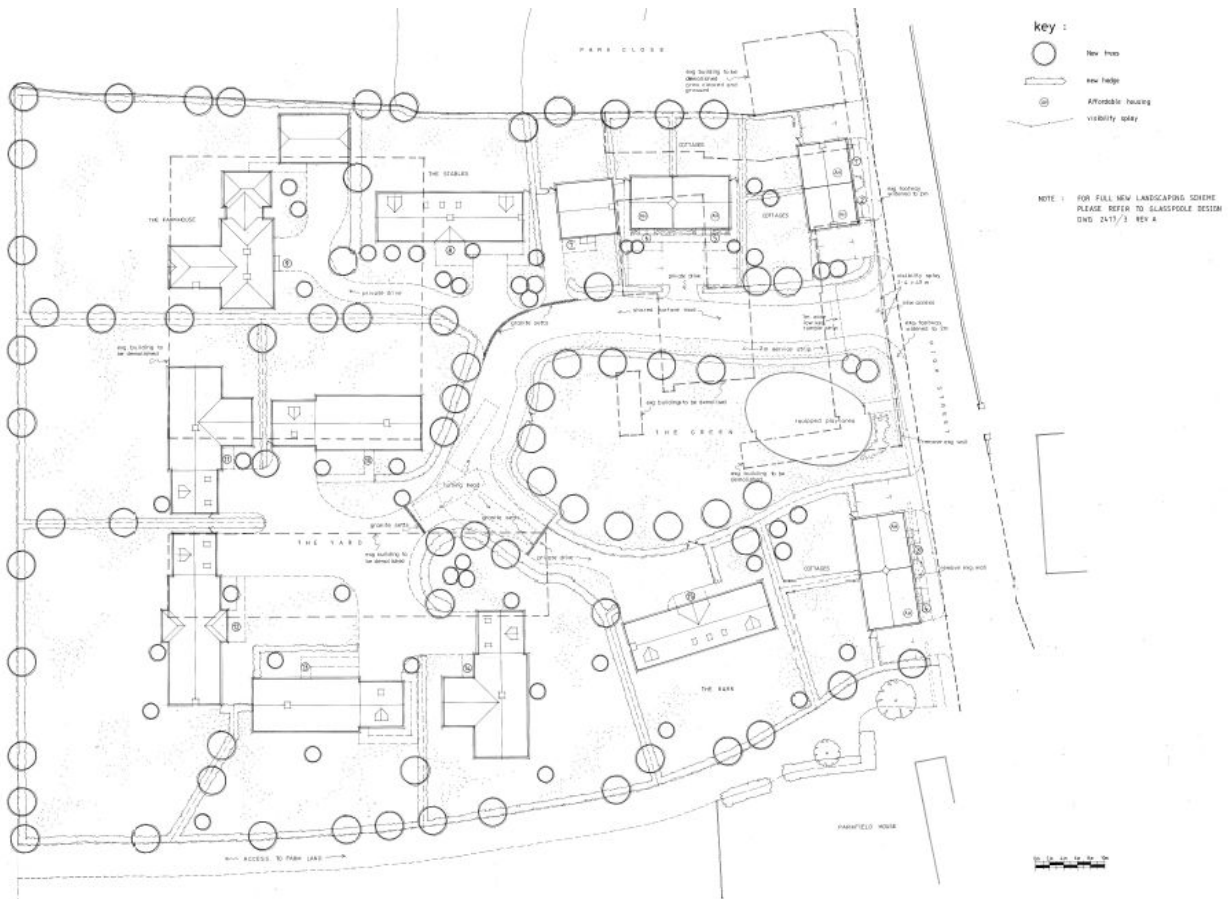
In March 2012 planning permission was granted for a replacement farm complex on the eastern edge of the village on the corner of Copse Drove Road and Bytham Road (ref. E/2011/1683/FUL). The initial permission was for a single large building measuring 60m by 42m by 11m tall, to be used for a combination of grain storage and lambing pens. The siting of a notional second barn was shown on the approved plans. This would be the subject of a future application.

#### **5. The Proposal**

The proposal is to demolish all of the existing buildings and to remove all the concrete hardstandings on the site and to erect a development of 15 dwellings around a central green. The latter would include an equipped play area. There would be 9 detached open market dwellings and 6 semi-detached affordable ones. The site would extend beyond the current built up area as defined by the existing farm buildings. The silage clamp would be removed and reinstated to field. A fully detailed landscaping scheme has been provided.

#### **6. Planning Policy**

Ogbourne St George is classified as a village with limited facilities hence local plan policy HC24 is relevant. So too are policies PD1, HC32, HC35, HC37 and NR7. Structure plan policy C8 covers developments in the AONB. Central government planning policy is set out in the National Planning Policy Framework.



## 7. Consultations

Parish Council: The revised plans are an improvement, but still objects for the following main reasons:

- The proposal is contrary to policy HC24. While the parish supports development within the existing built area, the proposals take in considerable amounts of green field land on the southeast and southwest sides of the site. This could only be justified if there were significantly more planning gain and community development. The extra area proposed for development far exceeds the area allocated for the green.
- Accepts the merits of a green with a ready equipped playground provided that it is clearly owned by the Parish as a village amenity and is not solely for the development. While the green should be maintained at least for an initial period as part of the development, this must not undermine general village ownership and use. However the parish continues to believe that it is to an extent still the “wrong sort of green”. What the village needs is a flat area for genuine recreational use by adults and children alike. Land should be provided elsewhere in the village for recreational use.
- Houses 1 and 2 would now both have direct vehicular access to the High Street. This would exacerbate the anticipated parking problem in the High Street.
- The lack of garages and adequate storage space in the houses 7, 8, 9 and 15 is very short-sighted.

Environment Agency: No objection subject to conditions.

Thames Water: Various comments, but no objection raised.

Wiltshire Council Ecologist: The site supports a number of breeding birds and the buildings support night roosts for bats. These features are of relatively low conservation importance and the submitted ecological survey report includes a number of recommendations to mitigate any likely impacts. No objection subject to a condition requiring these recommendations to be undertaken.

Wiltshire Council Education: Pupil numbers at Ogbourne St George Primary and St John's School and Community College, Marlborough are over capacity. Requires education contributions to fund 4 primary school places and 3 secondary school places.

Wiltshire Council Environmental Protection: Requires the imposition of a contaminated land condition.

Wiltshire Council Head of New Housing: 6 affordable houses are proposed whereas policy HC32 requires 7. Welcomes the revised plans showing the provision of 3 no. 3 bedrooomed affordable houses, better reflecting the need in the parish.

Wiltshire Council Highways: No objection subject to conditions.

Wiltshire Council Landscape Consultant: No objection. The proposal would bring about beneficial landscape impacts. It is refreshing to see a scheme where some thought has been given to design and enough space has been allowed to accommodate some meaningful tree planting.

Wiltshire Council Technical Officer: Requires financial contributions for the maintenance of the play area and the green.

## **8. Publicity**

Representations have been received from 17 local households. 8 are in support. The other 9 range from objection to partial support but with concerns. The main concerns raised can be summarised as follows:

- The houses and gardens extend beyond the footprint of the current farm buildings. This is contrary to policy HC24 and must not be allowed to set a precedent.
- Would not want to see future infill development around the site.
- The scheme as submitted is fine. Concern that if approved, the site will be sold on and an alternative scheme will come forward: the site should be developed as per the current scheme. Further expansion beyond the proposed site limits will not be acceptable.
- The extra traffic which will be generated by the development will use the single tracked Bottom Lane as a cut through, exacerbating the existing dangerous situation. Bottom Lane should be made one way.
- Visitors to the affordable homes and to the green will park on High Street, exacerbating existing problems of congestion on High Street and around road junctions. High Street is already heavily used as a car park for walkers on the Ridgeway.
- The proposed green should not be for the exclusive use of the development. The green will not provide a true "village green": a small piece of green space is not the same as a village green.
- Maintenance of the village green must not be a financial burden on the Council Tax payer or on the Parish Council.
- The site area of the green is much less than the area which the development extends beyond the current footprint of the farm buildings.
- Regret at the proposed demolition of the brick and sarsen boundary wall proposed by the revised plans. It should be retained and used as the rear wall of garaging.
- The development must not exacerbate existing local flooding problems caused by storm run-off.
- There will be loss of light to the property "The Old Forge".

## **9. Planning Considerations**

As is typical of so many historic farmyards, the site is located in the heart of the village. It is occupied by a series of dilapidated and redundant farm buildings and cracked concrete hardstandings whose condition, size and layout are not fit for modern farming practice. This was recognised earlier this year when planning permission was granted for a large replacement building on the eastern edge of the village. The site detracts from the character and appearance

of the village and no objection is raised to the principle of the site's redevelopment for housing.

Ogbourne St George is a "village with limited facilities" and hence the relevant housing policy is HC24 rather than HC22. HC24 villages do not have defined "Limits of Development". However, the policy requires any redevelopment of existing buildings to be both within the "existing built up area" and to be "in harmony with the village in terms of its scale and character".

Concerns have been raised that the proposed development extends beyond the existing built up area. This is certainly the case. For although there are benefits in the area of the silage clamp being restored to grass, the houses and gardens of the proposed new houses do generally represent an urban extension: on the south west boundary the new houses sit on the site of existing buildings but their gardens extend 22m into the countryside, whilst on the south east boundary both the houses and their gardens extend into green land, by up to 32m (although towards a line of existing houses, not towards open countryside). This is technically contrary to policy and stretches the policy to the limit. However, it is not considered that this encroachment materially harms the landscape character of this part of the AONB, and given the overall net benefits of ridding the area of a dilapidated farmyard and given the design merits of the proposed residential scheme (discussed later in this report), there is considered to be no planning harm in allowing this relaxation of normal policy requirements. To allow this application would not necessarily undermine the local planning authority's position in determining future applications elsewhere by setting a damaging precedent: any such applications would be determined on their own planning merits.

In forming the above conclusion, officers are mindful of the fact that a fully detailed and high quality landscaping scheme has been submitted with the application. This will (amongst other things) provide for native hedging with trees incorporated within it to provide a fitting boundary with the open countryside.

The overall design concept has been devised so as to mimic what could have been expected to be a traditional farmstead, with a series of buildings built around a "farmyard" (plots 10 to 14) and other what could have been "converted farm buildings" such as a "barn" and a "stables" (plots 15 and 8). Whilst the affordable houses at the front of the site could be viewed as traditional farm workers' cottages. The design and layout of the dwellings is considered pleasing, and it is notable that no objections have been received on design grounds. Furthermore traditional materials would be used: brick and timber boarding and plain clay tiles and slate. It is considered that the proposal satisfies the requirement of policy PD1 for good design and of HC24 that the development is "in harmony with the village in terms of its scale and character".

Another aspect of the layout is the location of the majority of the houses around a central green. This will help to create a sense of place and adds to the overall quality of the development. Following representations from the parish council, a children's play area has now been located within part of the green. However the green still remains a generally contentious part of the scheme, with certain members of the local community believing it is "the wrong sort of green" and advocating the provision of a larger area of recreational space elsewhere on the applicant's landholding. There is also a feeling that the green should be the preserve of the whole community, not just the occupiers of the new development.

The proposed children's play area satisfies the requirement of policy HC35 with regard to the provision of children's play space. Hence the Council's Technical Officer raises no objection to the application, merely requiring the relevant financial contributions to secure the maintenance of both the play area and the green. This can be secured as part of a S106 legal agreement. There are no planning grounds to refuse the application for providing the "wrong sort of green". Not only is the green of an adequate size, but it helps create an identity and sense of place to the development. If the village is lacking in adult recreational space, it is not the role of the planning system to extract land and contributions from the applicant beyond what the policy requires in order to satisfy pre-existing deficiencies which are unrelated to the development.

The agent has indicated that the applicant is anticipating vesting ownership of the green with the parish council, to enable the space to be used by all within the village, not just the occupants of the new development.

The brick and sarsen wall at the front of the site is the only feature of note which would be worth incorporating into the scheme and was indeed to have been retained to the front of the site at a reduced height. However, following adverse comments from certain parties this has regrettably been removed from the scheme and will now be demolished. Since the wall is not a heritage asset, and given the lack of public enthusiasm for its incorporation into the scheme, the local planning authority is not insisting that it be retained.

Only 6 affordable houses are proposed, 1 less than would be required by policy HC32. However, this is not a significant shortfall. Furthermore it is in line with the 40% requirement that is proposed by the draft Wiltshire Core Strategy. The proposed number of affordable units is therefore acceptable. The size of the units is also acceptable. The originally submitted plans had proposed exclusively two bedroomed units. However, in response to the results of the March 2012 Parish Housing Needs Survey, 3 of the units will now be three bedroomed.

The Highway Authority raises no objection to the proposal. Adequate on-site parking will be provided. There is therefore no reason why the development should exacerbate existing congestion in High Street.

The scheme will not be detrimental to the amenity of any adjoining residents. Whilst noting the objection made by the occupier of The Old Forge, there will be a 20.5m separation distance from the nearest new house (plot 3), sufficient to ensure that no material loss of light will occur.

There is a slightly sub-standard separation distance of around just 11.0m between the rear of the houses at plots 1 and 2 and the side of the house at plot 5. However this relationship would be evident to potential occupiers of these dwellings and is not sufficiently sub-standard to warrant refusing the application.

The Environment Agency raises no concerns regarding either flood risk or contamination, subject to conditions.

The site supports a number of breeding birds and the buildings support night roosts for bats. These features are of relatively low conservation importance and the submitted ecological survey report includes a number of recommendations to mitigate any likely impacts. No objection is therefore raised on ecology grounds subject to a condition requiring these recommendations to be undertaken.

## **10. Conclusion**

No objection is raised to the principle of redeveloping the farmyard for housing. Although the site boundary would extend beyond the existing built up area, this would not be to the detriment of the landscape character of the area and hence there is insufficient planning harm to justify a refusal on HC24 grounds. The development proposes an interesting layout made up of well designed dwellings around a central green, contributing towards the creation of a sense of place. The requisite amount of children's play space is provided: there are no planning grounds to insist that either a different form of open space be provided or that additional open space be provided off-site. An acceptable amount and size of affordable housing is proposed. The scheme raises no highway safety concerns and will not be detrimental to the amenity of adjoining neighbours.

## RECOMMENDATION

Defer and delegate to officers to GRANT planning permission subject to the applicant entering into a S106 legal agreement to secure the affordable housing provision, financial contributions for the maintenance of the play area and the green and financial contributions towards educational provision, and subject to the conditions below. The reason for granting planning permission is as follows:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework, to Kennet Local Plan 2011 policies PD1, HC24, HC32, HC35, HC37 and NR7 and to Wiltshire and Swindon Structure Plan 2016 policy C8.

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 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 [INSERT].

- 3 No development shall commence on site until all the existing farm buildings, including concrete hardstandings, have been demolished and all of the resulting demolition materials and debris have either been removed from the site or set aside for recycling as part of the construction works. Any materials set aside for recycling and not subsequently used for this purpose shall be removed from the site before any of the dwellings is first occupied.

REASON: In the interests of the character and appearance of the area.

- 4 Prior to the occupation of any of the dwellings hereby permitted, the silage clamp shall have been removed and its former area restored to grass.

REASON: In the interests of the character and appearance of the area.

- 5 No development shall take place until details of the materials to be used for the external walls and roofs (including samples) 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 secure harmonious architectural treatment.

- 6 No development shall commence on site until details of the proposed ground floor slab levels 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.

7 All soft landscaping comprised in the submitted landscaping details hereby approved shall be carried out in the first planting and seeding season following the occupation of the dwellings 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 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.

8 No development shall commence on site 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) 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.

9 All development shall be carried out in full accordance with the recommendations of Section 4 of the submitted ecological Biodiversity Assessment (Lindsay Carrington, September 2010), unless otherwise agreed in writing with the Local Planning Authority.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

10 None of the dwellings hereby permitted shall be first occupied until a 2m wide footway has been provided over the frontage of the site in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

11 None of the dwellings hereby permitted shall be first occupied until the visibility splays detailed on plan number 091204-32 B have been provided. The splays shall be kept free of obstruction above a height of 200mm above carriageway level at all times.

REASON: In the interests of highway safety.

12 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include: (a) infiltration test to determine the site specific infiltration rate and to confirm that groundwater levels will not interact with the proposed drainage scheme, and; (b) details of how the scheme shall be maintained and



managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage scheme.

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

- (A) A preliminary risk assessment which has identified: (i) all previous uses; (ii) potential contaminants associated with those uses; (iii) a conceptual model of the site indicating sources, pathways and receptors, and; (iv) potentially unacceptable risks arising from contamination at the site.
- (B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (C) The results of the site investigation and detailed risk assessment referred to in (B) 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.
- (D) 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 (C) 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.

REASON: Although generic remedial options are available to deal with the risks to controlled waters posed by contamination at this site, further details will be required to ensure that risks are appropriately addressed.

14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To protect local water interests from pollution.

15 No development approved by this permission shall commence 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 agreed details.

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

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General

Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of the dwellings at plots 1 to 7.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 18 The windows and doors to be used in the development hereby permitted shall be of timber construction and shall be permanently so maintained.

REASON: In the interests of the visual amenity.

- 19 INFORMATIVE TO THE APPLICANT:

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 20 INFORMATIVE TO THE APPLICANT:

The Highway Authority will seek to adopt the road leading into the site as public highway.

- 21 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.

091204-26, 091204-27, 091204-28, 091204-29, 091204-30 and 091204-31 received 08/12/11;

091204-102 A received 09/01/12;

091204-22 D, 091204-25 A, 091204-32 B, 091204-33, 091204-34 and 091204-35 received 11/05/12;

2417/3 rev A received 23/05/12

**Appendices:** None  
**Background Documents Used in the Preparation of this Report:** None