

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	30.11.2011		
Application Number	W/11/01373/FUL		
Site Address	Church Farm Church Street Hilperton Wiltshire BA14 7RG		
Proposal	Residential development of 20 units including conversion of existing buildings, new build and associated works		
Applicant	Mr R Pike		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	387240 159231		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Clark has requested that this item be determined by Committee due to:

- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking

Councillor Clark also made it known that he is concerned at the lack of affordable housing planned for this site (none of which are indicated on the plans).

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses

9 letters of objection received.

1 letter of no objection received.

1 further letter received from Hilperton Village Hall committee requesting a s.106 contribution.

Parish/Town Council Response

Objects (please refer to section 7 of this report).

After receipt of revised plans covering on-site parking provision, the Parish Council maintained its objection.

2. Report Summary

The main issues to consider are:

Principle of Development - New Housing in Village Policy Limits
Loss of Employment Land Use
Impact on Conservation Area and Setting of Listed Building
Provision of Affordable Housing
Public Open Space Provision
On-site Servicing
Impact on neighbouring amenities/privacies
On-site Contamination
Impact on Trees/Landscape interests
Developer Contributions

3. Site Description

The site at Church Farm was historically run as a dairy farming enterprise until the 1980s. In more recent years, following the cessation of all farming operations, the site has been used as a car breakers and reclamation yard. At present, this business employs one full time and one part-time employee. The business is not open to members of the public. It instead operates as a trade/mail order business.

The site is located more or less in the old centre of the village, which centred around the Knap, Hilperton House, the church, the old school and schoolhouse. It is located within Hilperton's defined Village Policy Limits and its Conservation Area, as defined by the West Wiltshire District Plan; and, at the northernmost point of the site sits an historic village lock-up or blind house. This building is a Grade II Listed Building.

In total, the site measures about 0.8 hectares (1.9 acres) which consists of a number of barns and utilitarian sheds and outbuildings built at different periods and in different materials and roof coverings.

The site has a single vehicular access off Church Street which serves both the car breakers yard and the farmhouse (which is not part of the application development site). In addition to the above, the property at No.228 Church Street may well also have use of the access to drive to the rear of its property through the site (whether this access is a right or an allowance under a grace and favour arrangement - is unknown).

The site backs onto open farmland to the east which is under the ownership of the applicant. To the north and south, residential properties and their gardens share common boundaries with the site. To the west, the site fronts onto Church Street with an existing 2 metre high stone wall defining the site boundary.

The site is almost entirely covered in hard standing with two exceptions: the orchard which runs parallel with Church Street and the garden area associated with the farmhouse. There are a number of trees within the existing orchard. There are also trees on adjoining properties which overhang the site. It is also understood that there is an old spring water supply set within one of the walls located within part of the existing orchard.

4. Relevant Planning History

04/00082/EUD - Application for established use certificate for the specialist dismantling of used motor car spare parts - Withdrawn 03.02.2004.

04/00160/CON - Demolition of wall - Refused 19.03.2004

WCC/04/0082/EUD - Application for established use certificate for the specialist dismantling of used motor car spare parts - Accepted as lawful on 29.03.2006

08/00012/FUL - Residential development of 29 units including conversion of existing buildings, new build and associated works - Refused 23.07.2008.

08/00013/CON - Residential development of 29 units including conversion of existing buildings, new build and associated works - Refused 23.07.2008

5. Proposal

Under this application, the applicant seeks to obtain planning permission for the provision of 20 dwellinghouses comprising 6no. 2-bed units; 7no. 3-bed units and 7no. 4-bed units. Two of the existing outbuildings forming part of the former farm (identified on the Proposed Site Plan as Building (H) - an existing stone barn and Building (K) - a brick and timber barn are both structurally sound and of "architectural merit" to merit retention. alteration and conversion. In addition, the existing northern wing attached to Building K would be retained as a communal bike store and recycling centre. The timber boarded and clay tiled storage building located nearby would also be retained as a garden store associated to Building L.

Buildings B, C, D, E, F, G and L are all proposed new buildings.

[Please note that all Building references are cited from the submitted Proposed Site Layout Plan - Plan Drawing No. PKE2241.07M].

Following negotiations with Highway officials, 36 car parking spaces would be provided on-site and a sustainable urban drainage system (SUDS) form part of the proposals.

This application follows the former West Wiltshire District Council's decision to refuse planning application 08/00012/FUL in July 2008 for 29 units. For clarity sake, the 2008 application was refused for the following reasons:

- 1 The proposal by reason of its design, scale, height, roof massing, detailing and siting would be detrimental to the character and appearance of the conservation area, with Buildings F and G being particularly incongruous and visually obtrusive in a manner that would be harmful to the character of the area, the street scene and neighbouring properties, contrary to West Wiltshire District Plan - 1st Alteration policies C17, C18, C19, C20, C22, H17 and H24 as well as being contrary to PPS3 - Housing.
- 2 The proposal fails to provide a satisfactory level of public open space on the site, contrary to West Wiltshire District Plan - 1st Alteration Policy R4 and PPG17 - Planning for Open Space, Sport and Recreation.
- 3 The proposal fails to provide a satisfactory level of tree planting and landscaping throughout the site, contrary to West Wiltshire District Plan - 1st Alteration Policies C18, C32 and C40.
- 4 The proposal fails to meet the requirements of West Wiltshire District Plan - 1st Alteration Policy H2 in that no definitive contribution towards the provision of affordable housing has been incorporated into the scheme, nor has an open book exercise been undertaken which might justify a reduction of policy requirements. The proposal also fails to identify where the affordable housing properties would be provided in the scheme.

Following the above refusal decision, over the course of the past two years, Council officials have met with the applicant's agents on several occasions which have ultimately led to this re-submission.

In summary, the total number of residential units on the site has been reduced from 29 to 20. Through negotiations with planning and conservation officials, the design, scale and height of the proposed new development has been revised. The applicant accepts the need and benefit of having on site Public Open Space (POS) provided where the existing orchard exists, located between the

farmhouse and No. 228 Church Road. A tree and landscaping plan is also proposed. Through negotiations, buildings which merit retention shall be converted rather than be lost, contamination and updated ecology survey work has been undertaken. The applicant also accepts that if granted, this application would be subject to the following S106 Heads of Terms:

An on-site affordable housing provision (which follows on from a viability assessment and extensive discussions with the Council's New Housing Team);
A financial contribution towards highways and Public Transport Improvements;
An agreed on-site Public Open Space provision and financial contribution for improvements to off-site POS facilities;
A financial contribution towards village hall improvements;
A financial contribution towards improvements to Bridleway HILP33 which links directly from the village to Middle Lane in Trowbridge; and
A financial contribution towards providing for new primary infrastructure.

In support of the application, the applicant submitted the following:

An Archaeological Report
A Bat Absence / Presence Survey (dated June 2011)
An Extended Phase 1 Habitat Survey
A Ground Conditions/Contamination Report
A Planning Supporting Statement
A Transport Statement
A Tree Survey Report
A Design and Access / Heritage Statement
A Sustainability Checklist
A S106 Contributions Checklist

In addition to the above, the applicant commissioned the services of King Sturge to undertake and publish a viability assessment of the proposed development scheme with particular regard placed on providing affordable housing using the Housing and Communities Agency (HCA) Economic Appraisal Tool. In accordance with the adopted Council SPG and established protocols, this viability assessment is confidential in its nature (which explains why the appraisal is not available to view on the Council's public access system].

Members are however advised to note that the viability assessment has been endorsed by Council officials. To any doubt about its validity, the assessment was carried out in accordance with the provisions of the Valuation Standards published by the Royal Institution of Chartered Surveyors (known as "The Standards") by utilising the HCA economic appraisal tool kit as requested by the Council. In providing the appraisal, King Sturge confirmed that "they have carried out the necessary checks and do not have any conflicts of interest in providing the advice [required]".

For the avoidance of any doubt, if granted and implemented, the existing "un-neighbourly" car breakers yard land use would cease entirely. The applicant advises that the business has been making losses for a number of years, which has been compounded by the economic downturn.

6. Planning Policy

National Planning Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS5 - Planning for the Historic Environment
PPS7 - Sustainable Development in Rural Areas
PPS10 - Planning for Sustainable Waste Management
PPG13 - Transport
PPG17 - Planning for Open Space, Sport and Recreation
PPS23 - Planning and Pollution Control
PPG24 - Planning and Noise

PPS25 - Development and Flood Risk

Wiltshire and Swindon Structure Plan 2016 (adopted 2006)

Policies DP1, DP3, DP8, DP9 & HE7

West Wiltshire District Plan First Alteration (adopted 2004)

Policies C6a, C7, C17, C18, C19, C20, C22, C23, C31a, C32, C37, C40, E5, H2, H17, H21, H24, I3, S1, T3, T9, T10, T12, U1, U1a, U2, U3.

Leisure and Recreation Development Plan Document (DPD) (adopted 2009)

Adopted Council Supplementary Planning Guidance (SPG's)

Affordable Housing SPG (adopted 2005)

Residential Design Guide (adopted 2005)

Open Space Provision in New Housing Development: A Guide (adopted 2004)

Design Guide - Principles (adopted 2004)

Hilperton Village Design Statement (adopted 2005)

7. Consultations

Hilperton Parish Council - Despite the changes that have been made to this application, it is felt that the development is premature, due to the fact that the Hilperton relief road has not yet been built and the traffic through the village is becoming an increasing problem.

Whilst accepting that the provision of three affordable houses is appropriate within policy H2b, the proposal fails to identify where these affordable houses will be situated within the scheme. Any proposed affordable housing should be 'pepper-potted' around the site and not amassed into one particular area.

Given the proposed level of parking allocation on the site, residents and visitors will need to look elsewhere to park their vehicles, either on the roadside or in other parts of the village, which will create a nuisance and a hazard. There is, therefore, inadequate on-site parking provision for a village centre development.

Access to the site will be dangerous, given the proximity of the junction on the opposite side of the road and the blind bend on the right on leaving the site. Even with the provision of enhanced splays, this will still create a hazard.

Given the fact that the Hilperton relief road has not yet been built, the bus services will be inadequate, especially for people living on the proposed development and wishing to use public transport to and from their places of employment.

Flooding in and around the proposed site is still a very considerable problem and this will need to be carefully addressed.

If the planning authority is minded to permit this development, the Parish Council would wish to see a detailed proposal for the actual re-use/reclamation of existing materials from the site, as far as reasonably possible. The Parish Council would wish to see a Section 106 contribution for the improvement of the Village Hall facilities, an amount in the region of £1,000 per house being suggested.

Following the submission of revised on-site parking provision, the Parish Council advised as follows:

Whilst the Parish Council welcomes the increase in parking spaces, we were led to believe that 41 spaces could be achieved (i.e. 2 per property) with additional visitor spaces, so we still object to the inadequacy of the parking provision.

All the Parish Council's existing objections remain the same.

Council's Highways - Following lengthy negotiations and revisions, no objections are raised.

The principle of accessing the site in the form shown is largely acceptable although it will be necessary for the junction to have minimum 6m radii, whilst the gradient of the access road shall be no greater than 6.7% for the initial 6m and no greater than 8% thereafter.

Following the submission of the Parish Council comments, the highways officer provided the following responses:

Whilst highways officers duly note the position of the Parish Council and local residents, whom raise traffic issues, there is no known embargo on development within Hilperton until the Relief Road is completed. It is also worth noting that no highway objection was raised to the 2008 application for 29 dwellings on the site. The Transport Statement submitted with the planning application concludes that, on average, there will be between two and four additional vehicle movements in the peak hours arising from the change of use to residential on the site. On this basis, it would be inappropriate to reject the proposal until the Relief Road is complete, possibly in just over four years time.

36 car parking spaces is adequate within generously laid out parking areas where up to 11 further cars could be accommodated. The site is centrally located in the village which has good public transport services and convenient walking and cycling linkage to Trowbridge, thus reducing reliance on the car".

The improved access to the site will adequately and safely accommodate the traffic to be generated. The site access junction is located some 42m from the junction of St Michael's Close which is considered to be adequate to ensure the two junctions can operate entirely independently. The improved visibility splays of 2.4m by 63m to the north (towards the bend) and 2.4m by 49m to the south are considered to be adequate given the speeds of approaching vehicles. The guidance document, 'Manual for Streets', indicates that for speeds of 30mph, visibility splays of 2.4m by 43m are the minima. The issue of forward visibility at the 'blind' bend is not relevant to the site access as there will be adequate visibility of vehicles emerging from the site access. In effect, the presence of the bend, some 65m from the site access, assists in reducing the speeds of approaching vehicles.

Bus services available within the village are good, with essentially four buses per hour to Trowbridge and lesser frequencies to Melksham, Chippenham and Frome. These are available as commuter services. There is no evidence to suggest that these services will change when the Relief Road is completed.

Council's Archaeologist - A pre-determination archaeological evaluation by trial-trenching was undertaken by Avon Archaeological Unit as part of previous redevelopment proposals in August 2006. This located few archaeological features and deposits, albeit a probable Roman ditch was identified in the southeast of the site which produced a few pottery shards of this date and a possible residual shard of prehistoric pottery alongside a probable contemporary posthole. Elsewhere the remainder of the trenches recorded features of post medieval and modern origin that were accompanied by very low numbers of stratified and unstratified finds.

On the basis that the trenching failed to locate any significant buried archaeology, no further detailed work is necessary on the site in advance of future development. Therefore no archaeological recommendations are raised.

Council's Education - It is noted that a preliminary enquiry regarding this site was made in December 2009 which was responded to in January 2010. The proposed housing number/mix has changed since then, and having now completed an assessment of the impact on education infrastructure, the situation has not surprisingly, changed too.

17 units of open market and 3 units of affordable housing are now proposed, all exceeding one bed in size. Based on 19 qualifying properties (which reflects our 30% affordable housing discount of 1 unit), a need for an additional 6 primary and 4 secondary school places is generated. The designated area schools are Hilperton CE Primary and The Clarendon College, Trowbridge. Hilperton Primary has a capacity of 148 places. There are currently 143 pupils on roll and the school is forecast to be full by 2013/14. It cannot therefore, accommodate the additional pupils within current capacity and forecasts, whilst Clarendon College does have sufficient space for the extra children.

There is a requirement therefore for a primary infrastructure contribution of 6 primary places at the 2011/12 cost multiplier of £12598 each, (valid on S106s signed by 31/3/12). There is no case for a secondary contribution. The assessments use the pupil forecast, capacity and other known housing details current at the date the assessment is made, in order to accurately reflect the impact on education infrastructure of a development proposal.

Environment Agency - No objection subject to conditions covering land contamination, potential contamination mitigation, surface water drainage and pollution prevention.

Wessex Water - The water supply and foul drainage systems can both serve this development. No objection subject to informatives being attached to permission.

English Heritage - No comments offered apart from recommending that the application be determined in accordance with national and local policy guidance.

Council's Spatial Planning - There are a number of technical matters which require to be fully assessed, concerning the impact of the residential development on the local highway network, specific design matters relating to the Conservation Area and developer contributions. Subject to these matters being satisfactorily addressed, there are no policy based objections.

Council's Conservation Officer - No objections.

The proposed buildings identified for demolition are the non-historic buildings on the site. The removal of these buildings would not result in harm to the Conservation Area. The realignment of the existing front wall for highways purposes is acceptable as the wall would be rebuilt using existing materials and the proposed wall position would still perform the same visual function in the Conservation Area.

The proposed new buildings have been the subject of extensive pre-application discussions, following the refusal of the 2008 scheme. The advice given in the pre-application with regard to limiting the impact on the Conservation Area has been followed in the current scheme.

The proposed Buildings B and C would reflect the single storey nature of the existing simple single storey yard buildings, having a stable-like design. The amenity areas for these two dwellings would retain a hard landscaped appearance in keeping with the character of this part of the site. Building D would continue this single storey form to the back of the site. These buildings would not result in harm to the Conservation Area due to their scale and design.

The proposed Buildings E, F, G and L are now at an acceptable scale for this site and would be arranged around courtyards, again speaking to the historic farm yard nature of the site. The design of these buildings has taken account of local traditions and would use good quality natural materials such as coursed rubble stone with ashlar quoins and window surrounds. This is essential for the special character and appearance of the Conservation Area to be conserved.

Buildings H and K are conversions of existing historic buildings. The conversion schemes are shown to be sympathetic to the historic character of those buildings and would not result in any adverse impact to the Conservation Area. These are the most important building on the site, from a conservation perspective, as they are not only historic but will be the principal buildings in the views into the site from the street. This would result in a traditional appearance of the site from the main public viewpoint.

Council's Environmental Health - No objection subject to conditions

In considering this application I have referred to the following information sources :-

- Landmark historic land use information.
- Landfill data provided by the Minerals and Waste Team.
- Tank energy oil and radioactivity data.
- 1:2500 Scale Historic Maps circa 1870 – 1994.
- 1:1250 Scale Historic Maps circa 1952 – 1992.
- 1:10000 Scale Historic Maps circa 1968 – 1995.
- 1:10560 Scale Maps circa 1872 – 1980.
- Ariel Photographs Circa 2007
- Planning History for site.
- Hyder Geo Environmental Assessment number G001-WX23071-WXR-01

The above information revealed that the site has a mixed commercial/ residential/ agricultural use. The existing on-site business relates to the dismantling and recycling of used motor car spare parts. Above and below ground fuel storage tanks were also identified on the site.

The Hyder report was carried out in 2007 and is therefore recent enough to use current methodology and principles. The report did not identify any contaminants of concern but it is noted that only six locations were sampled.

The report recommends that the onsite tanks be removed and the waste management licence surrendered. It also recommends that any stained soils identified during redevelopment be removed and that a remedial action plan be prepared for the site.

Given the intention to reuse this site as residential, it appropriate to refer to PPS23 and to take a precautionary approach. Should permission be granted, a condition should require that further contamination assessments be undertaken.

The existing desk study and phase 1 investigation essentially cover the majority of the first and second part of the recommended condition, but the applicant must demonstrate that the limited sampling points are genuinely adequate to categorise the whole site and submit an appropriate remedial action plan and validation proposals.

As far as noise pollution is concerned, no objections are raised.

Council's Drainage Engineer - No site flooding records exist. There is an historic problem of highway flooding at the corner of Knapp and Church Street. Flooding here has not been resolved and will continue to be a problem at times of prolonged rainfall.

Council's Tree and Landscape Officer - Details submitted are acceptable in tree and landscape terms. No objection to this application, subject to conditions.

Council's New Housing Team - On schemes within village policy limits where there is demonstrable need, as there is in Hilperton, the Council seeks to achieve up to 50% affordable housing at nil subsidy in perpetuity and managed by a Registered Provider, nominated and agreed by the Council. This would normally be broken down as 83% affordable housing general needs rented provided on site, in small clusters, with the remaining 17% provided as a commuted sum in lieu of on-site provision of shared ownership/LCHO units. The on-site units would need to meet HCA Scheme Design Standards. Based on a scheme of 20 units this would equate to 8 units on site and a commuted sum for 2 units.

However, the policy also states the Council needs to take into account site conditions and the economics of provision, and that Developers will be encouraged to submit a financial appraisal/residual valuation of the proposed scheme to assist with negotiations. In accordance with policy and procedures outlined in Affordable Housing Supplementary Planning Guidance, an 'open book' test has been conducted and verified, which concludes that to provide 50% affordable housing

would make this scheme unviable. The scheme would, however, be able to provide a reduced affordable housing contribution of a maximum of 3 units on site and a reduced commuted sum for affordable housing.

The location of the affordable housing on site is limited due to the size of the units required to meet HCA Scheme Design Standards.

If the Committee is minded to grant planning permission, a claw-back provision would be need to be included in the SI06 Agreement, to allow for the 'open book' test to be revisited before any units are sold, to ensure any subsequent improvement in viability is reflected in the commuted sum payment.

Council's Ecologist - The site has been subject to a number of bat surveys between 2006 and 2011. A number of buildings hold high/medium roosting potential and evidence of bat roosts has been identified in the past (in 2006 and 2009). The most recent surveys (June 2011) found no evidence of roosting activity in any of the buildings proposed for demolition/refurbishment. However, given the past usage of the site and potential of the buildings, any development should proceed on a precautionary basis with an ecology based condition attached to any grant of permission.

The Phase 1 Habitat Survey states that a dedicated reptile survey will be needed, however I don't consider this to be necessary, given the small areas of suitable habitat within the site (reptile surveys are not requested for areas of suitable habitat <0.1ha). Measures to protect reptiles during construction work should be included as an Informative.

The demolition/refurbishment of the built structures will result in the loss of potential (and previously used) bat roosting opportunities. Bat boxes, access tiles or bricks (i.e. 2F Schwegler Bat Box; N27 Schwegler Bat Box Brick; 1FR Schwegler Bat Tube) should be incorporated into the scheme in order to replace the lost roosting opportunities, and in order for the application to meet the requirements of PPS9.

Council's POS officer - The Local Plan Policy R4 states that Residential development proposals of ten or more dwellings will not be permitted unless appropriate provision for public open space is made in accordance with the standard of 2.43 hectares (6 acres) per 1,000 population.

In developments, where the achievement of the standard may be unrealistic or inappropriate, suitable arrangements will be considered such as contribution towards or the provision or improvement of facilities nearby.

Clause 2.5.8 states that Open Space Provision will be provided in accordance with supplementary planning guidance

Clause 2.5.9 states that in smaller housing developments and sheltered housing schemes where these standards cannot realistically be met or are inappropriate, other arrangements may be considered, such as are stated in Policy R4

Conclusion: This site would either have to provide onsite amenity land or a contribution to improve local existing amenity land and or play.

West Wilts Supplementary Planning Guidance – Open Space Provision in New Housing Developments: A Guide gives the method for calculating Open Space provision. This is based on the average cost per square metre of provision taken from SPON's Landscape and External Works Price Book.

The proposed development has an open space requirement of 1142m². The developer has expressed a wish to satisfy the play requirement in the form of an offsite contribution at Hilperton Recreation Ground. The Council is satisfied with this approach.

The play requirement for this development is 138m² (20 dwellings × 2.3 people per dwelling × 3m² per person). Appendix 5 of the SPG gives the figures for calculating offsite contributions. Using only the play equipment costs these equate to a rate of £77 per m². Therefore, 138m² × £77 per m² equates to a contribution requirement of £10,600.

Circular 05/2005 allows for the pooling of contributions for 'specific future provision' which in this case will be the enhancement of facilities at Hilperton Recreation Ground, Hilperton

This development generates a need for £10,600 in offsite Open Space Contribution to be used to upgrade facilities at Hilperton Recreation Ground

Future maintenance arrangements

The developer must inform the Council of its proposed future maintenance arrangements for the Open Space. There should be at least 1 bin and bench in each area (both inside the wall and out). The access gap into the walled area must be wide enough for cutting machinery to gain access.

The onsite provision is acceptable. However, should the on-site POS be adopted by the Council, a cost for the wall must be included. Using SPONS, it has been calculated that the construction cost for the wall and its replacement in years to come should be factored into the equation. Therefore the total commuted sum would be $£16,332.12 + £11,583 = £27,915$

The offsite provision will be £10,600 to be spent at Hilperton Recreation Ground. The £10,600 figure is the contribution for Play, which applies regardless of the future management of the site.

The £11,583 is the commuted sum for maintenance (without the cost of the wall), which would only apply if the land was adopted by the Council, and not if it was privately managed. If the applicant wishes to employ a management company the Council would need to approve a management plan.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 10 June 2011

Summary of points raised:

9 letters of representation has been received raising the following points and concerns:

- Insufficient on-site parking spaces for 20 units and their visitors. Present residents and their visitors who live in Church Street have difficulty parking. There are a maximum of 11 parking places available, and are limited to a one hour restriction Monday to Saturday 0800-1800 hrs Residents and visitors have to park in The Knap, Devizes Road and Ashton Road. At evenings and weekends there are never any spare parking places.
- When the local Methodist church service over-ran, it created traffic congestion. This development would add to such existing problems.
- Insufficient affordable housing provision on-site. Should be 25% (i.e. 5 units)
- No need for more housing
- No development should commence until Hilperton Relief Road is completed
- More housing means more traffic non already congested roads and more pollution
- Church Farm access is a hazard with poor visibility. The sharp corner at The Knap cannot be removed and any traffic approaching The Knap from Hill Street / Whaddon Lane cannot be seen from the farm entrance (even with the slight adjustment to the walls). The pavements are very narrow in Church Street and the only section to gain width will be at the entrance to the development i.e. where vehicles are entering and exiting.
- Any development should be limited to conversions and minimal infill
- Insufficient time afforded to provide comments
- Lorries drive along pavements on Church Street due to its narrow width. If granted, construction vehicles will make matters worse
- Increased noise and nuisance from future occupants
- The current use of the site as a car breakers yard only produces noise during working hours

- The on-site public open space could become a haven for unsocial behaviour. It would not be fit for purpose. It would be too close to the road. It would be noisy and dirty from constant day time traffic
- The on-site public open space is insufficient for the needs of 20 houses. Where will children play?
- The green space at the site frontage is unsuitable in a conservation area
- There is an old well served by a spring on the site
- Building G should be re-sited 2-3 metres away from the boundary. The window on its 2nd floor level would cause overlooking
- The design and choice of materials (timber cladding) would be out of keeping
- The new boundary walls would be too low. The proposed 2 metre high walls should be revised to be 2.5 - 3 metres at least
- Concerns raised about whether the drainage infrastructure would be able to cope
- The village and conservation area character would be detrimentally affected
- Detrimental to the countryside
- The development would not accord with the limitations and guidelines contained within the adopted Hilperton Village Design Guide (HVDS)
- The proposal would result in the loss of structures present on site for many decades
- Do not accept the findings of the Transport Document.
- At the eastern end of the site there is a large area of land that has no boundary wall; will this area be used for future development?
- Planning permission has recently been granted to build 38 new houses at Bluehills, Devizes Road and 30 new houses south of the Grange. If this application was to be approved and built out, the village would increase by 88 new houses. There is also a development taking place at Hilperton Marsh. All the people who will live in these new houses will have to travel to work and shop by car and public transport. There is very little employment in Hilperton which has no shops or post office. It will also mean more children for Hilperton Primary School and Trowbridge. At the Hilperton Parish Council meeting on 31 May 2011 a Hilperton Primary School governor stated that both Hilperton and The Mead Primary Schools are full for 2011 and 2012 and that the only way additional children could be accommodated would be by extra classrooms being built and at present, there is no capital available for any expansion at either school.
- Surface water drainage concerns raised, especially during heavy rainfall. It has been reported that during heavy rain flooding has taken place in the fields at the top of Cherry Gardens and Church Farm.
- The site can be seen from Church Street and a public footpath that runs from the village playing field to Devizes Road in a field at the back of the farm.
- Wessex Water have tested local residents' water pressure as there seems to be a problem with the cold water supply.

1 local resident advises that this application addresses concerns previously raised in terms of the refused application 08/00012/FUL. Another immediate neighbour asks for the existing coursed rubble stone wall which acts as the western boundary of the site adjoining Cherry Gardens, should be retained and not be rebuilt.

Hilperton Village Hall Committee submitted the following representation:

Two recent local permissions have incorporated Section 106 agreements to help part-fund improvements to either the hall, or the playing field/open space. The reason for this is due to the increased pressure that extra residents bring to bear on our facilities.

The village hall committee resolved that it should request a S106 contribution from the applicant for W/11/01373. The suggested sum is £1000 per property, and the reason is to fund improvements to the facilities necessitated by the increase in local population.

9. Planning Considerations

Principle of Development - New Housing in Village Policy Limits

Government advice contained within PPS 3 (as revised in June 2010) states, inter alia, that the planning system and decisions should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

Although the revised PPS3 removed the necessity for housing developments to accord with a nationally prescribed minimum density, making efficient use of land is still an over-arching planning requirement. It is nevertheless acknowledged that a more intensive development might not always be appropriate. Recognising the form and density of a site's surroundings is essential to any assessment.

Policy H17, the Council outlines clear design, layout and siting requirements to ensure that new proposals are in keeping with the character, appearance and distinctive spatial form of the surroundings. District Plan Policy H24 advises that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

The submitted scheme has been the subject of lengthy negotiations both prior to its submission and during the course of the determination. The Church Farm site is considered to be an appropriate 'windfall' site suitable for this proposed level of residential development.

Loss of Employment Land Use

The existing car breakers and reclamation on-site operations are lawful in planning terms (following the issuing of a EUD in 2006 under application wcc.04.0082). This certificate expressly stated that six of the existing buildings on the site, including the building sited on the southern boundary (positioned closest to No. 220 Church Street) are lawfully authorised for the use of breaking up motor vehicles and storing vehicles and vehicle parts. It is however noted that the certificate expressly states that there should be no storage or dismantling of vehicles in the open yard outside of the buildings. During the course of assessing this application there was a need to make a visit on four separate occasions. On each occasion, there were vehicles/parts stored within the yard areas in breach of the 2006 issued certificate.

From the details submitted, it is noted that the car breakers enterprise employs 1 full-time and 1 part-time employees, which on a site measuring 0.8 hectares could be classed as being an inefficient use of land. The car breakers business is also considered to be a "bad neighbour" development, potentially noisy and not sympathetic to a residential area.

It should be noted that there are no planning controls in place restricting the types of work undertaken on site, the hours of business and/or noise levels on site.

District Plan Policy E5 stresses that proposals which involve the loss of employment floor space, should satisfy the following requirements:

- There should be an equivalent and adequate supply of land and premises elsewhere in the locality;
- New uses should be compatible with the existing neighbouring land uses; and,
- New uses should not give rise to traffic or environmental problems.

It is submitted that designated and available industrial estates would be more appropriate locations for a car breakers yard, should the business seek new premises. That said, it is duly noted that the business is a loss maker and has been for several years, which could well mean that the business ceases its operations entirely.

The mix of conversion and new build development to create 20 houses would be an appropriate re-use of this site. On-site servicing and environmental considerations are considered in detail below.

The loss of the car breakers yard does not raise significant policy concerns.

Impact on Conservation Area and Setting of Listed Building

Planning Policy Statement 5 - Planning for the Historic Environment and Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and character or appearance of the Conservation Area.

As reported above the Council's Conservation officer supports this application. The redevelopment of the site has been sensitively planned having respect to the Conservation Area. The proposals have evolved through negotiations held over the past two years. Through these discussions with the applicants agent and architect, the heights, scale, density and design of the development has been revised to a state which officers can now support.

The loss of those existing buildings identified for demolition would not be detrimental to the special character of the area. Along with the sensitive conversion proposals, the new buildings and regeneration of this site would bring about an enhancement to the visual character of the immediate surroundings and also to the wider Conservation Area. The repositioning of the wall using existing stone material is supported, and shall be subject to a condition. The choice of materials is considered acceptable, but should nevertheless be subject to a condition requiring the submission of samples.

The design, scale and detailing of the new housing, including the conversion proposals, follows officer led pre-application advice and guidance, and is supported. The submitted site section plan drawings illustrate how the proposed development would respect the existing built form and integrate sympathetically with its surroundings.

The form and siting of the development proposals respect and reflect the existing semi-rural character of this former agricultural setting. The traditionally constructed buildings with sufficient architectural merit shall be retained and with the retention of the orchard at the site frontage, the redevelopment of the site will enhance the character of the site and its immediate environs.

Provision of Affordable Housing

The Council's New Housing Team advises that the village of Hilperton has a demonstrable need for affordable housing. Affordable housing is defined as housing comprising low cost market housing and subsidised housing, provided for people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and incomes. Affordability is assessed at the time of negotiations, with respect paid to local market conditions and the financial indicators of those in housing need. Adopted Local Plan Policy H2 states that "where there is a demonstrable lack of affordable housing to meet local needs, the intention will be to negotiate for the provision of an appropriate element of affordable housing". Within villages, this could be as much as 50%. However, the precise provision should, and in practice is, negotiated on a site by site basis, taking on board local need as identified in the Housing Needs Survey, site conditions and the economics of the provision.

Taking a pure policy approach, a scheme of 20 units would require 50% affordable housing at nil subsidy in perpetuity and managed by a Registered Provider, nominated and agreed by the Council - with an on-site provision of 8 units and a commuted sum for 2 units (as explained within the Housing Team's consultation response above). However, King Sturge's viability assessment concludes that such a requirement would lead to a negative residual valuation. If the Council was to enforce a full 50% provision (as well as require a host of other financial contributions which are covered elsewhere within this report), it is submitted that the scheme as proposed, would be economically unviable.

The viability appraisal submits that the scheme could provide a reduced affordable housing contribution of a maximum of 3 units on site and a reduced commuted sum for affordable housing.

If the Committee is minded to grant planning permission, a claw-back provision would need to be included in the S106 Agreement, to allow for the 'open book' test to be revisited before any units are sold to ensure any subsequent improvement in viability is reflected in the commuted sum payment. The 3 recommended affordable housing units to be provided on the site must remain affordable in perpetuity or whilst there is a need. Planning conditions and the use of S106 agreements should guarantee that all initial and subsequent occupiers benefit from the affordable status of the units.

The location of the affordable housing on site is limited due to the size of the units required to meet HCA Scheme Design Standards. During the course of the application, it was advised that the AH units would be accommodated through offering the 2 x 2 bed units in Building B (the only two in this Building) and one of the mid terrace 3 bed units in Building G - which reflects the viability work. It was also confirmed during the latter part of the planning process that Selwood have confirmed that the 3 AH units would be appropriate providing the architect was able to confirm that the homes will meet DQS and CSH3 (code for sustainable homes level 3). This confirmation was provided by the applicant's agent.

Public Open Space Provision

The on-site public open space provision has been negotiated by officers and is supported. The retention of the existing orchard at the front of the site is considered to be an ideal location for informal communal amenity space for the future occupiers of the 20 units. Its retention would preserve and enhance the character and vitality of the Conservation Area.

The applicant has also agreed to provide a financial contribution amounting to £10,600 to enhance facilities at the Hilperton Recreation Ground in line with SPG requirements. The applicant is further aware that should the on-site public open space be transferred to the Council for its future maintenance (including the future maintenance of the boundary wall), a commuted sum of £27,915 would be levied. The applicant's agent confirmed that both contributions would not be challenged.

On Site Servicing

The Council's Highways Authority is satisfied that they proposed development would not cause detriment to highway safety interests. Through negotiations and the submission of revisions, the principle of accessing the site in the form shown is acceptable, subject to conditions. The development necessitates financial contributions which should be included within a S106 Agreement.

Utilities will be laid in the footway, and the applicant is happy to accept easement through the public open space subject to the utility providers' specific requirements. It is envisaged that they can be laid to avoid a 'dog leg' return in footway between Church Street and the site access.

Wessex Water and the Environment Agency confirmed having no objections subject to conditions and the use of informatives.

The site and the proposed development can be appropriately serviced in line with the above-mentioned policy requirements.

Impact on Neighbouring Amenities/Privacies

It is duly noted that 9 local residents have voiced concerns and objections against the proposed redevelopment of the site. Whilst concerns have been raised about noise and nuisance, it cannot be ignored that at present, the car breakers yard has the potential for causing significantly more harm to neighbouring amenities through noise pollution than residential properties. Concerns about noisy neighbours can be controlled through the Council's public protection team, should their involvement be required in the future. It is also recognised that the Council's public protection team raised no objection in terms of noise related nuisance.

The identified public open space would have good level of on-site surveillance and through good management (whether it is adopted by the Council or via a private management company), the site should visually enhance the street scene and add some vitality to the centre of the village.

Where applicable, obscure glazing would be installed in elevations to preserve existing and neighbouring privacies and amenities. A planning condition is recommended to ensure that habitable windows with the potential of causing harm, are suitable obscured.

The proposed new 1.8 metre high northern boundary wall separating the site with No. 2 Cherry Gardens would be sufficiently high enough to protect neighbouring amenities (it should be noted that Building D is single storey and that there would not be significant overlooking or overbearing to justify further revisions (such as making the wall even higher) or refusal. The 2.5 metre stone wall along the site's southern boundary which separates the site and No. 220 Church Street should ensure that amenities are not significantly compromised. First floor windows formed within the rear elevation of Building G would potentially overlook third party land, but it should be noted that the building would be sited between 8 -11 metres from the aforementioned boundary wall, and due to the orientation of the proposed new housing, there would be no habitable window-window conflict, although as mentioned above, where appropriate, some obscure glazing should be conditioned.

In addition, to ensure that the privacies of existing and future residential occupiers are protected, a planning condition removing PD rights is considered necessary in terms of restricting uncontrolled extensions and/or new wall openings.

The siting, scale and heights of the new buildings to be constructed on site have been carefully planned with the impacts on neighbours factored in to the revisions which have been made, since the previous application was refused.

On-Site Contamination

It is acknowledged that given the site's former and existing uses, there are some localised pockets of contamination on the site. A full ground conditions survey has been undertaken and the Council's Environmental Protection Team report that it is appropriate to refer to PPS23 and to take a precautionary approach and if granted for permission, to attach conditions requiring a further, more detailed survey to fully investigate the historic land uses and current land conditions to determine the likelihood of the existence of contamination arising from previous uses.

Impact on Trees/Landscape interests

Along with the case officer and the Conservation officer, the Council's Tree and Landscape officer has been party to lengthy discussions with the applicant's agent. As reported above no objections are raised in tree and landscape terms. The development is considered acceptable, subject to conditions.

Developer Contributions

As agreed with the Council's Affordable Housing officer, this development shall provide 3 on-site AH units and a commuted sum.

The development generates a need for an additional 6 primary and 4 secondary school places. As reported above, the Council's education service requires a primary infrastructure contribution of 6 primary places at the 2011/12 cost multiplier of £12598 each, (totalling £75, 588 valid on any S106 signed by 31.03.12). There is no case for a secondary contribution.

Through discussions and negotiations with the applicant's agent, this development requires contributions towards traffic calming, enhanced bus service infrastructure and a contribution of £2000 towards improvements to Bridleway HILP33 which links directly from the village to Middle Lane in Trowbridge.

In addition to the above, the applicant's agent has also agreed to provide a financial contribution of £20,000 towards improvements to the village hall facilities.

The development also triggers a need for a financial contribution of £10,600 to be made in respect to enhancing off-site public open space provision, which shall ring fenced for improving the existing facilities at Hilperton Recreation Ground. Should the applicant wish to transfer the maintenance of the on-site public open space to the Council, there would be an additional financial contribution levied amounting to £27,915.

Recommendation:

To delegate authority to the Director of Development to grant planning permission subject to a legal agreement to secure the following:

i) a financial contribution towards the provision of 6 primary school places. Calculated at the 2011/12 cost multiplier of £12598 each, (totalling £75, 588 which would be valid on any S106 signed by 31.03.12);

ii) a financial contribution towards the provision of traffic calming, enhanced bus service infrastructure and a contribution of £2000 towards improvements to Bridleway HILP33 which links directly from the village to Middle Lane in Trowbridge;

iii) a financial contribution of £20,000 towards improvements to the village hall facilities.

iv) a financial contribution of £10,600 to be made in respect to enhancing off-site public open space provision, which shall ring fenced for improving the existing facilities at Hilperton Recreation Ground. [NB. Should the applicant wish to transfer the maintenance of the on-site public open space to the Council, there would be an additional financial contribution levied amounting to £27,915].

v) the provision of 3 affordable housing units on site (offered as the 2 x 2 bed units within Building B and 1 of the mid terrace 3-bed units within Building G) for rented accommodation as well as providing a commuted sum for off-site provision which shall be subject to a claw-back clause to allow for the 'open book' test to be revisited before any units are sold to ensure any subsequent improvement in viability is reflected in the commuted sum payment.

For the following reason(s):

The proposed development conforms to the Development Plan and the legal agreements and the conditions attached to it overcome any objections on planning grounds.

Subject to the following condition(s):

- 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 all the tin clad existing buildings (which are not identified for retention) have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C22.

- 3 For the avoidance of any doubt, the red brick and pantile roofing material used in building 2 (B _ C) and the natural stone built boundary wall fronting Church Street shall be carefully dismantled and stored in a dry and secure place for re-use. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C22.

- 4 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (h) measures for the protection of the natural environment.
- (i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan 1st Alteration 2004 policy C38

[NB. In addition to the requirements listed above, reader's attention is also drawn to the terms of condition 15 below - which specifically covers ecological interests]

- 5 No development shall commence on site until details and samples of the materials to be used for the external walls (including all the new means of site/plot enclosures) and roof materials 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: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C31a.

- 6 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C18, C31a and C38

- 7 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

- 8 No development shall commence on site until details of the finish to external timber, including any paint or stain 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 brought into use.

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

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policy C18 and C31a.

- 9 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.

- 10 The public open space on-site provision shall be made available simultaneously with the development being brought into use.

REASON: To ensure a satisfactory provision of public open space throughout the development in the interests of the amenity of future residents.

POLICY: Leisure and Recreation DPD January 2009 policy LP4

- 11 No development hereby approved shall commence until proposals for the future maintenance of the on-site public open space have been submitted to and approved in writing by the local planning authority. Thereafter, the said areas of open space shall be maintained in complete accordance with the terms of such a scheme as may be so approved unless the planning authority gives written approval to any variation.

REASON: To ensure that the on-site public open space provision satisfies the interests and amenities of future residents.

POLICY: Leisure and Recreation DPD January 2009 policy LP4

- 12 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 13 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of such provision shall have first been submitted to and approved by the Local planning Authority.

REASON: In the interests of Highway safety.

- 14 The junction onto the public highway shall have minimum 6m radii, whilst the gradient of the access road shall be no greater than 6.7% for the initial 6m and no greater than 8% thereafter.

REASON: In the interests of Highway safety.

- 15 No demolition work shall commence on the site until a Construction Method Statement for bats has been submitted to and approved in writing by the local planning authority. The Construction Method Statement should provide details of how works to the buildings with medium/high bat potential shall be undertaken (following the Bat Absence/Presence Survey report by Marishal Thompson Group, dated June 2011). Details shall be submitted for the Council's written approval indicating the use of the locations of bat boxes, access tiles or bricks into the scheme. The development must be carried out in full accordance with the approved Construction Method Statement.

REASON: In order to replace lost bat roosting opportunities and to maximise ecological conservation.

POLICY: PPS9 - Biodiversity and Geological Conservation.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to protect the amenity interests of neighbours and to safeguard the character of the Conservation Area and to enable the local planning authority to consider individually whether future additions and alterations should be granted.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan - 1st Alteration policies C18, C31a and C38.

- 17 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the northern rear elevation of buildings B _ C; or the northern and southern gable elevations of Building G; or the

eastern and western gable elevations of Building H; or the eastern and western gable elevations of Building E, hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

- 18 No development shall commence on site until details of the obscure glazing to be used throughout the scheme for all wc and bathroom windows have been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

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

- 19 Prior to the commencement of any development on site a scheme to deal with the risks associated with contamination of the site shall be submitted to and be approved in writing by the local planning authority. That scheme shall include all of the following elements unless specifically excluded by the Local Planning Authority.

1. A desk study identifying:

- all previous uses of the site for at least 100 years and a description of the current condition of the site with regard to any activities that may cause contamination;
- a list of potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and,
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken. The risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11".

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

REASON: To ensure that land contamination can be dealt with adequately and to prevent pollution of the water environment prior to the site being brought into residential use.

- 20 If, during the course of implementing the hereby approved development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To prevent pollution of the water environment.

- 21 No dwellinghouse shall be occupied until the realignment of the boundary wall fronting Church Street has been completed in accordance with the approved plans.

REASON: In the interests of highway safety and to define the terms of this permission.

- 22 That for the avoidance of any doubt, the car breakers/reclamation business operations shall cease entirely prior to the commencement of any development hereby approved.

REASON: In order to define the terms of this permission and in the interests of residential amenity.

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan - 1st Alteration policy C38.

- 23 No demolition shall be undertaken on site until such time as a detailed schedule of the demolition works has first been submitted to and approved in writing by the Local planning Authority; such details to include:

Details of timing of demolition works;

Details of proposed demolition works, including hand demolition of the stone boundary wall fronting Church Street and B & C (identified as existing Building 2);

Details of proposed storage of (and retained) demolished walling and roofing materials;

and such works shall be implemented fully in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: PPS5 – Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 – Policies C17 and C22.

- 24 The development hereby approved shall not be carried out except in complete accordance with the details shown on the following submitted plans:

LOCATION PLAN – received on 27.04.2011

EXISTING SITE PLAN – drawing no. PKE2241.01 received on 27.04.2011

EXISTING PLANS, SECTIONS, ELEVATIONS BUILDING 2 – drawing no. PKE2241.03 received on 27.04.2011

EXISTING ELEVATIONS BUILDING K – drawing no. PKE2241.04 received on 27.04.2011

EXISTING PLANS, ELEVATIONS BUILDING H – drawing no. PKE2241.05 received on 27.04.2011

EXISTING TREE PLAN – drawing no. 5506/3 received on 27.04.2011

PROPOSED SITE LAYOUT PLAN – drawing no. PKE2241.07M received 29.06.2011

PROPOSED BUILDING B, C AND D PLANS – drawing no. PKE2241.09B received 27.04.2011

PROPOSED BUILDING E DETAILS – drawing no. PKE2241.10C received on 27.04.2011

PROPOSED BUILDING F DETAILS – drawing no. PKE2241.11F received on 27.04.2011

PROPOSED BUILDING G DETAILS – drawing no. PKE2241.12D received on 27.04.2011

PROPOSED BUILDING H DETAILS – drawing no. PKE2241.13B received on 27.04.2011

PROPOSED BUILDING K PLANS, SECTIONS ELEVATIONS – drawing no. PKE2241.15A received on 27.04.2011

PROPOSED BUILDING L DETAILS – drawing no. PKE2241.16B received on 27.04.2011

PROPOSED SITE SECTIONS – drawing no. PKE2241.20 received on 27.04.2011

PROPOSED SITE SECTIONS – drawing no. PKE2241.21 received on 27.04.2011

LANDSCAPE DETAILS – drawing no. 5506/1B received on 27.04.2011

TREE DETAIL PLAN – drawing no. 5506/2A received on 27.04.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 The applicant/developer is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. For information, this relates to retaining walls which are wholly or

partly within 3.65m of a street and which are at any point of a greater height than 1.35m above the level of the ground at the boundary of the street nearest that point.

- 2 Reptiles are protected from injury/ killing under the Wildlife & Countryside Act (1981, as amended) therefore prior to the commencement of construction work, the site must be cleared with due care and attention for reptiles: any significant debris (logs, large stones, piles of garden waste) should be checked by hand for the presence of reptiles sheltering beneath; vegetation should be cut down to 10cm, and left as such for several days before cutting further and removing the topsoil. All cuttings should be removed from the site. Vegetation clearance should take place outside the breeding bird season (March – August inclusive) unless checked beforehand by a suitably qualified ecologist for the presence of nesting birds.

- 3 It is recommended that the developer investigates the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:
 - a) Interception and reuse
 - b) Porous paving/surfaces
 - c) Infiltration techniques
 - d) Detention/attenuation
 - e) Wetlands

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

Pollution Prevention

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 machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes.

It is recommended that the applicant refers to the EA Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

- 4 The applicant/developer is advised to take note of the guidance provided by Wessex Water dated 9 May 2011.

- 5 Whilst the Geo Environmental Report (dated Nov 2007) prepared by Hyder Consulting has been fully assessed, the impacts of removing the underground storage tanks (USTs) requires further analysis. Once completed, a verification report is required to demonstrate the success of the work, as specified in item 4 of the above condition. Details of the proposed remediation should be prepared to address item 3 of the condition].

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