

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

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| Date of Meeting | 23.03.2011 | | |
| Application Number | W/10/03506/REM | | |
| Site Address | Land At Blue Hills Devizes Road Hilperton Wiltshire | | |
| Proposal | Reserved matters application for design, external appearance and landscape of 38 dwellings, garages and associated works pursuant to outline planning permission 04/00095/OUT | | |
| Applicant | Abbey Developments Ltd | | |
| Town/Parish Council | Hilperton | | |
| Electoral Division | Hilperton | Unitary Member: | Ernie Clark |
| Grid Ref | 388017 159132 | | |
| Type of application | Reserved Matters | | |
| Case Officer | Mr James Taylor | 01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk | |

Reason for the application being considered by Committee

In the event that officers are minded to approve the application Councillor Ernie Clark has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking

1. Purpose of Report

To consider the above application and to recommend that the reserved matters be approved.

Neighbourhood Responses:

33 items of correspondence received.

Parish/Town Council Response:

Objection.

2. Report Summary

The main issues to consider are:

- * Design
- * External appearance
- * Landscaping

3. Site Description

The site is the curtilage of a residential property known as Blue Hills, a large and dilapidated property within the parish of Hilperton. The site is surrounded on the east, south and western boundaries by modern residential development, and to the north by linear residential properties along the Devizes Road.

Blue hills is a 2.5 storey property which has been vacant for a considerable period of time and from site inspection is clearly uninhabitable. It is set within very spacious grounds and has an established access onto Devizes Road, a C-classified highway to the north. Within the grounds there are a number of mature and prominent trees which are subject to a group tree preservation order. The boundaries of the site are generally planted with mature hedging of various degrees of quality. The site slopes from the north down to the south.

Adjoining the site to the south is a public footpath. To the east of the site are two access points from the residential unclassified roads of Hanewell Rise and Norris Road via Stourton Park.

The site is allocated in the West Wiltshire District Plan 1st Alteration (2004) under Policy H8B for 35 dwellings. The site has an area of approximately 1.3 hectares comprising a developable area for housing of approximately 1.1 hectares, and public open space of approximately 0.2 hectares.

4. Relevant Planning History

88/00338/OUT - Erection of four dwellings – Refusal on 24.05.1988

04/00095/OUT - Residential development involving demolition of existing house and associated roads footpaths and open space – Permission on 10.07.2009

5. Proposal

This is a reserved matters application pursuant to the extant outline planning permission reference 04/00095/OUT which approved the scheme in principal and also the details of access and siting. The outline planning permission has been subject to a non-material amendment making nominal alterations to the siting and layout of the scheme. The reserved matters for which approval is being sought now are design, external appearance, and landscaping.

The proposal is consistent with the extant approval. It details the erection of 38 dwellings including 27 for sale on the open market and 11 as 'affordable housing' to be managed by a registered social landlord. This equates to approximately 30 dwellings per hectare. This has been designed as 12 house types which includes; 4x five bedroom, 2.5-storey dwellings; 4x four bedroom, 2.5-storey dwellings; 11x four bedroom, 2-storey dwellings 16x three bedroom, 2-storey dwellings; and 3x two bedroom, 2-storey dwellings.

The 11 affordable housing units required under the terms of the outline planning permission have been sited in three groups, one at the south east corner of the site as a terrace of three units, another in the centre of the site adjacent to the open space as a pair of semi-detached dwellings and finally at the vehicular entrance from Hanewell Rise in two terraces of 3 dwellings either side of the access road. The market accommodation has been designed in a variety of ways including detached dwellings, linked detached, semi-detached and terraced.

The proposal includes garaging, parking and roads to service the development utilising the already approved accesses from Hanewell Rise and Norris Road via Stourton Park. There are 83 parking spaces proposed, including garaging and visitor spaces, which has been allocated as between 1 space per dwelling and 4 spaces per dwelling.

Boundary hedgerows are shown as being managed and strengthened with supplementary planting. Retention of the most significant and suitable trees, and additional planting has been detailed in order

to try and provide a suitable setting for the development and the surrounding area. Public open space is detailed in two groups, although principally in the centre east section of the site.

The application has been submitted with an updated set of plans, design and access statement, tree report and landscape specification.

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development
DP4 Housing and Employment Proposals
DP7 Housing in towns and main settlements
DP8 Affordable Housing

West Wiltshire District Plan 1st Alteration (2004)

C31a Design
C32 Landscaping
C34a Resource Consumption and Reduction
C38 Nuisance
H2 Affordable Housing
H8B Blue Hills, Devizes Road
H17 Village Policy Limits
H24 New Housing Design
T10 Car Parking
T12 Footpaths and Bridleways
U1a Foul Water Disposal
U2 Surface Water Disposal
U4 Groundwater Source Protection Areas
I1 Implementation
I2 The Arts
S1 Education

Hilperton Village Design Statement SPG (Supplementary Planning Guidance) (2005)

Affordable Housing SPG (2005)

Residential Design Guide SPD (Supplementary Planning Document) (Nov. 2005)

Leisure and Recreation DPD (Development Plan Document) (Jan. 2009)

LP5 New Sport and Recreation Facilities

National guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation

PPS25: Development and Flood Risk

7. Consultations

Hilperton Parish Council

Objection:

- a) The proposal would result in the unnecessary loss of approximately 19 metres of hedgerow, contrary to the Parish Council's original perception; and
- b) The two and a half storey elevations will overlook existing properties.

Highways

No objection subject to conditions

Libraries and Heritage

No objections

Tree and Landscape officer

No objection: "Further to a number of site meetings with the applicant that resulted in a number of amendments, I can confirm that there are no arboricultural or landscape reasons to refuse this application. If approved the following two conditions should be applied, as there are no conditions in the original outline application for the implementation of arboricultural details or the landscape scheme."

Environment Agency

No objection in principle. Highlights that surface water and drainage needs to be considered in the development.

Spatial Plans

No objections.

Housing

No objection: "Eleven affordable homes meet current identified housing need and policy, as detailed in the outline planning permission, and therefore the new housing team fully supports this reserved matters application."

Natural England

Wishes to make no comment.

Ecologist

No objection subject to clarity on the bat pavilion and informatives. Highlights that condition 16 on the outline planning permission covers bats and birds but is concerned that other protected species may be affected such as badgers, which are protected by other legislation beyond the planning system.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 10 December 2010.

33 items of correspondence received. Summary of points raised:

- * Ensure existing landscaping is preserved
- * The buffer landscaping strip adjacent to Devizes is not being maintained
- * The hedge on the northern boundary needs to be managed better than currently
- * Plans are incorrect / ambiguous
- * Wildlife and ecology interests will be harmed
- * Numerous protected species exist on the site and this has changed since original survey (NB letter from Wiltshire Badger Group – Badgers and Bats live on the site)
- * With cuts in public sector funding what safeguards will be put in place in regards to wild life.
- * Density too high – locally it is 10-23 dwellings per hectare
- * Large scale development in a back garden
- * Out of keeping with the surrounding area as required by the Hilperton Village Statement
- * Affordable housing should be dispersed through the development
- * Affordable housing is not in keeping with the surrounding area and inappropriate in this area of Hilperton
- * Should have 'executive style' housing only
- * Insufficient parking
- * Devizes Road is a dangerous 'rat run', in particular the roundabout which provides the proposed access to the site

- * Access is inadequate/dangerous/inappropriate
- * Roads are unsuitable for construction traffic / The existing Devizes Road access should be used for construction
- * Why isn't the existing access being used?
- * No provision for public transport
- * Too much parking to promote the use of public transport
- * Pedestrian access to Devizes Road is unsafe with no pavement
- * Unsustainable location with some distance to facilities and public transport connections
- * Overlooking and loss of amenity to existing property
- * Impact of construction phase on residential amenity
- * 2.5 storey properties result in overlooking
- * Impact on education facilities which are over subscribed
- * Inadequate play areas for children
- * Impact on medical facilities
- * Recent signage advertising 4 and 5 bedroom housing to the site is objectionable
- * Reduced property values, so all houses should be reassessed for Council tax rates
- * Due to disruption in the construction phase residents should have a Council tax rebate
- * Waste disposal concerns
- * Garage block likely to be a hang out for teenagers and would be out of keeping
- * Local area does not support the proposals and open conflict will result between occupiers of affordable housing and established residents – “Big Society”/localism
- * Proposals do not take into account changes in government legislation, including changes to definition of brownfield land and housing density requirements
- * The existing consent was granted on the basis of the Hilperton Gap bypass being built
- * Noise and smell disturbance, especially from affordable housing
- * The site is in need of urgent development
- * Local planning should learn from previous mistakes made, not make them again
- * The developers are greedy.

9. Planning Considerations

Introduction and Planning History.

This site has been allocated within the local plan for development since 2004 under Policy H8b. This allocated the land in general terms for a developable area of 1.1 hectares to accommodate circa 35 dwellings (including affordable homes to meet the local need in accordance with Policy H2). A further area of approximately 0.2 hectares was identified for open space.

Pursuant to the formal adoption of the current local plan's allocation of the site, an outline planning application was considered by planning committee and a resolution to grant planning permission was agreed in October 2006 subject to the satisfactory completion of a legal agreement. This was formally granted planning permission in July 2009 upon the completion of a legal agreement to the satisfaction of the development control manager.

The planning permission sought to gain approval of the principal and the details of access and siting of 38 dwellings and associated development including roads, garaging and provision of open space. This also indicated which units would be for affordable housing. The related legal agreement obtained developer contributions for a requirement for affordable housing in accordance with Policy H2 of the West Wiltshire District Plan 1st Alteration (2004), provision of open space and contribution to its future management, provision of integrated cycleways and footpaths leading into the existing network, contribution to public transport, contribution to public art and contribution to community facilities at Hilperton Village Hall.

Further to this the site has been sold to new national house builders who have different 'standard' house designs. As siting of the proposals was already approved and the new 'standard' house types do not identically replicate the original approval it was therefore a procedural necessity for a non-material amendment to be granted for nominal changes in regard to siting prior to the submission of reserved matters.

It is within this context and pursuant to the extant planning permission from 2009 that this application for approval of reserved matters is now being submitted. It is stressed that the principle of the development is established and those matters cannot be reasonably revisited within the scope of this reserved matters application. It has been noted that a significant element of local objection has been focused on matters that are beyond the reasonable control of this application.

Design.

The built-form of the proposals has a design which is very contemporary and similar to the recent approval at land rear of The Grange, indeed this is the same developer. In this case there are 12 different house types being proposed which all are well proportioned and unobjectionable. This scheme has a broad variety of house types ranging from terraced up to large detached dwellings. It is accepted that the proposals are not an exact replica of the existing development in this area and the immediate surroundings, however the requirement to be in keeping with the surrounding area is not to be considered a requirement for no further variety. Furthermore the approved siting detailed this exact mix of housing from detached to terraced on the site.

Indeed an objective of new development is that a variety of designs are employed and this scheme will create a range of 12 different housing types over 2 and 2.5 storeys which will create an interesting and varied street scene, which integrates the affordable housing with the market accommodation.

The proposals have included 8 units which are 2.5 storeys in height. In terms of design, development of this scale is part of the surrounding context and evident to the west. It is noted that the parish and some local residents contend that overlooking would occur from the proposals, especially the 2.5 storey development. However second floor windows are not likely to cause a significantly greater level of overlooking than first floor accommodation. Moreover the approved siting and the detailed elevations now provided avoid any significant levels of overlooking. Neighbouring amenity would not be demonstrably harmed.

It is noted that plot 1 has a side elevation window, however this is to a bathroom and so a condition to require it be obscure glazed is considered reasonable.

The design details of the garages are quite standard and unobjectionable. The comments regarding potential congregation at such points are noted, however it is beyond the scope of this application to deal with such matters.

External appearance.

In terms of the visual impression of the proposals the scheme has been set out in a contemporary manner and the siting is not substantially altered from that already granted planning permission. The details of elevation treatments provide a varied and interesting development with staggered building lines. This would ultimately create an overall interesting street scene.

The proposals have been submitted with details of materials. These state the use of red/orange brick with some white/cream through colour render and reconstructed stone sills and keystone heads. Brown concrete roof tiles with some reconstructed grey slate to some of the larger houses are proposed. This is the same as the recently approved details for development south of The Grange, and again whilst this is not particularly exemplar in quality it is in keeping with the Paxcroft Mead development generally.

The external appearance of the development addresses the balance between being in keeping with surrounding development and more recent planning objectives of creating mixed and inclusive communities with affordable housing integrated into developments. Indeed the external appearance of the units inevitably varies in quality but it is noted that there are several open market properties which are similar to the affordable housing units in appearance. This does help create a more integrated appearance.

Landscaping.

The proposals involve the urbanising of what is substantively a grass field with a single large dwelling. However the proposals detail the retention of protected trees, the creation of two formal areas of open space, introduction of integrated and publically accessible cycleways and footpaths, general

landscaping to give the development a sense of maturity and proper management of the existing boundary hedging.

An up to date tree report and landscape specification has been submitted with the proposals. This has detailed what trees are of high quality, moderate quality, low quality and which for arboriculture management reasons should be lost. This survey has informed the reserved matters application, along with the constraints of the current planning permission and resulted in the retention of a number of important TPO trees within the site and safeguarded their root protection areas.

The boundary hedging is important at this site and provides a useful means of protecting existing and proposed residential amenity, wildlife habitat and providing a quality residential environment. It is noted that parts of the boundary hedging are in a poor condition and have not been well managed and maintained. Some areas have become overrun with brambles for example and this has 'choked' other species. The applicants therefore reasonably propose management of these boundaries and appropriate buffer planting of indigenous species. This will in the long term enhance the functions of these hedges.

Around the site, in addition to the retained trees, residential scale planting has been proposed to complement the built form of the development and soften its impact. This includes trees and shrubs. Generally the rear gardens have been left to be treated as future occupiers see fit, although some will have trees already planted prior to occupation.

The proposals have been commented on by the Council's tree and landscape officer who has no objections and it is noted that they have been actively engaged by the developers to help create an acceptable scheme. The tree and landscape officer correctly details that implementation conditions which usually would be imposed at outline stage were omitted. It is considered reasonable and necessary to impose implementation type conditions at this stage as it is a matter that was reserved for further consideration when planning permission was granted.

Other matters arising

The public consultation process has drawn out a number of issues which are generally beyond the scope of this reserved matters application. It is repeated that this is not a planning application, merely a reserved matters pursuant to the extant planning permission and it is in this context that the application should be considered.

The ecology issues, access and affordable housing on this site was a matter for consideration at outline stage and is not material at this reserved matters stage. However in the interests of providing a constructive response the following comments are provided.

Ecology. Since the original ecological survey of this site and the consideration of the extant planning permission a considerable amount of time has passed. In the interim it is apparent that protected species have either moved to the site or it is now realised they are there. In either case it is beyond the scope of this application to deal with ecological matters robustly and it therefore falls that other legislation should deal with the matter. All that can reasonably be done on this application is to include an informative to highlight the presence of protected species. The developers are already aware of this and are understood to be engaging with Natural England and the Council's ecologist on mitigation and obtaining appropriate licences under other legislation. The reserved matters plans originally included a bat pavilion in the open space, however this has been removed at your officer's request. This is because the matter should be handled via condition 16 imposed on the original permission or a further planning application. Furthermore the bat pavilion detailed did not meet the specifications of their ecological report submitted in connection with discharge of condition.

Access. This is matter that also drew significant local attention; however it is approved and cannot be revisited. In terms of construction access, then this is a matter for the developers to consider, they could under the outline permission use either the existing access onto Devizes Road or the two approved accesses for the completed development. It is noted that conditions have been suggested by the highway officer. However these matters should have been addressed, and indeed in some cases were covered, by the outline planning permission. Given the extent of details approved at outline stage it is not considered reasonable to impose the conditions suggested by the highway officer in this case. However the development should be carried out having regard to the outline

planning conditions. Finally it is noted that car parking forms part of Cllr Clark's call-in request, however this is consistent with the information submitted at planning application stage and cannot reasonably be revised either on a reserved matters application for landscaping, external appearance and design.

Affordable housing. This needs to be provided in a variety of locations, including villages as well as town centres. Furthermore it needs to be split and disseminated through new development in small clusters to strike a balance between creating integrated communities and providing economies of scale for the Registered Social Landlord (RSL) in maintaining and servicing the units.

Localism and the "Big Society". The recent announcements in regards to the Localism Bill have been given some consideration. This is still at an early stage and whilst it is quite clear that the government intentions are to devolve power to a local level and may be to reform the planning system, at this time the details of how this will work in practice are unavailable. Moreover there has been no reform in the planning legislation. Therefore it is not considered to be material to the determination of this application. This conclusion should not be read to mean that local views have not been considered in this matter. On the contrary the public consultation is a key part of the planning process and any views are given consideration in light of the planning policy and all other material considerations.

The Hilperton Design Statement makes no explicit reference to the development which should occur on this land. It provides general guidance regarding new development proposals but for the reasons detailed above it is considered that this scheme is suitable and sympathetic to the local context and is consistent with the extant planning permission.

Finally in regards to planning conditions, it is usual practise that conditions are imposed at the outline stage in order to control development. The conditions imposed on the outline approval 04/00095/OUT are therefore still relevant. However it can be reasonable to add conditions if they are relevant to the information submitted at reserved matters stage and could not have been reasonably anticipated at outline stage. Numerous informatives are suggested in light of the consultation responses in the interests of trying to ensure that development is carried out in an acceptable manner.

Conclusion.

Whilst it is acknowledged that there are public objections to the scheme it is necessary to limit consideration to the reserved matters only. This is not an application for planning permission; it is merely seeking to gain approval of the outstanding details pursuant to the permission obtained.

The details of external appearance, design and landscaping are all considered to be acceptable for the detailed reasons above. As such this application is recommended for approval.

Recommendation: Approval

For the following reason(s):

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

- 1 Before the development hereby permitted is first occupied the first floor window in the west elevation of plot 1, shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 2 The development shall be carried out as specified in the approved Arboricultural constraints plan reference ABBEY17434-01 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C32 and H8B

- 3 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: West Wiltshire District Plan 1st Alteration (2004) Policies C32 and H8B

- 4 This approval relates to the following plans and documents:

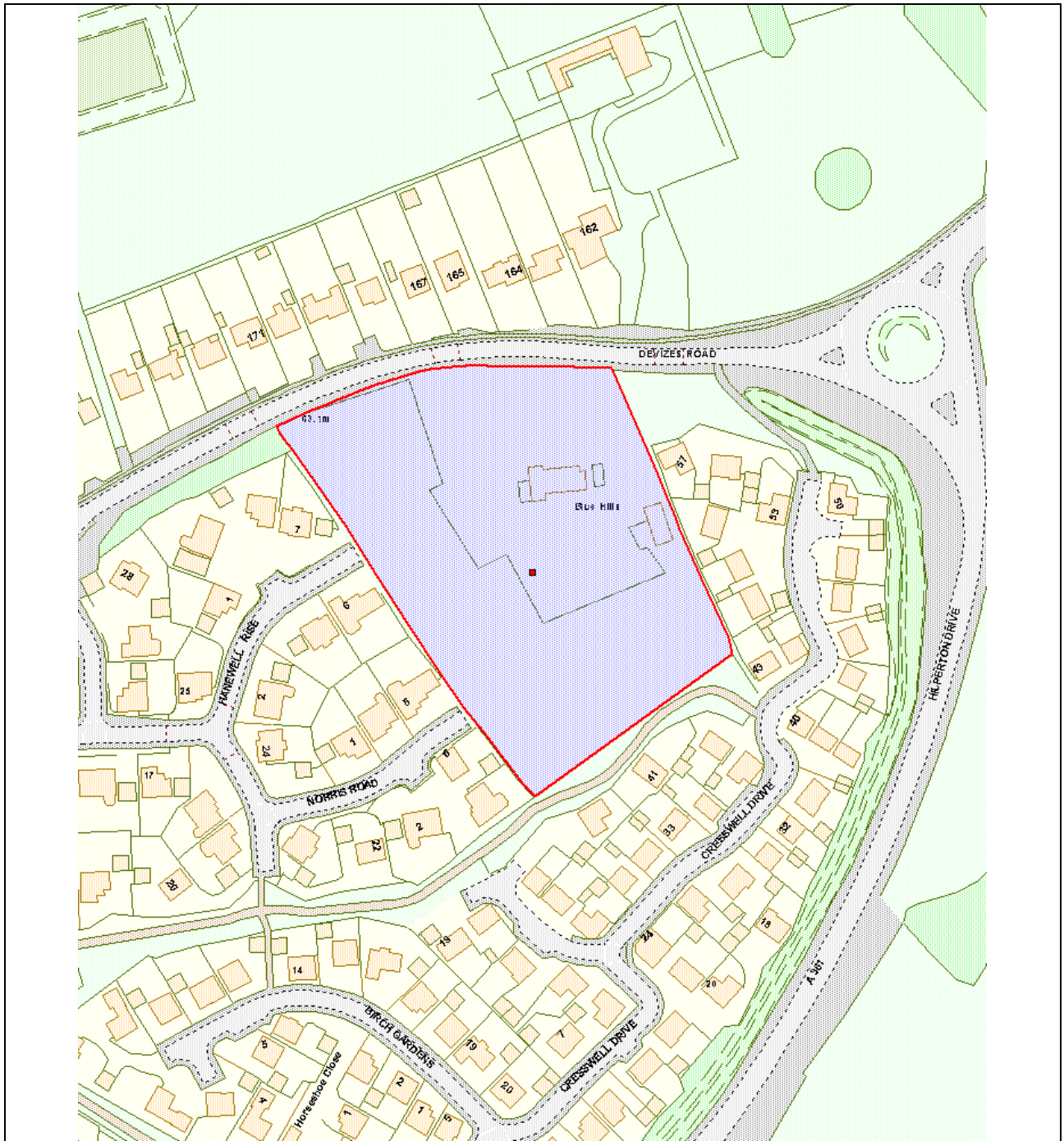
Drawing : 1378-100 received on 05.11.2010
Drawing : 1378-115 A received on 05.11.2010
Drawing : 1378-101 D received on 23.11.2010
Drawing : 1378-116 received on 05.11.2010
Drawing : 1378-102 received on 23.11.2010
Drawing : 1378-111 received on 05.11.2010
Drawing : 1378-112 received on 05.11.2010
Drawing : 1378-113 received on 05.11.2010
Drawing : 1372-114 A received on 17.11.2010
Drawing : 1378-109 received on 05.11.2010
Drawing : 1378-110 received on 05.11.2010
Drawing : 1378-105 received on 05.11.2010
Drawing : 1378-106 received on 05.11.2010
Drawing : 1378-107 received on 05.11.2010
Drawing : 1378-108 received on 05.11.2010
Drawing : 1378-117 received on 05.11.2010
Drawing : 1378-118 received on 05.11.2010
Drawing : 1378-119 received on 09.02.2011
Drawing : 3016/SK02 A received on 05.11.2010
Drawing : ABBEY17434-01 received on 05.11.2010
Drawing : ABBEY17434-10 sheet 1 of 2 received on 29.11.2010
Drawing : ABBEY17434-10 sheet 2 of 2 received on 29.11.2010
TREE REPORT dated 03.09.2010
LANDSCAPE SPECIFICATION dated October 2010
DESIGN AND ACCESS STATEMENT dated October 2010

Informative(s):

- 1 Your attention is also drawn to the conditions imposed on the outline planning permission reference 04/00095/OUT and dated 10 July 2009.
- 2 This approval shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 9 July 2009.
- 3 The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.

- 4 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. Furthermore it is an offence to kill or injure reptiles. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.
- 5 The developer is advised that the Environment Agency would expect the surface water drainage system of the site to incorporate elements of sustainable drainage where possible. These techniques include soakaways, infiltration trenches, permeable pavements, grassed swales, attenuation ponds and rainwater harvesting. The variety of sustainable drainage techniques available means that virtually any development should be able to include a scheme based around these principles. More information can be found in the CIRIA SUDS Manual (C697) or at <http://www.environment-agency.gov.uk/business/sectors/36998.aspx>

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| Appendices: | |
| Background Documents Used in the Preparation of this Report: | |



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