

Regulatory Committee

10th January 2008

Planning Services

List of Applications for Consideration

1 K/57449/F

Full planning application for : Demolition of existing garage and erection of 5 no. three-bedroom dwellings

Bonds Garage Swindon Road AVEBURY SN8 1RH

RECOMMENDATION: Defer and delegate to Planning Services Manager to grant full planning permission, subject to the prior completion of a legal agreement.

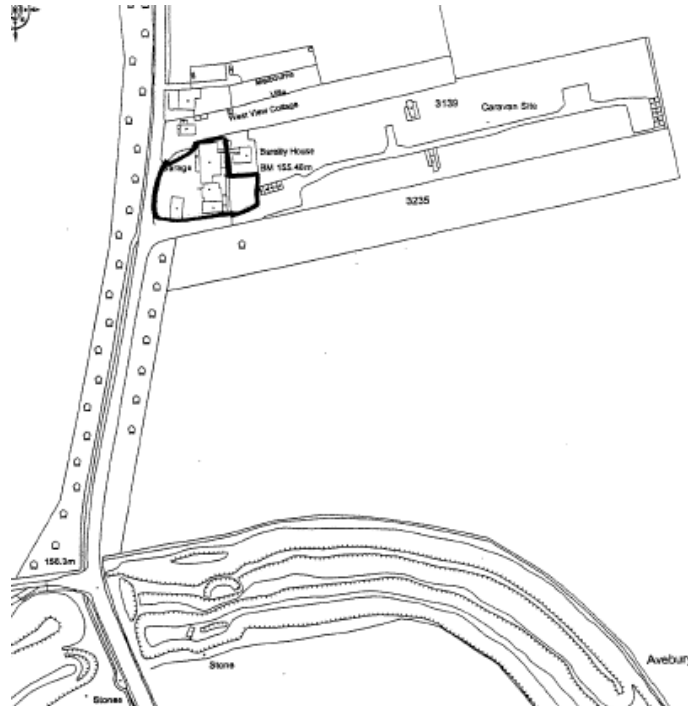
Item 1

APPLICATION: K/57449/F
PARISH: AVEBURY
APPLICATION TYPE: Full Planning Permission
PROPOSAL: Demolition of existing garage and erection of 5 no. three-bedroom dwellings
SITE: Bonds Garage, Swindon Road, Avebury SN8 1RH
GRID REF: 10216 70374
APPLICANT: Bybrook Developments Ltd
AGENT: Ian Sullivan Architectural Design Ltd
DATE REGISTERED: 28th September 2007
CASE OFFICER: Mr A Guest

SITE AND LOCATION

The application site comprises a vacant petrol filling station, vehicle repair garage and associated residential accommodation ("Bonds Garage") located on the east side of Swindon Road, just to the north of Avebury Henge.

The site lies in open countryside, although with scattered established residential development to the north side and the Rawlins Mobile Home Park immediately to the rear (with shared vehicular access). The defined limits of development of Avebury are approximately 350m to the south (within the henge). The Avebury Conservation Area is approximately 150m to the south, (the boundary defined by the edge of the henge). The site and its surroundings lie within the Avebury World Heritage Site and the North Wessex Downs Area of Outstanding Natural Beauty.



Location Plan



Photograph 1 - Garage site from the north, looking towards the Henge



Photograph 2 - Garage site from south

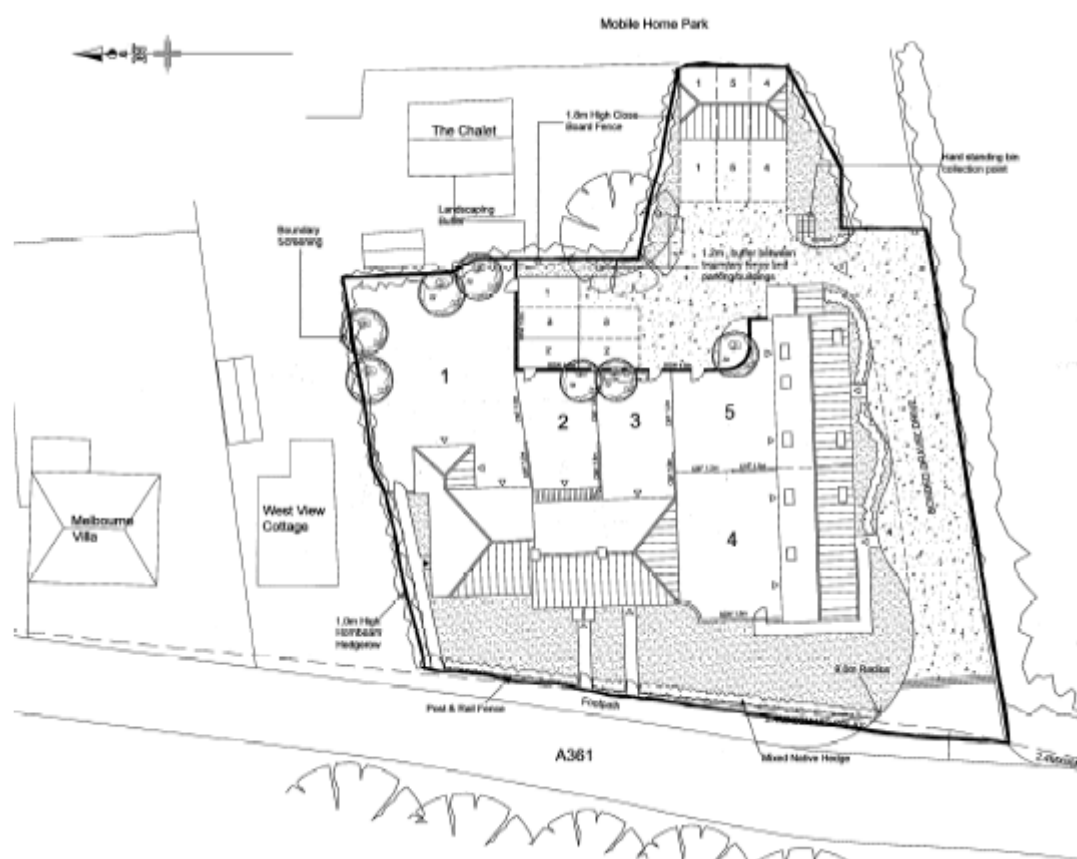
RELEVANT PLANNING HISTORY

K/56078/F - Demolition of existing garage and erection of five three bedroom dwellings - outstanding appeal against non-determination

K/50989/F - Demolition of existing garage and erection of five three-bedroom cottages - withdrawn 19/11/04

DESCRIPTION OF DEVELOPMENT

The application proposal is to demolish all existing buildings and hardstandings on the site and erect five houses and a single block of three garages. The houses would be in two blocks - one row of three terrace "cottages" fronting Swindon Road, and one pair of semi-detached "barn"-style houses fronting the access road to the mobile home park (end-on to Swindon Road). All of the dwellings would be two storey. The existing shared access to the site and mobile home park would be improved, providing access to the rear garage and parking court, and the mobile home park.



Block Plan – not to scale

PARISH COUNCIL COMMENTS

Avebury Parish Council: no objection. The proposals represent good design and will look much better than what is there now, especially as this is one of the main routes in the World Heritage Site. It will improve the area, bring new life to the village and make a very run down area much nicer. The area can be well landscaped and it will soon lose the newness of the build.



Units 1, 2 & 3 – not to scale



Units 4 & 5 – not to scale

CONSULTATIONS

County highways (M. Wiltshire): No objection, subject to conditions.

County archaeologist: recommends condition. Site evaluation works have now been undertaken. Two trenches were excavated by machine within the footprint of the proposed houses and garages. Although only a single undated posthole was revealed during the work, the evaluation has shown that the disturbance is not as severe or extensive as previously suggested in the Phase 1 Investigation Report.

Given that there is still some potential for hitherto unrecorded archaeology to survive, suggests that an archaeological watching brief is conducted during any ground disturbance associated with the proposal in accordance with an archaeological brief. Provision should be made to allow the archaeologists to examine and record any

archaeological deposits, features or finds uncovered. This follows advice in PPG16 and Policy HH2 of the Local Plan.

KDC Landscape and Countryside Officer: No objection in principle - the planting scheme should be designed by a suitably qualified professional who can address the issues related to such a sensitive site.

Considers that the existing garage buildings form an incongruous and unattractive feature, which detracts from the historic landscape when approaching Avebury from the north. This, in combination with the mobile home park behind it, are clearly visible from the earthworks, particularly in the winter months. All the existing tree cover, which restricts intervisibility between the site and the historic landscape features, is off-site, and should not be relied to provide long-term mitigation, this is particularly true of the horse chestnuts on the opposite side of the Swindon Road.

Ideally, would expect to see a hard and soft landscaping scheme submitted as part of the application, as this will be paramount in the integration of the development on the site into the historic and wider AONB landscapes. The design of the scheme should take into account the following factors:

- * The stand of horse chestnuts on the opposite side of the Swindon Road are dying from bacterial canker and once they have gone there will be open views from the site to Windmill Hill. Therefore, the dwelling design and landscape design must consider the intervisibility between the two and the need to integrate the design into the village. I would recommend that there should be a fairly simple landscape design comprising native roadside hedging and 1.2m picket (not post and rail) fencing; the addition of a few small tree species of domestic proportions to break up the mass of the development, particularly between plots 3 and 4; internal garden boundaries comprising of broadleaf hedging, and a hornbeam or beech hedge on the boundary with West View Cottage. The hedging should be planted at 1.2m in height to form an instant impact and the trees should be planted as heavy standards, rootballed or pot grown.
- * The winter-time filtered views from the monument to site are extremely important, but there is little space for additional landscape planting to reduce the impact of the dwellings. Therefore, whilst the bulk of the mitigation will result from the design of the dwellings, there is potential to bring the road frontage hedging alongside the bonded gravel drive and along the fronts of plots 4 and 5.
- * To the rear of the site, close-boarded and panel fencing must be kept to a minimum, and where necessary dark stained. Would expect a high degree of screen planting around the parking areas and rear gardens.
- * Permitted development rights should be removed for all fencing and garden paraphernalia to the fronts of all five dwellings.

KDC Conservation Officer: The garage was constructed to provide local services following the clearance of established houses and businesses from within the henge. It seems that the need for the garage has diminished over time and the current condition of the site is less than satisfactory. The prospect of some mitigation is therefore generally welcomed but the location is of the utmost archaeological and visual sensitivity and the Council needs to take account of the long term. Not sure that redeveloping this remote site with new housing provides the best solution.

The new houses will be seen from the bank of the henge monument and other key locations within the historic landscape. The construction of three houses well forward on the site, in particular, will significantly alter the northern approach to Avebury.

In terms of the principle the scheme appears to fall foul of the Local Plan policy which states “proposals which would harm the historic landscape, archaeological features or visual setting of that part of the world heritage site ... will not be permitted”. This policy echoes Objective G in the original WHS Management Plan.

As regards the detailed design of the proposed development I do not consider this to be very convincing. The terrace fronting the main road is relatively modest but the wide span of the houses produces box-like proportions. ... Similarly, the units 4 and 5 appear to be designed in the form of barn pastiche with a high number of roof lights which are likely to be visible in hours of darkness from the henge. The cramped parking yard also suggests that the proposal is an over development of the site.

If simple removal of the redundant buildings from the site, as has happened at the Beckhampton Garage and at the Ridgeway Café sites, is not practical then preference would be for the retention of the existing main building and its conversion to a small guest house or hostel. There is an acknowledged local need for such a facility in the Avebury area and the existing Art Deco type structure provides a rare opportunity for a low-key improvement to existing services.

Although the proposals might tidy up a short term problem as the demand for the garage subsides the redevelopment of the site for housing produces its own set of strategic and detailed problems that are unlikely to be regarded as an appropriate long term solution.

KDC Housing Officer: Affordable housing policy would normally expect provision of one affordable unit for every one open market unit in locations such as this. The requirement in this case should, therefore, be for two of the five units to be affordable.

However, the applicant has provided details of extraordinary costs associated with the re-development of the site which, he claims, means that a reduced contribution is necessary to allow the scheme to remain reasonably profitable. The figures presented by the applicant have been independently analysed by a surveyor instructed by the Council, and this analysis has confirmed the applicant’s claims.

The reduced contribution proposed by the applicant is, therefore, a financial contribution of £80,000 to be used towards the cost of off-site provision of affordable housing elsewhere in the District. All five houses to be built on the application site would then be open market.

Having regard to the extraordinary costs demonstrated by the applicant, and the resulting independent confirmation of the non-profitability of the proposal with on-site affordable housing provision, the offer of an off-site financial contribution is considered to be acceptable as an exception in this particular unique case.

KDC Environmental Health Officer: No objection, subject to conditions.

KDC Drainage Engineer: no comments to make.

World Heritage Site Officer: Objection; the proposal contravenes a number of policies within the local plan not least HH3 designed to protect the World Heritage Site from harm. The Local Plan states clearly that at paragraph 6.16 that the “*protection of the World Heritage Site should take precedence over all other demands for development and the use of the land in the inscribed area*”. It follows, therefore, that this planning application should be refused.

The site is located within the Avebury world Heritage Site. The UK, as a signatory to the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO, 1972) must provide adequate legal protection and management mechanism for conserving the site and ensuring its outstanding universal values are transmitted to future generations. The Avebury World Heritage Site Management Plan (AMP 2005) fulfills this condition and is recognised as a material consideration in deciding planning applications.

HH3, the local plan policy on the Avebury World Heritage Site, states that developments that will harm the historic landscape, archaeological features or visual setting will not be permitted. In paragraph 6.16 it is stated that the protection of the WHS should take precedence over all other demands for development and the use of land in the area. The development could potentially harm the site in a number of ways.

World Heritage Site Landscape and Setting of Monuments -

HH3 prioritises the historical landscape visual setting of the monuments. Management Issue 16 in the Avebury Management Plan 2005 (AMP 2005) states that the visual sensitivity of the monuments within the WHS extends to a broad area and that careful and particular consideration should be given to the visual impact of new developments affecting the WHS and its setting. The AMP 2005 emphasises the importance of the wider setting and its visual sensitivity. It draws attention to the importance of panoramic views. Objective H of the AMP 2005 is to enhance and protect the visual sensitivity of the key monuments and their settings. It highlights the retention of views from Windmill Hill as key.

The proposed development is clearly visible from the banks of the Henge monument and would have a major impact on its setting, particularly during the winter months when the beech trees are without leaves. It lies only 200m from the Henge. Although the current garage and its outlying buildings cause a certain level of intrusion, there is no justification for replacing them with housing. The WHS is of international significance and its sustainable management is key to safe-guarding its values. Simply replacing one visual intrusion with another is not a way to ensure that the site is not harmed. The AMP 2005 Issue 16 (AMP 2005) requires careful consideration of the visual impact of new developments affecting both the WHS and its setting. It also encourages the removal or screening of currently intrusive features, not simply their replacement with relatively intense housing development. The development also seems to challenge PD1 of the Local Plan which requires sensitivity to the relationship to historic features.

The Visual Sensitivity map produced by English Heritage and included in the AMP 2005, marks out the proposed site as one of high to medium sensitivity. It would be visible from Windmill Hill, particularly as the already ailing horse chestnuts trees decline and thin out or disappear. As mentioned above the challenge to visual amenity will not be removed by the building of 5 densely built houses on the site.

The proximity to the road of the developments would also affect the approach to the Henge, which although currently to some extent compromised by the motor vehicles on the forecourt is far more open and less sub-urban.

It is hard to see how the proposal would meet any of requirements set out in policy HC26 that might allow for development outside the Limits of Development where this site lies. It is not essential to the rural economy or social well-being. In fact it fails to take in to account ED13 which seeks to encourage employment and tourism on the edge of villages.

Loss of Built Heritage –

The building proposed for demolition is itself an important part of the cultural heritage of Avebury WHS. The Management Plan recognises that the built heritage is of 'great interest and importance' in its Statement of Significance (AMP2005 p 33). Garages from this period are relatively rare, and the associations of this example with the history of the Henge and Alexander Keiller make it well worth preserving. The removal of Rawlins Garage from the Henge to this site allowed for the re-erection of many of the stones and the present day appearance of the Henge.

Conclusion -

The proposed development is not in accordance with either local plan policies or the AMP 2005 and I therefore recommend refusing planning permission.

It fails to recognise fully the World Heritage Site and the strong recommendations of HH3 in its Design and Access Statement. It presents itself as a solution to a dilapidated commercial site when it is, in fact, simply a different type of unacceptable intrusion to the setting of the Henge and the WHS landscape. This development, if allowed, would result in an unacceptable harm to the WHS that offered no room for mitigation.

In line with recommendations in the Management Plan and policy TR8 of the Local Plan, I would suggest that if any development were allowed on the site, it should be only the re-use of the existing building to provide hostel accommodation or other low key services contributing to the enjoyment or understanding of the site.

Comments on amended plans –

The changes are minor design and materials alterations which do not mitigate the serious impacts outlined in my original comments. The proposal remains an unacceptable intrusion on the setting of the Henge within a World Heritage Site.

The Local Plan states clearly at paragraph 6.16 that 'the protection of the World Heritage Site should take precedence over all other demands for development and the use of the land in the inscribed area'. It follows, therefore, that this planning application should be refused.

NR6 states clearly that development will be restricted to locations within the Limits of Development; this application lies outside this area in the countryside. The development would benefit neither the rural economy nor the social well-being of the community to any measurable extent. The plan contains no provision for affordable housing and there is no longer any school in Avebury that needs to raise its intake of

children to remain open. Furthermore, the additional houses in Avebury will increase the need to travel and thereby compromise sustainable development.

In addition, the proposal fails to meet the requirements laid out in PD1 under B2 due to its scale and height which is not at all compatible with its position in a WHS on the approach to one of its major monuments, the Avebury Stone Circle. The barn-like development in particular is of such a scale that it will detract from the setting imposing a tall, mass across the field of vision of visitors approaching the banks of the Henge. It is crucial that the impact of the approach to the monument is maintained.

PD1 B7 clearly states that any proposal must take into account its relation to historic features, while B3 requires consideration of the relationship to landscape context. The elevation and angle of the barn building in particular is opposed to the character of a landscape internationally important for its clearly visible, outstanding monuments. The current proposals would detract markedly from the Henge's setting. The current simulations do not accurately portray the impact of the developments significant scale and height having been done from a bird's eye perspective. They also fail to set the development in context i.e. within close range of the banks of the Henge.

Although the removal of the garage forecourt may take away what is perceived as an eyesore locally, the seriousness of the very wide departure from local plan policy cannot be justified. It far outweighs any benefit to be gained from removal of the cars. I have mentioned in my previous comments the range of other policy the proposal does not comply with, most notably HH3; the requirement to avoid harm to the World Heritage Site. As the World Heritage Site officer I must strongly recommend that the long-term protection of the internationally recognised significance of the site is not compromised.

English Heritage: Do not wish to comment in detail, but offer the following general observations.

The application site is situated within the Avebury WHS and relatively near to Avebury Henge, a scheduled monument and a key part of the WHS.

It is noted that the proposal has a greater height and mass compared with the existing garage. We note however that the application does consider the WHS and archaeological remains. However, we still consider that a sensitive re-use of the existing building, which is sited much further back from the road and is less intrusive, would be preferable.

International Council on Monuments & Sites UK: ICOMOS-UK is recognised by government as having special status with regard to World Heritage Site. Its parent body, ICOMOS, is official advisor to UNESCO on cultural World Heritage Sites, as set out in the World Heritage Convention.

The UK has an obligation, under the terms of the World Heritage Convention 1972, to protect the Avebury part of the Stonehenge and Avebury and Associated Sites World Heritage site. This does not exist as a planning entity, rather its boundaries reflects a collection of designations such as scheduled monuments, listed buildings, and conservation areas as well as parts that do not have discrete protection. Its overall protection delivered through agreed policies in local plans and in accordance with the agreed Management Plan for the site.

As has been set out clearly in the response to the application from the World Heritage Site Officer, this application is not in line with local planning policies. English Heritage has stated in their letter that this application must be determined in accordance with local and national policy guidance.

ICOMOS-UK strongly supports these views.

If this application is approved against the policies of the local plans, then the overall protection of the World Heritage Site is put at risk as these policies can no longer be relied upon to deliver the necessary protection as set out in the approved Management Plan for the site.

ICOMOS-UK appreciates that the existing garage may be considered an eye-sore and that development may be perceived by some to deliver 'benefits' in tidying up the site. However, it is in ICOMOS-UK's view not acceptable to approve proposals that are against local policies on the grounds that they deliver benefits when the disbenefits they deliver are identified as being adverse impact on the values of the World Heritage Site.

Protection of World Heritage Sites means a commitment to sustaining the values for which the site was inscribed in the long term: these may be compromised for short-term gains or expediency. There seem to us to be other ways to tidy up this site than approving a development that is out of line with policies to protect the World Heritage Site and which could through setting a precedent undermine future protection through planning policies.

Environment Agency: no objection subject to conditions and informatives relating to contamination and pollution control.

Natural England: no objection.

Thames Water Utilities Ltd: no objection.

Wiltshire Fire and Rescue Service: recommends informatives.

Wiltshire Archaeological and Natural History Society: Objection, for archaeological and conservation reasons.

The proposed development lies close to the Avebury Henge; it is visible from it and whatever is built here will affect its wider setting. Five new houses built in close proximity and forward of the established building line would look out of character here and adversely affect the setting of the Henge and the village, contrary to Local Plan Policy HH3 and Structure Plan Policies HE1 and HE5 - all of which relate to the WHS as a whole; and Local Plan Policy HH1 and Structure Plan Policy HE2 which here apply in relation to the setting of the Henge. If the present tree screen were to go at some future date, the new build would also be conspicuous in longer views from the Henge towards Windmill Hill.

Inadequate details of the archaeology on the site or of any mitigation measures proposed to deal with it are supplied with the application. Since this is part of a WHS designated for its archaeological importance, the production of such information would appear to be appropriate at this consultative stage. [*This information has been provided subsequent to this comment*].

Insofar as the conservation of the setting of the WHS and the village are concerned, these matters are also covered by policies mentioned above. The relevant Local Plan policies are referred to in the Avebury WHS Management Plan, paras 6.1.8 and 6.1.9, with particular emphasis on Policy HH3.

The Management Plan (6.1.10) also points to Local Plan Policy HC23 in relation to housing in Avebury - a policy which specifically argues against housing development, as this proposal, which would be outside the defined Limits of Development of the village. The Management Plan therefore endorses the specific and agreed planning policy for the WHS in respect of conservation and new housing, and its Objectives A, B, H and L are particularly relevant.

Management Plan Strategy H.1-3 (pp 121-22) is also particularly relevant here, with the specific mention of the need to 'remove the visual intrusion at the northern entrance to the Henge associated with Bonds Garage'. The removal of one visual intrusion ought not result in the introduction of another.

The garage forecourt is unsightly and its removal would be welcomed. Bareilly House, however, is of some historic interest in the history of Avebury, having been built at the instigation of Alexander Keiller in an idiosyncratic style by a local businessman who was himself of some importance in the history of the village (see Marjories Rawlins, *Butcher, Baker, Saddlemaker: Village Life in Avebury from 1920 to 1974* (1999, pp43-48, including illustration)). The house is at the rear of the site and, if it were appropriately restored, would become an interesting historic feature of the village and at the same time open up attractive views of the henge on the village approach. This would be very much in the spirit of Article 5 of the World Heritage Convention, which requires the rehabilitation of WHSites by States Party, in addition to their preservation, conservation and presentation. Indeed, the house is of sufficient importance, in our view, to warrant Listing for what must be a rare example of Art Deco in a rural and, in this case, very special location.

It must be hoped that the Council will refuse this application as being a departure from the Local, Structure and Management Plans in a number of respects. We would suggest that Bareilly House should be retained and restored - possibly for some purpose related to tourism. Indeed, the acknowledged need for a hostel or inexpensive bed and breakfast establishment might be successfully met in such a way. We realise that this option would not be a welcome prospect for a potential developer but, if permission were refused, then re-development of Bareilly House would become a more realistic prospect.

Should planning permission be granted for five houses at Bonds Garage, then a precedent would be established. With access available to adjoining land already being used for dwellings close by, there would be no reason to assume that proposals for housing development here - or indeed elsewhere - in the countryside at Avebury would not be forthcoming at some future date.

In our view, however, the first consideration ought to be the planning policies that apply, and the need to protect the setting of the henge and the World Heritage Site. Indeed, this is an overriding aim of the Local Plan, in para 6.16 of which it is stated that "the Council considers that the protection of the World Heritage Site should take precedence over all other demands for development and the use of land in the inscribed area".

REPRESENTATIONS

Three objections have been received from CPRE, The Avebury Society and The National Trust summarised as follows:

- * Site lies in countryside outside the defined limits of development of Avebury. Proposal conflicts with policies for housing in the countryside which are very restrictive, and Management Plan. The Plan-led DC system should be the starting point - do not agree that an exception to policy should be made;
- * Although site may be deemed brown field, preference must be to retain it in employment use essential to the countryside, ideally retaining the existing dwelling. Although demolition of the existing buildings on the site may be deemed an improvement to the setting of the henge/WHS/AONB, the erection of five houses in their place is not;
- * The proposal appears to make no provisions for affordable housing;
- * Site lies within the WHS, and the proposal would obscure views of the henge where they are presently not obscured. The proposal would present a prominent and discordant concentration of new housing at the entrance to Avebury where approaches are presently characteristically very open and rural in character. Proposal is, therefore, contrary to Policies HH3 and HH4 of the Local Plan;
- * Protection of the WHS should take precedence over all other demands for development, including local desire to improve the appearance of Bonds Garage and provide new more affordable housing;
- * Poor design and layout - too close to Swindon Road in particular;
- * Bonds Garage is itself an important part of Avebury's history;
- * The belt of trees partly between the site and the Henge cannot be relied on to provide a screen as they are in different ownership and may be removed or die-back.

Three letters of support have been received from third parties summarised as follows:

- * Existing garage is an eyesore, and its removal would greatly improve the appearance of the area;
- * The design of the new development is excellent and will enhance the appearance of the site and wider area.

A petition in support of the application has been signed by 31 residents at Rawlins Mobile Home Park.

POLICY CONSIDERATIONS

Kennet Local Plan policies PD1, HC23, HC26, HC28, HC32, HC35, NR6, NR7, HH1, HH3 and ED13 are relevant.

Central Government planning policy set out in PPS1, PPS7 and PPG16 is relevant.

The Avebury World Heritage Site Management Plan is an important material consideration.

OFFICER'S APPRAISAL

The main issues in this case are, firstly, the principle of residential development on the site, and then, if this is accepted, the impact of the specific proposal on the World Heritage Site, Avebury Henge in particular, the AONB, archaeology, the requirement for affordable housing, highway safety, and potential contamination.

The principle of residential development

The application site lies in the countryside and is not within the limits of development of any of the villages set out in the Local Plan. Policy HC23 (which allows re-development of existing buildings within the limits of development of Avebury), therefore, does not apply. Instead, Policy HC26 is relevant, and this resists new residential development outside of the villages and in the countryside unless, in particular, to provide accommodation for the essential needs of agriculture or forestry. In this case the proposed new housing does not fulfill any of the exceptions set out in policy HC26 and so, on face value, the proposal conflicts as a matter of principle with the development plan.

Under the terms of the Town and Country Planning Acts the local planning authority is required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. It is seldom that material considerations would outweigh the policies of the plan, although in this case there are a number of such considerations which need to be taken into account.

The first material consideration is the history of the site. The site is occupied by a vacant garage, petrol filling station and associated residential accommodation. It is understood that the site was developed outside of the village by Alexander Kieller at the time he was transposing properties from inside the henge. By today's standards it is, in this countryside location, a use that would not get planning permission. The site functioned as a village garage for many years, but has been vacant (with the exception of occasional unauthorised uses, such as the car sales illustrated in the photos above) for at least four years. In the recent past the site has been marketed on-and-off as a garage but with no buyer coming forward. It is now questionable whether or not the garage could continue to function as a viable business. Even if it was, it is doubtful whether an active repair garage, with cars on the forecourt, would be ideally compatible with the proximity of the site to the monument. Whilst redevelopment of the site for an alternative guest house/bed and breakfast has been mooted by opponents of the current scheme, no-one has come forward with a viable plan to implement such a use. The site is effectively a brownfield site.

Linked to the first material consideration is the second, which is the declining condition and general appearance of the site. Because of the likely non-viability of the business and the resulting long period it has been left vacant or subject to inappropriate unauthorised uses, the site is in poor and declining condition. This is never a sufficient argument on its own to merit planning permission, as it would simply be an incentive to other owners to leave sites to become derelict. Furthermore, the Council has taken action to stop unauthorised uses and secure the improvement of the appearance of the site since the garage effectively ceased operations. However, even if kept clean and tidy, a vacant garage, forecourt and petrol station canopy is not an attractive site as the last building before the Henge is reached.

The third material consideration is the site's sensitive location being prominently positioned within the World Heritage Site and adjacent to the henge. The overriding WHS policy set out in both the development plan and Management Plan is to conserve and enhance the WHS. However, due to its situation and the recent decline in condition, it is considered that the site now makes very little, or no, positive contribution to the designation.

Taking into account all of these material considerations it is considered that a sound argument can be made to allow redevelopment of this particular brownfield site for alternative purposes, contrary to the policies of the development plan. Such an

argument is based on the fact that the existing garage use of the site is now unlikely to achieve viability and even if it was, either a more active garage use, or a vacant use, would do little to conserve or enhance the appearance or setting of the WHS. No alternative commercial use has been advocated as a viable alternative and in these circumstances, residential use is considered to be the most appropriate alternative, having regard to the fact that there are established houses and mobile homes to the immediate side and rear of the site, and further farmsteads and house 'clusters' to the north. A sensitive and well-designed residential scheme would, it is considered, 'fit' with the historic pattern of residential development in this part of Swindon Road, and potentially conserve the WHS and the setting of the henge. For these reasons it is considered that residential re-development of the site is, as a matter of principle, acceptable in this instance as an exception to the normal policy presumption against such development.

Whether or not the specific detailed proposal the subject of this application achieves the aim of conserving the World Heritage Site will be considered below.

Impact on World Heritage Site and Henge

Policy HH3 of the Local Plan resists development which would harm the historic landscape, archaeological features or visual setting of the World Heritage Site. The explanatory notes with the policy further state that the protection of the WHS will take precedence over all other demands for development and the use of land in the inscribed area.

PPG15 provides further advice stating that policies should reflect the fact that WHS's have been designated for their outstanding universal value, and that great weight should be placed on the need to protect them for the benefit of future generations as well as our own. The PPG further states that development proposals affecting the WHS may be compatible with this objective, but should be carefully scrutinised for their likely effect on the site or its setting in the longer term.

In this case it has already been established that redevelopment as a matter of principle is an appropriate way forward for this particular site. This is because the existing garage use no longer assists in conserving the World Heritage Site. In contrast, a sensitive proposal for the re-development of the site does have the potential to conserve or enhance the designation and be compatible with its objectives, in accordance with PPG15.

The specific proposal is for five houses in two blocks with a separate garage building to the rear. This scale of development is considered appropriate having regard to the size of the site and its rural context, and it fits in with the established pattern of development described previously. In the context of the WHS as a whole (and the setting of the henge in particular) such 'clusters' of houses and farmsteads are not alien or uncharacteristic.

The spread of the proposed buildings across the site is more extensive than the existing garage buildings which, by their nature (and with the exception of the forecourt canopy), are set back behind the petrol forecourt. Notwithstanding this, the building line of the buildings does not come any further forward than the two established houses immediately to the north side of the site (West View Cottage and Melbourne Villa) and so remains in-keeping. The forecourt which covers the whole frontage is proposed to be removed in any event.

Concern has been expressed by some parties that the new buildings would block views to and from the henge. In terms of views to the henge, these primarily benefit

motorists travelling south along the Swindon Road, (there is limited scope for pedestrians in this area due to the lack of footways). The southerly view is presently restricted by the existing buildings and clutter on the application site, and a bank of trees immediately to the north of the henge. It is not considered that the proposal would significantly change this situation and it would only be a very limited view of the Henge that would be lost (see photograph 1 above). Regarding views from the henge, these are again largely screened by the trees. Any limited winter-time, filtered views of the site would be of buildings at a distance (150 metres +), and this is not considered to be significantly different to the view currently presented by the garage, other houses and the mobile home park. Overall it is not considered that views in either direction would be greatly affected by the proposal, and certainly not enough to warrant an objection to the development for this reason. With regard to long-distance views from Windmill Hill, it is considered that any impact would be marginal, as the cottages would simply replace the existing built-form of the garage when seen from a distance.

The design of the proposed houses is in the form of a traditional farmstead. Three of the houses read as 'labourer's cottages' whilst the remaining two read as a timber 'barn'. Although this approach is described by the Conservation Officer as being pastiche, it does fit in with the historic pattern of development in this part of Swindon Road where there are historic cottages and farms. A modern or suburban solution would, it is considered, be less appropriate. Planning conditions can be imposed to ensure appropriate materials are used in the development. This is in accordance with Policy PD1.

Overall, it is considered that the application proposes an acceptable solution to a 'problem' site within the World Heritage Site which, by reason of the high quality design, would both conserve and enhance the designation, and safeguard the immediate setting of the henge. The fact that the development would be visible does not mean it is unacceptable. It is a well thought out proposal, which would contribute positively to the character and appearance of the area.

Area of Outstanding Natural Beauty

Policy NR7 of the Local Plan seeks to protect and enhance the character and quality of the environment by resisting development which would have an adverse effect on the landscape. PPS7 recognises that the conservation of the natural beauty of the landscape in the AONB should be given great weight in planning policies and development control.

The site is prominently located in the AONB, being visible from both local and distant viewpoints. However, for the reasons set out in the previous paragraphs, it is not considered that the proposed development would detract from these views having regard to its traditional and inoffensive design and the relative impact of the existing buildings on the site. As a consequence of the development it is considered that enhancement to the AONB will result, in accordance with the policies.

Planning conditions can be imposed to cover detailed landscaping issues raised by the Landscape and Countryside Officer.

Archaeology

Policy HH1 states that planning permission will not be granted for development which would have an adverse impact on archaeological deposits or remains. Site investigations have now been carried out to the satisfaction of the County Council Archaeologist, and as a consequence she recommends a condition requiring on-going monitoring as development progresses.

Affordable Housing

Policy HC28 of the Local Plan states that the local planning authority will actively pursue its target for affordable homes by seeking an appropriate element of affordable housing on development sites, including any housing site in the rural areas. In rural areas Policy HC32 advises that the expected affordable housing provision will be 50%. In this case it follows that the policy expectation is for two of the five proposed houses to be affordable units, and that these should be for rent to satisfy the definition of affordability in Avebury.

Exceptionally the local planning authority can reduce its expectations if extraordinary circumstances deem this appropriate. Such circumstances would include, for example, if the applicant can demonstrate extraordinary costs associated with the development of the site which make it unprofitable if the Council's affordable housing policies were to be rigidly applied.

The applicant in this case is claiming that there are extraordinary costs associated with this proposal stemming primarily from the requirement for him to remove contamination from the site (resulting from its historic use as a garage). To support his claim the applicant has supplied (as exempt information) an invoice for the de-contamination works and spreadsheets setting out the costs and eventual profit margins. These documents have been independently examined by a surveyor acting for the Council who has confirmed them to be an accurate representation of the costs.

As a consequence of the costs the applicant is proposing to make an off-site financial contribution to the local planning authority to be used for the provision of affordable housing elsewhere. The figure offered is £80,000, which would enable the applicant to continue to achieve a reasonable profit from the development.

In view of the demonstrated (and confirmed) extraordinary costs in this case it is recommended that the policy is relaxed and the off-site contribution accepted. The result will be five private houses on the site and a sum of money in the 'bank' to be used towards affordable housing provision elsewhere in the area. This would not set a precedent for similar contributions being made elsewhere as the recommendation is made purely on the basis of the exceptional circumstances that have been demonstrated in this case.

Other Matters

The issue of contamination was raised in the above paragraphs. Initial desktop studies have revealed that contamination exists, and consequently the Environment Agency and Environmental Health Officer recommend planning conditions to cover this.

Regarding highway safety, County Highways raise no objection subject to conditions.

Regarding protected wildlife species, surveys submitted with the application revealed no bats in the existing buildings and, as such, Natural England raises no objection.

Regarding play space, the proposal falls below the threshold for such provision (the net increase being just four units), and so there are no requirements in this regard.

Conclusion

The application proposes a sensitive re-development of this difficult site in a manner which, it is considered, would not detract from the World Heritage Site, the

countryside or the Area of Outstanding Natural Beauty. Although conflicting with policy, there are significant material considerations in this case which outweigh the usual presumption against such development. Although alternative uses are suggested by some consultees (such as, use as a hostel), these are considered to be unrealistic (generating no enquiries or applications since 2004 when the first residential application was lodged), and consequently this proposal for five residential units is considered to offer the best solution for the future of the site and the general enhancement of the wider area. For these reasons the application is recommended for approval.

RECOMMENDATION

That, subject to the applicant entering into a Section 106 agreement requiring the payment of £80,000 towards off-site affordable housing provision, approve, subject to the following conditions -

1 - The development hereby permitted shall be begun before the expiration of three years of the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - No development shall take place until details of the materials to be used for the external walls and roofs (including samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON:

To secure harmonious architectural treatment.

3 - No development shall take place until there has been submitted to and approved by in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include species, sizes at planting, densities, location and numbers.

REASON:

To ensure a satisfactory landscaped setting for the development.

4 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development whichever is the sooner; 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.

5 - Before development commences on site, architectural details of window sections, eaves, verges and barge boards shall be submitted to and approved in writing by the local planning authority. The details shall specify that all of the windows, eaves, verges and barge boards shall be of timber construction. The development shall be carried out and maintained in accordance with the approved details.

REASON:

To ensure a satisfactory appearance having regard to the site's position within the World Heritage Site.

6 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the building(s) hereby approved shall be erected.

REASON:

To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity of the area.

7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any other Order revoking and re-enacting or amending that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts on to any road, including the access road to the mobile home park.

REASON:

In the interests of visual amenity.

8 - No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON:

To safeguard the site of archaeological interest.

9 - Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the local planning authority -

(i) A desk study identifying:

- * all previous uses;
- * potential contaminants associated with those uses;
- * a conceptual model of the site indicating sources, pathways and receptors;
- * potentially unacceptable risks arising from contamination at the site.

(ii) 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.

(iii) 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.

(iv) 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.

Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

To protect the groundwater quality in the area.

10 - If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON:

To protect the groundwater quality in the area.

11 - Plans of the means of the disposal of surface water from roads, paved areas and roofs, shall be submitted to and approved by the local planning authority before work commences on site. Development shall take place in accordance with the approved details.

REASON:

To ensure satisfactory surface water drainage

12 - No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details.

REASON:

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

13 - Before any part of the development hereby permitted is first occupied the access, turning area and parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes.

REASON:

In the interests of highway safety.

14 - The sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved and within one month of the occupation of the development, all existing accesses, both pedestrian and vehicular shall be permanently stopped up and abandoned in accordance with details to be submitted to and approved by the local planning authority.

REASON: In the interests of highway safety.

15 - Before the development hereby permitted is brought into use the highway visibility areas shall be cleared and kept free of all obstructions to sight above 0.9m above the adjoining carriageway from a point of 2.4m from the edge of the carriageway measured along the centre line of the access, to the points at which the site boundaries meet the carriageway.

REASON:

In the interests of highway safety.

16 - Prior to commencement of the development hereby approved details of the final surfacing material for the access road and parking court shall be submitted to the local planning authority for approval in writing. This shall comprise a well-bound, consolidated material (not stone or loose gravel). The final surface shall be applied in accordance with the approved details prior to occupation of any of the dwellings, or within a timeframe to be first agreed in writing with the local planning authority.

REASON:

In the interests of highway safety and amenity.

17 - Prior to commencement of the development hereby approved full details of the footpath (including method of construction) to be provided along the frontage of the site with the A361 shall be submitted to the local planning authority for approval in writing. The details shall specify that the footpath will be 2m in width. The details shall also specify the repositioning of existing pole stays on the line of the footpath as necessary. The footpath shall be provided in accordance with the approved details prior to the occupation of any of the dwellings, or in accordance with a timeframe to be first agreed in writing with the local planning authority.

REASON:

In the interests of highway safety and amenity.

18 - INFORMATIVE TO APPLICANT

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

19 - INFORMATIVE TO APPLICANT:

The Council is required to give a summary of the reasons for this decision and a summary of the development plan policies and proposals relevant to the decision. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, HC26, HC28, HC32, ED13, AT9, NR6, NR7, HH1 & HH3, ED13 and Central Government policy set out in PPG's/PPS's.

