

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	24 November 2010		
Application Number	10/02399/REM		
Site Address	Land at Brynard's Hill, Wootton Bassett		
Proposal	Residential development for 100 dwellings and associated works		
Applicant	Wainhomes Developments Ltd		
Town/Parish Council	Wootton Bassett		
Electoral Division	Wootton Bassett South	Unitary Member	Councillor Peter Doyle
Grid Ref	407641 182109		
Type of application	REM		
Case Officer	Tracy Smith	01249 706 642	tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been referred to the Development Control Committee at the request of Councillor Doyle to consider all the reserved matters to which this application relates.

1. Purpose of Report

To consider the reserved matters details for which consent is sought and to recommend that planning permission be APPROVED subject to conditions.

Wootton Bassett Town Council have yet to provide comments.

31 letters of objection have been received.

2. Main Issues

The application seeks approval of reserved matters following the grant of outline planning permission earlier this year at appeal. Only the details of the application can be considered as the principle of development for up to 100 dwellings with access off Binknoll Lane has been clearly established and allowed at appeal.

Therefore the key points to consider are as follows:

- Implications on DC Core Policy C3, NE15
- Impact on the character and appearance of the area
- Design and layout
- Impact of residential privacy and amenity
- Distribution of affordable housing
- Access, highway safety and parking
- Ecological impact
- Drainage Impact

3. Site Description

The application site is located on the south eastern edge of the built up area of Wootton Bassett within an area known as Brynards Hill. Binknoll Lane forms the northern boundary to the site from which access is proposed. Established residential development falls to the west. To the east of the site is Interface Business Park. Between the application site and the Business Park is land granted permission for a Country Park. This area of land has been the subject of an application for 50 dwellings but was recently refused.

The main part of the site sits on a plateau with the southern and eastern fringes sloping down.

The site contains numerous hedgerows and trees of varying ages and quality.

4. Relevant Planning History

The recent planning history of the site is the most relevant to this application. Prior to the history set out below the land was subject to several applications for major residential and employment development, all of which were refused.

09/00871OUT	Mixed use development for up to 100 dwellings and 4.9 ha extension to Interface Business Park, access, landscaping and associated works.	Refused and allowed at appeal.
09/00870FUL	Change of use to country park.	Approved.
10/03055FUL	Residential development for 50 dwellings and associated works.	Refused.

5. Proposal

The application seeks approval for all reserved matters following the grant of outline permission at appeal. The reserved matters are access, appearance, landscaping, layout and scale.

The application has been the subject of pre-application discussion and considerable negotiation and amendment following submission. Whilst the number of units has remained the same, the key fundamental changes since first submission include:

- The reduction in the density of development, layout, type and tenure of the units in the north west corner of the site adjacent to The Steadings and Branscombe Avenue;
- The redistribution of affordable housing provision to ensure clusters of no more than 15 units and spread more evenly across the site;
- A substantial tree and hedge belt to be provided along the access road; and
- Changes to the red line boundary on that part of the site adjacent to the Country Park.

The development will provide a mix of dwelling types and storey heights with 2.5 storey dwellings limited in number and location in order to reduce the impact of views towards the site from the adjoining open countryside.

The materials proposed to be used include brick, render, reconstructed stone detailing with some timber effect boarding together with a mix of Double Roman and plain concrete tiles.

In accordance with the approved masterplan submitted at outline, the access is taken from Binknoll Lane and forms the eastern boundary to the site. This road is proposed to be heavily landscaped with native hedge and tree species to mitigate the impact of the development on the adjacent countryside which is proposed as a Country Park and to mitigate the loss of a section of hedgerow within the site also.

The proposed density across the site is approximately 20 dwellings per hectare which is reflective of the illustrative outline scheme and which reflects the sensitive character of the site.

Two pedestrian accesses are proposed into the adjacent development one of which will also be an emergency vehicular access also proposed which will connect to Highfold. The existing footpath from the site to Highfold will be maintained.

A total of 30 affordable dwellings will be provided across the site in accordance with the Unilateral Undertaking agreed for the site.

A LEAP is proposed adjacent the development and surrounded by the approved Country Park. The LEAP was originally proposed adjacent Highfold as part of the illustrative masterplan for the outline application but relocated following objections from both residents and the Pipeline Agency.

6. Consultations

Wootton Bassett Town Council – resolved to raise concerns in respect of the need to protect the identified archaeological site identified in the Archaeological Report submitted; loss of hedgerows; and insufficient screening and the density is such that overlooking will be an issue.

Highways Officer – no objections subject to conditions.

Highways – Rights of Way Officer – no objections.

The officer confirms that other rights of way have been claimed by members of the public but at this time it cannot confirm whether these rights exist or not and note that they could be formally diverted if planning permission is granted.

Principal Ecologist – no objections subject to the Ecological Management Plan required by the outline permission.

Archaeological Officer - no objections subject to a condition requiring further work in light of some archaeological features identified in the recent evaluation.

Urban Design Officer – made detailed comments which are contained in the file. These comments have largely been incorporated into the current proposals and on this basis no further objection is made.

Landscape Officer – no objections subject to conditions/variation of Unilateral Undertaking to secure the phased structural landscaping adjacent the access road and as part of the LEAP.

Wessex Water – note the condition regarding a scheme for surface and foul works applied to the outline permission and highlight that discussions are on going and as per 10/03055/REM modelling of the existing infrastructure is required.

Network Rail – no objections.

Pipeline Agency – formal comments waited but are known to have been in discussion with the applicant and the required easement.

Environment Agency – no objections subject to further consideration of operation and maintenance of the surface water drainage scheme.

Wiltshire Police – Architectural Liaison Officer – initially objected to the application on numerous grounds including the distribution of affordable housing. Whilst some matters of detail remain outstanding following the submission of revised plans, non-compliance is not enough to object to the proposal as it currently stands.

7. Publicity

The application was advertised by site notices, press advert and neighbour consultation.

31 letters of objection (including Wootton Bassett for Brynard's Hill) have been received on the following grounds:

- Ecological impact – 2006 survey needs to be updated
- Removal of hedgerow and trees
- Impact on countryside due to loss of hedges
- Loss of green space
- No need
- Loss of countryside amenity to existing dwellings
- Impact on surface water drainage
- No update of Transport Assessment since February 2009
- Highways impact
- Location of affordable housing
- Density of development adjacent The Steadings and Branscombe Drive
- Impact on residential amenity, privacy and loss light
- Impact on local infrastructure i.e. healthcare/schools
- Loss of public right of way
- Impact of the nearby railway
- Rigorous adherence to conditions needed after being allowed at appeal
- Use of emergency access questionable
- Potential creation of a rat run through Vowley View
- Community opinion not taken into consideration
- Proposed car park excessive in scale
- Pedestrian crossing needed
- Links to existing development facilitate crime
- No need for reduction of hedges on MOD land
- Loss of AONB
- Higher standards of energy efficiency needed
- Minimal employment creation through employment development
- Repeated applications for development diminish support for AONB
- Core strategy housing allocations not yet determined for Wootton Bassett
- Noise issues from skateboard park and events area
- Need allotments instead
- Footpaths need to be upgraded as too muddy in winter
- Air pollution from parking areas adjacent to existing residential properties
- Footpath access at bottom site should be made unsuitable to motorcycles to prevent anti-social scrambling
- Conflicting objectives of protecting key views
- Light pollution

8. Planning Considerations

Principle of development

This application relates solely to the details of access, appearance, landscaping, layout and scale in respect of 100 dwellings.

The development of the site for up to 100 dwellings, a country park and expansion of the business park have been allowed at appeal and thus matters of need and loss of countryside are not factors which can be considered at this juncture.

For clarification, impact on property values from the development and siting of any affordable housing are not material considerations.

The development will be constructed to required Building Codes. Higher levels cannot be secured via this application.

In relation to impact on infrastructure, a legal agreement attached to the outline permission secures the provision of affordable housing, education contributions and provision of open space. In terms of health care, population increases are considered by local PCTs and funding considered accordingly. In terms of surface water infrastructure, a Flood Risk Assessment was submitted as part of the outline application and has been updated as part of this application as was not found to be objectionable. Further details are conditioned as part of the outline application and are required to be discharged prior to the commencement of development.

Character and Appearance of the Area

The principle of development has been approved as mentioned above, the character and appearance has been approved to fundamentally change. Having regard to factors such as the density of the development, retained landscape features and proposed landscape mitigation, it is considered that the change is not detrimental, having regard to adjacent residential character.

Design and Layout

The design and layout of the development has been the subject of considerable negotiations prior and since its submission, the effect of which is that it has been the subject of numerous revisions. The scheme has now been revised and is no longer objectionable on highways, urban design or landscape grounds. Additionally, the Architectural Liaison Officer from Wiltshire Police is unable to sustain an objection as the scheme is proposed.

The scheme represents a low density development of some 20 dwellings per hectare. Such low density is considered appropriate given the location of the site on the high ground on the edge of Wootton Bassett.

Density has been reduced in the north western corner of the site adjacent The Steadings and Branscombe Drive through the removal of some 4 units (from 22 to 18 units) and the "loosening up" of development in this area. Such a reduction has enabled development to be taken away from boundaries to the improvement of residential amenity and privacy and existing and proposed residents.

The dwellings are largely two storey with some 2.5 storeys to provide landmark and feature buildings and are suitably located within the site so as to not cause harm to the wider landscape.

The dwellings are of standard design but materials reflected in the town comprising brick and render with Double Roman and plain tiles also proposed to be used.

The layout has been informed by the constraints imposed by the pipeline and the topography of the site.

The development as proposed does result in the loss of hedgerow over and above that which was approved at outline. The loss of the southern element has arisen reluctantly out of the need to relocate the LEAP to an area which can be adequately surveyed by adjacent properties. Its original location as part of the outline application, adjacent to Vowley View was not supported by local residents on noise and nuisance grounds, together with objections from the Pipeline Agency. The latter require development above the pipeline to be free of all obstruction including vegetation.

The LEAP is now proposed to be sited on part of the site that will facilitate overlooking and compliment to wider country park in which it will be partly surrounded.

In negotiating the location of the LEAP which required the loss of some hedgerow, the loss of another section of hedgerow has been conceded. The loss of this central section, again is regrettable, but must be considered in the context of its ability to be reasonably incorporated into any development proposals and the implication for its survival and maintenance if incorporated in to gardens or open space. The ecological value and landscape value of the hedge is being mitigated via the additional of a substantial new hedgerow along the main access road together with improvements to hedges and new hedging and features within the Country Park to be secured via an Ecological Management Plan.

Residential Amenity and Privacy

It is accepted that for those properties directly adjacent the site, their outlook will be forever changed as a consequence of this development, as their development once did to more historic development before it.

However, the site has been granted outline permission and the development is broadly as outlined in the illustrative masterplan submitted with that application. The notable exceptions being the loss of some hedgerows and the relocation of the LEAP away from existing residential properties and above the pipeline.

Following considerable negotiation with the applicant, the denseness of the development in the top north western corner of the site has been reduced and this has enabled dwellings to be re-sited and set back from existing boundaries with properties on The Steadings and Branscombe Drive.

Consequently, all dwellings are sited at least 10 metres from the rear boundary with The Steadings. The distance of Plot 8 some 15 metres from 7a The Steadings and set back from the boundary of 10 metres is considered acceptable and not detrimental to the amenity and privacy of that property. There would be no overbearing impact or loss of light either.

Furthermore, this corner of the development has been revised since first submission so that a parking court falls adjacent the boundary to provide openness between no. 7a and Plot 9.

Plots 9 – 13 represent a reduction of 4 four dwellings along this boundary which has enabled window to window distances between habitable rooms of at least 21.5 metres to be provided at the closest point (between Plot 9 and no. 10 The Steadings).

The less dense layout along this boundary also provides visual breaks between the houses, an improvement on the wall of houses previously proposed.

At the time of preparing this report, additional amendments are being sought to Plots 51 and 52 to remove windows in elevations which overlook adjacent existing properties. This is not objectionable to the applicant.

The applicant has sought to mitigate the impact of the development further through tree planting in rear gardens and a willingness to secure this through property deeds as well as conditions. This is welcomed but in respect of the latter, a deed cannot be conditioned or required and would only be enforceable between the individual parties involved as a civil matter.

The trees would be covered by the general outline condition for the site but after 5 years such planting could be removed without the need for any permission.

On the basis of the above amendments being made, the development is not considered to be detrimental to the residential privacy and amenity of existing and proposed residents and no detrimental loss of light will be incurred.

It is considered necessary to withdraw all permitted development rights for plots 9 – 13 and 42, 51, 52, 54 and 61 to ensure this situation remains in order to enable the Council to consider any changes to these properties having regard to the residential amenity of existing and proposed residents.

Distribution of Affordable Housing

Upon initial submission, all affordable housing was located in the north western part of the site. Clusters of no more than 15 are permitted in the legal agreement and Supplementary Guidance.

Following objections from internal and external consultees, this was amended and the clusters reduced to 7, 3, 15, 7 and 6. Arguably plots 30-37 and 42 to 48 could be considered as a cluster of 22; however, a road separates these houses and also serves market housing. Consequently, this is considered sufficient to not consider as one whole cluster.

The redistribution of affordable housing is considered to comply with the legal agreement and guidance.

Impact on highways and footpaths

No objections have been received from either the Highways Agency or Highways Officers in respect of the development. The outline permission approved the scale of development at this location considering the impact on the highway network and a Travel Plan is conditioned as part of the outline permission.

The development does provide pedestrian links to existing residential development and the adjacent Country Park as approved on the illustrative masterplan for the site. The emergency access is to be controlled via bollards and thus vehicular access will be generally restricted.

Concerns have been raised in terms of pedestrian access into the Woodshaw estate opposite the site. No new formal crossings are proposed or required by Highways Officers, however, the new roundabout at the entrance will provide some areas of refuge to facilitate crossing.

The issue of access to the Country Park by motorcycles has been raised and there are no proposals to change the current access from Vowley View. Access to the Country Park from the private road is outside the application site. It is anticipated that measures could be introduced via the management plan for the Country Park and through further discussions with rights of way officers.

It is possible that footpaths could be upgraded as part of the discharge of conditions for the Country Park or through the Ecological Management Plan to seek to restrict wider access outside of footpaths.

Impact on Ecology

The site contains no nationally or locally designated wildlife features. However, there would be the loss of some habitats of local value.

The impact of the development on the ecology of the site has been accepted by reason of the outline permission. The ecological impacts on the development are to be mitigated off-site and secured via an Ecological Management Plan conditioned as part of the outline permission.

No objections are raised by the Council's Principal Ecologist.

9. Conclusions

The scale, design and siting accords with the outline permission granted under 09/00871/OUT and would not result in the detrimental impact on any residential amenities, landscape, ecology, archaeology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

10. Recommendation

Reserved matters be GRANTED for the following reason:

The scale, design and siting accords with the outline permission granted under 09/00871/OUT and would not result in the detrimental impact on any residential amenities, landscape, ecology, archaeology or highways. The proposal thus accords with Policies C2, C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

and subject to the following conditions:

1. 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.

POLICY- C3

2. Prior to the commencement of development a tree and hedgerow protection plan in line with the requirements of **BS 5837:2005 – ‘Trees in relation to construction – Recommendations** ‘should be submitted to and approved in writing by the LPA. The approved method and line of protective fencing should be erected around the approved Root Protection/Construction Exclusion areas before any construction operations are commenced on site. The plan should consider likely requirements for temporary access, compounds and storage areas etc.

REASON: Necessary for protection of existing retained landscape features during course of construction phases.

POLICY – C3

3. Prior to the commencement of development a timetable for the implementation of the proposed landscaping hereby approved along the length of the eastern residential development site boundary, extending into the adjacent ‘Country Park land’ shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved timetable.

REASON: It is necessary to ensure the landscaping is implemented in a phased manner to reduce the public visual amenity and to safeguard local landscape character and the wider countryside character and town setting for Wootton Bassett.

4. The landscaping scheme hereby approved shall be implemented in full within the first planting season following completion, or agreed phased completion (the definition of road completion in this instance shall mean completion to a ‘finished binder/regulating course’ construction) of the main residential access road leading from Binknoll Lane into the Brynard’s Hill residential development site. The landscaping scheme along the eastern edge shall be fully implemented

prior to first occupation of any dwelling unless otherwise agreed by the Local Planning Authority in the form of an application to vary to this condition.

REASON: Necessary for the purpose of separating and screening new development from the proposed Country Park Land and wider countryside. In order to protect the interests of public visual amenity and safeguard local landscape character and the wider countryside character and town setting for Wootton Bassett.

POLICY – C3

5. Prior to the commencement of development the applicant shall submit a landscape maintenance schedule or management plan to the LPA for written approval. This should include a minimum period of 5 years and include the aftercare and management proposals for existing and proposed landscaping across the development site and shall also include details for the aftercare of the screening vegetation (outside the red line planning application boundary on land within the applicants control) bordering the access road within the Country Park land.

REASON: To ensure that the necessary landscape mitigation proposals will establish to a satisfactory standard, and that a mechanism for landscape maintenance including replacement of dead or missing plants is in place for a minimum period of 5 yrs following implementation.

6. 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) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works (plan no less than 1:200);
- (b) finished levels across the site and contours;
- (c) hard surfacing materials;
- (d) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (e) bat boxes and other mitigation details

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

POLICY – C3 NE15

7. 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.

POLICY- C3 NE15

8. No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

REASON: To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development.

POLICY: C3 PPS25

9. 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.

POLICY – C3

10. No dwelling shall be occupied until the parking space(s) 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.

POLICY – C3

11. 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY- C3

12. 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/extensions or external alterations to plots 9-13, 42, 51, 52, 54 and 61.

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 external alterations.

POLICY-C3

13. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

WSP Drawings

31364/PDL/02A Preliminary Drainage Plan Phase 1
31364/PHL/01C Preliminary Highway Plan
31364/PHL/02D Preliminary Highway Profiles

SBD Drawings

1566/01C Site Location Plan
1566/02H Site Layout
1566/03F Landscape Layout
1566/04A Street Elevations

A3 Design Sheets (revised cover and house types attached)

Affordable Housing

1F/2F 1 & 2 bed 2 storey apartments Rev A
1c 1 bed 2 person coach house Rev A
2c 2 bed 3 person coach house
2b 2 bed 4 person house
3a 3 bed 5 person house
3a 3 bed 5 person house (wide frontage)
4a Rev A
4c 4 bed 6 person house
4 bed 6 person corner house Rev A

REASON: To ensure that the development is implemented as approved.

INFORMATIVES

1. Attention is drawn to the conditions imposed on the "outline" permission (Local Planning Authority Reference (09/00871OUT) granted on 26 March 2010 which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the local planning authority should be particularly noted.

2. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

3. The applicant's attention is drawn to the contents of the attached letter from Wessex Water dated 23 August 2010.

Appendices:	none
Background Documents Used in the Preparation of this Report:	1.21 2.02 2.07 2.21 2.25 3.04 3.05 4.02 4.03 4.04 4.07 5.01 5.04 6.02

