

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 20 November 2014

Time: 6.00 pm

Please direct any enquiries on this Agenda to Adam Brown, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718038 or email adam.brown@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Charles Howard (Chairman)	Cllr Jerry Kunkler
Cllr Mark Connolly (Vice Chairman)	Cllr Peter Evans
Cllr Richard Gamble	Cllr Nick Fogg MBE
Cllr Paul Oatway	Cllr Stewart Dobson

Substitutes:

Cllr Liz Bryant	Cllr Jeff Osborn
Cllr Terry Chivers	Cllr James Sheppard
Cllr Ernie Clark	Cllr Philip Whitehead
Cllr Dennis Drewett	Cllr Christopher Williams

AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 28 August 2014.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

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 13 November**. 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.

6 **Planning Appeals**

To receive details of the completed and pending appeals.

7 **Wiltshire Council Borough of Marlborough Path No. 26 (Part) Stopping up Order and Definitive Map Modification Order 2014 (Pages 9 - 30)**

8 **Planning Applications**

To consider and determine the following planning applications.

8a **14/06522/FUL Ludgershall Garden Centre, Granby Gardens, 25 Astor Crescent, Ludgershall, SP11 9RG (Pages 31 - 50)**

8b **14/04684/FUL Ludgershall Garden Centre, Granby Gardens, 25 Astor Crescent, Ludgershall, SP11 9RG (Pages 51 - 70)**

8c **14/05846/FUL - Drummond Park, Ludgershall, SP11 9RT (Pages 71 - 100)**

8d **14/05847/FUL Manor Farm, West Overton, Marlborough, SN8 4ER (Pages 101 - 118)**

9 **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

This page is intentionally left blank

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 AUGUST 2014 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Charles Howard (Chairman), Cllr Paul Oatway, Cllr James Sheppard (Substitute) and Cllr Philip Whitehead (Substitute)

Also Present:

Cllr Sue Evans

42. Apologies for Absence

Apologies for absence were received from Councillor Richard Gamble and Councillor Jerry Kunkler.

Councillor Gamble was substituted by Councillor James Sheppard. Councillor Kunkler was substituted by Councillor Philip Whitehead.

43. Minutes of the Previous Meeting

The minutes of the meeting held on 7 August 2014 were presented for consideration, and it was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

44. Declarations of Interest

Councillor Paul Oatway declared that he had an interest in applications 14/03379/FUL and 14/01766/OUT Land of Rabley Wood View, as a result of personally knowing the applicant. For these items Councillor Oatway exited the room and did not participate in the debate or vote.

Councillor Stewart Dobson declared that he had a pecuniary interest on application 14/03379/FUL and 14/01766/OUT Land of Rabley Wood View, as a result of owning property which adjoined the application site. For these items Councillor Dobson withdrew from the committee and did not participate in the debate or vote.

Cllr Peter Evans declared a non-pecuniary interest in application 14/05287 by virtue of being a member of Devizes Town Council, which had previously considered the application. Cllr Evans declared he had taken no prior involvement in the application and would debate and vote on the matter with an open mind.

45. Chairman's Announcements

There were no announcements.

46. Public Participation and Councillors' Questions

The rules on public participation were noted. There were no questions or statements submitted.

47. Planning Applications

The following applications were determined:

48. 14/05287/FUL - Wiltshire Council Depot, Lower Wharf, Devizes

Public participation

Paul Stanford spoke in opposition to the application.

John Girvan spoke in opposition to the application.

Carol Krebs spoke in opposition to the application.

James Mahoney spoke in support of the application.

Kevin Dobson spoke in support of the application.

Mark Bouch spoke in support of the application.

The Planning Officer introduced the application which recommended the application be approved subject to conditions. Key issues were stated to include, principle of the development (including impact on heritage assets), highway matters, amenity issues, ecology, and contamination.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought on whether the area was currently in use as a depot without any vehicular restrictions. The Committee heard that this was correct.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The local member, Councillor Sue Evans, spoke in objection to the application. Councillor Evans discussed access, highways, ecology, and the impact on neighbours with specific reference to noise and parking concerns.

A debate followed where the current mixed use status of the area was discussed. The Committee heard that the hours of operation were not proposed

to be changed, as there were currently no restrictions to the use of the depot. The Committee discussed potential issues around the width of the road. Potential noise problems and the frequency of use were questioned. Issues with regards to the use, access, location and history of the turning area were also discussed.

At the conclusion of debate it was,

Resolved:

That the planning permission be GRANTED subject to the following conditions:

1. 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.

2. The depot shall not be first brought into use by the Canoe Club until the turning space has been laid out in accordance with the approved plans. The turning space shall be kept free from any obstructions at all times.

REASON: In the interests of Highway Safety.

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of a written report to be submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. Where remediation is necessary, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. All spoil from the digging works for the changing rooms and the new canal slipway shall be removed from the site.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. The development shall be constructed in strict accordance with the recommendations at Section 7 – Mitigation, in the Water Vole Survey, Kennet & Avon Canal, Lower Wharf, Devizes, July 2014 by Chalkhill Environmental Consultants.

REASON: In the interests of protecting protected species.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement – Received 27 May 2014

Site Location Plan – Received 27 May 2014

Existing and Proposed North and West Elevations - Received 27 May 2014

Existing and Proposed East and South Elevations - Received 27 May 2014

Groundworks and Services Layout - Received 27 May 2014

Proposed Changing Room Elevations - Received 27 May 2014

Proposed Kayak Store Elevations - Received 27 May 2014

Canal Access Point – Proposed Section A-A - Received 27 May 2014.

Canal Access Point – Proposed Section B-B and C-C - Received 27 May 2014.

External Lighting Plan - Received 27 May 2014

Revised Traffic Management Plan V3 – Received 24 July 2014

Revised Existing Site Plan – Received 7 August 2014

Revised Proposed Site Plan – Received 7 August 2014

Revised Existing Internal Plan - Received 7 August 2014

Revised Proposed Revised Plan - Received 7 August 2014

REASON: For the avoidance of doubt and in the interests of proper planning.

7. There shall be no use of the site, or deliveries of canoes, by members or non-members of the canoe club on Sunday mornings before 09:00.

REASON: To protect the amenities of residents of nearby properties

Informatives:

1. The applicant is advised to contact Susie Mercer, Business Boating Manager on 07795 027366 in order to ensure that any necessary consents or agreements are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

2. The applicant is advised that safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

A recess was taken from 6.55pm to 7.00pm.

49. 14/03379/FUL - Land off Rabley Wood View, Marlborough

Public participation

Jayne Baker spoke in objection to the application.

Kevin Light, on behalf of Action River Kennet (ARK), spoke in objection to the application.

Richard Cosker spoke in support of the application.

Will Harley spoke in support of the application.

Cllr Mervyn Hall, speaking on behalf of Marlborough Town Council, spoke in objection to the application.

The Senior Planning Officer introduced the application which recommended that the application be approved subject to conditions. Key issues were stated to include, the principle of the proposed nature park to include the area of casual play space, and whether the proposals would preserve the visual amenities of the area including the scenic quality of the Area of Outstanding Natural Beauty.

Details were provided on items of late correspondence and representation received since production of the report. Included was a letter from Action River Kennet which had been received in objection to plans for drainage and the comments of the Environment Agency who had no objection, subject to the imposition of appropriate conditions.

A site visit by members of the Committee had taken place on 28 August 2014 at 3.00pm.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought on who would manage the site. It was explained that Wiltshire Wildlife Trust would take management responsibility. Questions were asked on why planning applications 14/03379/FUL and 14/01766/OUT were being considered separately. It was explained that application 14/03379/FUL was not a residential application it was a change of use separate to 14/01766/OUT. Questions were asked about the nearby A346 and parking within the layby.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

A debate followed where the proposed inclusion of a kick-about area within the nature park was discussed, along with conservation and changes to the character of the area. Concerns over the impact of drainage and potential flood levels were also debated.

Clarification was sought on the management position and when it would be signed off. It was explained that this was a condition rather than a legal agreement and that issues of management were not issues for consideration of the Committee.

At the conclusion of debate it was,

Resolved:

That the planning permission be REFUSED for the following reasons:

The creation of the kick-about area in the countryside outside of the Limits of Development for Marlborough defined in the Kennet Local Plan, with the associated levelling and re-seeding required, would have an adverse impact on the character and appearance of the landscape, as it would create a more formal appearance out of keeping with the existing character and appearance of the area as agricultural grassland and former water meadow. This would conflict with policies PD1 (3) and NR6 of the Kennet Local Plan and with paragraph 115 of the NPPF that gives great weight to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty.

A recess was taken from 7.55pm to 8.10pm

50. **14/01766/OUT - Land off Rabley Wood View, Marlborough**

Public participation

Angela Fry spoke in objection to the application.

Jayne Baker spoke in objection to the application.

Richard Cosker spoke in support of the application.

Jeremy Browne spoke in support of the application.

Will Harley spoke in support of the application.

Cllr Mervyn Hall spoke on behalf of Marlborough Town Council.

The Senior Planning Officer introduced the application. As a result of the determination for application 14/03379/FUL, the recommendation for the application was changed to refusal due to a lack of suitable compensatory proposals for the impact upon the character and amenity of the area.

Key issues were stated to include: the principle of the proposed residential development including whether the proposed 'replacement' recreational/nature park land is sufficient to compensate the loss of the existing site for recreational purposes; highway safety; flood risk and drainage; whether the scheme would make adequate provisions for open space, and archaeology.

Details were provided on items of late correspondence and representation received since production of the report.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were asked on what impact was to be had on this application due to the refusal of application 14/03379/FUL. It was explained that there were now no suitable compensatory proposals. Clarification was sought on the legal requirements of maintaining a play area in Rabley Wood if the application was accepted. It was explained that the legal agreements would have to be determined separately.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

A debate followed where paragraph 74 of the National Planning Framework was discussed, along with the lack of a section 106 agreement to mitigate concerns.

At the conclusion of debate it was,

Resolved:

That the planning permission be REFUSED for the following reasons:

The proposed development is unacceptable because it would result in the loss of an existing open space and recreational area without providing for its replacement in terms of equivalent or better provision in a suitable location. Specifically, the off-site kick-about area would be less suitable

due to its more distant relationship to existing residential development and the lack of oversight from these properties that currently exists. Similar issues of lack of suitability would arise in relation to the proposed equipped play area, where it has not been demonstrated that any replacement equipped play area would enjoy the current open setting that allows for natural surveillance from existing houses and users of the existing recreational area. This raises safeguarding issues for children using the proposed areas as the lack of natural surveillance would mean that most children using it will need to be supervised by adults. This would conflict with that part of paragraph 74 of the NPPF that states that existing open space and recreational land should not be built upon unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality in a suitable location.

The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards education provision in the locality or financial contributions towards the on-going provision and maintenance of open space and recreation provision. The application is therefore contrary to Policies HC30; HC37 and HC34 of the Kennet Local Plan 2011.

The archaeological assessment submitted with the application has indicated some potential for archaeological remains to be impacted by the proposed development. In these circumstances, it is considered necessary for a field evaluation to be carried out to fully assess the potential impact on any heritage asset of archaeological interest, in accordance with paragraph 128 of the NPPF.

51. Urgent items

There were no urgent items.

(Duration of meeting: 6:00pm - 9.00 pm)

The Officer who has produced these minutes is Adam Brown, of Democratic Services, direct line 01225 718038, e-mail adam.brown@wiltshire.gov.uk

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

WILTSHIRE COUNCIL

AGENDA ITEM NO.

EASTERN AREA PLANNING COMMITTEE

20 NOVEMBER 2014

TOWN AND COUNTRY PLANNING ACT 1990

WILTSHIRE COUNCIL BOROUGH OF MARLBOROUGH PATH NO. 26 (Part) STOPPING UP ORDER AND DEFINITIVE MAP MODIFICATION ORDER 2014

Purpose of Report

1. To:
 - (i) Consider an Order extinguishing part of footpath Marlborough No. 26.
 - (ii) Recommend that the Order be submitted to the Secretary of State for Environment, Food and Rural Affairs for determination and that Wiltshire Council supports the Order.

Relevance to the Council's Business Plan

2. Working with the local community to provide a rights of way network fit for purpose.

Description of the Route

3. The Order is attached to this report at **Appendix 1** and contains a map showing the part of the route to be extinguished.
4. Marlborough footpath No. 26 leads from the A4 across the forecourt of Bridge Garage to the River Kennet. The path then leads across the river, past the church to its junction with the B3052 (George Lane). There is no access across the river. The banks are steep and inaccessible and no evidence of a bridge has been found from either documents (1773 onwards) or a ground survey.
5. The route across the garage forecourt was diverted in 1981 by an Order made under Section 210 of the Town and Country Planning Act 1971.

Background

6. A full report relating to this Order is appended at **Appendix 2**.
7. The Order is made as a result of an application to Wiltshire Council (application number 2014/14) to extinguish the section of path from the A4 south to the River Kennet to enable a permitted development to proceed. One objection to the Order has been received and the Council must now decide whether to abandon the Order or whether to send it to the Secretary of State for the Environment, Food and Rural Affairs for determination.

8. Planning permission was granted on 15 May 2014 for the redevelopment of the garage to accommodate six new dwellings and conversion and extension of a grade II listed cottage to accommodate four dwellings.
9. Nothing in the planning permission permits the development to proceed unless the right of way is either extinguished or diverted.
10. The permitted development obstructs parts of the footpath with parking bays for units 8, 9 and 10 and there is no reasonable route for diversion of the path or relocation of the bays.
11. Wiltshire Council, as surveying authority, does not have a statutory duty to make Orders altering the network (for example diversions or extinguishments) and will generally not make them where there is a high level of relevant local dissent to the proposal. However, the granting of planning permission that requires the diversion of rights of way to proceed, places an additional responsibility on the surveying authority where that authority is a unitary authority.
12. The Department for Environment Food and Rural Affairs Guidance for Local Authorities, Rights of Way Circular 1/09 Version 2 at 7.15 states:

“The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted permission for a development affecting a right of way, however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages of loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.”
13. The Defra Guidance referenced at paragraph 12 above states at 7.11:

“The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights.”
14. It is therefore clear that until such time as an Order diverting or extinguishing the affected rights of way is made and confirmed, the development cannot proceed.

Main Considerations for the Council

The statutory requirements

15. Section 257(1) of the Town and Country Planning Act 1990 states the following:
- “(1) Subject to Section 259, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out –*
- (a) in accordance with planning permission granted under part III or*
(b) by a government department”
16. It is considered that this is met. The parking bays, when used for that purpose, would obstruct the public right of way. Associated traffic movements could also cause nuisance or danger to walkers.

Effect of the proposal on other parties

17. Paragraph 7.15 of Defra Circular 1/09 advises that in considering whether or not to confirm the Order, the disadvantages or loss likely to arise as a result of the stopping up or diversion, either to members of the public generally, or to persons whose properties adjoin or are near the existing public right of way, should be weighed against the advantages of the proposed Order.
18. The Order was duly advertised in the newspaper, by notice to prescribed and interested parties and placed on site for a period of 28 days. One objection was received.
19. The objection was made by Councillor Stewart Dobson who sent the following by email on 26 August 2014:
- “I wish to object most strongly to the above Order.*
- This Right of Way is an ancient and historic path which is an important part of our town’s heritage. Previous owners of the site have always protected the route and acknowledged their responsibility.*
- When the present owners of Bridge Garage presented their development plans for the site they assured myself and members of the Town Council that they were aware of the path and would protect the route in their plans. I see no reason to stop and divert this route.”*
20. Officers have considered Cllr Dobson’s objection and agree that the route is undoubtedly one of antiquity. However, it is a fact that the line of the path is obstructed by the permitted development and owing to the constraints of the site there is no scope for diversion. Additionally, the route is a ‘dead end’, currently being interrupted by bushes and the river. Although it is possible to get reasonable views of the river from the south side, it is not possible to do so from the Bridge Garage side.

21. Additionally, the central section across the forecourt was diverted in 1981 and has therefore lost its historic route.
22. As a result of these considerations officers wrote to Cllr Dobson on 18 September 2014 inviting him to withdraw his objection. No response has been received.
23. The letter stated:

“The advertisement period for the above Order has now expired and Wiltshire Council has received no objections or representations to the Order other than the one that you submitted dated 26 August 2014.

If your objection is not withdrawn the Order will be put before the Eastern Area Planning Committee who must resolve to either abandon the Order or to forward it to The Planning Inspectorate for determination.

The Order was made as the result of an application to extinguish the path arising from the grant of planning permission for application 13/05263/FUL. Guidance issued by the Department for Environment Food and Rural Affairs – Rights of Way Circular 1/09 Guidance for Local Authorities Vers 2 says at para. 7.15 ‘Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order’.

In the Council’s decision on 13/05263/FUL the case officer identified that vehicles parked in bays would obstruct the route of the footpath and that the applicant would need to apply to extinguish or divert the footpath. The footpath is obstructed by parking bays for units 8, 9 and 10 and there is no reasonable route available for diversion. The only possible route would lead very close to the entrance to unit 9 and past the window to the downstairs toilet before reaching the dead-end which is the river, the route would also be closer to the A4 at this point than historically and hence more disturbed by traffic noise. The developer has indicated that they are not prepared to provide a riverside walk or riverside seating and given the constraints of the site this is an understandable response.

Although it is clear that Marlborough 26 is a historic route, the purpose and character of the section north of the river are long lost. It is noted that part of the route was diverted some years ago, resulting in the loss of the historic line and any further diversion would lead to a route that would be restricted in width, unclear in purpose, of little or no utility to the public but with a considerable burden of maintenance cost to be found from public monies. For these reasons any officer’s report to the planning committee is likely to support the confirmation of the Order.

If you could please confirm with me whether you wish to sustain or withdraw your objection I would be very grateful. If I do not hear from you by 10 October 2014 I will assume that objection is upheld and will prepare a report for the planning committee.

If you have any queries please do not hesitate to contact me.”

Safeguarding Considerations

24. Considerations relating to safeguarding anyone affected by the making and confirmation of an Order made under Section 257 of the Town and Country Planning Act are not relevant considerations for this Order.

Public Health Implications

25. Considerations relating to any public health implications of the making and confirmation of an Order made under Section 257 of the Town and Country Planning Act are not relevant considerations for this Order.

Environmental Impact of the Recommendation

26. No environmental impact has been identified.

Risk Assessment

27. The public would no longer be able to walk from the A4 to the River Kennet , a distance of 64 metres at this site. The alternative route is via the reserved footway beside the A4 for a similar distance.
28. The extinguishment of this section of footpath is unlikely to either decrease or increase any risk to members of the public.

Financial Implications

29. The applicant has agreed to pay all costs relating to this Order but they may not be charged for any costs related to sending the matter to the Planning Inspectorate for determination. If the Council agrees to support the Order, costs could be in the region of up to £2,500. However, in this case, with only one objection it is likely that Planning Inspectorate would consider the case by either written representations (no additional cost to the Council) or at a local hearing (cost to the Council in the region of £200) if the objector wishes to be heard.
30. The Planning Inspectorate in Advice Note No. 1 (as revised May 2013) advises that sometimes an Order Making Authority (OMA) is content to make the requested Order but is not prepared to support it at an inquiry. It continues to say that this often occurs when an Order is made under the Town and Country Planning Act 1990 to enable development to proceed and that the OMA may choose to remain neutral as regards confirmation of the Order. There is no cost associated with this.

Options Considered

31. To:
- (i) Forward the Order to the Secretary of State with the recommendation that it is not confirmed.
 - (ii) Forward the Order to the Secretary of State with the recommendation that it be confirmed with modifications.

- (iii) Forward the Order to the Secretary of State with the recommendation that it be confirmed as made.
- (iv) Forward the Order to the Secretary of State and maintain a neutral stance.
- (v) Abandon the Order.

Reasons for Recommendation

- 32. It is considered that this part of the path has no purpose and utility and should therefore be extinguished. This would enable the permitted development to proceed.
- 33. The site is small and constrained and does not lend itself to facilitating a diversion, a riverside walk or even a viewing point. With the A4 bridge over the River Kennet so close it is highly unlikely that the Council would consider building a bridge for the footpath, even if this was deemed acceptable by all parties.

Recommendation

- 34. That the Wiltshire Council Borough of Marlborough Path No. 26 (part) Stopping Up Order and Definitive Map Modification Order 2014 is forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

Tracy Carter
Associate Director, Waste and Environment

Report Author
Sally Madgwick
Rights of Way Officer

The following unpublished documents have been relied on in the preparation of this Report:

Correspondence with the Town Council, user groups, other interested bodies and members of the public

Appendices:

- Appendix 1 - Order and Order Plan
- Appendix 2 - Decision Report

**PUBLIC PATH STOPPING UP AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER**

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53(A)(2)

**WILTSHIRE COUNCIL BOROUGH OF MARLBOROUGH PATH NO. 26 (PART) STOPPING UP
ORDER AND DEFINITIVE MAP MODIFICATION ORDER 2014**

This order is made by Wiltshire Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under part III of the Town and Country Planning Act 1990 namely the redevelopment of the garage to accommodate 6 new dwellings and conversion of a grade II listed cottage to accommodate 4 dwellings at Bridge Garage, Marlborough.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the Borough of Marlborough Definitive Map and Statement dated 1953 as modified under the Wildlife and Countryside Act 1981 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order ("the schedule") shall be stopped up and the Borough of Marlborough Definitive Map and Statement dated 1953 as modified by the Wildlife and Countryside Act 1981 shall be modified as provided below.
2. The stopping up of the footpath shall have effect on the confirmation of this order.
3. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of site of existing path or way

That length of footpath Marlborough no. 26 as shown on the attached map by a continuous black line starting at point A leading south south east to point B.

Width 10 feet. Approximate length 55 metres

PART 2

Modification of Definitive Statement

Variation of particulars of path or way

Parish	Path No	Description	Modified under Wildlife and Countryside Act 1981
Marlborough	26	<u>FOOTPATH</u> From the northern bank of the River Kennet leading south to George Lane, B.3052, east of the Roman Catholic Church. Width 3.1 metres Approximate length 64 metres	53(3)(a)(i)

THE COMMON SEAL OF }
THE WILTSHIRE COUNCIL }
Was hereunto affixed this }
5th day of August 2014 }




In the presence of: -

[Signature]
Principal Solicitor

80028

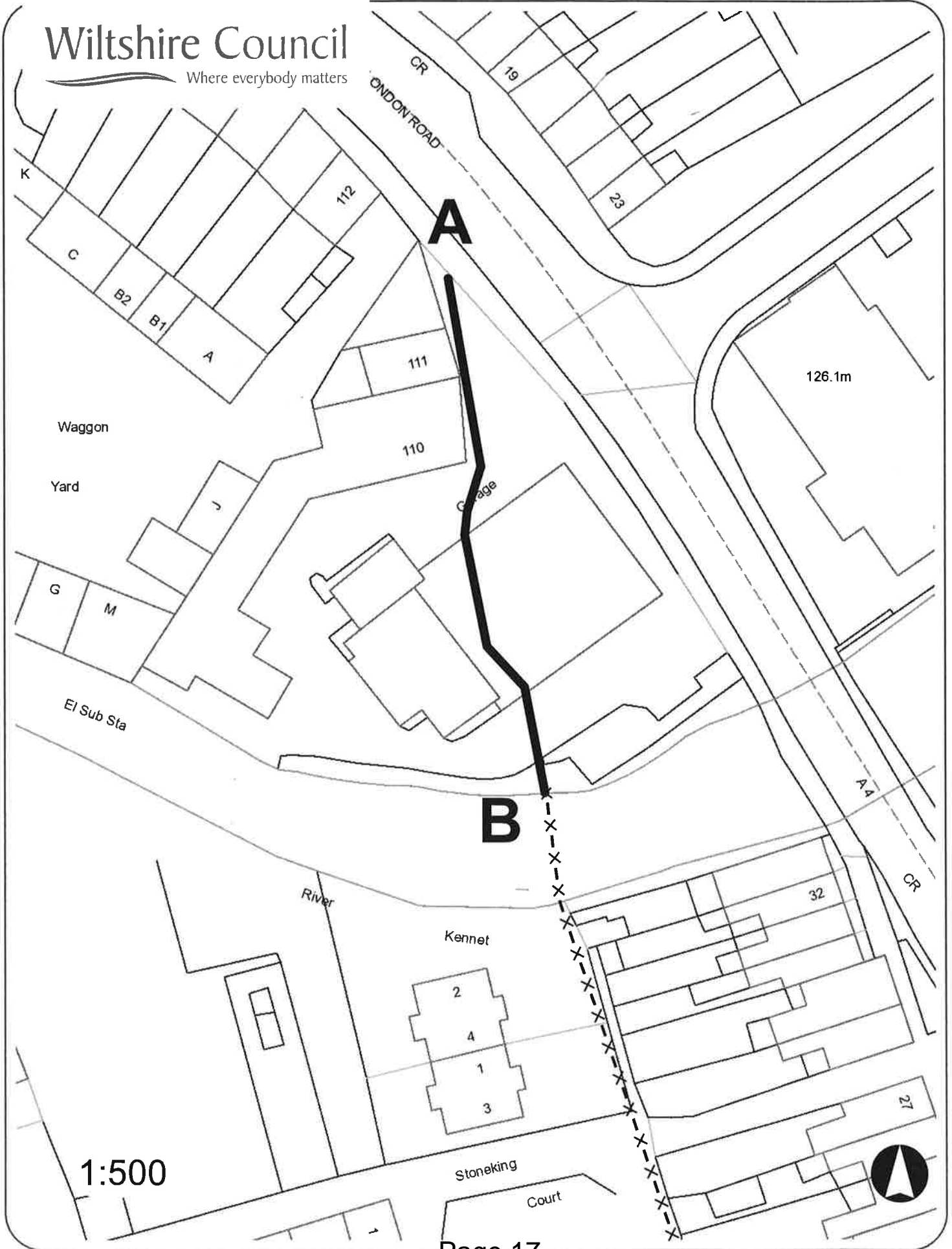
Marlborough 26 (part) Order Plan

Path to be extinguished **A**  **B**

Unaffected footpath 

Wiltshire Council

Where everybody matters



This page is intentionally left blank

WILTSHIRE COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSED EXTINGUISHMENT OF PART OF MARLBOROUGH PATH NO. 26
AT BRIDGE GARAGE, MARLBOROUGH

1 Purpose of Report

1 To:

- (i) Consider and comment on an application to extinguish part of Marlborough path no. 26 at Bridge Garage to enable a permitted development to take place.
- (ii) Recommend that an Order be made under s.257 of the Town and Country Planning Act 1990 to extinguish the part of the path affected by the development and to confirm the order if no representations or objections are received.

2 Background

- 2 On the 5th June 2014 Wiltshire Council received an application from Alex Deans of Deans Limited, Bridge Garage, 109 London Road, Marlborough, SN8 1LH to extinguish part of Marlborough 26 under s.257 of the Town and Country Planning Act 1990. The address for correspondence is Bridge Homes and Developments Limited, Bridge Garage, 109 London Road, Marlborough, SN8 1LH.
- 3 The application seeks to extinguish that part of the public right of way that is affected by the permitted development of the garage site. The site is affected by Planning application no. 13/05263/FUL Application for redevelopment of garage to accommodate 6 new dwellings and conversion of grade II listed cottage to accommodate 4 dwellings. Planning permission was granted on the 15th May 2014.
- 4 The planning consent contained the following informative to the applicant:
“Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of the right of way (ref MARL26) that crosses the site. You are advised to contact the Council’s Senior Rights of Way Officer.”
- 5 The application seeks to extinguish 51.47 metres of the path from the London Road (A.4) leading south to the River Kennet.
- 6 There is no bridge or ford across the river at this point and even though path no. 26 leads across the river and on past the church to the B.3052 users cannot reasonably proceed on path no. 26 without diverting onto the A.4 to cross the river using the bridge.
- 7 Although it is not a consideration for s.257 of the Town and Country Planning Act 1990, this section of path, leading across the garage forecourt has little or no utility owing to the lack of means to cross the river.

8 The application plan is shown below (path to be extinguished shown A to B):



9 The permitted development plan is shown below:

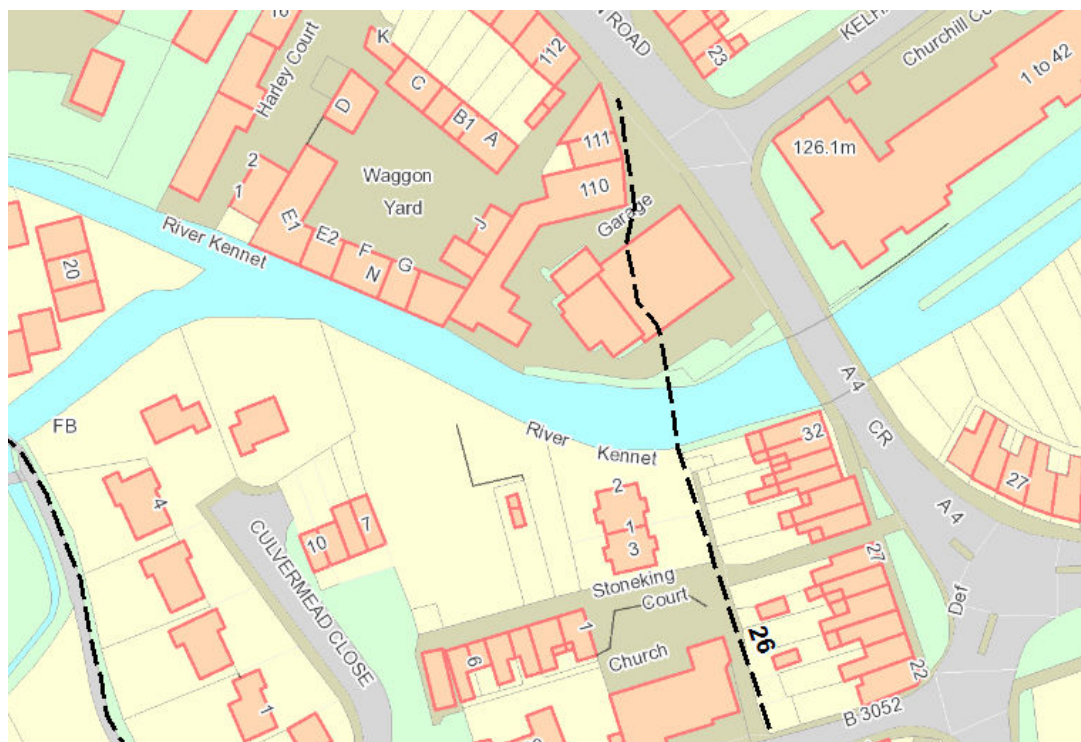


- 10 Footpath no 26 was included in the Borough of Marlborough definitive map and statement 1953 as follows:



F.P. From the London – Bristol trunk road A.4, opposite the Gas Works on the west side of the bridge, leading south to George Lane, B.3052, east of the Roman Catholic Church. 10 feet wide. 130 yds long.

- 11 The route was diverted at the garage site in 1981 by an Order made under s.210 of the Town and Country Planning Act 1971 entitled District Council of Kennet (Marlborough footpath No. 26) Public Path Diversion Order 1981.
- 12 The working copy of the definitive map shows the route as below:



13 The statement reads:

Footpath From the London – Bristol Trunk Road, A.4 opposite the Gas Works on the west side of the Bridge, leading south to George Lane, B.3052, east of the Roman Catholic Church. Approx length 120 m Width 3 metre. Relevant date 27th August 1991

14 Wiltshire Council's Principal Bridge Engineer had the river crossing inspected by a bridge inspector who could find no traces of any historic abutments upstream of Marlborough Town Bridge.

Images of south side:



Image of north side:



- 15 No bridge or ford is recorded on Ordnance Survey maps of 1889, 1922 or 1943. Andrews' and Dury's Map of Wiltshire dated 1773 shows the A.4 leading over the town bridge as it does today.

3 Land Ownership

- 16 The land affected by the application is owned by the applicant; Deans Limited, Bridge Garage, 109 London Road, Marlborough, SN8 1LH.

4 Consultation

- 17 An initial consultation was carried out between 09 June 2014 and 18 July 2014. The following letter was circulated:

Town and Country Planning Act 1990 s.257

Application to extinguish part of Marlborough footpath no. 26 at Bridge Garage, London Road, Marlborough, SN8 1LH

Wiltshire Council has received an application to extinguish part of footpath no. 26 where it crosses the Bridge Garage site at London Road. Planning permission has been granted (application no. 13/05263/FUL) for redevelopment of the garage to accommodate 6 new dwellings and conversion and extension of grade II listed cottage to accommodate 4 dwellings. A public footpath crosses the site and it will be necessary to stop up these public rights to enable the development to proceed.

Please find enclosed a plan showing the route to be extinguished as a solid black line marked A to B. If you have any comments relating to this I would be please to receive them by Friday 18 July 2014.

18 This, and a copy of the plan shown at para. 8 was sent to:

The Auto Cycle Union
Commons, Open Spaces and Footpaths Society
Wiltshire Bridleways Association
Wiltshire Cycling Touring Club
British Horse Society (BHS)
Marlborough Town Council
Wiltshire Councillor Nick Fogg
Mrs D Plummer BHS Wiltshire
Byways and Bridleways Trust
Wiltshire Council Senior Rights of Way Warden Paul Millard
Wiltshire Council County Ecologist
Mr B Riley
British Driving Society
National Grid Electricity and Gas
Scottish and Southern Electric plc
Wales and West Utilities
Easynet BT
Wessex Water
Virgin Media
Alex Deans, Deans Limited
Bridge Homes and Developments Limited
Wiltshire Council Principal Bridge Engineer

4 Consultation responses

19 **LineSearch** 10.06.14

No asset owners within the zone of interest

20 **Virgin Media** 10.06.14

No apparatus affected

21 **Openreach BT** 10.06.14

No apparatus affected

22 **Thames Water** 10.06.14

Foul water sewer crosses and leads along part of path no. 26.

23 **National Grid Electricity and Gas** 10.06.14

No apparatus affected.

5 Considerations for the Council – Legal Empowerment

24 The Town and Country Planning Act of 1990 states (as amended by section 12 of the Growth and Infrastructure Act 2013), in sections 257 and 259:

257 Footpaths and bridleways affected by development: orders by other authorities.

(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under Part III, or

(b) by a government department.

(1A) Subject to section 259, a competent authority may by order authorise the stopping up or diversion in England of any footpath, bridleway or restricted byway if they are satisfied that –

(a) an application for planning permission in respect of development has been made under Part 3, and

(b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

(a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;

(b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;

(c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;

(d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

(3) An order may be made under this section authorising the stopping up or diversion of a footpath or bridleway which is temporarily stopped up or diverted under any other enactment.

(4) In this section “competent authority” means—

(a) in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State, who would have had power to grant it

(b) in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made.

(c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the

case of an application made to the Secretary of State under section 62A, the local planning authority to whom the application would otherwise have been made.”

259 Confirmation of orders made by other authorities.

(1) An order made under section 257 or 258 shall not take effect unless confirmed by the Secretary of State or unless confirmed, as an unopposed order, by the authority who made it.

(1A) An order under section 257(1A) may not be confirmed unless the Secretary of State or (as the case may be) the authority is satisfied –

(a) that planning permission in respect of the development has been granted, and

(b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission.

(2) The Secretary of State shall not confirm any such order unless satisfied as to every matter as to which the authority making the order are required under section 257 or, as the case may be, section 258 to be satisfied.

(3) The time specified—

(a) in an order under section 257 as the time from which a footpath or bridleway is to be stopped up or diverted; or

(b) in an order under section 258 as the time from which a right of way is to be extinguished, shall not be earlier than confirmation of the order.

(4) Schedule 14 shall have effect with respect to the confirmation of orders under section 257 or 258 and the publicity for such orders after they are confirmed.

25 Section 257 of the Town and Country Planning Act 1990 requires that before the order may be confirmed either Wiltshire Council (in the case of an order that has not attracted objections) or the Secretary of State must be satisfied that it is necessary to divert the footpath in question in order to enable development to be carried out in accordance with planning permission granted.

26 Paragraph 7.15 of Circular 1/09 (Rights of Way Circular – Guidance for Local Authorities – Defra) advises that the disadvantages or loss likely to arise as a result of the diversion, either to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the Order.

27 In consulting on the diversion of the right of way prior to the granting of planning permission Wiltshire Council is adhering to Guidance issued by the Department for Environment, Food and Rural Affairs (Defra) in Rights of Way Circular 1/09 Guidance for Local Authorities Section 7.

28 7.1 states:

“Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

29 7.15 states:

“...Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to person whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.”

6 Comments on Considerations

i) Whether it is necessary to divert or extinguish the footpath in order to enable development to be carried out.

30 The permitted development affects the line of the path which must be diverted or extinguished to permit development to proceed.

ii) The disadvantages or loss likely to arise as a result of the extinguishment

31 Owing to the constraints of the proximity of the river, adjoining properties and the A.4 no diversion route could be identified. There does not appear to have been a dry crossing of this river at this point since at least 1773 and it is unlikely that anyone would be able to use the length of footpath 26 continuously with any degree of ease. The highway authority is not obliged to provide a bridge at river crossings and does not consider it appropriate to consider one at this point.

32 If the public were to walk the route to be extinguished and across the river they would travel approximately 93 metres and if they were to detour around the footway beside the A.4 to arrive at the same point on path no 26 they would travel 125 metres.

33 It is considered that loss associated with any additional distance and proximity to the A.4 is outweighed by use of the definitive path which crosses a garage forecourt and a wide river.

iii) Alternative Routes

34 There are no alternative routes. Riverside development precludes any possibility of diversion on the northern bank of the River Kennet at this point.

iv) Environmental Impact of the Recommendation

35 Planning Consent has been granted with full consideration of the environmental impacts of the proposal. The extinguishment of the right of way has no identified environmental impact.

v) Risk Assessment

36 There are no risks to users of the path associated with the extinguishment as the risk of crossing a garage forecourt and a river is considered to outweigh that of walking along a roadside footway.

vi) Legal Considerations and Financial Implications

37 The landowner will meet costs related to the application and will meet all costs related to the confirmation of the order excluding any costs associated with sending the Order to the Secretary of State (SoS) for determination. This occurs if objections are received. The SoS may choose to determine the order by written representations (no additional cost to the Council), a local hearing (approximate cost £200-£300) or a public inquiry (approximate cost £2500).

38 Although the making of public path orders is a power that Wiltshire Council has and is not a duty, where the planning authority and the highway authority are the same authority, a duty is implied. If Wiltshire Council fails to make an order following the granting of planning permission it is liable to application for judicial review from the developer. This has a potential cost to the Council of up to £50000.

vii) Equality Impact

39 The Council must have regard to The Equality Act 2010. This act requires (broadly) that in carrying out their functions, public authorities must make reasonable adjustments to ensure that a disabled person is not put at a substantial disadvantage in comparison with a person who is not disabled. The Equality Act goes further than just requiring a public authority does not discriminate against a disabled person. Section 149 imposes a duty, known as the “public sector equality duty”, on the public bodies listed in sch. 19 to the Act, to have due regard to three specified matters when exercising their functions.

40 These three matters are:

- Eliminating conduct that is prohibited by the Act
- Advancing equality of opportunity between people who have a disability and people who do not; and
- Fostering good relations between people who have a disability and people who do not.

41 The Equality Act applies to a highway authority’s provision of public rights of way services. (DEFRA Guidance *Authorising structures (gaps, gates and stiles) on rights of way* Oct 2010)

42 The Council must also have regard to the Wiltshire Council Rights of Way Improvement Plan (ROWIP). The ROWIP recognises the Council’s duty to have regard to DDA95 (replaced by the Equalities Act 2010) and to consider the least restrictive option.

43 The current path has no utility and its loss will have no impact.

8 Options to Consider

- 44
- i) To make an order to extinguish part of Marlborough path no. 26 under s.257 of the Town and Country Planning Act 1990 and s.53 of the Wildlife and Countryside Act 1981.
 - ii) Not to make an order to extinguish part of Marlborough path no. 26 under s.257 of the Town and Country Planning Act 1990 and s.53 of the Wildlife and Countryside Act 1981 .

9 Reasons for Recommendation

45 In order for the development to proceed the public footpath must be diverted or extinguished.

- 46 The northern part of Marlborough 26 has no utility. The southern leg leads to an attractive view of the river and may be retained as a cul-de-sac leading to a place of public resort (i.e. the riverside with views of the water and associated wildlife).
- 47 The need to extinguish or divert the route was considered during the planning consultation process.

10 Recommendation

- 48 **That Wiltshire Council makes an order under s.257 of the Town and Country Planning Act 1990 and s.53 of the Wildlife and Countryside Act 1981 to extinguish part of Marlborough path no. 26 at Bridge Garage and if after due advertisement no objections or representations are received the Order be confirmed and the definitive map and statement altered accordingly.**

Sally Madgwick
Rights of Way Officer

23 July 2014

This page is intentionally left blank

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	20th November 2014
Application Number	14/06522/FUL
Site Address	Ludgershall Garden Centre, Granby Gardens, 25 Astor Crescent Ludgershall SP11 9RG
Proposal	Full planning application for the residential redevelopment of the site for 181 units and their associated car parking, provision of areas of open space and play, and re-use/enhancement of the existing vehicular access from Astor Crescent, along with another new vehicular access from Simmonds Road, and off-site pedestrian improvements alongside New Drove, following demolition of the Garden Centre and its associated outbuildings at Granby Gardens, Astor Crescent, Ludgershall
Applicant	Mr Steve Carrington
Town/Parish Council	LUDGERSHALL
Division	LUDGERSHALL AND PERHAM DOWN
Grid Ref	426413 150509
Type of application	Full Planning
Case Officer	Adam Madge

Reason for the application being considered by Committee

The application is put before committee in view of the size and scale of the development and the concerns raised by neighbouring properties in surrounding roads

1. Purpose of Report

The purpose of this report is to consider the recommendation that outline planning permission be granted.

2. Report Summary

The main issues to consider are

- a) The principle of development;
- b) Whether the site can accommodate up to 181 dwellings, together with the necessary car parking, public open space and strategic landscaping;
- c) Whether the proposed access arrangements are satisfactory;
- d) Whether the development would make the necessary contributions towards affordable housing, education infrastructure, etc.

3. Site Description

This application relates to land at the Garden Centre, Granby Gardens, Ludgershall. The site covers an area of approximately 5.5 hectares and includes various buildings associated with the garden centre, car park and sales area, together with a pair of dormer bungalows. Approximately two thirds of the site is greenfield land.



Site Location

4. Planning History

- | | |
|-----------------|--|
| 14/04684/FUL | Full planning application for the residential redevelopment of the site for 208 units and their associated car parking, provision of areas of open space and play, and re-use/enhancement of the existing vehicular access from Astor Crescent, along with another new vehicular access from Simonds Road, and off-site pedestrian improvements alongside New Drive, following demolition of the Garden Centre and its associated outbuildings at Granby Gardens, Astor Crescent, Ludgershall – Decision appealed against non-determination. No date yet set for any decision. |
| E/2012/0515/OUT | Outline application for demolition of garden centre and construction of up to 181 dwellings with associated car parking, public open space and play areas. Access to be taken from Astor Crescent with secondary emergency - vehicle - only access from Simonds Road or Princess Mary Gardens. Offsite pedestrian improvements along New Drive. Application withdrawn. |

- E/2012/1362/FUL Erect a bungalow to the side of the existing development and install boundary fence between and to introduce shared access and off road parking for up to two family sized vehicles for both dwellings. Application refused 2/11/2012 then appealed, Appeal allowed
- E/2012/1395/TPO T1 - Ash tree - crown clean and reduce lower canopy back from telephone wires and reduce branches over drive Approved with conditions 14/11/12
- E/2012/1543/OUT Demolition of garden centre and its associated out buildings. Residential redevelopment of site with up to 181 houses and associated car parking, and provision of areas of public open space and children's play. Vehicular access to be via existing garden centre entrance onto Astor Crescent and new access onto Princess Mary Gardens. – Application appealed and then appeal withdrawn

5. The Proposal

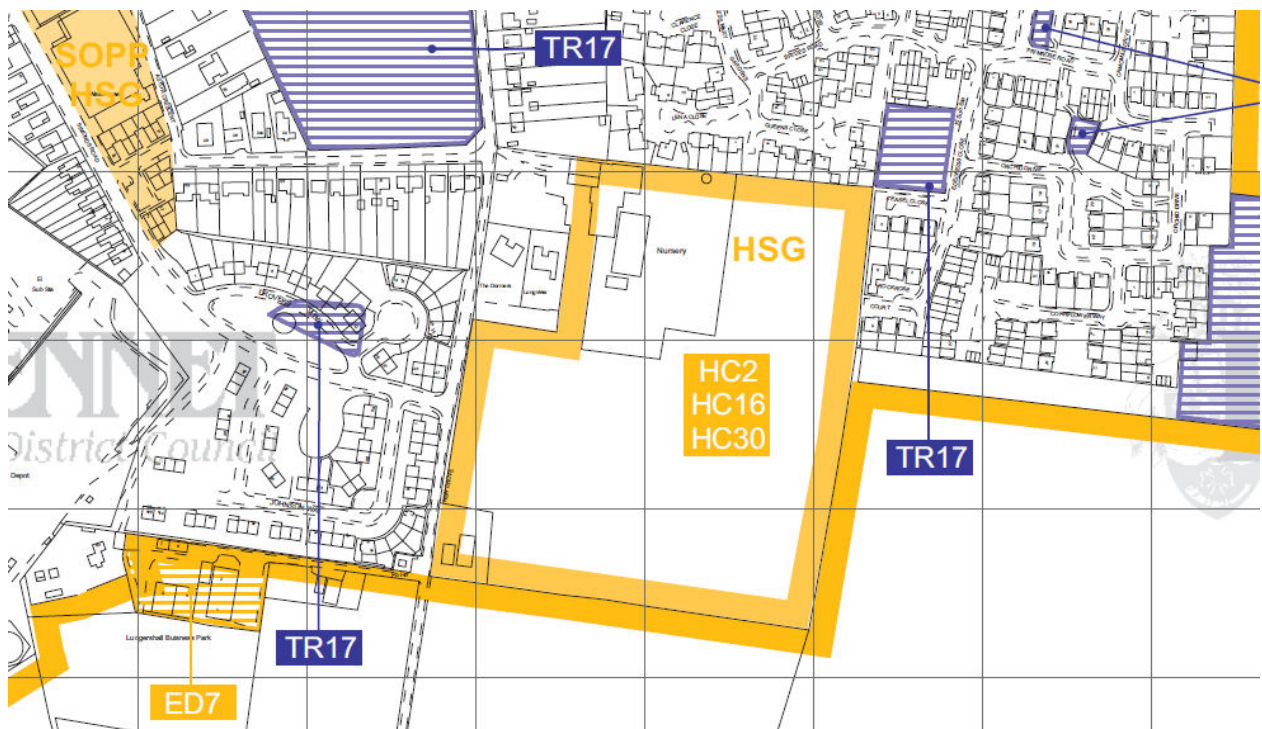
This application seeks full planning permission for the redevelopment of the garden centre with a residential scheme of 181 dwellings, together with associated car parking, public open space and children's play provision.

The application is for full permission. Vehicular access would be primarily via Simonds Road, with an additional access onto Springfield Road. The application submission includes a layout which is shown below -



6. Planning Policy

Kennet Local Plan - Saved **Policies HC2 & HC16** of the Kennet Local Plan 2011 allocate the site for residential development of about 130 dwellings. Policy HC16 stipulates that development should construct the main distributor road to provide an unhindered connection to land to the east and provide a substantial landscape buffer to the south and south-east to minimise the wider landscape impact of the development. The policy supporting text states that the site will need to secure access from two different points.



Extract from Kennet Local Plan 2011 Proposals Map

Saved **Policy HC5** of the local plan states that within the Limits of Development of Ludgershall the net density of residential development on large sites should be at least 30 dwellings per hectare, with the exception of housing sites that are allocated for a lower net density because of site constraints. Residential development with a net density greater than 30 dwellings per hectare will be sought where the location is close to a concentration of employment, a town centre or a public transport service where higher densities can contribute to a more sustainable pattern of development.

Saved **Policy HC7** of the local plan states that residential development must meet sustainable development objectives by:

- a) providing a network of streets, cycle paths and footpaths within the site which are linked to existing streets, cycle paths and footpaths to reduce the need to travel and reduce the distance travelled by private car;
- b) connecting to an existing public transport route to ensure the site is served by alternatives to the private car;
- c) ensuring public and private space is designed to encourage social/ community interaction;
- d) including a mix of uses and house types to introduce variety and interest in the street scene;
- e) using topography and aspect of the site to maximise solar gain and reduce energy consumption; *and*
- f) ensuring that natural resources and materials, which exist throughout the life of the development, are reused and re-cycled whenever possible.
- g)

Saved **Policy PD1** requires a high standard of design in all new developments and also sets out a range of general development and design criteria which all proposals must adequately address:

- 1) Sustainable design principles;
- 2) Scale, height, massing and density of development;
- 3) Relationship to townscape and landscape context and related ecology;
- 4) Layout, servicing and access arrangements, and road safety;
- 5) How the development contributes to the creation of a well used, attractive and safe public realm;
- 6) Landscape proposals;
- 7) Relationship to historic features;
- 8) Elevational treatment;
- 9) Building materials, colour and detailing; and
- 10) The impact on residential amenity, including that caused by reason of noise and disturbance.

Saved **Policy HC30** of the local plan states that the Council will seek to negotiate a 50% contribution of affordable housing on large sites, comprising 30% subsidised and 20% low cost market. (Note: The low cost market element was subsequently re-aligned to intermediate housing following the publication of PPS3.)

Saved **Policy HC34** sets out the requirements for recreation. In schemes of 20 or more dwelling units recreational open space will be required to be provided on the basis of 2.43 ha/1000 people, comprising:

- a. equipped play space
- 0.31ha/1000 people
- b. casual play space
- 0.41ha/1000 people
- c. formal sports/pitches
- 1.71 ha/1000 people

For the purpose of this policy average household size is taken as 2.4. The policy is also amplified by the Supplementary Planning Guidance document “**Community Benefits from Planning**” (March 2005).

Saved **Policy HC37** requires developments involving 25 dwellings or more to ensure that the primary and secondary education needs of the population of the new development can be met either by existing school infrastructure or through improvements to the existing school infrastructure. A developer contribution will be sought in cases where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development.

Saved **Policy HC42** requires developments involving 25 dwellings or more to ensure that the social and community needs of the residents can be met. Where these cannot be made using existing infrastructure appropriate provision may be sought from individual developments. Advice on the application of this policy is contained in the SPG document 'Community Benefits from Planning'.

A **Planning Brief** has also been prepared to guide development of the Granby Gardens site. This identifies the potential for the site to accommodate up to 150 dwellings.

The **interim development control policy regarding On-site Renewable Energy**, adopted by the former Kennet District Council and still extant, is relevant. This policy requires larger-scale developments to provide, as a minimum, sufficient on-site renewable energy to reduce CO₂ emissions from energy use by users of the buildings constructed on site by 10%. Developers will be expected to demonstrate that they have explored all renewable energy options, and designed their developments to incorporate any renewable energy requirements.

Minimum residential parking standards contained in the **Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy** are relevant to the assessment of the indicative site layout.

The **emerging Wiltshire Core Strategy** continues to save local plan policies HC2, HC16, HC34 & HC37. Policies PD1, HC5 & HC7 are due to be replaced by core policy CP57 (Ensuring high quality design and place shaping), policy HC30 by core policy CP43 (Providing affordable homes) and policy HC42 by core policy CP3 (Infrastructure requirements). The interim development control policy regarding on-site renewable energy will be superseded by core policy CP41 (Sustainable construction and low-carbon energy) which moves the emphasis towards sustainable construction. Appeal inspectors are giving the emerging Core Strategy limited weight at present and therefore the local plan policies are the primary consideration, with regard given to the 'direction of travel' of policy where appropriate.

Government policy contained in the **National Planning Policy Framework (NPPF)** is also a material consideration.

7. Consultations

Ludgershall Town Council - Objects

- a) New development parking spaces – a number of designated parking spaces are still a distance from properties and the concern is they may not be used.
- b) Central Play/Amenity area of site is still surrounded by parking spaces and could lead to conflict between vehicle owners and users of the play area and be a possible health and safety issue.
- c) Landscaped boundary/buffer zone – who is responsible for the maintenance of these areas in the future?

- d) Existing property fence of Queens Close properties have 1.5 metre high fence but this will back onto the new properties, as a condition of the application that the developer replaces existing fences to a new height of 1.75 metre for privacy and security.
- e) Astor Crescent Road – due to on street parking the width of the road is still a concern regarding the ability for emergency vehicles and large delivery vehicles to use this as a main access.
- f) Traffic lights at Astor Crescent onto the A.3026 (Tidworth Road) – on street parking near to traffic light censor is causing a road safety issue, as a condition of the this application restricted parking measures be enforced.
- g) Simmonds road – some properties do not have the facility for off street parking so thus restricting the carriage way as a main access.

Environment Agency

Initially objected to the proposal on the grounds that the current flood risk proposal provided contains insufficient detail which cannot be agreed as a condition. Further details have been submitted and the EA comments on these are awaited.

RSPB (No response to this application but on previous application) – *The application site is within 4km of the Salisbury Plain Special Protection Area (SPA) and therefore the Council will need to consider the potential impacts on stone-curlew, a designated interest feature of the SPA. 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. Further housing development is likely to increase recreational activity within the SPA and this has the potential to impact on stone-curlews. If recreational use increases, mitigation measures may be required to ensure that the SPA is not detrimentally affected. A developer contribution towards the Stone Curlew Project would be appropriate in this instance. The RSPB supports the findings of the applicant's ecology report but recommends that suitable provision is made for birds within the fabric of the buildings, not simply via retro-fit bird boxes. For example, certain species prefer locations under the eaves or behind the bargeboards of gable ends, and small groups of nest bricks or cavities may also be appropriate. A Wildlife Management Plan should be provided.*

Veolia Water - No objections or comments on this application

Wessex Water - Subject to application and agreement of flow rates it is envisaged that the development may connect to the existing 150mm DI main in Empress Way. Further appraisal will be required upon receipt of water supply application to determine if modulation of an existing PRV (pressure reducing valve) will be required. The cost of this network reinforcement is not significant and can be incorporated in the Section 41 Agreement (Water Industry Act 1991).

Buildings above two storeys will require on site boosted storage.

Wiltshire Council Archaeology – an archaeological evaluation has been carried out. Nothing requiring the addition of further conditions or work was discovered.

Wiltshire Council Arts Development Officer – An indicative figure for a public art contribution of a site of this size, based on £300 per dwelling, would be £54,300 and we would expect that no more than 10% of this figure to be spent upon the engagement of a public art advisor for the production of a public art plan.

Wiltshire Council Arboricultural Officer - No objection to the principle, which could also include the loss of the mature poor quality conifer hedge on the eastern boundary, subject to replacement planting.

Wiltshire Council Drainage Officer – no objection subject to a condition to secure a scheme for surface water drainage, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development. The submitted Flood Risk Assessment is acceptable.

Natural England – As the proposal is within close proximity to the North Wessex Downs AONB suggest that they are consulted. No objection to impact on the Salisbury Plain and SPA subject to a contribution being sought for habitat mitigation.

The applicant should Follow Natural England's Standing advice with regard to protected species. The local authority should consider the opportunity to provide biodiversity enhancements with this application.

Wiltshire Council Ecologist – Requests further reports in respect of the following –

- Updated Extended Phase I Habitat Survey Report – to include bat activity/building use by bats/use of tree roosts, comprehensive reptile survey and Phase II bird survey, as recommended in the Lizard Landscape Design Report.
- A mitigation and enhancement strategy relevant to the site ecology (as updated above) and to the proposal.
- Design layout and landscaping plan drawings should include the mitigation and enhancement measures as annotations.

Wiltshire Council Education – £1,340,000.00 requested towards the provision of both primary and secondary facilities

Wiltshire Council Environmental Health Officer – no objection subject to two conditions – one relating to hours of construction on site and one relating to the burning of waste on site.

Wiltshire Council Highways – No objections subject to conditions and the following obligation in a section 106 agreement –

A planning obligation to secure:-

A contribution of £100,555 ((£250k / 450) x 181) time limited to 10 years, index linked for, congestion relief in Ludgershall.

Wiltshire Council Housing officer – Request for 30% affordable housing received

Wiltshire Council Landscape Officer – No objections received

Wiltshire Fire and Rescue – No objections but advice offered on Access, water supplies and Fire Safety legislation.

8. Publicity

32 letters of objection have been received - primarily to the access proposed along Simmonds Road. But also including the following points –

- A) Consideration should be given to having the roadway as a one way system
- B) Request for bollards to be placed in Simmonds road splitting the road in half and introducing a 20mph speed limit. There is speeding currently on Simmonds road which ignores the 20mph speed limit
- C) Council should build an access road out to Perham Down
- D) Why were residents in Simmonds road not consulted initially? (*note neighbours in Simmonds road have now been consulted*)
- E) Consider site plan is invalid as it does not contain all the land necessary to carry out development (*note on legal advice the site plan has been amended to include all the land necessary to carry out the development*)
- F) Draft unilateral undertaking is not available on the web (*this has since been published on the councils website*)
- G) Considers the proposal does not comply with Kennet policy HC16 as the access does not extend to the Eastern boundary.
- H) The amount of traffic on Simmonds road would be excessive and would lead to accidents.
- I) Concern about the amount of vehicles going through Astor crescent.
- J) Access should be available via Edelweiss Close and Princess Mary Gardens
- K) The development should provide several safe play areas for children.
- L) Concern that there is insufficient infrastructure being provided for this development including new schools and a doctors surgery.
- M) Questions whether application takes account of all the extra troops that will be moved back to Ludgershall?
- N) No objection to the need for extra housing but object to the access points in and out.
- O) Suggest that the new estate gets split into three and that each road has it's own access road via Simmonds road/Astor Crescent/Princess Mary Gardens this will mean that no one road will have to cope with the traffic.
- P) Concern that the hedgerow bordering Lena Close and Queens Close will be destroyed and that there will be a lack of security along this hedgeline.

- Q) Query the housing figures put forward by the councils spatial planning department as neighbour considers that the 1750 dwelling target will be exceeded by at least 165 dwellings by the end of 2026 which is another 12 years away.
- R) Concern expressed about the landscaping strip adjacent Lena Close and how this will be maintained.
- S) Consider that sewage for the proposal will not be adequate.
- T) Consider that there are bats and other forms of biodiversity on the site which need to be protected.
- U) Consider that the number of dwellings on site is excessive/too dense
- V) 40% affordable housing is too high.
- W) A concern has been raised about the removal of asbestos from the site.
- X) Concerns are raised about the Annexe at 7 Queens Close in relation to fire risk the proximity of the window to the planting strip and other issues,

9. Planning Considerations

9.1 Principle of Development

The principle of residential development on this site has been established by its inclusion as an allocation in the Kennet Local Plan 2011. The relevant local plan policy (HC16) has been saved under the emerging Wiltshire Core Strategy so the site allocation for residential development remains extant.

9.2 Site Capacity

One of the key issues under the current application is whether the site has the capacity to accommodate up to 181 dwellings. Policy HC16 of the local plan does not refer to a specific number of dwellings but policy HC2 includes the figure of “about 130”. The planning brief states that “there may be an opportunity to achieve in excess of 130 dwellings and potentially closer to a figure of 150 dwellings”.

The application includes a layout to show how the number of dwellings being sought (181) could be accommodated on the site. The drawing submitted with the application meets the Council's requirements:

- Private gardens meet the minimum size (50sqm) set out in supplementary planning guidance on ‘Community Benefits from Planning’.
- The dwellings maintain back-to-back spacing of 21m with each other and with existing dwellings. This meets the minimum requirements set out in the supplementary planning guidance document ‘Community Benefits from Planning’.
- The layout and dwelling mix ensures that in the majority of cases wheelie bins and recycling boxes can be stored out of view to the side and rear of the property.

- The level of children's play provision complies with policy HC34 of the Kennet Local Plan and the space is well overlooked for security purposes.

Strategic landscaping is provided on the south and south-east site boundaries, as required by the planning brief. Development is two storey throughout and buildings are set back from the boundaries with surrounding countryside.

On this basis of the above it is considered that the site is capable of accommodating up to 181 dwellings (this view is also confirmed by the Urban Designer's comments). In density terms this would equate to a gross density of approximately 32.9 dwellings per hectare which is by no means excessive. The site is sustainably located with good links to the town centre and therefore there is no objection to the number of dwellings being proposed. There are no highway objections to this amount of development on the site.

9.3 Access Arrangements

The current outline application includes access for consideration and this is one of the main reasons why the application has taken so long to reach determination stage. The local plan policy requirement is for the development to provide two points of access and for the main distributor road to provide an unhindered connection to land to the east. Appendix 2 of the planning brief includes a Concept Plan which shows access points from Simmonds Road / Roberts Road to the west and Astor Crescent to the north-west. The planning brief confirms that these access arrangements have been agreed in principle by the highway authority.

Earlier applications by the same applicant (E/2012/0515/OUT and E/2012/1543OUT) sought approval for a scheme of up to 181 dwellings with a sole access from the existing garden centre access off Astor Crescent. These schemes were considered unacceptable by the Council's highway team and they attracted a high level of objection from local residents. This resulted in the applications being withdrawn.

The current application seeks approval for a scheme of up to 181 dwellings with primary access from Simmonds Road and secondary access from Astor Crescent. This meets the policy requirement for two points of access. The Council's highway Officer has recommended approval to the principal of access along Simmonds road although he has a number of concerns about the detailed layout of the site.

The current plan follows successful negotiations with the Council. The current site layout would work well with the new access arrangements because only a small number of dwellings (20 approx) would find it easier and more convenient to use Astor Crescent. The vast majority would naturally use Simmonds Road / Roberts Road to reach Tidworth Road as it is a straighter, wider and more direct route. The primary/secondary arrangement can be reinforced using traffic calming on the secondary spur.

Various suggestions have been made by residents in Simmonds Road of alternative ways to access the site. However whilst traffic in Simmonds Road will inevitably increase as a result of this development it is not considered that the extent of harm to amenity or traffic safety in Simmonds Road is sufficient to refuse planning permission. Splitting traffic three ways between

other roads will merely cause amenity and more significantly highway safety issues in two locations that would not be caused by this scheme.

It is not considered necessary by the highways officer to introduce Bollards or a 20mph speed limit in Simmonds Road in order to calm traffic in this location. Speeding in Simmonds road if it occurs is not a matter to be dealt with by this application it should be reported to the relevant authorities to deal with.

9.4 Contributions

The Planning Brief lists the contributions required from this development and provides a framework for assessing the current application. The applicants initially indicated that the pot of money available for making developer contributions was limited by viability considerations, with the monies being requested for education being a particular sticking point. However, the applicants have recently indicated verbally that they are prepared to sign up to the Council's requested S106 heads of terms:

- **Affordable Housing** – 30% affordable housing across the site.
- **Education** - Financial contribution of £1,340,000 towards improvements to existing education infrastructure, in accordance with policy HC37 of the Kennet Local Plan 2011.
- **Highway Contributions** –
A contribution of £100,555 ((£250k / 450) x 181) time limited to 10 years, index linked for, congestion relief in Ludgershall.
- **Children's Recreation** - Installation of play equipment and a trim trail (and commuted payments for maintenance if the applicants want to offer the equipment for adoption).
- **Adult Recreation** – Off-site contribution of £72,599.00 towards pitch provision, in accordance with policy HC34 of the Kennet Local Plan 2011.
- **Social and Community Infrastructure** - £100,000 towards Memorial Hall roof repairs, in accordance with policy HC42 of the Kennet Local Plan 2011 and the planning brief.
- **Ecology** - £19,877.42 towards the Stone Curlew Project within the Special Protection Area for Birds, to mitigate for the impact of increased use of Salisbury Plain for recreational activity by residents of the development.
- **S106 Monitoring Fee** – £3,000.

The biggest discrepancy with the planning brief is on the subject of affordable housing. The local plan policy requirement is for 50% affordable housing but this figure was set on the basis that social housing grant would be available. This is no longer the case and therefore it is unreasonable to expect schemes to be viable with 50% affordable housing. The emerging Core Strategy requires schemes to provide 30% affordable housing so this is the 'direction of travel' of planning policy. Officers have therefore agreed that 30% affordable housing contribution is appropriate.

It should be noted that certain contributions listed in the brief have not been requested from the applicant. These include:

- £40,000 towards the Ludgershall Link Road (this is no longer a viable scheme).
- Off-site commuted sum to support existing household recycling facilities (the Council now operates a kerbside recycling scheme so this contribution is no longer required).

Public Art contribution (the local plan policy requiring a contribution was not saved so there is no longer any policy basis).

The planning brief makes reference to the need for development proposals to address water supply and sewage capacity requirements. It is clear that network reinforcement may be required for water supply and additional off-site sewers for foul drainage. This would come at a cost to the developer; however, it can be secured through the Water Industry Act rather than the S106 agreement.

9.5 Issues raised by objectors

The primary cause for objection by neighbours to this application is the access which is to be mainly from Simmonds Road. This is discussed at 9.3 above.

- The planning brief stipulates that there must be a landscape buffer on the south and south-east boundaries of the site. There is no requirement for a buffer along the northern boundary and providing that development maintains minimum 21m back-to-back distances then there should be no issue with loss of amenity for existing residents. Having said this a buffer strip is shown on the Northern boundary and the applicants have raised no objections to the residents along Lena Close being given part of this Buffer strip in the future where it adjoins their gardens to maintain as residents are otherwise concerned the Buffer strip will not be maintained.
- It is not considered that there would be any loss of privacy arising from the siting of plots adjacent to the eastern site boundary. The affected properties in Lena Close, Queens Close and Edelweiss Close are already overlooked by their neighbours. The perception of being overlooked can be mitigated by the retention of existing tree belt along this boundary or, more likely, the planting of new trees along this boundary.
- The Ash trees adjacent to the garden centre access (and adjacent 23 Astor Crescent) would not be harmed by the development. This area is already hard surfaced and appropriate construction techniques can be used to prevent harm to the trees.
- The existing line of conifer trees along the northern boundary is unattractive and is likely to create future maintenance issues. Removal and replanting is therefore a better option.

In relation to other matters raised by objectors:

- This is an allocated housing site and therefore the principle of development is acceptable. Developer contributions will be taken for improvements to existing school infrastructure but there are no local plan policies to address the impact upon health service infrastructure.
- The Medical Supplies Depot is an unforeseen windfall site. The army rebasing programme is separate to this application. The Granby Gardens site is still allocated for residential development and therefore planning permission cannot be refused simply because another site has become available or other sites for housing are likely to come forward.
- Concerns are raised regarding the impact upon ecology, but the applicant has supplied an ecology survey and the Council's ecologist has been consulted on this.
- The Council's policies require 40% affordable housing. However this has now been reduced to 30% across the development because of viability issues.
- Policy H16 requires that the access for this site extends to the Eastern boundary. The applicants have shown the access to extend as far as they can towards the Eastern boundary although there is a ransom strip in this location. Any future development on the Eastern boundary will need to deal with this in the same way this development has dealt with the ransom strip on the Western boundary.
- The application will provide and fund a play area in the middle of the site as required by policy. It is considered that this adequate to serve the needs of the development.
- With regards to Bats and other wildlife on the site ecological reports have been prepared and at the time of writing were due to be assessed by the councils ecologist once available members will be brought an update on this.
- The removal of asbestos from the site is covered under separate legislation and laws which will need to adhered to by the future developers of this site.
- The issues with regard to the window on the annexe at no 7 Queens Close have been resolved by moving the buffer strip away from the boundary at this point.

10. Conclusion

The principle of residential development on this site has been established by its inclusion as an allocation in the Kennet Local Plan 2011. It is considered that the site can accommodate the number of dwellings being proposed together with the necessary private gardens, strategic landscaping, public open space, children's play areas and car parking as shown in the plans. This revised scheme using Simmonds Road/Roberts Road as the primary access and Astor Crescent serving as the secondary access, is considered acceptable and would not give rise to any highway safety issues.

RECOMMENDATION To delegate to the Area Development Manager to approve subject to the signing of a Section 106 legal agreement in respect of the following –

Affordable Housing - 30% contribution

Highways – A planning obligation to secure a contribution of £100,555 (£250k / 450) x 181) time limited to 10 years, index linked for, congestion relief in Ludgershall.

Education - Financial contribution of £1,340,000 towards improvements to existing education infrastructure, in accordance with policy HC37 of the Kennet Local Plan 2011.

Children’s Recreation - Installation of play equipment and a trim trail (and commuted payments for maintenance if the applicants want to offer the equipment to the Council for adoption).

Adult Recreation – Off-site contribution of £72,599.00 towards pitch provision, in accordance with policy HC34 of the Kennet Local Plan 2011.

Social and Community Infrastructure - £100,000 towards Memorial Hall roof repairs, in accordance with policy HC42 of the Kennet Local Plan 2011 and the planning brief.

Ecology - £19,877.42 towards the Stone Curlew Project within the Special Protection Area for Birds, to mitigate for the impact of increased use of Salisbury Plain for recreational activity by residents of the development.

S106 Monitoring Fee – £3,000

and the following conditions -

1) 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.

2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

3) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

4) 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.

5) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Plan – 11.026.128 rev.B

HA Allocation Plan – 11.026.129 rev.B

Location Plan – 11.026.100

House Type A – 11.026.103

House Type B – 11.026.104

House Type C – 11.026.105

House Type Ch – 11.026.106

House Type D – 11.026.107

House Type E – 11.026.108

House Type Eh – 11.026.109

House Type F – 11.026.110

House Type G – 11.026.111

House Type H – 11.026.112

House Type I – 11.026.113

House Type J – 11.026.114

House Type K – 11.026.115

House Type L – 11.026.116

House Type M – 11.026.117

House Type Mh – 11.026.118

House Type N – 11.026.119

House Type Nh – 11.026.120

House Type O – 11.026.121

House Type Oh – 11.026.122

House Type P – 11.026.123

House Type Ph – 11.026.124

House Type Q – 11.026.125

Existing Street Scenes – 11.026.126

Proposed Street Scenes – 11.026.130

Garage – 11.026.131

Landscape Plans – FOR 19182 11A/12A/13A/14A/15A/16A/17A/18A

Topographical Survey – ENC-151112-9M9

Tree Protection Plan – J472.07.181

REASON: For the avoidance of doubt and in the interests of proper planning.

6) No construction or demolition work shall take place at the site on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of neighbouring amenity

7) Prior to occupation of the 50th dwelling the Astor Crescent north footway (between the site entrance and Empress Way) shall be planed off 30mm and resurfaced in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing safe and convenient pedestrian access to the development.

8) Prior to occupation of the 50th dwelling Astor Crescent north (between the site entrance and Empress Way) shall have had its street lighting improved to current residential standards in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing safe and convenient access to the development.

9) Prior to occupation of any of plot numbers 1 to 25 the access to Astor Crescent including a junction table shall have been laid out and constructed in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing safe and convenient access to the development.

10) No construction traffic shall use Astor Crescent to access the site at any time.

REASON: In the interests of protecting the amenity and environment of residents of Astor Crescent which is considered unsuitable to cater for construction traffic movements.

11) Prior to occupation of any dwelling, the access to Simmonds Road shall have been laid out and provided included associated local footway alterations and road markings, in accordance with details to in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing safe and convenient access to the development.

12) No development shall commence on site until a Green 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.

13) Prior to the commencement of development a scheme detailing how the buffer strip along the Northern boundary with Lena Close and Queens Close will be managed, shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include details of how those parts of the buffer strip adjacent properties in Lena Close and Queens Close shall be transferred to those properties where they request transfer of the land and how the remaining parts of the buffer strip shall be managed.

REASON: In the interest of maintaining in the long term the buffer strip between the existing residential properties and the new homes.

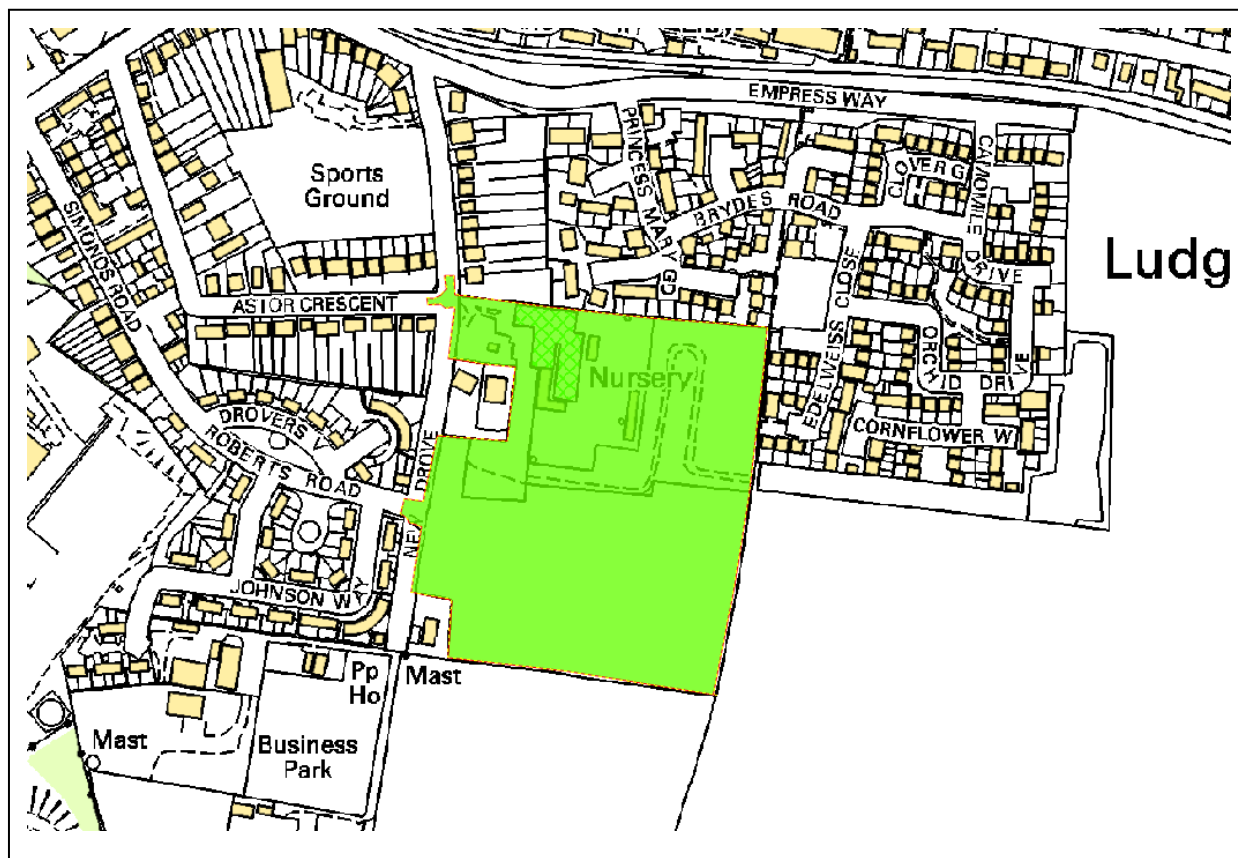
INFORMATIVE

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].

INFORMATIVE

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Application Number	14/06522/FUL
Site Address	Ludgershall Garden Centre, Granby Gardens, 25 Astor Crescent, Ludgershall SP11 9RG
Proposal	Full planning application for the residential redevelopment of the site for 181 units and their associated car parking, provision of areas of open space and play, and re-use/enhancement of the existing vehicular access from Astor Crescent, along with another new vehicular access from Simmonds Road, and off-site pedestrian improvements alongside New Drove, following demolition of the Garden Centre and its associated outbuildings at Granby Gardens, Astor Crescent, Ludgershall
Case Officer	Adam Madge



This page is intentionally left blank

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No.2

Date of Meeting	20 th November 2014
Application Number	14/04684/FUL
Site Address	Ludgershall Garden Centre, Granby Gardens, 25 Astor Crescent Ludgershall, Wiltshire, SP11 9RG
Proposal	Full planning application for the residential redevelopment of the site for 208 units and their associated car parking, provision of areas of open space and play, and re-use/enhancement of the existing vehicular access from Astor Crescent, along with another new vehicular access from Simmonds Road, and off-site pedestrian improvements alongside New Drove, following demolition of the Garden Centre and its associated outbuildings at Granby Gardens, Astor Crescent, Ludgershall
Applicant	Mr Steve Carrington
Town/Parish Council	LUDGERSHALL
Division	LUDGERSHALL AND PERHAM DOWN
Grid Ref	426413 150509
Type of application	Full Planning
Case Officer	Adam Madge

Reason for the application being considered by Committee

The applicants have appealed against non-determination of this application within the statutory time period allowed, and the proposal is now to be determined at Public Inquiry or hearing. As a result, officers must seek Councillors opinion of the application scheme, and what stance the Council should take at the forthcoming appeal.

1. Purpose of Report

This application has been appealed by the applicants and therefore the decision on this application will now be made by the Secretary of State. The application is however brought to committee in order that members can decide how they would have determined the application had it not been appealed and therefore how they would wish officers to proceed with the appeal.

2. Report Summary

The main issues to consider are:

- a) The principle of development;

- b) Whether the site can accommodate up to 181 dwellings, together with the necessary car parking, public open space and strategic landscaping;
- c) Whether the proposed access arrangements are satisfactory; and
Whether the development would make the necessary contributions towards affordable housing, education infrastructure, etc.

3. Site Description

This application relates to land at the Garden Centre, Granby Gardens, Ludgershall. The site covers an area of approximately 5.5 hectares and includes various buildings associated with the garden centre, car park and sales area, together with a pair of dormer bungalows. Approximately two thirds of the site is greenfield land.



4.Planning History

- E/2012/0515/OUT Outline application for demolition of garden centre and construction of up to 181 dwellings with associated car parking, public open space and play areas. Access to be taken from Astor Crescent with secondary emergency - vehicle - only access from Simmonds Road or Princess Mary Gardens. Offsite pedestrian improvements along New Drive. Application withdrawn.
- E/2012/1362/FUL Erect a bungalow to the side of the existing development and install boundary fence between and to introduce shared access and off road parking for up to two family sized vehicles for both dwellings. Application refused 2/11/2012 then appealed, Appeal allowed

E/2012/1543/OUT Demolition of garden centre and its associated out buildings. Residential redevelopment of site with up to 181 houses and associated car parking, and provision of areas of public open space and children's play. Vehicular access to be via existing garden centre entrance onto Astor Crescent and new access onto Princess Mary Gardens. – Application appealed and then appeal withdrawn

14/06522/FUL Full planning application for the residential redevelopment of the site for 181 units and their associated car parking, provision of areas of open space and play, and re-use/enhancement of the existing vehicular access from Astor Crescent, along with another new vehicular access from Simmonds Road, and off-site pedestrian improvements alongside New Drive, following demolition of the Garden Centre and its associated outbuildings at Granby Gardens, Astor Crescent, Ludgershall – Report on this application set out above.

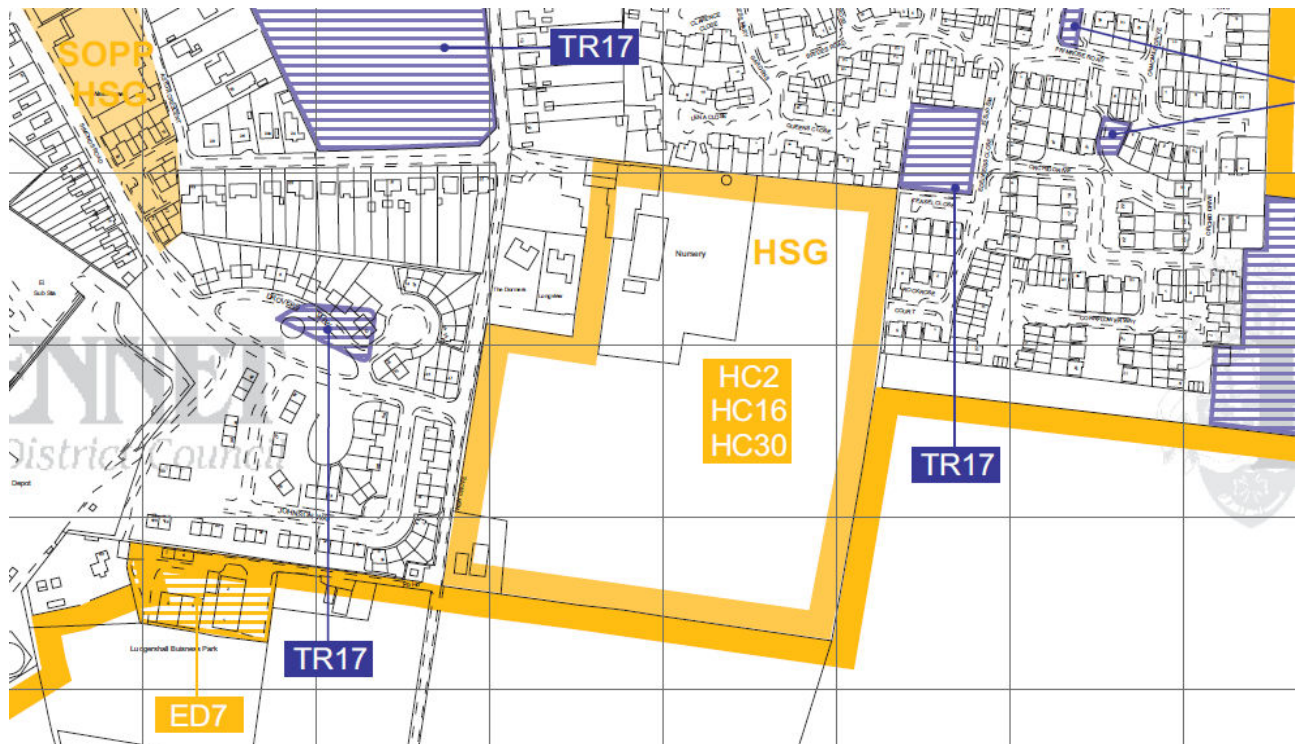
5.The Proposal

This application seeks full planning permission for the redevelopment of the garden centre with a residential scheme of 208 dwellings, together with associated car parking, public open space and children's play provision. The application is in full. Vehicular access would be primarily via Simmonds Road, with an additional access onto Springfield Road. The application submission includes a proposed layout shown below.



6. Planning Policy

Saved **Policies HC2 & HC16** of the Kennet Local Plan 2011 allocate the site for residential development of about 130 dwellings. Policy HC16 stipulates that development should construct the main distributor road to provide an unhindered connection to land to the east and provide a substantial landscape buffer to the south and south-east to minimise the wider landscape impact of the development. The policy supporting text states that the site will need to secure access from two different points.



Extract from Kennet Local Plan 2011 Proposals Map

Saved **Policy HC5** of the local plan states that within the Limits of Development of Ludgershall the net density of residential development on large sites should be at least 30 dwellings per hectare, with the exception of housing sites that are allocated for a lower net density because of site constraints. Residential development with a net density greater than 30 dwellings per hectare will be sought where the location is close to a concentration of employment, a town centre or a public transport service where higher densities can contribute to a more sustainable pattern of development.

Saved **Policy HC7** of the local plan states that residential development must meet sustainable development objectives by:

- providing a network of streets, cycle paths and footpaths within the site which are linked to existing streets, cycle paths and footpaths to reduce the need to travel and reduce the distance travelled by private car;
- connecting to an existing public transport route to ensure the site is served by alternatives to the private car;
- ensuring public and private space is designed to encourage social/ community interaction;
- including a mix of uses and house types to introduce variety and interest in the street scene;
- using topography and aspect of the site to maximise solar gain and reduce energy

- consumption; *and*
- f) ensuring that natural resources and materials, which exist throughout the life of the development, are reused and re-cycled whenever possible.

Saved **Policy PD1** requires a high standard of design in all new developments and also sets out a range of general development and design criteria which all proposals must adequately address:

- 1) Sustainable design principles;
- 2) Scale, height, massing and density of development;
- 3) Relationship to townscape and landscape context and related ecology;
- 4) Layout, servicing and access arrangements, and road safety;
- 5) How the development contributes to the creation of a well-used, attractive and safe public realm;
- 6) Landscape proposals;
- 7) Relationship to historic features;
- 8) Elevational treatment;
- 9) Building materials, colour and detailing; and
- 10) The impact on residential amenity, including that caused by reason of noise and disturbance.

Saved **Policy HC30** of the local plan states that the Council will seek to negotiate a 50% contribution of affordable housing on large sites, comprising 30% subsidised and 20% low cost market. (Note: The low cost market element was subsequently re-aligned to intermediate housing following the publication of PPS3.)

Saved **Policy HC34** sets out the requirements for recreation. In schemes of 20 or more dwelling units recreational open space will be required to be provided on the basis of 2.43 ha/1000 people, comprising:

- a. equipped play space
- 0.31ha/1000 people
- b. casual play space
- 0.41ha/1000 people
- c. formal sports/pitches
- 1.71 ha/1000 people

For the purpose of this policy average household size is taken as 2.4. The policy is also amplified by the Supplementary Planning Guidance document “**Community Benefits from Planning**” (March 2005).

Saved **Policy HC37** requires developments involving 25 dwellings or more to ensure that the primary and secondary education needs of the population of the new development can be met either by existing school infrastructure or through improvements to the existing school infrastructure. A developer contribution will be sought in cases where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development.

Saved **Policy HC42** requires developments involving 25 dwellings or more to ensure that the social and community needs of the residents can be met. Where these cannot be made using existing infrastructure appropriate provision may be sought from individual developments. Advice on the application of this policy is contained in the SPG document ‘Community Benefits from Planning’.

A **Planning Brief** has also been prepared to guide development of the Granby Gardens site. This

identifies the potential for the site to accommodate up to 150 dwellings.

The **interim development control policy** regarding **On-site Renewable Energy**, adopted by the former Kennet District Council and still extant, is relevant. This policy requires larger-scale developments to provide, as a minimum, sufficient on-site renewable energy to reduce CO₂ emissions from energy use by users of the buildings constructed on site by 10%. Developers will be expected to demonstrate that they have explored all renewable energy options, and designed their developments to incorporate any renewable energy requirements.

Minimum residential parking standards contained in the **Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy** are relevant to the assessment of the indicative site layout.

The **emerging Wiltshire Core Strategy** continues to save local plan policies HC2, HC16, HC34 & HC37. Policies PD1, HC5 & HC7 are due to be replaced by core policy CP57 (Ensuring high quality design and place shaping), policy HC30 by core policy CP43 (Providing affordable homes) and policy HC42 by core policy CP3 (Infrastructure requirements). The interim development control policy regarding on-site renewable energy will be superseded by core policy CP41 (Sustainable construction and low-carbon energy) which moves the emphasis towards sustainable construction. Appeal inspectors are giving the emerging Core Strategy limited weight at present and therefore the local plan policies are the primary consideration, with regard given to the 'direction of travel' of policy where appropriate.

Government policy contained in the **National Planning Policy Framework (NPPF)** is also a material consideration.

7.Consultations

Ludgershall Town Council

OBJECT to this application due to over development of the site contrary to PD1 Kennet Local Plan.

Environment Agency - Object to the proposal on the grounds that the current flood risk proposal provided contains insufficient detail which cannot be agreed as a condition

RSPB (No response to this application but on previous application) – *The application site is within 4km of the Salisbury Plain Special Protection Area (SPA) and therefore the Council will need to consider the potential impacts on stone-curlew, a designated interest feature of the SPA. 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. Further housing development is likely to increase recreational activity within the SPA and this has the potential to impact on stone-curlews. If recreational use increases, mitigation measures may be required to ensure that the SPA is not detrimentally affected. A developer contribution towards the Stone Curlew Project would be appropriate in this instance. The RSPB supports the findings of the applicant's ecology report but recommends that suitable provision is made for birds within the fabric of the buildings, not simply via retro-fit bird boxes. For example, certain species prefer locations under the eaves or behind the*

bargeboards of gable ends, and small groups of nest bricks or cavities may also be appropriate. A Wildlife Management Plan should be provided.

Wessex Water - Subject to application and agreement of flow rates it is envisaged that the development may connect to the existing 150mm DI main in Empress Way. Further appraisal will be required upon receipt of water supply application to determine if modulation of an existing PRV (pressure reducing valve) will be required. The cost of this network reinforcement is not significant and can be incorporated in the Section 41 Agreement (Water Industry Act 1991).

Buildings above two storeys will require on site boosted storage.

Wiltshire Council Arts Development Officer – An indicative figure for a public art contribution of a site of this size, based on £300 per dwelling, would be £54,300 and we would expect that no more than 10% of this figure to be spent upon the engagement of a public art advisor for the production of a public art plan.

Wiltshire Council Arboricultural Officer - No objection to the principle, which could also include the loss of the mature poor quality conifer hedge on the eastern boundary, subject to replacement planting the detail of which is to be agreed.

Wiltshire Council Drainage Officer – no objection subject to a condition to secure a scheme for surface water drainage, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development. The submitted Flood Risk Assessment is acceptable.

Natural England – As the proposal is within close proximity to the North Wessex Downs AONB suggest that they are consulted. No objection to impact on the Salisbury Plain and SPA subject to a contribution being sought for habitat mitigation.

The applicant should Follow Natural England's Standing advice with regard to protected species. The local authority should consider the opportunity to provide biodiversity enhancements with this application.

Wiltshire Council Ecologist – Requests further reports in respect of the following –

- Updated Extended Phase I Habitat Survey Report – to include bat activity/building use by bats/use of tree roosts, comprehensive reptile survey and Phase II bird survey, as recommended in the Lizard Landscape Design Report.
- A mitigation and enhancement strategy relevant to the site ecology (as updated above) and to the proposal.

Design layout and landscaping plan drawings should include the mitigation and enhancement measures as annotations.

Wiltshire Council Education – A final education response was still awaited at the time this report was written.

Wiltshire Council Environmental Health Officer – No objection subject to a condition requiring restrictions on hours of working.

Wiltshire Council Environmental Services – No objections subject to a condition concerning hours of working on site.

Wiltshire Council Housing Officer – No objection subject to a 30% affordable housing contribution.

Wiltshire Fire and Rescue – No objections but advice offered on Access, water supplies and Fire Safety legislation.

Wiltshire Council Highways – No objection to the principle of the development, but detailed concerns relating to the current proposed layout of the site. **Full comments set out in appendix at the foot of this report.**

8. Publicity

21 letters of objection received relating to the following points –

- A) 208 dwellings is overdevelopment of the site.
- B) considered that both Symonds road and Astor Crescent are inappropriate for access to this site.
- C) Unless there are plans to take traffic away from the bottle neck at Empress Way/Tidworth road traffic lights the development should not go ahead.
- D) Consider that there should be an unhindered access to the East of the site as the planning brief states.
- E) No 23 Astor Crescent is concerned that Sight lines may affect their property.
- F) Consider site plan is invalid as it does not contain all the land necessary to carry out development (*note on legal advice the site plan has been amended to include all the land necessary to carry out the development*)
- G) Draft unilateral undertaking is not available on the web (*this has since been published on the councils website*)
- H) Considers the proposal does not comply with Kennet policy HC16 as the access does not extend to the Eastern boundary.
- I) The amount of traffic on Simmonds road would be excessive and would lead to accidents.
- J) Concern about the amount of vehicles going through Astor crescent.
- K) Access should be available via Edelweiss Close and Princess Mary Gardens
- L) The development should provide several safe play areas for children.
- M) Concern that there is insufficient infrastructure being provided for this development including new schools and a doctors surgery.

- N) Questions whether application takes account of all the extra troops that will be moved back to Ludgershall?
- O) No objection to the need for extra housing but object to the access points in and out.
- P) Suggest that the new estate gets split into three and that each road has it's own access road via Simonds road/Astor Crescent/Princess Mary Gardens this will mean that no one road will have to cope with the traffic.
- Q) Concern that the hedgerow bordering Lena Close and Queens Close will be destroyed and that there will be a lack of security along this hedgeline.
- R) Query the housing figures put forward by the councils spatial planning department as neighbour considers that the 1750 dwelling target will be exceeded by at least 165 dwellings by the end of 2026 which is another 12 years away.
- S) Concern expressed about the landscaping strip adjacent Lena Close and how this will be maintained.
- T) Consider that sewage for the proposal will not be adequate.
- U) Consider that there are bats and other forms of biodiversity on the site which need to be protected.
- V) Consider that the number of dwellings on site is excessive/too dense
- W) 40% affordable housing is too high.
- X) A concern has been raised about the removal of asbestos from the site.
- Y) Concerns are raised about the Annexe at 7 Queens Close in relation to fire risk the proximity of the window to the planting strip and other issues.

9. Planning Considerations

9.1 Principle of Development

The principle of residential development on this site has been established by its inclusion as an allocation in the Kennet Local Plan 2011. The relevant local plan policy (HC16) has been saved under the emerging Wiltshire Core Strategy so the site allocation for residential development remains extant.

9.2 Site Capacity

One of the key issues under the current application is whether the site has the capacity to accommodate 208 dwellings. Policy HC16 of the local plan does not refer to a specific number of dwellings but policy HC2 includes the figure of "about 130". The planning brief states that "there may be an opportunity to achieve in excess of 130 dwellings and potentially closer to a figure of 150 dwellings".

The application includes a layout to show how the number of dwellings being sought (208) could be accommodated on the site. The drawing submitted with the application meets the Council's requirements:

- Private gardens meet the minimum size (50sqm) set out in supplementary planning guidance on 'Community Benefits from Planning'.
- The dwellings maintain back-to-back spacing of 21m with each other and with existing dwellings. This meets the minimum requirements set out in the supplementary planning guidance document 'Community Benefits from Planning'.
- The layout and dwelling mix ensures that in the majority of cases wheelie bins and recycling boxes can be stored out of view to the side and rear of the property.
- The level of children's play provision complies with policy HC34 of the Kennet Local Plan and the space is well overlooked for security purposes.

Strategic landscaping is provided on the south and south-east site boundaries, as required by the planning brief. Development is two storeys throughout and buildings are set back from the boundaries with surrounding countryside.

On this basis of the above it is considered that the site is capable of accommodating up to 208 dwellings. In density terms this would equate to a gross density of approximately 37.8 dwellings per hectare which is not considered excessive. The site is sustainably located with good links to the village centre and therefore there is no objection to the number of dwellings being proposed. There are no highway objections to this amount of development on the site.

9.3 Access Arrangements

The current application includes access for consideration and this is one of the main reasons why the application has taken so long to reach determination stage. The local plan policy requirement is for the development to provide two points of access and for the main distributor road to provide an unhindered connection to land to the east. Appendix 2 of the planning brief includes a Concept Plan which shows access points from Simmonds Road / Roberts Road to the west and Astor Crescent to the north-west. The planning brief confirms that these access arrangements have been agreed in principle by the Highway Authority.

Earlier applications by the same applicant (E/2012/0515/OUT and E/2012/1543/OUT) sought approval for a scheme of up to 181 dwellings with a sole access from the existing garden centre access off Astor Crescent. These schemes were considered unacceptable by the Council's Highway Officer and they attracted a high level of objection from local residents. This resulted in the applications being withdrawn.

The current application seeks approval for a scheme of 208 dwellings with primary access from Simmonds Road and secondary access from Astor Crescent. This meets the policy requirement for two points of access. The Council's Highways Officer has recommended approval to the principle of access along Simmonds Road although he has a number of concerns about the detailed layout of the site. The applicant has not addressed these on the current application and therefore these must form reasons for refusal of the application.

The concerns of the highways officer are detailed concerns regarding the layout, such as road widths and road calming measures which could be resolved with the submission of new plans as has been done on the application for 181 houses. However the applicant has chosen in this case not to submit amended plans and therefore the highway objection

stands. (The detailed highways officer comments can be found at appendix 1). The application should therefore be refused on these grounds.

Various suggestions have been made by residents in Simmonds Road of alternative ways to access the site. However whilst traffic in Simmonds Road will inevitably increase as a result of this development it is not considered that the extent of harm to amenity or traffic safety in Simmonds Road is sufficient to refuse planning permission. Splitting traffic three ways between other roads will merely cause amenity and more significantly highway safety issues in two locations that would not be caused by this scheme.

It is not considered necessary by the highways officer to introduce Bollards or a 20mph speed limit in Simmonds Road in order to calm traffic in this location. Speeding in Simmonds Road if it occurs is not a matter to be dealt with by this application it should be reported to the relevant authorities to deal with.

9.4 Contributions

The Planning Brief lists the contributions required from this development and provides a framework for assessing the current application. The applicants initially indicated that the pot of money available for making developer contributions was limited by viability considerations, with the monies being requested for education being a particular sticking point. However, the applicants have recently indicated verbally that they are prepared to sign up to the Council's requested S106 heads of terms:

- **Affordable Housing** – 30% affordable housing across the site.
- **Education** - A final education response was still awaited at the time this report was written
- **Highway Contributions** –
 1. £115,000 index linked to date of payment for congestion relief in Ludgershall.
 2. Planing off 30mm and resurfacing of the Astor Crescent North footway (between the site entrance and Empress Way) and street lighting of this section of Astor crescent to current residential road lighting standards.
 3. Construction of the junction table at the Astor Crescent access point to include payment of costs of advertising and administration (vertical traffic calming measures on existing highway have to be advertised and consulted upon).
- **Children's Recreation** - Installation of play equipment and a trim trail (and commuted payments for maintenance if the applicants want to offer the equipment to the Council for adoption).
- **Adult Recreation** – Off-site contribution of £72,599.00 towards pitch provision, in accordance with policy HC34 of the Kennet Local Plan 2011.

- **Social and Community Infrastructure** - £100,000 towards Memorial Hall roof repairs, in accordance with policy HC42 of the Kennet Local Plan 2011 and the planning brief.
- **Ecology** - £19,877.42 towards the Stone Curlew Project within the Special Protection Area for Birds, to mitigate for the impact of increased use of Salisbury Plain for recreational activity by residents of the development.
- **S106 Monitoring Fee** – £3,000.

The biggest discrepancy with the planning brief is on the subject of affordable housing. The local plan policy requirement is for 50% affordable housing but this figure was set on the basis that social housing grant would be available. This is no longer the case and therefore it is unreasonable to expect schemes to be viable with 50% affordable housing. The emerging Core Strategy requires schemes to provide 30% affordable housing so this is the 'direction of travel' of planning policy. Officers have therefore agreed that 30% affordable housing contribution is appropriate.

It should be noted that certain contributions listed in the brief have not been requested from the applicant. These include:

- £40,000 towards the Ludgershall Link Road (this is no longer a viable scheme).
- Off-site commuted sum to support existing household recycling facilities (the Council now operates a kerbside recycling scheme so this contribution is no longer required).

Public Art contribution (the local plan policy requiring a contribution was not saved so there is no longer any policy basis).

The planning brief makes reference to the need for development proposals to address water supply and sewage capacity requirements. It is clear that network reinforcement may be required for water supply and additional off-site sewers for foul drainage. This would come at a cost to the developer; however, it can be secured through the Water Industry Act rather than the S106 agreement.

9.5 Issues raised by objectors

The primary cause for objection by neighbours to this application is the access which is to be mainly from Simmonds Road. This is discussed at 9.3 above.

- The planning brief stipulates that there must be a landscape buffer on the south and south-east boundaries of the site. There is no requirement for a buffer along the northern boundary and providing that development maintains minimum 21m back-to-back distances then there should be no issue with loss of amenity for existing residents. Having said this a buffer strip is shown on the Northern boundary and the applicants have raised no objections to the residents along Lena Close being given part of this Buffer strip in the future where it adjoins their gardens to maintain as residents are otherwise concerned the Buffer strip will not be maintained.
- It is not considered that there would be any loss of privacy arising from the siting of plots adjacent to the eastern site boundary. The affected properties in Lena Close, Queens Close and Edelweiss Close are already overlooked by their neighbours. The

perception of being overlooked can be mitigated by the retention of existing tree belt along this boundary or, more likely, the planting of new trees along this boundary.

- The Ash trees adjacent to the garden centre access (and adjacent 23 Astor Crescent) would not be harmed by the development. This area is already hard surfaced and appropriate construction techniques can be used to prevent harm to the trees.
- The existing line of conifer trees along the northern boundary is unattractive and is likely to create future maintenance issues. Removal and replanting is therefore a better option.

In relation to other matters raised by objectors:

- This is an allocated housing site and therefore the principle of development is acceptable. Developer contributions will be taken for improvements to existing school infrastructure but there are no local plan policies to address the impact upon health service infrastructure.
- The Medical Supplies Depot is an unforeseen windfall site. The army rebasing programme is separate to this application. The Granby Gardens site is still allocated for residential development and therefore planning permission cannot be refused simply because another site has become available or other sites for housing are likely to come forward.
- Concerns are raised regarding the impact upon ecology, but the applicant has supplied an ecology survey and the Council's ecologist has been consulted on this.
- The Council's policies require 40% affordable housing. However this has now been reduced to 30% across the development because of viability issues.
- Policy H16 requires that the access for this site extends to the Eastern boundary. The applicants have shown the access to extend as far as they can towards the Eastern boundary although there is a ransom strip in this location. Any future development on the Eastern boundary will need to deal with this in the same way this development has dealt with the ransom strip on the Western boundary.
- The application will provide and fund a play area in the middle of the site as required by policy. It is considered that this adequate to serve the needs of the development.
- With regards to Bats and other wildlife on the site ecological reports have been prepared and at the time of writing were due to be assessed by the councils ecologist once available members will be brought an update on this.
- The removal of asbestos from the site is covered under separate legislation and laws which will need to adhered to by the future developers of this site.

The issues with regard to the window on the annexe at no 7 Queens Close have been resolved by moving the buffer strip away from the boundary at this point.

10. Conclusion

The principle of residential development on this site has been established by its inclusion as an allocation in the Kennet Local Plan 2011. It is considered that the site can accommodate the number of dwellings being proposed together with the necessary private gardens, strategic landscaping, public open space, children's play areas and car parking as shown in the plans. This revised scheme using Simmonds Road/Roberts Road as the primary access and Astor Crescent serving as the secondary access, is considered acceptable and would not give rise to any highway safety issues. However in view of the lack of amended plans to address the outstanding highways issues on this application and the fact that a legal agreement has not been entered into it is recommended that the Council oppose the appeal lodged for the reasons set out below

RECOMMENDATION Refuse planning permission for the following reasons –

- 1) In the absence of plans amending the scheme to reflect the highways officers concerns as set out in his consultation response of the 20th August 2014 (and as attached) with regard to parking, internal road widths, service strips turning heads and other internal highway related issues within the estate layout. It is considered that the layout as submitted will lead to an unsafe highway configuration for both vehicular and pedestrian traffic contrary to policy AT1 of the Kennet Local plan.**

- 2) In the absence of a suitable legal agreement, a scheme and suitable financial contributions for Education, Affordable Housing, highways contribution for congestion relief, adult and children's recreation, social and community infrastructure and ecology cannot be secured. The proposal would therefore fail to accord with saved policies HC34 and HC42 of the Kennet Local Plan.**

Appendix 1 Highways response -

Highways response

I refer to the above planning application. The application includes access to both Simmonds Road and Astor Crescent together with no vehicular access to Princess Mary Gardens all of which as you know is the best, and long sought arrangement from the highway point of view.

The Transport Assessment has taken a robust and thorough approach to checking the capacity of nearby junctions, and follows the scoping approach which was agreed. In particular significant committed development has been included in the assessment (Castledown Business Park, Drumond Park, Empress Way and the Tidworth NEQ development).

Traffic from the development for the analysed growth year (2019) has been

examined in two scenarios of distribution:-

1. Assuming development traffic would split 50% Astor Crescent and 50% Simmonds Road.

2. Assuming 100% of development traffic would use Simmonds Road.

This is a robust analysis for checking the affected junctions as in reality about 85 - 90% will use Simmonds Road, and only about 10-15% Astor Crescent.

Unless mentioned below, junctions will operate in a satisfactory manner.

Tidworth Road / Astor Crescent traffic signals

If the junction remains unchanged there will be some capacity issues in 2019 with the development adding up to 7 vehicles to expected queue lengths, taking the max queue on the A3026 westbound arm to about 29 vehicles. However this is considered acceptable and in any case the signal cycle time can be further increased which should remove this issue.

A3026 / A342 High Street Memorial junction

The junction will be significantly over capacity in 2019 both when considered with or without the development. The development will increase the expected queue on the A3026 Andover Road by 36 vehicles to a queue of around 200 vehicles in the PM peak. This is unsatisfactory, however the possible signalisation of the junction under the Drummond Park development would remove this issue and give a satisfactory junction operation. At this stage there can be no guarantee that Drummond Park will proceed. Given the level of detriment it is considered that the Granby Gardens development should contribute on a time limited basis to congestion relief in Ludgershall on a proportionate basis to the Drummond Park transport contribution, with the contribution being used for part of the signalisation scheme or other forms of congestion relief within the town.

Detailed layout considerations

The parking provision is satisfactory.

A number of road edges have wavy lines. This may be a drafting error, but it is

important that the road edges are straight and conventional as to do otherwise would be extremely difficult to construct, maintain and drain.

At a considerable number of locations road widths and footway widths appear to be sub standard. It is essential that road widths are correctly indicated and can be ascertained. "The avenue" appears to be 6 metres – which is correct. Footways must be consistently 2 metres. While some side roads could be 4.8 metres if there is adequate provision for casual parking, the road serving 11-27 must be consistently 5.5 metres.

There should be local widening of the sharp bend at 136 to 6 metres.

There should be local widening of the sharp bends at 117 and 79.

The application is Full and there must be a refuse vehicle track of the correct size refuse vehicle included.

The aim is to move away from vertical traffic calming in residential developments.

The small areas of block paving should therefore not be raised, but should be edged on each approach by 1.5m wide rumble strips in granite setts or similar. Similar lowkey 1.5m wide rumble strips should be indicated on other straight sections of road: at plots 22, 76, 127, 134, and 143.

There should be some indication of what the shared surface road material is to be. I would expect block paving. After recent failures on other developments in the County resin bound surfaces will not be accepted.

2.4 x 33m splays should be indicated from each of the 9 junctions to the "avenue road" and the trees kept out of these splays. This will have some effect on tree positions, particularly on the road serving 36-41.

A turning head must be achieved for the road serving 36-41

Private accesses must not be over junction or turning head radii and some other solution must be found at plot 148 such as putting the parking spaces in the rear garden.

A 2 metre wide service strip (soft landscaped) must be indicated to the front of

dwellings 163-173.

There must be a 1 metre buffer strip between the parking spaces 153 / 154 and the carriageway.

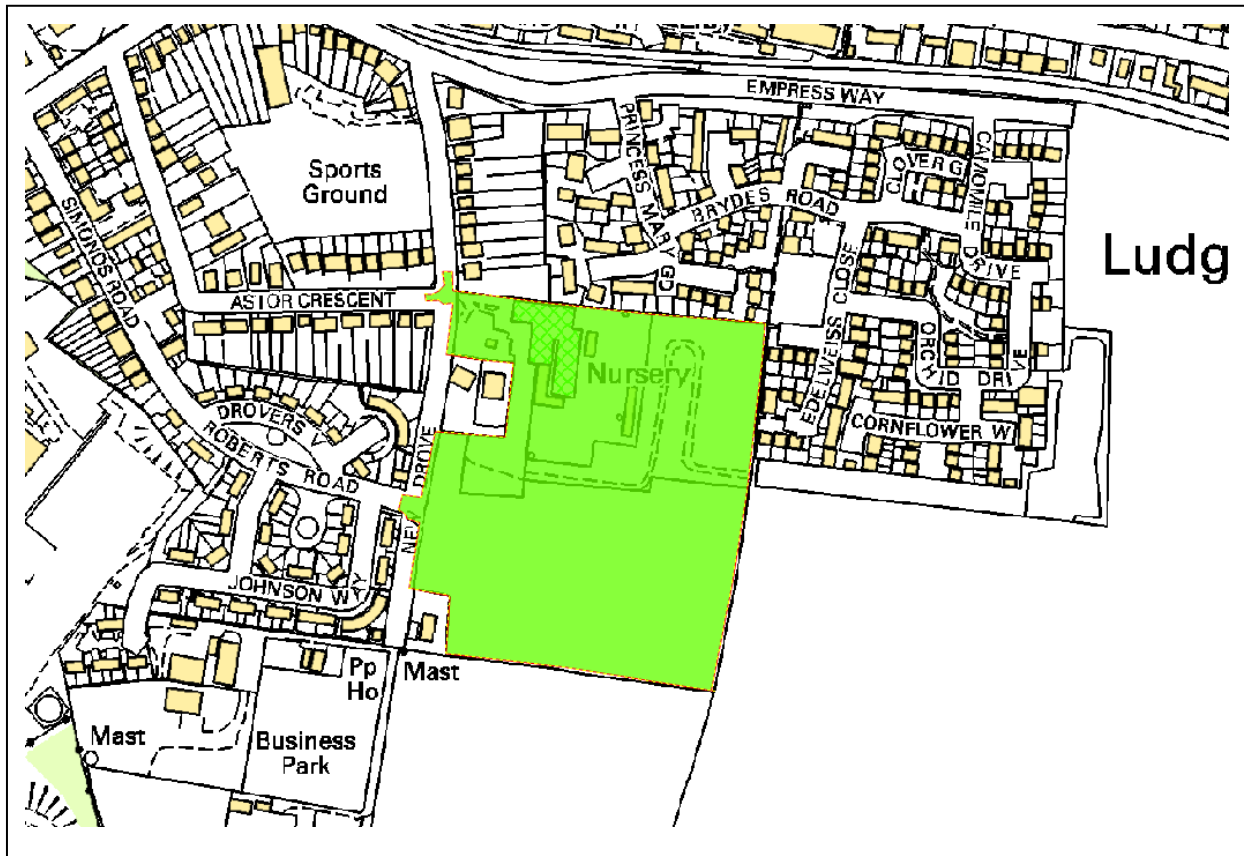
Highway recommendations

I have no highway objection subject to the following:-

The submission of revised plans to take account of the detailed layout considerations above, and a suitable planning obligation and relevant conditions .

This page is intentionally left blank

Application Number	14/04684/FUL
Site Address	Ludgershall Garden Centre, Granby Gardens, 25 Astor Crescent, Ludgershall SP11 9RG
Proposal	Full planning application for the residential redevelopment of the site for 208 units and their associated car parking, provision of areas of open space and play, and re-use/enhancement of the existing vehicular access from Astor Crescent, along with another new vehicular access from Simmonds Road, and off-site pedestrian improvements alongside New Drove, following demolition of the Garden Centre and its associated outbuildings at Granby Gardens, Astor Crescent, Ludgershall
Case Officer	Adam Madge



This page is intentionally left blank

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	20 November 2014
Application Number	14/05846/FUL
Site Address	Drummond Park, Ludgershall, SP11 9RT
Proposal	Demolition of existing redundant warehouse buildings. Erection of 82 new houses and associated infrastructure.
Applicant	Mr Kim Slowe
Town/Parish Council	LUDGERSHALL
Division	LUDGERSHALL AND PERHAM DOWN
Grid Ref	425804 151008
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 Chris Williams, in view of its environmental and highway impacts.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that the application be approved subject to a planning obligation (Section 106 agreement) and conditions.

2. Report Summary

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

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

Ludgershall Town Council objects to the application. Three responses have been received from third parties – one objection, one support and one comments only.

3. Site Description

The 2.45 ha application site forms part of a former military base on the west side of Ludgershall. The base supports storage buildings, related offices and residential accommodation, and some open green spaces and woodland. It has been vacant for a number of years, and is, in parts, derelict.



Site Plan

To the immediate north-east side of the application site is a 'tank road' which passes through the centre of the former base from east to west. This road provides access to the site from the A342 to the north. Ground levels rise 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 are military railway sidings. Beyond these are the western 'suburbs' of Ludgershall. To the north and west sides of the former base is open countryside.

In planning policy terms the site lies within the Limits of Development of Ludgershall as defined in the Kennet Local Plan 2011. In the emerging Wiltshire Core Strategy the site forms part of the larger 'Drummond Park (MSA) Depot' strategic housing allocation for 475 dwellings.

4. Planning History

K/52303/F – Change of use from military use to B1, B2 and B8 uses – withdrawn

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

E/11/0001/OUT – Outline planning application for the redevelopment of the site for a phased residential development (up to 475 units) with primary access from A342 and matters relating to layout, scale, appearance, internal access and landscaping reserved – the EAPC resolved to grant planning permission subject to a planning obligation on 15 December 2011. The planning obligation has never been completed and so no planning permission has been issued.

5. The Proposal

The application is for full planning permission to re-develop part of the former military base for residential purposes – specifically, 82 houses with associated open space.

The application is accompanied by a Design and Access Statement which sets the scene as follows:

“..... The land is a brownfield site, previously occupied by the Ministry of Defence, and known as Drummond Park. The scheme follows the principles established in the outline application for a much larger site submitted in December 2010 (E/11/0001/OUT) for which the Council has offered a recommendation to grant permission subject to finalising certain details. This application provides detailed information on the south east portion of the master plan prepared at that time, roughly corresponding with the area described as ‘phase 1’”.

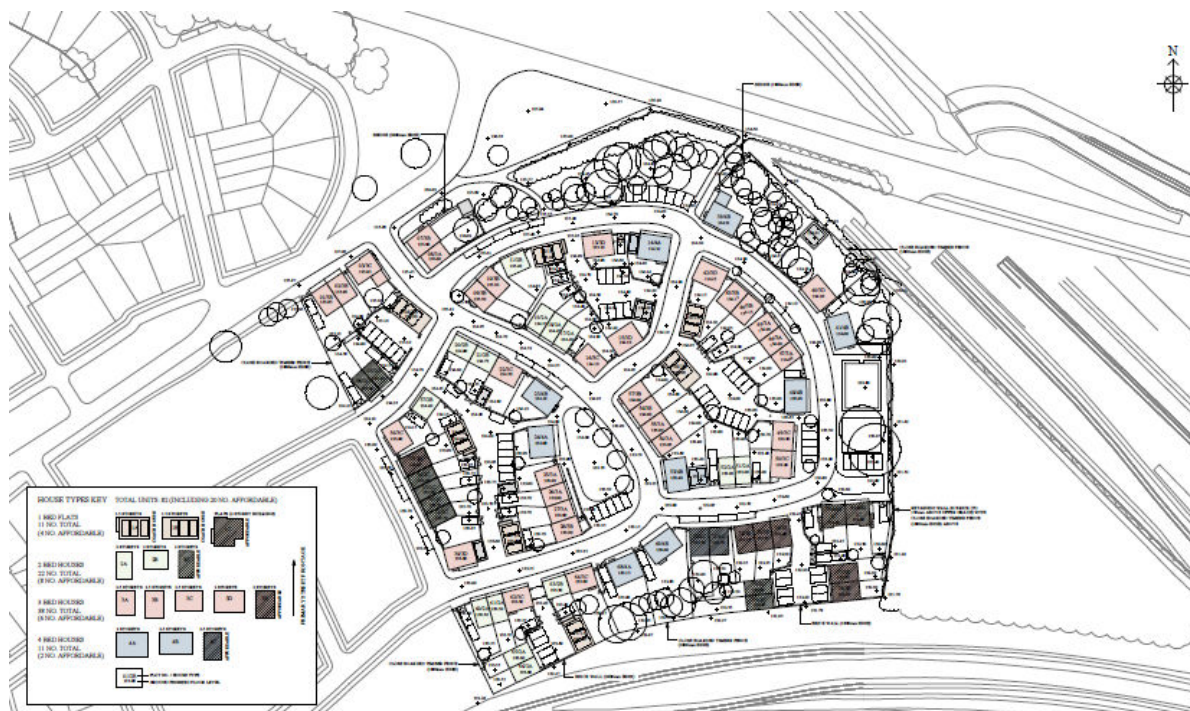
The mix would be 11 x 1 bed flats (including 4 affordable), 22 x 2 bed houses (including 8 affordable), 38 x 3 bed houses (including 6 affordable), and 11 x 4 bed houses (including 2 affordable). The affordable units would make up 25% of the total number, and tenures would be affordable rent and shared ownership. All houses would be either 2 or 2.5 stories.

Casual play space, a local area for play and an equipped play area would be incorporated into the layout.

The layout follows the broad principles set out in the master plan which accompanied the earlier outline planning application. This includes connection points between the site and the adjacent land where housing was/is also proposed.



Layout Plan



House Types, Affordable Housing & Parking arrangements

The application is accompanied by various technical reports including the Design and Access Statement, a Transport Statement, an Extended Phase I Habitat Survey and Bat Suitability Assessment, Archaeology Assessment, Geo-Environmental Studies, Housing Reports and Sustainability Statements. Reports have been carried forward from the earlier application, and updated where necessary.

6. Planning Policy

Kennet Local Plan 2011 – ‘saved’ policies PD1, HC1, HC5, HC28, HC30, HC34, HC37, HC42, AT10, NR6, NR7

Emerging Wiltshire Core Strategy – policies CP1, CP2, CP3, CP26, CP37, CP41, CP43, CP45, CP46, CP50, CP56, CP57, CP60, CP61, CP62, CP69, the Drummond Park development template

NPPF/PPG

7. Consultations

Ludgershall Town Council: Object for the following reasons –

- No prior consultation between the Town Council and the developer on this application as required under recent legislation.
- Recent surveys have revealed the average speed on A342 past the site entrance is 68mph, and the proposal of this development is only to move the 30mph limit on the northern boundary and leave the entrance as a T junction. This would involve vehicles slowing from the national speed limit of 60 mph to 30mph on the brow of a hill. For safety reasons the Town Council feel a 40mph limit before the brow of the hill and a roundabout at the site entrance would help access/exit from the new

development site as this application is phase one of the long-term aspirations for this site with more dwellings on future phases.

- As this application will only develop part of the entire development site there are serious concerns as the entire site is derelict and has been subject to crime and vandalism and Wiltshire Council planning enforcement officer has been involved, the Town Council recommends all the buildings on the entire site are demolished before any development commences due to environmental and safety reasons.
- By allowing the development of this site in small phases it will not trigger infrastructure, education and S.106 funding which will be detrimental to the local area.
- As this site was previously used as a Military medical storage facility for a minimum of 60 years, could a full environmental contamination survey be carried out.
- The Town Council has concerns that the water & sewage infrastructure is inadequate for the servicing of this development.

Wiltshire Council Highways: no objection subject to conditions and S106 requirements.

The amended plan now shows the required number of parking spaces and, whilst there location is not ideal in respect of the properties they serve, there is sufficient to overcome earlier concerns.

The Transport Statement is agreed. There is no need to provide the roundabout at the site access. The principle of the suggested contributions is accepted, although these need to reflect the indexing that would have been applied to the original contributions. The TRO contribution will remain unchanged.

There are two issues arising from the original outline application, for which the required S106 Agreement was never completed. These are the provision of the roundabout at the junction of the site access with A342, and the improvement to the street lighting between the site access and the centre of Ludgershall. The roundabout was not required on capacity or safety grounds and was included solely as a “traffic calming” feature at the request of the Town Council. As there is no justification for the roundabout on highway grounds it may prove difficult to secure its future provision, particularly if there is no overall application for the remainder of the site.

In respect of the street lighting, the Transport Statement suggests a condition requiring the submission of a street lighting scheme prior to commencement of development with implementation prior to the 235th dwelling, this approach stemming from the earlier application. However, implementation in these terms can obviously not be secured on the basis of this application for only 82 dwellings. Instead this is another matter which will need to be secured through the S106.

Wiltshire Council Housing: no objection.

This site originally formed part of the entire Drummond Park site which is subject to an ‘old’ Planning Committee resolution (Dec 2011) to erect some 475 houses. This application is for a total of 82 dwellings of which the applicant has offered 20 homes, equating to 25% of the total units, as affordable housing to be provided on site. Based on past discussions and decisions reached in relation to the entire site of 475 units WC Housing is prepared to accept 20 affordable housing units in respect of this proposal.

In terms of tenure and mix for the affordable housing units WC Housing would seek a 75%/25% tenure split affordable rent/shared ownership which would mean 15 affordable

rented homes and 5 shared ownership homes. Based on current Housing Register the following mix for the affordable rented homes is recommended:

- 3 x 1 bed (25%)
- 6 x 2 bed (35%)
- 4 x 3 bed (30%)
- 2 x 4 bed (10%)

In terms of the shared ownership units, WC Housing would look for the majority of these to be 2 and 3 bed homes, with an approximate split of 65% as 2 beds and 35% as 3 beds i.e. 3 x 2 bed units and 2 x 3 bed units. A further consideration is that an element of specialist accommodation may be sought within the overall affordable housing contribution. Any affordable housing units agreed would need to meet the Homes and Communities Agency Design and Quality Standards/Scheme Development Standards and be transferred to a Registered Provider to be provided on a nil subsidy basis and in perpetuity. The affordable rented units will need to be let and the shared ownership units will need to be sold, by following the Council's Allocations Policy operated by Homes4Wiltshire.

Wiltshire Council Education: no objection subject to financial contributions towards local education provision.

It is noted that this is an entirely new and "stand alone" application. The assessment of its impact on the local education infrastructure, is as follows:

- The proposed development generates a need for 20 primary and 15 secondary places.
- This is based upon 82 new dwellings and the mix supplied by the applicant.
- The designated area schools are Castle Primary and at secondary level, the Wellington Academy in Tidworth.
- Primary – Castle has a capacity in permanent accommodation of 384 places and as at January 2014 official headcount there were 209 pupils on roll. The latest and updated forecasts are now: Sep 14 = 219, Sep 15 = 232, Sep 16 = 241, Sep 17 = 300 and April 2018 = 324. So at peak forecast there are 60 "spare" places at the school. However, these are already fully accounted for other registered/approved developments in the area which require a total of 168 places. So the school is already effectively full and cannot accommodate further children without expansion. On this application, we therefore require a full developer contribution towards the 20 places that are required. The 2014/15 cost multiplier, valid on agreements signed before the end of the 2014/15 financial year, is £16,768 per primary place = total of £335,360.
- Secondary – Wellington Academy has an 11 -16 PAN capacity in permanent accommodation of 900 places. As at the January 2014 official headcount there were 815 11 -16 years pupils on roll. Our current forecasts are: Sep 14 = 875, Sep 15 = 914, Sep 16 = 988, Sep 17 = 1030, Sep 18 = 1095, Sep 19 = 1174, Sep 20 = 1264, Sep 21 = 1317, Sep 22 = 1399 and Sep 23 = 1462. So the school will exceed capacity by September 2016 and numbers continue to rise steadily for the foreseeable future. In addition, the figures do not yet include the pupil product of other registered/approved developments in the designated area, which require a total of 344 places here. The school is therefore effectively full and we require a full

developer contribution on this application towards the 15 places that it generates a need for. The current 2014/15 secondary places multiplier is £19084 per place. So a total of £286,260.

- Standard caveats apply to all assessments: they are specific to the site location, housing number and mix supplied, and any changes to any of these would necessitate a new assessment. Assessments use the pupil data, forecasts, capacities and details of other known housing in a designated area as at the time they are made, so were this application to be revised/replaced, this could affect the outcome of the assessment at the later time. Contributions are to be secured by an S106 to which standard payment terms will apply. In this case, payment will be permitted in 2 phases : 50% upon or prior to commencement of development and the remainder at the midway point of completion of construction of the full development. Capital cost multipliers are updated annually, and so those quoted are valid for 2014/15 only.

Wiltshire Council Archaeologist: no objection; recommends condition.

The site is of archaeological interest. The archaeological assessment that accompanies the application, which dates to 2010, recognises that there is high archaeological potential for the site, but that the more modern usage of the site will have had an impact on that potential in much of the area. A geophysical survey was undertaken in 2011 on part of the site (the former sports field), which revealed a linear feature which is likely to be archaeological in origin.

The National Planning Policy Framework (and previously the now superseded Planning Policy Statement 5) states that an application should describe the significance of heritage assets affected by an application. NPPF policy 128 states that *'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*

In this case it is considered that the archaeological assessment meets the requirement of this paragraph. The geophysical survey has evaluated the most obviously available part of the site and, due to the standing buildings, field evaluation on other parts of the site would clearly be problematic.

The NPPF also says: *141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*

It is therefore recommended that a programme of archaeological works is carried out as part of any development. It is likely that this would take the form of an archaeological watching brief in most areas, but if development is proposed for the area covered by the geophysical survey it is recommended that a small strip, map and record excavation is undertaken.

The applicant should be aware that, if human remains are encountered during the works, they cannot be removed without the appropriate permissions and licences and that this may have an effect upon their programme of works.

Therefore in line with the National Planning Policy Framework (NPPF) and the earlier PPS5 (2010) and Planning Policy Guidance Note 16: Archaeology and Planning (DoE 1990) the following recommendations are made:

Recommendation: Full condition (WL26)

No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, 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
- 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.

Further Recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

Wiltshire Council Arts Development: For a site of this size and nature, the applicant is expected to contribute to art and design. The delivery of a public art scheme would be in line with the “East Wiltshire Community Benefits from Planning SPD”, supporting the Kennet Local Plan 2011 and its reference to public art and would be in line with guidance that is being developed into a more cohesive countywide approach to art and design in the public realm (or public art). Although still not adopted, the draft Wiltshire Core Strategy refers to art and design in the public realm (public art) in Core Policies 3 (Infrastructure Requirements) and 57 (Ensuring high quality design and place shaping).

Wiltshire Council Public Protection: recommends conditions.

In this Service’s response to the outline application for this site in 2011 it was highlighted that Castledown Business Park to the south of the site has approval for B2 and B8 business use. These classes of use can have an impact on residential amenity nearby, particularly through noise. The occasional use of the railway line could also have an impact on residential amenity through noise and vibration.

The House Types and Parking Plan shows that there will be either a 1.8m high wall or close boarded fence along the boundary with the railway line. However, this appears to be the only measure shown in the submitted documents that may provide some attenuation to noise from the railway line or business park.

B2 and B8 use is not compatible with residential dwellings. Although the business site is not yet fully occupied it is reasonably foreseeable that the space will be utilised in the future. The developer needs to show that the properties along the boundary with the railway line/business park have been designed and orientated to mitigate noise from the Business Park so that when applications come in for the businesses to move in they are not unduly inhibited by the existence of residential properties at Drummond Park. Measures to mitigate noise could relate to the internal layout of the properties, orientation, glazing and assisted ventilation.

In regards to the railway it is important to know how often the railway is used and when it is used what the noise and vibration implications in the surrounding area. Depending on the

significance of this information a Environmental Noise Assessment may be required to assess the impact that railway movements will have on the proposed residential properties.

There is also the potential for disturbance to residents living nearby during the construction phase.

It is therefore recommended that the following conditions are attached to any planning permission granted:

- 1) Before the development hereby approved commences a scheme for protecting future residents of Drummond Park against noise from the use of the adjacent railway line and Castledown Business Park shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented before the use commences and maintained at all times thereafter.
- 2) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- 3) No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

Regarding potential contamination, a condition is recommended requiring further assessment and decontamination as necessary.

Wiltshire Council Environment Services (open space provision): No objection.

The comments below are strictly in isolation to the historic correspondence and application referred to as application no E/11/0001/OUT.

Overview:

On the 11.07.2014, Environmental Services – Technical Services Team were requested to provide comment on Application no 14/05846/FUL. The proposal is a full application for the demolition of existing redundant warehouse buildings, erection of 82 new dwellings and associated infrastructure.

Background:

Environmental Services – Technical Services Team were historically involved in the previous consultation reoffered to as application no E/11/0001/OUT. However, the said outline application remains un-resolved, and therefore the recent full application will be commented on in isolation to the historic outline consultation.

Community Infrastructure Levy Regulations 2010 – Regulation 122 states that planning obligations must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

Consultation Comments: Population Expectation and Provision to be sought.....

In order to make the development acceptable in planning terms, the standards of provision in developments of 20 or more residential units are set out in Policy HC34 of the adopted Local Plan.

With regards to Policy HC34 of the Adopted Local Plan, in new residential developments of 20 or more dwelling units, recreational open space will be required to be provided on the basis of 2.43ha/1000 people, comprising:

- a) Equipped Play Space – 0.31ha/1000 people
- b) Casual Play Space – 0.41ha/1000 people
- c) Formal Sports Pitches – 1.71ha/1000 people

Policy HC34 details that 2.4 occupants per dwelling is the average household size in East Wiltshire and therefore the calculation and the proposed population level on this occasion is as follows:

$$2.4 \text{ Occupants per Dwelling} \times 82 \text{ Proposed Dwellings} = 196 \text{ Proposed Occupants}$$

Provision for Equipped Play Space:

Clause 3.2 of Policy HC34 fairly and reasonably relates the scale and kind of Equipped Play to the development, by calculating the Provision of the Public Open Space in accordance with the proposed population.

Therefore the calculation is as follows:

Population	Calculation	Required Provision Level
196	Provision of Equipped Play Space 3.1sqm Per Person x 196 People	607sqm

In order to directly relate the Equipped Play Space to the development, it has been noted that it is proposed to provide a Play Area of 150sqm and a Trim Trail of 465sqm on the development site.

The Equipped Play Space is directly related to the development, as it has been stated that there is 615sqm of Equipped Play Space on the proposed development, and therefore the Provision for Equipped Play Space is adequate for the development.

Provision for Casual Play Space:

Clause 3.31 of Policy HC34 fairly and reasonably relates the scale of Casual Play Space and kind to the development by calculating the Provision of the Public Open Space in accordance with the proposed population.

Therefore the calculation is as follows:

Population	Calculation	Required Provision Level
196	Provision of Equipped Play Space 4.1sqm Per Person x 196 People	803sqm

The Casual Play Space is directly related to the development, as it has been stated that there is 1469sqm of Casual Play Space on the proposed development, and therefore the Provision Level for Casual Play Space is adequate for the development.

Provision for Formal Sports/Pitches:

Clause 3.40 of Policy HC34 fairly and reasonably relates the scale of the Commuted Payment and kind to the development by calculating the Payment in accordance with the proposed population.

Therefore the calculation is as follows:

No of Dwellings	Calculation	Required Commuted Payment
82	82 Proposed Dwellings x £630 Per Dwelling	£51,660

The Commuted Payment will be sought towards a Formal Sports and Pitch scheme/schemes that is/are directly related to the development. Consultation with Ludgershall Town Council is currently ongoing in order to identify a CIL compliant scheme/schemes that the contribution is to be sought towards.

Summary:

As demonstrated above, in order to make the development acceptable in planning terms. The following provision levels are necessary:

- Equipped Play Space: 607sqm (Fully met)
- Casual Play Space: 803sqm (Fully met)
- Formal Sports/Pitches Commuted Sum: £51,660

Maintenance Requirements:

Developers will be expected to demonstrate to Wiltshire Council that adequate arrangements for the ongoing maintenance of recreational and amenity space associated with the development have been made, such provision will be required in perpetuity.

The on-site open space and equipped play space should be transferred and subsequently maintained by a management company, or by a Parish/Town Council (subject to future discussion/agreement and with a maintenance commuted sum).

Prior to adoption the open space should be fully laid out, equipped and ready for use before either the management company, or a Parish/Town Council (subject to future discussion/agreement and with a maintenance commuted sum) accepts responsibility.

Wiltshire Council Ecology: It is understood that this is a full application effectively for phase I of a wider site recommended for permission at the outline planning stage. An updated ecology survey and report has been undertaken by Seasons Ecology in March 2014, which included a walkover survey of the site, an assessment of habitats contained within the site and a review of previous survey reports for the wider site. No specific species surveys have been carried out in 2014 although previously the wider site was found to support a low population of slow worms and common lizards and that the woodland block to the east may have importance for Barbastelle bats. Since most of this part of the site is currently comprised of hard standing and some areas of rough grassland and pockets of scrub surrounded by trees and shrubs, I agree with the consultant ecologist that the site itself has low ecological value and a limited function for wildlife. The buildings on the site are not constructed of materials commonly associated with bat roosting opportunities and are in any case in such a poor state of repair as to offer negligible roosting opportunities. It is not therefore considered that further survey for this part of the site is required prior to determination of this application.

However, it is important that the boundary features and those to be retained within the site that has a function for biodiversity are adequately protected and that sufficient habitat remains available for the species it supports. The ecology report by Seasons Ecology refers to recommendations given in previous ecology reports in relation to the wider site. The DAS for the current full application for Phase I makes no mention of ecology and no protection of

features of ecological importance e.g. trees, hedgerows or grassland, or enhancement of habitats for the benefit of biodiversity is shown on any of the design layout or block plans.

Since the intention is to phase the development, it is important that the ecological value of the wider site is not diluted with each phase that comes forward. It is advised that there should be an over-arching mitigation and enhancement plan for the whole site, together with management prescriptions for landscape and ecology post construction. Each phase should contribute to these site-wide plans by delivery of the relevant elements. If a piecemeal approach is taken, without a whole-site plan there is a risk that ecological connectivity through and around the site will be lost, with a resulting adverse effect on protected species. Although the current application site has a low diversity of habitats and species, the wider site is ecologically more important and this must be recognised within the development of Phase I.

In summary, the consultant ecologist's conclusions are agreed that the area of the site included in the current application is of low ecological importance and that no further surveys are required in support of the current application.

However, the importance of the current application site within the wider Drummond Park site has not been acknowledged. It is therefore requested that a mitigation and enhancement strategy for the whole of the Drummond Park site, including prescriptions for appropriate post construction management should be submitted to the LPA for approval prior to this application being determined, so that the authority can be reasonably sure that there will be no adverse impacts on protected habitats or species as a result of this development being permitted.

Finally, the site lies within the inclusion zone for contributions to the Wessex Stone Curlew Project as described by the *Salisbury Plain SPA HRA and Mitigation Strategy*.

Environment Agency: no objection subject to conditions.

Natural England: no objection.

Internationally and nationally protected sites -

The application site is in close proximity to the Salisbury Plain SAC and Special Protection Area (SPA), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The sites are also notified at a national level as the Salisbury Plain Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that WC, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation Objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided WC do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by WC, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising WC on the requirements relating to Habitats Regulations Assessment, and to assist WC in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site

- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

When recording the HRA it is recommended that WC refer to the following to justify its conclusions regarding the likelihood of significant effects.

Natural England has no objection with respect to Salisbury Plain SAC and SPA subject to a contribution being in place sufficient for the purposes of the mitigation of development impacts around the Salisbury Plain Special Protection Area, as will be determined in the councils Habitats Regulations Assessment of this application.

Protected Species -

NE has not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

WC should apply the NE Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity enhancements -

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. WC should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

English Heritage: The application should be determined in accordance with national and local policy guidance.

Veolia Water Projects Ltd: In essence the concerns of VWPL centre on the wider development of this ex MoD site thought to be up to 400 properties of which this specific application is only for 82 properties.

It is the responsibility of the Statutory Water Undertaker for an area to monitor proposed future developments and to make contingency for longer term future build proposal in any network reinforcements they may undertake including the possible requirement to lay off-site water mains and / or sewers with a larger capacity in anticipation of such future new developments.

The Water Act provides for the funding of such work both by the developer initially requiring the scheme and by developers that subsequently take connections from the off-site mains or benefit from network reinforcements made earlier in anticipation of future development. Given the aspirations to build some 400 houses on the wider MSA site, VWPL will need to be briefed urgently on the longer term proposals by the developer if it is to take these into account in servicing the current proposal.

If the local water networks can accommodate the 82 properties without meaningful reinforcement or major off-site works, VWPL will adopt the option to note, but not take into account, the longer term proposals for the site. It is likely that this will be the case but confirmation will only be possible once the developer has made the appropriate application for water supply.

The sewers immediately adjacent to the site are not suitable nor do they have the capacity to serve the development. Due to gross vandalism on site the VWPL sewerage pumping station previous serving the MSA flows needs total replacement.

The VWPL Tidworth Sewage Treatment Works is currently operating at full capacity and any further discharges resulting from this and any other large development will exacerbate this situation.

In light of the above VWPL require the following points to be taken into account and possibly be added as Conditions to the Application if appropriate.

- That sewers from the proposed development are connected to the public sewerage system only at points agreed by VWPL and that any new pumping stations required should be funded by the developer.
- That there can be no occupation of properties on the development until agreement has been reached between VWPL and the developer around the phasing and / or completion of any necessary off site sewers or sewerage treatment works upgrades. Further that the developer agrees with VWPL any financial contributions to the necessary upgrade of the treatment works proportional to the extra demand the development will impose.

No objection subject to condition.

Ministry of Defence (DIO): no safeguarding objection.

8. Representations

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

The publicity has generated three third party responses – one objection, one support and one making comments.

The objection is summarised as follows:

- This development will result in further traffic increases and drivers not observing the speed limits.
- The pollution caused by additional traffic is also a major concern.

The support is summarised as follows:

- Support for affordable homes for first time buyers.

The comments are as follows:

- “Please think of the residents that live along the already busy roads to and from Ludgershall that there should be more consideration for a by-pass / ring road constructed. Not objecting to housing as we need for our families so low cost to buy / rent would be advantage”.

9. Planning considerations

The main issues to consider in this case are, firstly, the principle of residential development in this location; and then, assuming this is established, the impact of the specific proposal on amenity, highway safety, ecology, affordable housing and infrastructure in general.

9.1 Principle

The planning history is important to the consideration of the principle. There remains ‘on the books’ an outstanding resolution to approve residential development on the larger Drummond Park site (which includes the current application site), subject to a Section 106 agreement being completed. In theory the agreement could be completed at any time and then the Council could issue the planning permission.

It is also material that the site lies inside the Limits of Development of Ludgershall in any event, as defined in the Kennet Local Plan. Within the Limits of Development planning permission for new housing on previously developed land not defined for other purposes will be permitted under Policy HC21 provided:

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

The proposal complies with these requirements and, as such, is acceptable as a matter of principle under Policy HC21. The detailed reasons for compliance with the requirements are explained later in the report.

It is now also material that the emerging Wiltshire Core Strategy is at an advanced stage and so must be given weight accordingly. Core Policy 26 relating to the Tidworth Community Area states that over the Plan period (2006 to 2026) at least 1,900 new homes will be provided in the Area of which 1,750 should be at Tidworth and Ludgershall, “... including land identified at Drummond Park” for 475 dwellings. This emerging policy firmly sets out the intended ‘direction of travel’ for the site, which is towards residential development.

The development template for the Drummond Park site, also set out in the emerging Core Strategy, states that the delivery mechanism for the site should be “... a partnership between the private and public sector based on frontloading a master plan to be approved as part of the planning application process”. The current application, although broadly in accordance with much of the master plan which accompanied the original outline planning application, stands alone. Although a comprehensive approach to dealing with Drummond Park may be preferable, it would not amount to a reason for actually rejecting the current

application, particularly as the application demonstrably 'stacks up' in its own right in terms of its impacts on all material planning considerations. Again, this is explained later in the report.

9.2 Visual amenity

Being largely 'brown field', the site presently supports buildings and other infrastructure. Although not strictly relevant, the site and the larger part of the remaining former military base are now run-down and unattractive.

The proposal would replace the existing buildings and areas of hardstanding on the site with residential development and new green spaces. An important green 'buffer' at the front of the site (adjacent to the A342 and tank road) would be retained, including the important amenity and screening trees growing on it. In view of the amount of retained 'green' space at these edges of the site and the overall layout which fits around them, it is not considered that the proposal would have a detrimental impact on visual amenity in general. Indeed, the traditional design of the houses together with their organic layout should act as a template for the remainder of the overall Drummond Park site as it comes forward in the future.

The North Wessex Downs AONB is located approximately 4km to the north of the site, over the brow of the hill. It is not considered that the proposal would have a detrimental impact on the AONB having regard to the intervening gap, the impact of the existing unattractive buildings on the base, and the appropriate, traditional design of the proposed development.



Street scenes showing variety of traditional house types

9.3 Highway safety – impact on local travel / traffic infrastructure

The earlier planning application for 475 dwellings was accompanied by a Transport Assessment which set out a number of necessary improvements to the local highway network to enable increased travel / traffic generated by the development to be accommodated safely and satisfactorily. One of the original improvements was rejected in view of local objection (namely, traffic lights at the memorial junction) and instead a financial

contribution was agreed towards the cost of other local highway improvements; and those other improvements which were originally supported (namely, financial contributions towards bus revenue support for local services, new and/or improved street lighting in Castle Street and Butt Street to a point west of the tank road junction, financial contribution towards the cost of an TRO to extend speed limits in Butt Street, and an assurance in perpetuity that land would be set aside at nil cost for any proposed new access road(s) between the application site and the A3026) were to be embodied within the Section 106 agreement.

Additionally the earlier application proposed a roundabout on the A342 to replace the existing 'T'-junction with the tank road, this notwithstanding that a roundabout was not in fact demonstrated to be required by the TA in pure technical terms.

The current application is accompanied by a Transport Statement which assesses the impact of the reduced number of houses (that is, 82) now proposed on the local highway network. The TS concludes that the current proposal should, with the exception of the roundabout, make similar but "proportional" contributions towards improvements to the travel network. To this end it proposes (and justifies) the following:

- A financial contribution for future highway improvements in the Ludgershall area prior to approval;
- A design for extension and improvement of the street lighting on Butt Street and Castle Street to be submitted prior to commencement (but with implementation by 'another' after commencement of 'x' number of houses at a later phase of the Drummond Park development);
- Financial contributions for bus revenue services (three equal payments over three years); and
- A financial contribution (100%) to fund a TRO to alter the speed limit on the A342.

The TS does not propose to replace the existing 'T'-junction between the tank road and the A342 with a roundabout. In justifying this, the TS states the following:

"The original TA concluded that having reviewed the benefits and disadvantages of a priority junction, ghost right turn and roundabout, the appropriate form of site access for 475 houses would be the existing priority junction but accompanied by a 40mph speed limit from the brow of the hill to the north-west of the site to the existing 30mph speed limit. The roundabout was proposed at the Town Council's request as a form of traffic calming. This may still be appropriate for the full 475 dwellings but there is no justification for such a junction arrangement for the first 82 dwellings.

The proposal for Phase 1 is therefore to retain the existing priority junction and to make a financial contribution to amend the speed limit on the A342 in the vicinity of the site. This may either be an extension of the existing 30mph speed limit to a point west of the site access, or the introduction of a 40mph buffer ...".

The TS concludes as follows:

"Whereas the Planning Committee approved a scheme of up to 475 houses the TA was based on an assumed scheme of 500-550 houses. Therefore, whereas the proposed development represents 17% of the overall approved scheme, it only represents 15% of the traffic previously assessed.

Based on the methodology and figures previously agreed with the highway authority the Phase 1 proposal would result in 35 additional two-way vehicle trips during the morning peak hour and a small decrease in vehicle trips during the evening peak hour. Indeed,

even if the gross figures are considered rather than the net increase the number of vehicle trips would be relatively modest.

The existing site access onto A342 would have ample capacity to accommodate the predicted vehicle numbers”.

In view of the reduced scale of this proposal, and equally in view of the technical evidence set out in the TS, it is considered that an objection now based on the non-provision of the roundabout at the junction of the tank road with the A342 could not be sustained. The current proposal does not envisage development on the land adjacent to the junction which was previously proposed for the roundabout. In view of the statement set out in the TS that a roundabout “... may still be appropriate for the full 475 dwellings ...” an additional clause in the S106 is recommended requiring the land around the junction to be ‘protected’ for this purpose.

Highway safety – site layout

Regarding the internal arrangement of the application site, it has an informal arrangement of streets to create a picturesque composition and to keep down traffic speeds. A footpath link is proposed between the site and the A342 to enable a 5 minute walk to the centre of Ludgershall.

For parking, 165 spaces are proposed, this equating to two spaces per dwelling on average.

The Wiltshire Council Highways Officer raises no objections to the internal layout subject to conditions.

9.4 Affordable housing

The earlier outline application proposed 25% provision of affordable housing. As the outline application remains a potential fallback position the Housing Officer has accepted that the current application should also provide 25% provision, this notwithstanding that the emerging Core Strategy policy would normally expect 30% provision in this area.

25% provision equates to 20 dwellings, and the application proposes a mix and tenure which reflects local demand for affordable housing.

9.5 Ecology

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

Regarding protected species, the application is accompanied by a new habitat survey and Bat Suitability Assessment. The Council’s Ecologist agrees with the survey’s conclusion that the area of the site included in the current application is of low ecological importance and that no further surveys are required. That said, the Ecologist considers that the remainder of the Drummond Park site should also be considered at this stage and to this end she requests that a mitigation and enhancement strategy for the whole of the wider site, including prescriptions for appropriate post construction management, should be provided. This request is considered unreasonable bearing in mind the current applicant has no interest in the remainder of the overall Drummond Park, and there is no known timeframe for the bringing forward of further phases by ‘others’. It follows that this would not amount to a sound reason for objecting to the current application.

Regarding the Salisbury Plain SPA, both the Council’s Ecologist and Natural England raise no objections subject to a contribution being made sufficient to mitigate ‘development impacts’. In this case the critical development impact is the increase in recreational pressure

on the Plain from the occupiers of the new houses, and the resulting impact on stone curlews. The original outline application offered a financial contribution and an area of land to provide suitable alternative natural green space (SANGS). In the current reduced application there is no SANGS, but the applicant has agreed to provide a proportioned financial contribution based on the originally agreed figure. This is an acceptable approach under the circumstances.

Regarding local designations, the proposal would not have a detrimental impact on these.

9.6 Impact on local infrastructure

It goes without saying that new larger scale development can place pressure on existing local services and infrastructure. With this in mind a number of saved policies in the development plan seek adequate provision of services and infrastructure as part of 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 normally be delivered by planning conditions or obligations (S106 agreements).

Open Space –

Regarding open space, the proposed layout incorporates open areas including a LAP and casual play space. The applicant states the following:

“We achieve 1,469sqm of casual play space (this excludes areas of bushes) in response to a requirement of 803sqm. We also provide 615sqm of equipped play space including a LAP and a trim trail, in response to a requirement of 607sqm”.

As is evident, standards are satisfied and consequently no objection can be raised in relation to the on-site provision of open and play space. The actual locations of play equipment are satisfactory in terms of reasonable walking distances.

It is now necessary for the applicant to demonstrate that adequate arrangements for on-going maintenance of recreational and amenity space associated with new development are in place. This could be by transfer to the Town Council (with an appropriate maintenance sum) or via a private management company. These are matters to be agreed at the S106 stage.

Regarding provision of formal sports / pitches open space, these are not proposed on site and so the requirement is for a financial contribution. This is a matter for the S106 agreement.

Education –

The Council’s Education Officer has advised that there is insufficient capacity at the primary and secondary schools to accommodate the likely numbers of children coming from the proposed development. In view of this financial contributions are required to enable improvements and/or enlargements of the schools in accordance with Policy HC37.

Community facilities –

Policy HC42 requires social and community needs to be met where there is evidence to demonstrate existing infrastructure is inadequate. The Benefits from Planning SPG further states that developments of 500 dwellings should provide a building equivalent to a “small sports hall” (to the value of £400k (2005 prices)).

In support of the original outline application Ludgershall provided a list of community projects within the locality which remains relevant. It is reasonable to assume that new residents in the proposed development would assimilate into the existing community and utilise the

existing facilities. With this in mind a financial contribution towards new and on-going community projects and infrastructure is considered both reasonable and relevant. This is in accordance with Policy HC42.

9.7 Off site service infrastructure

Policy HC43 states that development which increases the demand for off-site service infrastructure, such as water supply, surface water disposal, foul drainage and 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 earlier outline application for 475 dwellings included a Utilities Appraisal, and this now accompanies the current application. It concludes 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”. No additional information has been provided at this stage with the current planning application, and so the previously proposed condition requiring details of the improvements to be agreed with the local planning authority is recommended again.

Foul water discharge – The Utilities Appraisal states that both the Humber Lane and Perham Down STW's (sewage treatment works) would require infrastructure improvements to ensure they would be able to provide sufficient capacity to serve new development within existing discharge consents.

Veolia has expressed concern over capacity issues at the STW's. Specifically they require the following:

- That sewers from the proposed development are connected to the public sewerage system only at points agreed by VWPL and that any new pumping stations required should be funded by the developer.
- That there can be no occupation of properties on the development until agreement has been reached between VWPL and the developer around the phasing and / or completion of any necessary off site sewers or sewerage treatment works upgrades. Further that the developer agrees with VWPL any financial contributions to the necessary upgrade of the treatment works proportional to the extra demand the development will impose.

These matters can be controlled by condition requiring the detailed design of the proposed foul water system being approved prior to commencement of development.

Surface water – The original outline application was accompanied by a Flood Risk Assessment, and this now supports the current application as well. This sets out a conceptual drainage design based on surface water runoff from each house to individual soakaways, and with runoff 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 flooding elsewhere.

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

9.8 Waste storage and collection (bins) –

The Council's 'Waste Collection Guidance for New Developments 2012' requires financial contributions to be made towards the cost of providing containers for waste collection. In this case the requirement is £121 per household – so, £9,922.

9.9 Residential amenity

With one exception the site is relatively isolated from other residential properties and consequently the impact on neighbour amenity is very limited. The exception is Ludgershall House which is situated some 50m to the north of the site. Historically this house is likely to have formed part of the military base, but is now in separate ownership. The distance between the site and Ludgershall House is sufficient to ensure no loss of privacy through overlooking. During the construction phase there is likely to be some disturbance to the occupier of Ludgershall House. However, as this would be for a relatively short time period it is not considered to amount to a reason for objecting. That said, a condition is recommended by the EHO restricting the times demolition and construction machinery may be used in the interests of residential amenity.

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 uses. The B2 and B8 uses could potentially generate noise and/or cause other disturbance. In view of this a condition is recommended requiring details of how the new houses would be constructed to ensure satisfactory relationships, as recommended by the EHO. Already the houses adjacent to the boundary have been orientated with blank elevations facing the business park.

In term of the actual design and layout of the houses, they have been sited so as to avoid overlooking and over-bearing relationships. Some private amenity areas are smaller than might normally be expected; this is deliberate to create a traditional street scene. In this regard the Design and Access Statement says the following:

“The proposed layout combines local mediaeval precedents from the Ludgershall area, with a modern approach to parking as found at, for example, Poundbury. An informal arrangement of streets creates a picturesque composition, and also assists in keeping down traffic speeds. The centres of the urban blocks that might have originally contained workshops and stabling, now contain parking courts and flats over garages. Whilst the overall layout tries to achieve the character and density of a traditional village, we have also taken care to minimise overlooking with the aim of ensuring privacy for future residents”.

The application site forms part of a larger brown field site which is now in a poor state of repair. The likelihood of the site staying in this state is slim now that it is allocated for residential development in the emerging core strategy. It follows that the impact of the adjoining land on the amenities of the occupiers of the proposed development should not be cause for concern in the longer term.

A condition is also recommended relating to surveys and potential removal of land contamination.



Artist's impression

10. Conclusion

The application seeks permission to re-develop part of a brown field site which is inside the defined limits of development for Ludgershall and is allocated for housing in the emerging Wiltshire Core Strategy. As a matter of principle this is acceptable.

Although the emerging core strategy envisages the comprehensive re-develop of the larger Drummond Park site in accordance with a master plan, the fact that the current proposal does not deliver in this way would not amount to a sound reason for refusing planning permission now. This is particularly so in view of the demonstrated acceptability of the current proposal in isolation in any event. Market circumstances have dictated that the larger Drummond Park site may well come forward in piecemeal fashion and such an eventuality is beyond the local planning authority's control or influence. Mechanisms exist to allow the local planning authority to ensure delivery of infrastructure made necessary by the entire site anyway.

In terms of impact, the application demonstrates that the proposed development can be accommodated on the site without causing harm to interests of acknowledged importance, including local infrastructure, highway safety, ecology, visual amenity and residential amenity. The proposal makes provision for infrastructure made necessary by the development in accordance with CIL 'rules'. The proposal makes appropriate provision for affordable housing, open space, education facilities, community facilities and highway works to the satisfaction of technical consultees. The proposal, therefore, accords with both central and local planning guidance and policies.

RECOMMENDATION

To delegate to the Area Development Manager to approve subject to the prior completion of a Section 106 legal agreement covering the following matters and subject to the conditions set out below:

Section 106 –

1. **Affordable housing – 25% to be affordable;**
2. **Highway works –**
 - a financial contribution towards future projects to relieve congestion in Ludgershall;
 - a financial contribution towards bus revenue support for local services;
 - the submission of a street lighting scheme and a financial contribution towards its provision;
 - an assurance in perpetuity that land will be set aside at nil cost for any potential link roads and/or potential paths between the application site and adjacent land within Drummond Park and between the application site and the A3026 (whether direct or crossing the railway line or other land), and any land within the site that may be required for a potential roundabout at the junction of the ‘tank road’ and the A342 will be protected at nil cost for this purpose.
3. **Education – financial contributions towards to cost of primary and secondary education provision locally;**
4. **Open space – a financial contribution towards off-site adult/sports pitch provision/improvement in the locality;**
5. **Ecology – a financial contribution towards the cost of future management and monitoring schemes for the Wessex Stone Curlew project;**
6. **Community facilities – a financial contribution towards the cost of providing and/or improving existing social and community facilities within Ludgershall;**
7. **Waste collection containers – a financial contribution towards the cost of waste collection containers.**

Conditions –

- 1 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.

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

- 3 No development shall commence on site until details of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

- 4 No development shall commence on site until details of the proposed Equipped Play Spaces (to comprise a 'play area' of 150sqm and a 'trim trail' of 465sqm) and the Casual Play Spaces (to total 1,469 sq m), and a programme for their provision and completion, shall be submitted to the local planning authority for approval in writing. The details shall include layout plans and drawings/specifications for the equipment to be provided. The Equipped Play Spaces and Casual Play Spaces shall be provided and completed in accordance with the details and programme as agreed.

REASON: To accord with the terms of the planning application and to ensure appropriate provision of play space in the interests of amenity.

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft surfacing materials;
- i) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting, etc);
- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 6 All soft landscaping comprised in the approved details of landscaping 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 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.

- 7 No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure (including any temporary means of enclosure between the site and the former military base) have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure for each dwelling shall be completed in accordance with the approved details prior to the occupation of the dwelling concerned.
- REASON: In the interests of visual amenity and the character and appearance of the area.
- 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 The development shall be carried out strictly in accordance with the recommendations set out in the 'Extended Phase 1 Habitat Survey and Bat Suitability Assessment - Update' by Seasons Ecology and dated May 2014.
- REASON: To safeguard ecological interests.
- 10 No development shall commence on site until details of measures to safeguard the amenities of future occupants of the development from potential disturbance from employment and future employment developments on the adjoining business park and from the railway line 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 and railway line could cause disturbance to the occupiers of the approved houses unless appropriate design or mitigation measures are applied. This is in the interests of residential amenity.
- 11 No development shall commence until full details of how on-site renewable energy will be provided to reduce carbon dioxide emissions from energy use by owners/occupiers of the dwellings 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.
- 12 No dwelling hereby permitted shall be first occupied until the access, turning area and parking spaces serving that dwelling 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.
- 13 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with

the approved scheme.

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

- 14 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 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 to the water environment.

- 15 No development shall commence until a Construction Environmental Management Plan, incorporating pollution management measures, has been submitted to and approved in writing by the local planning authority. The plan shall be implemented as approved throughout the construction period.

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

- 16 No development 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 approved details.

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

- 17 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

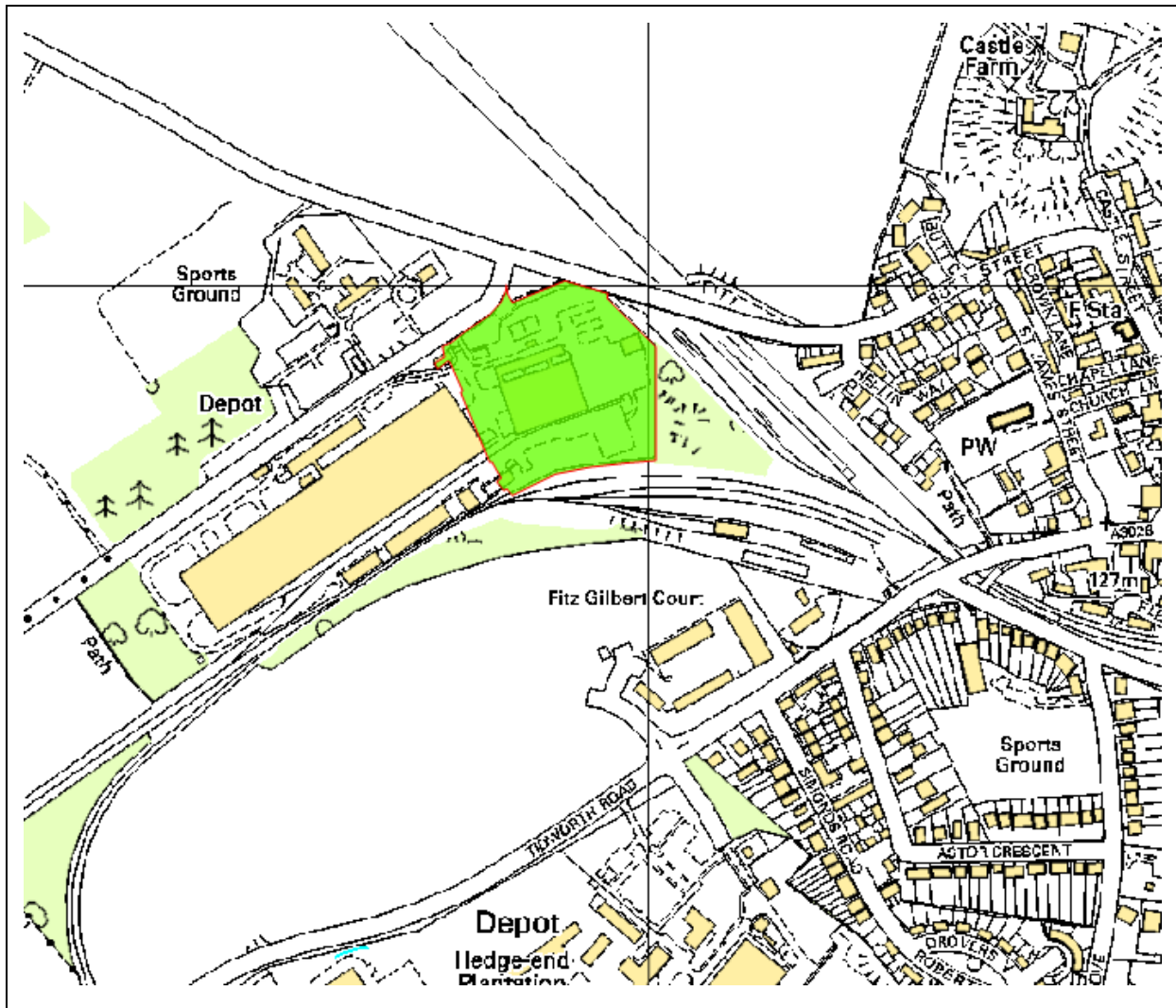
REASON: To ensure that land contamination can be dealt with adequately prior to the

- use of the site hereby approved.
- 18 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- REASON: To safeguard residential amenity.
- 19 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- REASON: To ensure that the development is served by an adequate means of access.
- 20 No dwelling shall be occupied until the parking spaces together with the access thereto have been provided in accordance with the approved plans.
- REASON: In the interests of highway safety and the amenity of future occupants.
- 21 No development shall commence within the development site until:
1. A written programme of archaeological investigation, 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
 2. 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.
- 22 The development hereby permitted shall be carried out in accordance with the following approved plans:
- All plans set out in the 'Design and Access Statement' by James Armitage Architects & Urban Designers dated 09/06/14 and received by the lpa on 12/06/14; and
- All drawings listed in the 'Document Issue Register' by James Armitage Architects & Urban Designers dated 30/10/14 and received by the lpa on 31/10/14.
- REASON: For the avoidance of doubt and in the interests of proper planning.
- 23 INFORMATIVE TO APPLICANT: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 24 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 xxxxxxx.
- 25 INFORMATIVE TO APPLICANT: The applicant is advised to contact Veolia regarding the design of the scheme for the discharge of foul water and how/when it will be implemented. The scheme will likely include a programme for implementation and mechanisms for funding including from the applicant.

Appendices: None

Background Documents Used in the Preparation of this Report: Application particulars, development plan documents & guidance, consultation responses & representations

Application Number	14/05846/FUL
Site Address	Drummond Park, Ludgershall, SP11 9RT
Proposal	Demolition of existing redundant warehouse buildings. Erection of 82 new houses and associated infrastructure
Case Officer	Andrew Guest



This page is intentionally left blank

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 4

Date of Meeting	30 October 2014
Application Number	14/05847/FUL
Site Address	Manor Farm, West Overton, Marlborough, Wiltshire, SN8 4ER
Proposal	Demolition of buildings and sections of walls and the erection of 10 dwellings with vehicular and pedestrian access, parking and associated landscaping. Erection of ancillary outbuildings for Manor Farmhouse comprising stables, garaging, workshops and stores. Removal and regrading of former concrete clamp to paddock.
Applicant	Mr & Mrs T Cartlidge
Town/Parish Council	FYFIELD & WEST OVERTON
Division	WEST SELKLEY
Grid Ref	412861 168047
Type of application	Full Planning
Case Officer	Rachel Yeomans

Reason for the application being considered by Committee

This application has been called to committee at the request of Councillor Jemima Milton

1. Purpose of Report

To consider the recommendation that the application be approved with conditions and subject to a Section 106 legal agreement.

2. Report Summary

The key issues are considered to be;

- The principle of the site being re-developed to provide housing in this location
- Impact on the visual amenities of the area including the North Wessex Downs Area of Outstanding Natural Beauty and upon trees.
- Whether the proposal would preserve or enhance the setting of heritage assets including Manor Farm (which is grade II listed) and the setting of nearby Scheduled Monuments and the Avebury World Heritage Site.
- Impact upon residential amenity
- Highway safety
- Whether the proposals make adequate provision for affordable housing and open space
- Archaeology
- Ecology
- Flooding and drainage issues.

3. Site Description

The site lies on the western edge of the village of West Overton. It can be accessed by proceeding from Devizes in an easterly direction along the A4. At the Beckhampton roundabout, proceed eastwards towards Marlborough continuing on the A4. Continue past Silbury Hill and through the village of West Kennett. Immediately after The Bell Inn public house, turn right into the village of West Overton. Proceed over the River Kennet and Manor Farm is the first property on the right hand side. The farm currently has three accesses; the first through a five bar gate into the front garden of the main farmhouse; one immediately adjacent this, from which both the existing parking areas and farm buildings can be accessed and; a further existing access which can be seen by proceeding towards the right/ ahead at the junction and following the road around to the right where the concrete apron and gateway is clearly visible on the right opposite Chapel Cottages. The site comprises of the farmhouse, its annexe, a traditional modest stable outbuilding, and a number of large agricultural buildings, concrete yards, smaller structures, stores, silage clamp and silos which are now disused. One building is occupied as a workshop by a picture framer.

The site lies on lower lying land, at a similar level to the main village street and to the south of the River Kennet which is bounded by low lying water meadows. Beyond these, land rises to the A4 to the north of the site and beyond, where the site is visible (particularly the western edge) from the A4 when proceeding towards Marlborough. Land also rises to the south of the site, such that parts of it would be visible from higher vantage points along adjacent roads.

4. Planning History

K/38347/L	Extension and alterations to farm house.
K/38348	Extension and alterations to farm house, erection of swimming pool enclosure and ancillary building.
K/39625/L	Alterations & additions to windows on west, east and south elevations.
K/40960/L	Proposed replacement windows on West Elevation.
K/11883/L	Insertion of windows
K/14618	New general purpose building/livestock housing for farm dairy replacements
K/16943	Store for brown water scheme for dairy
K/20979/L	Internal alterations
K/82/0112	Access road
E/10/0612/FUL	Installation of photovoltaic array on grain store roof
13/04726/FUL	Demolition of buildings and sections of walls and the erection of 14 no. dwellings with access, parking and associated landscaping. Erection of office building for B1 use and ancillary outbuildings for Manor Farmhouse comprising stables, garaging, workshop and store. Removal and regrading of former concrete clamp to paddock (Withdrawn)
14/05993/LBC	Demolition of sections of brick and sarsen walls measuring 12 metres and 5 metres respectively and creation of archway in existing brick wall. – approved August 2014

5. The Proposal

The application proposes the demolition of buildings and sections of walls and the erection of 10 dwellings with vehicular and pedestrian access, parking and associated landscaping.

6. Planning Policy

Kennet Local Plan - Planning Policies PD1, HC22/ HC26, HC32, HC35, ED10, NR6, NR7, HH1 and HH3 of the adopted Kennet Local Plan 2011 are relevant, as is the National Planning Policy Framework with particular regard to Chapters 3, 4, 6, 7, 10, 11 and 12. In addition, the emerging draft Wiltshire Core Strategy is a material consideration though its policies cannot yet be afforded significant weight. Those policies relevant to this application are Core Policies 1 and 2, 43, 45, 48, 50, 51, 57, 58, 59, 61, 67 and 68.

Supplementary Planning Guidance; Community Benefits from Planning and the Kennet Landscape Conservation Strategy are also applicable as are The Fyfield, Lockeridge and West Overton Village Design Statement, the Avebury World Heritage Site Management Plan and the North Wessex Downs AONB Management Plan.

7. Consultations

Environment Agency - As the developer has outlined two drainage strategies to manage surface water flooding on site and demonstrated that there is enough space on site, then we confirm that we do not have any objections on flood risk grounds to the proposed development. This is subject to the developer providing a full surface water drainage strategy to manage surface water flooding on site for all flood events up to and including the 1 in 100 plus climate change flood event.

In order to mitigate residual flood risk associated with drainage system failure events the developer has proposed to raise finished floor levels by 150mm above the existing ground level.

No objection on contamination on other grounds subject to condition and informatives.

Fyfield and West Overton Parish Council object to the application for the following reasons:

1. The proposed allocation of only 20% of the units for affordable housing is inadequate when considered against the normal requirement of a minimum of 40% and in the light of the need for affordable housing in the parish as demonstrated by the housing needs survey carried out by Wiltshire Council in February 2014;
2. The continuing concerns over the impact of the additional traffic which will be generated by the development, and
3. The sewage system in the village is already unable to cope, particularly during periods of bad weather, and manifestly cannot cope with ten further properties being connected to it.

If, notwithstanding our objection, Wiltshire Council is minded to grant permission we would want to see a number of conditions imposed. The officer recommendation provides for many of these recommended conditions. However additionally, the parish council wish to see conditions to cover the following;

- a. That the applicant procure that work be carried out to improve safety at the junction, by The Bell Inn, between the A4 and the road leading into West Overton, particularly for vehicles turning into the village
- b. That appropriate measures be taken to control light spill

Wiltshire Council Highways – No objections subject to conditions. The proposed development would not result in a detrimental change in the numbers/ types of vehicles when compared with the fallback situation of the existing permitted uses and for this reason,

an in principle objection cannot be sustained on highway safety grounds. The junction with the A4 has been carefully considered and further works cannot be justified. In summary, I am happy with the internal layout of the site and I am happy for the site to remain unadopted subject to a condition ensuring that an approved maintenance company is place for future maintenance, the parking (maintained only for parking purposes) and roads are provided as per the submitted details and a footpath is provided to the front of the site via a licence with the Local Highway Authority.

Wiltshire Council Archaeology – No objections subject to standard archaeological condition.

Wiltshire Council Housing – Whilst the level of affordable housing (20%) is below the level that would normally be sought in terms of the Kennet Local Plan and the emerging Wiltshire Core Strategy, is satisfied that the viability assessment justifying this reduced level is acceptable.

English Heritage – we do not feel that the proposals would be harmful to the nearby Scheduled Monuments or Avebury World Heritage Site, given that the scale and mass of development will be less than the current, unsightly, redundant concrete barns and grain store. In particular, when viewed from Overton Down, the development could be seen as an improvement in visual terms.

Wiltshire Council Environmental Health –No objections. Contamination report is adequate and no further condition is warranted. Recommends further conditions to cover construction hours, fires and dust management during construction.

Wiltshire Council Education – There is currently sufficient capacity at primary school level however the developer would be required to fund 2 additional places at secondary school level. Using the current capital cost multiplier for secondary places of £19,084 each, this amounts to £38,168.

Wiltshire Council Rights of Way – No objections

Wiltshire Council Conservation Officer – No objections/ no comments subject to conditions to cover materials etc.

World Heritage Site Officer – Recommends further mitigation measures, most of which could be secured via planning condition to control slab levels, materials and landscaping, and on this basis raises no concerns.

Thames Water – No objection subject to a Grampian style condition to secure the provision and approval of an appropriate drainage strategy before the commencement of development and its implementation to ensure that sufficient capacity is made to deal with foul and surface water drainage.

Wiltshire Council Ecology- No objections subject to a condition securing the recommendations set out within the submitted ecology report.

CPRE – No objections to principle of redevelopment but object on the grounds that;

Insufficient affordable housing is being offered, they do not agree with the LVIA and consider the development would have a harmful visual impact, raise concerns over private driveways, numbers of houses and resulting traffic, maintenance of open areas adjacent access. Welcome reinstatement of paddock on existing concrete area.

The Avebury Society – No objections to the principle of redevelopment but comment that the new dwellings proposed would present a substantial block of new housing in this important view across the village’s former water meadows towards its distinctive church tower. We would suggest that fewer than ten houses that are more in scale with their surroundings (i.e. lower in height and smaller) would be more appropriate in this location.

Neighbour representations –

A total of 31 letters of representation have been received in relation to the application. 29 of these raise objections to the proposals and these comments can be briefly summarised as follows;

- The extension to the village is unwanted
- The proposed development is not in keeping; it has a suburban character
- The pedestrian access is not in a suitable position
- The extra traffic is of concern with the use of a single lane providing access to hazardous junction with the A4
- The land floods easily and the proposed new housing estate would exacerbate this.
- The proposal conflicts with the Development Plan as the site lies outside the Limits of Development and there are no exceptional circumstances applicable here.
- The proposals do not make adequate provision for sufficient affordable housing
- The proposed development lies beyond existing farm buildings/ the existing yard
- An objection on highway safety grounds should be maintained as this proposal would result in a significant increase in traffic movements
- The proposed development and associated traffic would exacerbate problems with local narrow lanes, informal/ insufficient and infrequent passing places.
- The existing sewerage infrastructure is insufficient and any additional houses would exacerbate this
- West Overton is not a sustainable location for new development – it has no school, shops or other facilities
- The benefits of providing a small-scale business unit does not justify this number of houses
- 10 houses is too many, 6 would be more in keeping
- Parishioners recently noted support for up to an increase of 20 houses across the parish – why should so many be built in one village.
- The finish to footpaths should be in keeping with others in the village – not low cost, high maintenance hogging
- While the amended proposals go a long way to addressing previous concerns, any new residential development can only aggravate highway safety concerns. Further passing bays and improved visibility should be secured.
- Are there sufficient parking spaces to serve the development?
- If permitted, it would set a precedent for further development outside the Limits of Development
- Wildlife (including bats) would be disturbed – this must be investigated
- Further strain would be placed on electricity and water supplies
- Timber cladding is out of keeping
- No properties should be accessed via the southern access
- There should be more single storey properties
- The proposed houses are not of a high quality
- The site would be better utilised for employment purposes
- Storm drains are inadequate and require upgrade
- How would development impact on the local school?
- Bin stores should be fully enclosed
- The development is too dense

- Houses 1 & 2 are too tall
- It is of note that a number of objectors do support the principle of redevelopment subject to; a) a smaller number of dwellings (6?), b) restrict to northern access only, c) restrict development to footprint of existing buildings.
- Unrestricted access to the footpath should be secured

Two letters have also been received in support of the proposed development. These raise the following points;

- I support the proposed development – the population of the village is far down on previous years and is needed for the village
- We need new housing as both starter homes and going up the ladder – there is demand for this
- It should be noted that far more people in the village are not raising objections than the numbers that are
- This is the best solution for the disused farm buildings by providing quality housing to enhance the village

8. Publicity

The application has been advertised by means of a site notice, advertisement in the local press and by neighbour letters.

CPRE – No objections to principle of redevelopment but object on the grounds that;

Insufficient affordable housing is being offered, they do not agree with the LVIA and consider the development would have a harmful visual impact, raise concerns over private driveways, numbers of houses and resulting traffic, maintenance of open areas adjacent access. Welcome reinstatement of paddock on existing concrete area.

The Avebury Society – No objections to the principle of redevelopment but comment that the new dwellings proposed would present a substantial block of new housing in this important view across the village's former water meadows towards its distinctive church tower. We would suggest that fewer than ten houses that are more in scale with their surroundings (i.e. lower in height and smaller) would be more appropriate in this location.

Neighbour representations –

A total of 31 letters of representation have been received in relation to the application. 29 of these raise objections to the proposals and these comments can be briefly summarised as follows;

- The extension to the village is unwanted
- The proposed development is not in keeping; it has a suburban character
- The pedestrian access is not in a suitable position
- The extra traffic is of concern with the use of a single lane providing access to hazardous junction with the A4
- The land floods easily and the proposed new housing estate would exacerbate this.
- The proposal conflicts with the Development Plan as the site lies outside the Limits of Development and there are no exceptional circumstances applicable here.
- The proposals do not make adequate provision for sufficient affordable housing
- The proposed development lies beyond existing farm buildings/ the existing yard
- An objection on highway safety grounds should be maintained as this proposal would result in a significant increase in traffic movements
- The proposed development and associated traffic would exacerbate problems with local narrow lanes, informal/ insufficient and infrequent passing places.

- The existing sewerage infrastructure is insufficient and any additional houses would exacerbate this
- West Overton is not a sustainable location for new development – it has no school, shops or other facilities
- The benefits of providing a small-scale business unit does not justify this number of houses
- 10 houses is too many, 6 would be more in keeping
- Parishioners recently noted support for up to an increase of 20 houses across the parish – why should so many be built in one village.
- The finish to footpaths should be in keeping with others in the village – not low cost, high maintenance hogging
- While the amended proposals go a long way to addressing previous concerns, any new residential development can only aggravate highway safety concerns. Further passing bays and improved visibility should be secured.
- Are there sufficient parking spaces to serve the development?
- If permitted, it would set a precedent for further development outside the Limits of Development
- Wildlife (including bats) would be disturbed – this must be investigated
- Further strain would be placed on electricity and water supplies
- Timber cladding is out of keeping
- No properties should be accessed via the southern access
- There should be more single storey properties
- The proposed houses are not of a high quality
- The site would be better utilised for employment purposes
- Storm drains are inadequate and require upgrade
- How would development impact on the local school?
- Bin stores should be fully enclosed
- The development is too dense
- Houses 1 & 2 are too tall
- It is of note that a number of objectors do support the principle of redevelopment subject to; a) a smaller number of dwellings (6?), b) restrict to northern access only, c) restrict development to footprint of existing buildings.
- Unrestricted access to the footpath should be secured

Two letters have also been received in support of the proposed development. These raise the following points;

- I support the proposed development – the population of the village is far down on previous years and is needed for the village
- We need new housing as both starter homes and going up the ladder – there is demand for this
- It should be noted that far more people in the village are not raising objections than the numbers that are
- This is the best solution for the disused farm buildings by providing quality housing to enhance the village

9. Planning Considerations

This application follows the withdrawal of a previous scheme for 14 houses on the site. The numbers have been reduced to 10, the designs have altered slightly and positions moved back from the western boundary in an attempt to address concerns raised both by officers and local residents. The proposed access arrangements have also altered so that only 4

dwelling would now be served via the southern access drive whilst a further private drive would provide access to the remaining 6 dwellings further north, closer to the farmhouse.

The site is situated within the North Wessex Downs Area of Outstanding Natural Beauty and within the setting of the Avebury World Heritage Site. Manor Farm is also grade II listed.

The key issues are identified in Section 2 above and are considered in more detail below.

9.1 Principle

West Overton is currently defined within the adopted Kennet Local Plan 2011 as a village with a range of facilities suitable for small groups of houses of up to 10 as set out within the adopted Kennet Local Plan 2011. Policy HC22 also permits the redevelopment of existing sites within such villages with no specified upper limit on housing numbers (as clarified in the previous appeal decision at Manor Farm, Urchfont). It is therefore established current policy that had this site been within the Limits of Development, the principle of the proposed development would be considered acceptable subject to being in keeping with the village in terms of its scale and character.

However, this site lies immediately adjacent but outside the Limits of Development where new development is usually only permitted in more limited circumstances including to provide essential countryside accommodation, holiday accommodation (HC26), purely for affordable housing or to provide local employment. Although, these are not directly applicable here, there are a number of material considerations which do need to be taken into account.

Firstly, being adjacent to The High Street and village buildings and being in very close proximity to the heart of the village, the site is very much seen as part of the built up area and visibly appears as part and parcel of the extent of the village. In sustainability terms, there would be little difference between accessing the village facilities from this site compared with sites just inside the defined Limits of Development.

Secondly, this is not a greenfield site, but one that comprises of a disused farm complex with no likely prospect of the buildings or yards being needed for farming purposes, as the site was sold separately from much of its former land holding by the previous owner, and was largely built for dairy purposes that have since ceased. Consequently, there is no realistic prospect of this site being required for agricultural use and without any use, investment into the upkeep of the buildings is unlikely.

It is also notable that the buildings are numerous and are of a utilitarian appearance. Some are of a large scale, and many are visually prominent from within the village, the wider countryside (including when looking outwards from the World Heritage site) and within the setting of the existing listed farmhouse. In visual terms, the proposed development would provide for the existing large buildings to be demolished with the proposed dwellings being of a lesser height and bulk. The existing hardstanding to the west would be reinstated as paddock and with comprehensive landscaping to the western boundary, the proposal could be considered an improvement in visual terms. The proposals would secure a long-term use and maintenance of the site.

The proposals would provide contributions to upgrade existing play facilities amounting to £27,174.00, funding for two additional secondary school places at a cost of £38,168 and provide two on-site 2 bedroom affordable dwellings (identified as units 3 & 4). These would need to be secured via a legal agreement in the event that Members are minded to approve the application. The proposals also include a single bungalow and two additional modest bedroom dwellings, which have been identified as being in demand by the village.

The application also includes provision for the replacement of the existing workshop occupied by a picture framer, something which is supported by Policy ED10 and encouraged within Chapters 1 and 3 of the Framework.

In terms of the emerging draft Wiltshire Core Strategy, West Overton would be reclassified as a 'Small Village' where new development would generally be restricted to infilling within the built area and would no longer be restricted by a 'Limits of Development'. By this definition, the proposal could be considered within the built area although the proposed development may be greater than would normally be envisaged as 'infill' scale. However, this document also provides for other new development which is locally supported, such as through a Neighbourhood Plan.

In response to this element, the agent has advised that the parish currently has no intention of producing such a document. The agents have submitted a Statement of Community Involvement which echoes comments in many of the representations, that there appears general support for the principle of the site being redeveloped; the areas of contention seem to lie mainly with housing numbers, highway safety and flooding concerns.

The proposed scheme represents a modest housing density based upon a "converted farmyard" style development situated around courtyards which is considered fitting for this edge of village location.

The Inspector in his examination of the current draft WCS has identified the need to increase housing numbers in line with the government's drive to 'significantly boost housing supply'. The proposed additional 10 dwellings would provide a small but meaningful contribution to housing targets on a disused farm site, thus reducing pressure to release further Greenfield land for housing. This is reflected within the Framework.

In summary, the proposal represents the redevelopment of existing buildings which do not make any positive contribution to the village. Their proposed replacement with 10 dwellings (including X affordable), would make a positive contribution to housing supply helping to alleviate pressure from other Greenfield sites. Whilst the proposed ancillary buildings to the farmhouse and a new workshop for the existing business on site would achieve a good balance in terms of housing numbers, providing for the continuation of the existing business on site and an enhanced setting for the listed building. It is acknowledged that the village has fewer facilities than in former times however the scale of the development combined with the other positive benefits lead officers to consider that the proposal is not contrary to sustainable development objectives and the principle of the proposal should be supported.

9.2 Impact on the visual amenities of the area including the North Wessex Downs Area of Outstanding Natural Beauty and upon trees.

The proposals include an Arboricultural Impact Assessment, a Landscape and Visual Impact Assessment and Landscaping proposals. The LVIA concludes that the proposals would not be visually prominent having regard to the potential vantage points, their distance, the development and the comprehensive landscaping proposed. Having visited the site and considered the development from numerous vantage points, officers agree that in terms of wider visual impact, the proposals would not be harmful to the visual amenities of the area nor would the development compromise the objectives of the AONB landscape ('conserving and enhancing the natural beauty of the landscape'). The submitted tree report confirms how important trees can be retained and includes tree protection methodology.

Turning to the design of the scheme, the agents have made changes to the original scheme to take better account of vernacular materials, reduce spans and heights, and omit a number of overtly domestic features such as large gables, upper floor fenestration and alter the design of some garages. Properties closer to existing dwellings have been reduced in scale and number to address local concerns and provide a suitable streetscene of more modest dwellings which are more comparable to modest farm worker dwellings in an attractive design. Open space adjacent the southern access is also proposed to be retained to secure visibility and contribute to an attractive landscaped setting. When viewed from outside the site, it is considered that the proposed development would make a positive contribution to the character of the village. From within the development, the scale and length of buildings would appear more akin to a converted farmyard, however they are cleverly designed so as to be compatible within this context in terms of their scale and character.

Final details of materials, landscaping and tree protection can be secured via planning condition in the event that Members are minded to grant planning permission.

9.3 Impact on heritage assets.

The proposals include a heritage impact assessment which assesses the impact of the proposed development upon designated and non-designated heritage assets, including their settings. The proposed layout concentrates the larger buildings where the existing larger buildings lie. The proposed arrangement of ancillary buildings to form a new courtyard for the main farmhouse is considered preferable to the existing arrangement and large storage farm buildings in terms of improving the setting associated with the main listed building. Officer assessments and returned comments from the Conservation Officer, English Heritage and World Heritage Site Officer confirm no objections to the proposals subject to conditions. The proposals would improve public views out from the World Heritage Site.

9.4 Residential amenity

Although some concerns were raised during the course of the previous application about the potential impact on adjacent neighbours, the current proposals would have no significant impact on the amenities of any neighbouring occupiers due to the scale of the proposed buildings, their distance from neighbouring properties and their juxtaposition. This is reflected in the lack of any comments about this aspect.

In terms of levels of amenity for occupiers of the proposed properties, the layout provides for adequate levels of privacy. Plots 3 & 4 would meet the minimum requirements in terms of adequate garden space for meeting the day to day needs of householders. It is notable that the garden area to the north of Plot 3 and light to the rear facing windows of Plots 3 & 4 would be compromised to a degree by the presence of Plots 5 and 6 immediately adjacent, however these properties have been arranged to minimise their impact and on balance, this is not considered harmful so as to warrant a refusal of planning permission on this basis.

9.5 Highway safety

Local concerns have been raised about additional traffic accessing the development from the A4 and the local highway network, including concerns about visibility / unsuitability of the junction with the A4, the narrowness of the road from the A4 to the site including a lack of formalised passing places and the unsuitability of the southern access, located beyond a couple of sharp bends and the potential danger for other highway users. In addition, some concerns have been raised over whether parking provision is adequate.

Highway officers have scrutinised the submitted Transport Statement, have carried out a number of site visits and have had regard to the current permitted use of the site and associated vehicular movements. They agree with the survey findings that the roads are generally lightly trafficked. At the junction with the A4, the road is two lanes and although there is a stretch of single lane road from here towards the village, the existing passing

places, together with good visibility over the length of this road is adequate. Moreover, regard must be had to the existing situation. The site could be lawfully used as a working farm and workshop with associated vehicular movements. It is also understood that the site was previously used for 10 years until 2011, to serve the carriage driving section of the Riding for the Disabled Association together with the comings and goings associated with this use. When comparing the nature and type of vehicular movements, including larger tractor and trailer movements likely associated with the lawful use of the site, to the proposed use of the site, officers have concluded that there would be no substantial increase in vehicular movements which would justify a refusal on highway safety grounds.

Furthermore, the National Planning Policy Framework sets out within Paragraph 22 that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.' They are clearly not in this case.

Highway officers are happy for the site to remain unadopted, served via two private driveways and that vehicular tracking for refuse/ emergency vehicles is adequate. As the roads will not be adopted the applicant will be expected to put in place a management company for the ongoing responsibility for road and open space maintenance.

Officers note that a footpath has been included within the site and a more formalised footpath to the front of the site to enable a pedestrian route through the site, which is seen as an overall benefit to the location. The footpath to the front of the site is within highway land and there will be the necessity for the applicant to undertake the work via a licence with the Highway Authority to enable the footpath to be adopted. Officers are also satisfied that current parking standards have been met along with bin storage within the site.

9.6 Whether the proposals make adequate provision for education, affordable housing and open space

The agents have advised the applicants are agreeable to providing the contributions arising under current planning policy in terms of both education and open space.

The level of affordable housing (2 dwellings – 20%) is lower than what would be expected in this area, but this is not a greenfield site, and the council's affordable housing team are satisfied that the level proposed is acceptable in terms of achieving a viable development on this site where there is a lot of demolition and site clearance required

9.7 Archaeology & Ecology

The application includes an ecological report and a preliminary assessment of archaeology. Both reports are sufficiently detailed to conclude that the principle of development is acceptable from these perspectives subject to conditions to cover that the recommended mitigation measures within the submitted ecology report are carried out and the submission of a Written Scheme of Investigation for approval and its subsequent execution.

9.8 Flooding and drainage and contamination

The application has included a Flood Risk Assessment which includes the outline of two drainage strategies and a Contamination Report. These submissions have been scrutinised by both the Environment Agency and Thames Water who are satisfied that the development can be accommodated. Consequently, they raise no objections to the application subject to conditions to cover the approval and implementation of detailed drainage strategy etc.

10. Conclusion

The proposal does not strictly accord with the current policy situation. However the proposed development would secure a new use for disused farm which is immediately adjacent to the village policy limits, without which it is likely the site would fall into disrepair. The scale of

development is that which is considered compatible with a settlement of this size and the proposed development is of a suitable design and layout. This would provide an attractive development which is in keeping with the character of the village and which would create an appropriate new setting for main farmhouse. Furthermore, the proposed development would provide contributions towards the upgrade of existing recreation areas and much needed affordable housing as identified in the recently published housing needs survey.

In terms of visual amenity, the site would appear well-contained as part of the settlement and the height, bulk and massing of the buildings would appear reduced when viewed from the wider AONB landscape and the World Heritage Site to the west compared with the scale of existing farm buildings. The submission of comprehensive landscaping details at this stage is further assurance that the proposed development would assimilate well into its sensitive surroundings. The proposals would not result in any particular harm to the amenities of neighbouring occupiers as a result of the proposed design and layout.

Many local objections raised relate to concerns over traffic generation and resulting highway safety concerns. However the applicants have, since the previous submission, reduced numbers from 14 to 10 and altered access arrangements such that only four properties would be served by the southern access. Taking into account the valid fallback situation of traffic levels and types associated with the existing permitted use of the site and its access, it is not considered that the proposal could be considered to have a severe detrimental impact such that this could warrant a refusal of planning permission on these grounds.

Although it is necessary to ensure that any flooding problems are not exacerbated, the submitted flood risk assessment together with the drainage strategies outlined are sufficient to assure the Environment Agency and Thames Water that an appropriate solution can be achieved and secured via planning condition.

In terms of principle, it is notable that the site lies immediately outside the Limits of Development, is of a scale that would be supported within this boundary line and consists of land which has been previously developed and is now redundant for its permitted purpose. Consequently, on balance, it is concluded that the proposed benefits of developing the site as outlined would outweigh any conflict with the Development Plan, such that planning permission ought to be granted subject to conditions and a legal agreement.

RECOMMENDATION

To delegate to the Area Development Manager to approve, subject to the conditions set out below, and subject to the prior completion of a Section 106 legal agreement to secure the necessary open space, education and affordable housing contributions arising.

- 1 No demolition shall begin until details of a dust management plan have been submitted to and approved in writing by the local planning authority. The plan shall include details of the method for dealing with any materials containing asbestos on the site. The demolition shall be undertaken in accordance with the approved details.

REASON: To protect the amenity of nearby residents.

- 2 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.

3 No development shall commence until:

- a written programme of archaeological investigation, which should include on-site and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the local planning authority; and

- 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.

4 No development shall commence on site until details and samples of the materials to be used for the road surfaces, external walls (including free standing walls); roofs; and joinery, and details of the proposed brick bonding to be used, 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: In the interests of visual amenity and the character and appearance of the area.

5 No development shall commence on site until details of the slab levels for the new buildings have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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

6 No development shall take place 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 drainage strategy shall demonstrate the surface water run-off generated up to and including the 1 in 100 with an allowance for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Prior to occupation of any dwelling on the site the scheme shall be implemented in accordance with the approved details.

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

REASON: To prevent the increased risk of flooding, both on and off site

7 No development shall commence until a drainage strategy detailing any on and off-site works has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed in accordance with the details set out in that strategy.

REASON: To ensure that sufficient capacity is provided to deal with the development,

- in order to avoid any adverse impact on the amenity of the area.
- 8 Before development is commenced, details shall be submitted to and approved in writing of the proposed location and design of any external bin stores. The stores shall be provided in accordance with the approved details before more than 50% of the dwellings are occupied.
- REASON: To ensure satisfactory provision of external bin storage, in the interests of the appearance of the area.
- 9 No development shall commence on site until the trees on the site which are shown as being retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).
- REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.
- 10 The development shall be constructed in strict accordance with the recommendations given in the Ecological Appraisal and Bat Survey, Manor Farm, West Overton, Nr Marlborough, Wiltshire, August 2013, by Lindsay Carrington Ecological Services Ltd.
- REASON: In order to ensure no adverse effects on protected species or habitats either within the site or in immediate surrounding areas.
- 11 Before any dwelling is first occupied, the parking spaces and access to them shall be provided in accordance with the approved plans, and shall thereafter be retained for these purposes.
- REASON: To ensure the provision of adequate parking and access facilities for the dwellings.
- 12 No dwelling shall be first occupied until details of the maintenance arrangements for the private roads within the site, including management responsibilities, has been submitted to and approved in writing by the Local Planning Authority. The arrangements shall thereafter be retained in accordance with the approved details.
- REASON: To ensure the proper management of the private road areas.
- 13 Before the dwellings are first occupied, the footpath to the front of the site shall be provided.
- REASON: In the interests of road safety
- (Informative to applicant - this will require approval and a licence from the Council as local highway authority)

14 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the new houses 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 landscaped setting for the development and the protection of existing important landscape features.

15 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: Storage tanks were identified on site and groundwater lies some 6 m below ground level. Abstracted water may be used for private supply locally so groundwater is sensitive.

16 Any external flues shall be factory finished in matt black.

REASON: To protect the appearance of the area.

17 The buildings marked as cartsheds; store(s) and garage; stables and home office shall be used for purposes ancillary to the residential use of Manor Farm only.

REASON: To define the extent of the permission in the interests of clarity and to protect the amenity of the area.

18 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 any building forming part of the development hereby permitted.

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.

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the workshops shall be used solely for purposes within Class B1 of the Town and Country Planning (Use Classes Order) and/or for purposes ancillary to the residential use of the dwelling known as Manor

Farm and marked on the site plan, and for no other purposes.

REASON: To ensure that the uses are properly regulated to ensure that the amenity of nearby dwellings is properly secured and the site is not overdeveloped.

20 No construction works shall take place on the site outside of the following hours:

Monday- Friday 7:30am - 6pm; Saturday 7:30am -1pm. There shall be no construction work taking place on the site on Sundays and Bank holidays.

REASON: To protect the amenity of the area.

21 The development hereby permitted shall be carried out in accordance with the approved plans.

REASON: For the avoidance of doubt and in the interests of proper planning.

23 NOTES TO APPLICANT – Environment Agency

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

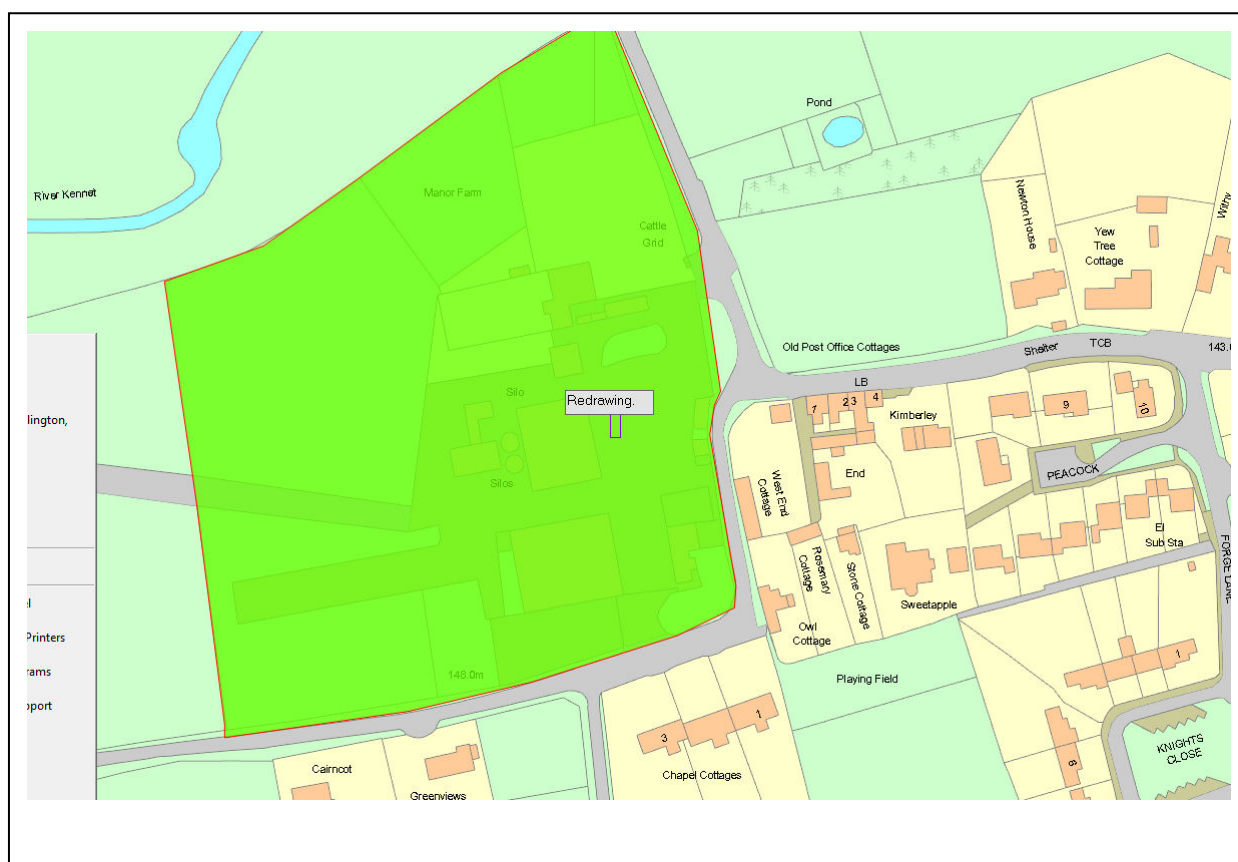
Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Application Number	14/05847/FUL
Site Address	Manor Farm, West Overton, Marlborough, Wiltshire, SN8 4ER
Proposal	Demolition of buildings and sections of walls and the erection of 10 dwellings with vehicular and pedestrian access, parking and associated landscaping. Erection of ancillary outbuildings for Manor Farmhouse comprising stables, garaging, workshops and stores. Removal and regrading of former concrete clamp to paddock.
Case Officer	Rachel Yeomans



This page is intentionally left blank