

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	01.08.2012		
<b>Application Number</b>	W/11/03178/FUL		
<b>Site Address</b>	Land Rear Of 69 Woolley Street Bradford On Avon Wiltshire		
<b>Proposal</b>	Demolition of Hill Leigh and erection of 7 no. three bedroom dwellings and associated works		
<b>Applicant</b>	Beswick Homes Ltd		
<b>Town/Parish Council</b>	Bradford On Avon		
<b>Electoral Division</b>	Bradford On Avon North	<b>Unitary Member:</b>	Rosemary Brown
<b>Grid Ref</b>	383304 161332		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

Design - bulk, height, general appearance

Environmental/highway impacts

The proposal by reason of its design, density and layout would neither preserve nor enhance the character or appearance of the conservation area.

The development would disrupt the character of Coronation Avenue and the surrounding area contrary to policies H1, H24, C17 and C18 of the District Plan.

By reason of its restricted access and lack of visibility onto Coronation Avenue, together with poor visibility at the intersection of the new access with the existing footpath, would be prejudicial to highway safety and be contrary to H1 of the District Plan.

### 1. Purpose of Report

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

Neighbourhood Responses

35 letters of objection received.

Parish/Town Council Response

Objects for the reasons given within section 7.

### 2. Report Summary

The main issues to consider are:

Principle of Development

Does the scheme preserve or enhance the character of the Conservation Area?

Does the proposal detrimentally affect road safety interests?

Does the proposal detrimentally affect protected trees?

Does the proposal detrimentally affect protected species or their habitats?  
Does the proposal detrimentally affect neighbouring amenities and privacy?  
Legal Agreement / Developer Contributions / Legal Ties

### **3. Site Description**

The application site lies within the Town Policy Limits of Bradford on Avon. The private orchard which forms part of site is located within the Woolley Street Conservation Area, with its boundary coinciding with the southwest and northwest boundaries of the site. The Hill Leigh residential property, which is identified for demolition, is located outside the Conservation Area.

The surrounding area is characterised by clearly identifiable residential urban forms and layout comprising locally distinctive stone built terraced houses and detached houses of complementary, but of less homogenous form and period design.

The site is an irregular shape and forms two distinct parts. The applicant has identified the roughly rectangular shaped orchard located behind No. 69 Woolley Street as well as the detached two-storey residential property known as Hill Leigh, located on the eastern side of Coronation Avenue, as forming the extent of the application site. In total, the site measures about 0.34 hectares.

A footpath separates residential properties and gardens located along Coronation Avenue and the privately owned orchard. According to title deeds (Title No. WT236053), the footpath is within the ownership and control of the applicant and it has been confirmed that it is not a designated public right of way. It is not however disputed that this footpath is used as a means of accessing the allotment gardens and play park located to the northwest of the application site. Residential gardens associated to properties along Coronation Avenue and Woolley Street surround the site in a northern, eastern and southern direction.

The trees along the northwest and northeast site boundary are covered by a Tree Preservation Order. Within the orchard itself, there are several well established fruit trees in close proximity to each other. For the record, it should be noted that the well established fruit trees within the orchard were specifically omitted from a TPO which was confirmed by the former West Wiltshire Planning Committee in August 2005. This continues to be the case. In addition to the well established 4 apple trees, there are 2 smaller apple trees, 2 cherry and 2 pear trees, 6 plum trees as well as a hazel and birch found on site.

### **4. Relevant Planning History**

05/01304/FUL Demolition of Hill Leigh and erection of 14 no. 3 bed dwellings and associated parking - Refused 05.12.2005

06/02441/FUL Demolition of Hill Leigh and erection of 9 no. 2, 3 and 4 bed dwellings and associated parking - Refused 15.02.2007

08/02912/FUL Demolition of Hill Leigh and erection of 8 no. 2, 3 and 4 bed dwellings and associated parking - Refused at Planning Committee on 30.01.2009 for the following reasons:

1. The proposal by reason of its overall design, density and layout would neither preserve nor enhance the character or appearance of the conservation area contrary to Policies C17 & C18 of the West Wiltshire District Plan - 1st Alteration 2004, and would, furthermore, disrupt the character of Coronation Avenue and the surrounding area contrary to Policies H1 and H24 of the West Wiltshire District Plan - 1st Alteration 2004.

2. The proposal by reason of the restricted access and lack of visibility onto Coronation Avenue, together with the poor visibility at the intersection of the new access with the existing public footpath, would be prejudicial to highway safety and result in conflict between vehicular traffic entering the site and pedestrians using the public footpath contrary to Policy H1 of the West Wiltshire District Plan - 1st Alteration 2004.

09/03523/FUL - Erection of 5 no. 2 bed terraced and semi-detached cottages and associated works - Withdrawn 04.01.2010.

W/10/00259/FUL - Demolition of Hilleigh and erection of eight 2 bedroom dwellings and associated parking - Refused under delegated powers on 24.01.2010 for the following reasons:

1 The development would detrimentally affect a traditional orchard and result in the loss of BAP (Biodiversity Action Plan) Habitat. The applicant has failed to fully demonstrate the ecological impacts of the development. The applicant has failed to submit any detailed surveys of invertebrates and lower plants for the site. Without this information, the full biodiversity value of the site is unclear which is contrary to Government Guidance contained within PPS9 and to adopted West Wiltshire District Plan - 1st Alteration Policies H1 and C6 as well as conflicting with section 12 of adopted Supplementary planning Document (SPD) "Residential Design Guide". The Council is also unable to fully assess whether the mitigation proposals would adequately compensate for impacts to the BAP habitat in terms of habitat area, number of trees, diversity of tree ages, range of tree species and varieties and whether the site can be managed to achieve no net loss of biodiversity in the short term and net gain in the long term. The lack of a robust ecological assessment prevents the Council being able to make a full and proper determination in terms of protecting and conserving BAP Habitat.

2 Inadequate and inappropriate information has been submitted in terms of landscaping the site. The applicant has failed to submit a robust achievable landscape scheme and has not fully demonstrated how the remaining communal / public open space would be managed and maintained contrary to Government Guidance contained within PPS5 Policies HE7.4-7.5 and PPS9 and to adopted West Wiltshire District Plan - 1st Alteration Policies H1, C31a and C32. The landscaping inadequacies also run contrary to paragraphs 3.7 and 3.8 of the adopted Council Supplementary Planning document (SPD) "Residential Design Guide".

3 The proposed development by virtue of the inadequate landscape scheme would not sustain or enhance the significance of the recognised heritage asset. Without a satisfactory landscaping scheme, the proposal would not make a positive contribution to the character and local distinctiveness of the protected historic environment. The proposals run contrary to Government Guidance contained within PPS5 policies HE7.4 and HE7.5 as well as to adopted Wiltshire and Swindown Structure Plan Policy HE7 and to West Wiltshire District Plan Policies C18 and C31a.

4 The proposed ground floor window shown on the eastern gable elevation of the residential unit on plot 5 (drawing no's CA/P/005 and CA/P/006) would likely cause nuisance to the occupiers of neighbouring properties, specifically to No. 69 Woolley Street through the invasion of privacy and loss of amenity, which runs contrary to adopted West Wiltshire District Plan Policies H1 and C38.

## **5. Proposal**

Under this application, the applicant seeks to obtain full planning permission to erect 7 no. 3-bed dwellings following the demolition of the two storey detached property known as Hill Leigh and provide associated on-site parking provision. This protracted application has been the subject of lengthy and detailed discussion and negotiations with the Council's Conservation Officer, the Highway Authority, the Principal Ecologist and the Council's Arboriculturalist. It has also been the subject of significant local objection (which is covered later in this report).

The 7 proposed houses would be constructed into two semi-detached blocks and one terrace comprising three residential units. The proposed houses on plots 1-4 would be set back between 36 - 42 metres from the public highway and about 6 - 9 metres back from the existing footpath. Four of the houses would be positioned behind and aligned broadly parallel with the existing Coronation Avenue properties. In terms of separation, the proposed houses on plots 1- 4 would be set back between 19 - 29 metres from the Coronation Avenue dwellings. The remaining 3 houses (plots 5 - 7) would be set at right angles to plots 1 - 4 in a linear built form and would be positioned in excess of 26 metres behind the footpath and about 30 - 42 metres from the Woolley Street dwellings.

Attached to the north west gable of unit 3, the applicant proposes to erect a car port structure to accommodate 4 vehicles with 4 additional car parking spaces provided in front of the building. In total, each dwelling would have 2 dedicated on-site parking spaces. Two visitor spaces will also be provided.

The proposed houses would be constructed from ashlar stone blocks with an ashlar string course for the walls, timber painted sash and casement windows with natural stone surrounds, timber doors with natural plain clay tiles for the roofs with red brick chimneys.

Each residential plot would have its own dedicated cycle and bin storage facilities.

Access to the site would be achieved following the demolition of Hill Leigh. As stated above, this property is not within the Conservation Area and therefore does not require Conservation Area Consent for its demolition. Private on-site parking spaces would be surfaced in contrasting block paviors. Within the retained orchard open space, new footpaths would be constructed of rolled hoggin, with pegged timber edgings. In addition to the proposed reinstatement and repair to existing dilapidated drystone walling, the applicant proposes to plant native hedgerows and erect new stone wall boundaries. The frontages of the proposed residential units facing the orchard would have a mixture of traditional vertical bar railings and low timber knee high rails.

In recognising the need to retain the traditional orchard, the proposed dwellings have been sited and arranged in a manner to preserve the orchard with the houses overlooking the communal green open space, which itself would become much more of a public entity (following the demolition of Hill Leigh and the removal of the hedgerow located along the footpath). No tree transplanting is proposed or deemed necessary.

A detailed Landscape Management Plan, Nature Conservation Management Plan, Landscaping scheme and Arboricultural Report and Method Statement have all been submitted and it is proposed that their implementation will provide for the long term continuity and nature conservation of the area. The long term maintenance of the clearly annotated communal orchard area (and its nature conservation and landscape management) shall fall within the legal remit of a private management company. A draft management company document with model articles and draft title transfer has been submitted to the Council.

In addition to the abovementioned supporting documents, a Design and Access Statement, an extended phase 1 habitat survey and ecological impact assessment, bat surveys, an HIS assessment and reptile survey have been submitted. The applicant also commissioned an Orchard Assessment (which was completed in liaison with the Orchard Society) and assessed the "orchard according to the criteria listed on the Wiltshire Traditional Orchards Project survey forms".

## **6. Planning Policy**

Wiltshire & Swindown Structure Plan -

HE7 Conservation Areas; DP1 Priorities for Sustainable Development; DP3 Development Strategy; DP7 Housing Development at Towns and Main Settlements; DP9 Development of Previously Developed Land

West Wiltshire District Plan - 1st Alteration 2004 -

C6 Areas of High Ecological Value; C6a - Landscape Features; C17 Conservation Areas; C18 New Development in Conservation Areas; C31a Design; C32 Landscaping; C35 Light Pollution; C38 Nuisance; C40 - Tree Planting; H1 Further Development Within Towns; H24 New Housing Design; T10 Car Parking; U1a Foul Water Disposal; U2 Surface Water Disposal

West Wiltshire Leisure & Recreation Development Plan Document (adopted January 2009) - Policies LP4, GM2 and GM3

Supplementary Planning Guidance -

Bradford on Avon Conservation Area Character Assessment (adopted March 2008)

Residential Design Guide (adopted November 2005)

Design Principles (adopted July 2004)

Government Guidance -

The National Planning Policy Framework (NPPF)

Emerging Wiltshire Core Strategy - Strategic Objectives:

Objective 1 - delivering a thriving economy

Objective 2 - addressing climate change

Objective 3 - providing everyone with access to a decent, affordable home

Objective 4 - helping to build resilient communities

Objective 5 - protecting and enhancing the natural, historic and built environment

Objective 6 - ensuring that adequate infrastructure is in place to support our communities

Core Policy 1 - Settlement Strategy; Core Policy 2 - Delivery Strategy; Core Policy 7 - Spatial Strategy: Bradford on Avon Community Area; Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 52 - Green Infrastructure; Core Policy 57 - Ensuring High Quality Design and Place Shaping; Core Policy 58 - Ensuring the Conservation of the Historic Environment; Core Policy 61 - Transport and Development

Other Considerations -

ODPM Circular 06/2005, Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010

Wiltshire Biodiversity Action Plan (BAP) 2008

The Plan for Woolley 2026 Neighbourhood Plan - (not adopted by the Council, but is endorsed by the Town Council)

## 7. Consultations

Town/ Parish Council - Recommends refusal and that Members of the Planning Committee visit the site prior to the application being discussed.

1. There is a long history to this scheme with a number of applications having been refused.

The key issues remain:

Does the new scheme provide an acceptable standard of design and amenity?

Can access be provided to acceptable physical and visual standards?

Does the scheme maintain the open character of the site?

Is there adequate long term protection for existing trees?

Not all of the open sites within the built-up area of the town are capable of accepting new development without compromising standards and policy and it must be questionable whether a residential development can be accommodated here without an unacceptably negative effect on the locality. It is for the applicants to demonstrate that this scheme will preserve or enhance the character of the Conservation Area and avoid adversely affecting the neighbourhood and this has not been achieved.

In detail the following aspects of the scheme remain unresolved or are unsatisfactory:

layout - new dwellings are crammed into a corner of the site (in an effort to protect trees)

design - an attempt at vernacular style but overall the design is mediocre. Window proportions are poor and uncoordinated, materials ill-defined and questionable (barge boards are especially intrusive)

parking - inadequate provision with cars visually dominating the layout

access - substandard with adverse effect on neighbouring properties and especially the amenity of the dwellings on either side of the new access.

The effect of the proposed access on Coronation Avenue (notwithstanding the stated acceptance by the Highway Authority)

Recommendation: Refuse - The scheme does not comply with Policy H1 and in particular sections A, B, D, E and F. In addition the scheme fails to conserve the character of the Conservation Area and is therefore contrary to Policy C18.

Highways - No objections, subject to conditions. The layout shown on plan drawing CA/P/003 is acceptable. Whilst the objections raised by local residents are duly noted, the principle of an access

to serve a residential development in this location is acceptable. A speed survey was carried out and the required sight lines were established as a result of the survey. The proposal meets the requirements as set out in Manual for Streets for a residential development of this nature. The turning head and parking arrangement are also acceptable.

Council's Conservation Officer - No conservation or heritage based objections are raised.

The majority of the existing site is a private open space on the edge, but within, the Conservation Area. The site itself is not readily visible from public view points. The houses of Coronation Avenue block views from the south and west; the buildings of Woolley Street block views from the east; and the views from the public footpath 70 - 90 metres away to the north, are blocked by the belt of protected trees and buildings on Woolley Street. The alleyway running along the south boundary of the orchard is a private access only.

The site forms part of the heritage asset of the Bradford on Avon Conservation Area; and, the NPPF requires local planning authorities "to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal".

This orchard site is identified in the Bradford on Avon Conservation Area Character Assessment as a 'significant private enclosed space'. However, its importance in the public realm and street scene is minimal. As described above, the site cannot be readily viewed from public view points. Consequently, its significance is currently **low** as it does not visually contribute to the special character and appearance of the Conservation Area. The scheme offers an opportunity to bring this hidden site into the public view and improve the presence of the orchard within the Conservation Area.

### **Orchard Character and Landscaping**

There would be a substantial amount of open space left within the site. The trees on the north and western boundaries are protected and would be retained. The use of the area as an orchard is an important feature within the Conservation Area and this should be preserved. The revised scheme would retain many of the existing fruit trees to maintain the orchard planting and consequently maintain the character of the Conservation Area. In addition there would be further tree planting within the orchard. The use and appearance of the site as an orchard would therefore be enhanced.

The additional planting and landscaping proposed around the boundaries of the site, and the repair of the historic stone walls would be of benefit to the special character and appearance of the Conservation Area especially as this site would become part of the street scene. The tree works and repairs to historic boundaries are consequently in accordance with criterion C of Policy C18 of the West Wiltshire District Plan 1st Alteration.

### **Proposed Dwellings**

The form of the proposed buildings would echo the line of other properties and terraces in the immediate vicinity within the Conservation Area. The proposed location and scale of the buildings would retain the feeling of space within the area which is so characteristic of the site at present.

The traditional design of the buildings reflects the historic buildings in the Conservation Area and would not harm the special character and appearance of the Conservation Area. The fenestration is traditional and does not appear to be overly repetitive. Consequently, the layout, scale, form and detailed designs are in accordance with criterion B of Policy C18 of the District Plan.

Similarly, these details would ensure the scheme satisfies the NPPF as this scheme would make a positive contribution to the character and local distinctiveness of the historic environment. The previous scheme in 2010 lacked adequate chimney details. This is not the case in this application as each dwelling has been afforded a chimney which adds to the traditional character of the proposed development.

The quality of materials in the application is high, assuming that natural materials shall be used. A condition for material samples is required to ensure accordance with criterion E of Policy C18 of the District Plan.

### **Hard Landscaping and Parking**

The division of the site to provide separate gardens for each property is acceptable as the divisions are against the boundary of the site and therefore would not harm the open character of the orchard. The boundary treatments should be approved by condition. I would also suggest a condition removing permitted development rights for further garden buildings, boundary treatments and extensions in order to preserve the special character and appearance of the Conservation Area.

In the main, the proposed parking would be located within the entrance to the site and adjacent to the dwellings. A small number of spaces would project from the turning area into the orchard, however providing a high quality boundary detail is used and subject to a suitable surfacing material, these small encroachments would not result in harm to the openness of the orchard part of the site.

### **Proposed Entrance and Significance of the Site**

The proposed entrance in place of Hill Leigh would have a beneficial impact on the views into and out of the Conservation Area. Following the removal of Hill Leigh, there would be a direct view from Coronation Road into the Conservation Area and the orchard. This would be a significant improvement to the setting of this part of the Conservation Area and would raise the significance of the orchard to that of a very important open space within the public realm of the Conservation Area and result in an improvement to the setting of the Conservation Area. This is in accordance with Policy C17 and criterion D of Policy C18 of the District Plan.

Whilst PPS5 is no longer a valid national policy statement (following its revocation when the NPPF was published), it is nevertheless still necessary for local authorities when considering applications for development that affect the setting of a heritage asset, to treat favourably applications that better reveal the significance of the asset. In this particular case, it is argued that the significance of the site would be better revealed following the demolition of the Hill Leigh property (which has no architectural or historic merit), the creation of a new access and improved landscaping management.

### **Conclusion**

The essential character of this site within the Conservation Area, one of a private open green space and a transition between the built up area of Bradford on Avon and the countryside, would be enhanced as the proposed built form would be entirely along the eastern and southern boundaries of the site and the whole site would be brought into the public realm. The site would remain as an urban-rural transition site but its significance would be raised and it would be included within the street scene.

The raised significance of the heritage asset is a clear benefit to the public through enhanced access to and views of the asset. The development shall result in proper management of the landscape and orchard. The design and materials of the proposed buildings would be in keeping with the local area and would therefore not result in harm to the special character and appearance of the Conservation Area.

In consideration of the above points, the proposals would satisfy the criteria of Policies C17 and C18 of the adopted District Plan for this area as well as with the NPPF.

Council's Ecologist - No objection subject to a planning condition and s.106.

This application follows on from application W/10/00259/FUL which was refused for several reasons including ecology; and specifically for: insufficient survey information; lack of a robust ecological impact assessment; and loss of a BAP habitat. The current application is supported by an Ecological Impact Assessment which contains the results of detailed survey work (bryophyte, lichen, invertebrate, reptile and bat surveys). The scope and methodology of the survey work for this planning application is satisfactory.

These detailed surveys have confirmed the presence of traditional orchard habitat at the site, which is a UK Priority BAP habitat. However, no evidence was found for the orchard supporting rare or threatened species assemblages. The site is however considered to be of **local importance** and since the site contains BAP habitat, the following needs to be considered:

The NPPF places an obligation on local authorities to protect existing biodiversity and secure positive enhancements in general (key principle 1(ii)), and to conserve BAP habitats in particular (paragraph 11).

The Wiltshire BAP 2008 in its Traditional Orchards Habitat Action plan contains a target (TOT4) to "ensure the importance of traditional orchards is reflected in planning and TPO decisions" and against this the target measure is "no known net loss of traditional orchards due to development or inappropriate felling".

Core Policy 50 of the emerging Wiltshire Core Strategy includes the following requirement: "Development proposals must demonstrate how they protect, and where possible enhance, features of nature conservation and geological value [including BAP habitats] as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term".

The development will result in some loss of orchard habitat and six mature/ over-mature trees. However, the trees to be removed do not support significant bryophyte or lichen communities. The core orchard habitat comprising the majority of the mature fruit trees will be retained, and to mitigate the loss of six trees, the scheme proposes to plant 12 new trees. These will be grown on vigorous rootstocks and include traditional Wiltshire varieties, which is appropriate. It will result in a net increase in the number of fruit trees (from 20 to 26) and enhance the age structure of the orchard which will benefit its longevity.

At present, the orchard is unmanaged land but the proposed development layout will remove the surrounding rough grassland and result in the close proximity of buildings to the retained fruit trees. With the proposed mitigation, this orchard will still meet the definition of traditional orchard BAP habitat (under the UK Habitat Action Plan) and will still meet the draft criteria for traditional orchard BAP habitat used by the Wiltshire Wildlife Trust.

An essential part of the mitigation scheme is regular favourable management. This will be crucial for the orchard's continued existence within the development (for the survival of existing and newly planted fruit trees, and the associated habitats and species assemblages). For this application to meet the requirements of the NPPF and the Wiltshire BAP, the orchard needs to be protected and enhanced through appropriate management, and safeguarded in the long-term, and ideally in perpetuity. The framework for a Nature Conservation Management Plan (NCMP) is included in the Ecological Assessment, proposed to be funded through a Management Company.

Consideration has been given to the phasing of development and the storage of construction materials to protect the retained trees (Proposed Compound/ Storage/ Site Parking & Phasing of Build, Drawing no. CA/P/015, November 2011). If permission is granted, the development should be carried out in strict accordance with this plan and with a regular ecological watching brief.

With regard to protected species, reptiles were not found at the site during survey work but it is possible that low numbers are present, particularly along the site margins and old stone walls. Several common species of bat were found to forage and commute on and adjacent to the site. However the trees are considered to have negligible roosting potential. Table 5.1 in the submitted Ecological Impact Assessment sets out appropriate mitigation measures to avoid harm to breeding birds and reptiles during the construction phase; and measures to enable bats to continue to use the site when the development is operational. Table 5.2 provides details of appropriate enhancement measures. If permission is granted, the development should be carried out in full accordance with these recommendations.

In order for the LPA to be satisfied that there will be no net loss of BAP habitat as a result of the proposed development, and in fact a net gain, the retained orchard habitat needs to be appropriately managed and safeguarded in the long-term. The initially proposed 5-year management period was

not considered sufficient. The revised NCMP framework is acceptable as it stipulates that the site shall be managed in perpetuity, with the plan being subject to regular reviews with updated versions being submitted to the Council for its written approval. The draft legal document (titled TP1) detailing the responsibilities of the Management Company covers the necessary obligation to implement the NCMP and includes further restrictions on damaging activities within the orchard habitat. The establishment of the Management Company should be secured through a S.106.

Overall, the submitted documents confirm that favourable management and protection of the retained orchard and newly created habitats can be secured in perpetuity with legal responsibilities being held by a Management Company.

Council's Tree and Landscape Officer - The submitted arboricultural related objections and observations made by third parties and Friends of Woolley (FOW) have been fully considered along with those representations submitted by an arboricultural consultant acting on behalf of FOW. However, the arboricultural and landscape related issues and previous concerns have been addressed and resolved. The revised landscape scheme can now be achieved. For many years the fruit trees within the centre of the site have been the subject of much discussion centering on whether they should be protected. On each occasion, no Tree Preservation Order (TPO) has been made for numerous reasons; but, primarily because the trees are not within the public domain and are not easily viewed from public areas. However, if this development is approved, the site would be opened up, exposing the small group of fruit trees to the wider public and thus, would enable them to be re-assessed for their suitability for a TPO.

The development proposal specifies a reasonable amount of hedgerow plants that reflect the distances they have to cover and details how the ground should be prepared to receive them, establish and mature. New fruit trees are to be planted to ensure any future orchard is stocked with a good variety on good healthy root stock. A Management Plan has been provided to ensure the landscape scheme is correctly maintained and retained in perpetuity. The submitted Arboricultural Method Statement and supporting information is also satisfactory.

If permission is to be granted, specific landscape related conditions are required.

Council's Archaeologist - The site has no archaeological interest.

Wiltshire Wildlife Trust - The Trust remains of the view that the proposal would cause damage to an important remnant of Traditional Orchard and UK Biodiversity Action Plan Priority (BAP) Habitat.

The revised proposal does not mitigate against the proposed loss of fruit trees and does not fulfil the important principle of net Biodiversity gain. PPS9 requires planning decisions to prevent harm to Biodiversity interests. The land was surveyed on 11 June 2010, with permission of Wiltshire County Council. The survey confirmed the status of the site as of being a traditional orchard. All public bodies (including the Council) have a Biodiversity Duty under the Natural Environment and Rural Communities Act (NERC) 2006, to have due regard for conserving biodiversity. This includes restoring or enhancing a population or habitat.

Council's Spatial Planning Team - Previous policy responses did not raise any objections to the principle of residential development on this site, but did raise questions around open space provision, the need for a design statement, transport impacts, and the promotion of alternatives to the car.

The principle of residential development on the site is still considered to be acceptable providing that the criterion set out in Policy H1 of the West Wiltshire District Plan are met. The Emerging Wiltshire Core Strategy identifies Bradford on Avon as a Market Town (Core Policy 1), and indicates that there will be a presumption in favour of sustainable development within the defined limits of development of the Market Towns (Core Policy 2). The Wiltshire Core Strategy pre-submission document also includes Core Policy 52 which seeks to protect and enhance Wiltshire's green infrastructure network. This states that "where development is permitted, developers will be required to...retain and enhance existing on site green infrastructure". The supporting text to Core Policy 52 notes that the green infrastructure network includes "existing amenity green spaces", "woodlands and forests" and "areas of high biodiversity value".

It should be noted that the Wiltshire Core Strategy has not yet been subject to independent examination, and hence is only referenced to give an indication as to likely future direction of policy. The loss of an existing area of green space at the site is considered to be regrettable, and the Council will need to be satisfied that criterion D of Policy H1 of the West Wiltshire District Plan is satisfied, in that the development will "not result in the loss of an open area or visual gap important for recreation or amenity reasons".

In terms of other material considerations, Friends of Woolley have prepared a Plan for Woolley 2026 and have indicated that this has received endorsement from the Town Council. The Plan for Woolley includes an aspiration that the application site should be a designated local green space, and that the orchard should be enhanced/restored. The Plan for Woolley also includes an action to "seek the exclusion of the remaining Traditional Orchard from Bradford-on-Avon settlement boundary" and indicates that the orchard "has been confirmed as a National Priority habitat in the UK Biodiversity Action Plan" and that there have been sightings of 'Nationally Protected Species at Risk/Priority Species' at the site. The Plan for Woolley is not adopted planning policy, but is nonetheless considered to be a material consideration in the determination of the application. In particular, the aspiration to retain the orchard as local green space, and the potential impacts of development on nationally important habitat/species will need to be taken into consideration.

In terms of open space provision, the West Wiltshire Leisure and Recreation DPD was adopted in January 2009 and includes Policy LP4 which states that "where new development (especially housing) creates a need for access to open space or sport and recreation provision, an assessment will be made as to whether a contribution to open space or sport and recreation provision is required". The Council will therefore need to be satisfied that the requirements of Policy LP4 are met.

The previous policy response also raised issues relating to transport impacts and promotion of alternatives to the car. The Council will need to be satisfied that these issues have been addressed.

Council's Public Open Space Officer - This application proposal does not trigger any POS requirements.

Council's Education Team - Bradford on Avon is a significant pressure point for demand for places, and was recently highlighted in the case of a residential development at the Mill Lane Car Park site in the Town (application w/11/01971/FUL refers). The Council continues to seek developer contributions on all applications coming forward within the designated areas that generate a need for one or more places, as an exception to standard policy. The proposed 6 new housing units (when taking into account the loss of Hill Leigh) would all be put on the open market and be above one bed size (where no discounts apply) and would generate a need for an additional 2 primary and 1 secondary school places. The designated area schools: Christ Church Primary and St Laurence Secondary schools are full and forecast to remain so. If this housing development is to be approved, it is essential that the Council secures full contributions on this application of 2 x primary places at the current cost multiplier of £12,713 each and 1 secondary place at £19,155 (to be index linked). These multipliers remain valid on S106 agreements signed up until 31 March 2013.

Council's Environmental Protection Team - Recommends approval subject to a condition.

Wessex Water - No objections subject to an informative.

Environment Agency - The development proposals fall out with the remit of the Agency, and therefore, no comments are submitted.

## **8. Publicity**

The application was advertised by site notices (located along Coronation Avenue, Woolley Street and along the footway where it adjoins the allotments), a press notice and extensive neighbour notification.

Expiry date: 6 January 2012.

Summary of points raised:

Duncan Hames MP - Objects. I am aware that this is the sixth planning application at this site in as many years, and that many local residents have emphasised the similarities between the previous application and this current one. Indeed the Town Council has stated that there are still issues around the long term protection for the existing trees, maintaining the open character of the site, as well as access, design, and amenity considerations. It is acknowledged that the previous application was refused on grounds including ecology, landscape and conservation matters.

The Town Council has registered the concerns voiced by many local residents that the application fails to conserve the character of the conservation area. The Bradford on Avon Preservation Trust agrees with this assessment and that Members of the planning committee should visit the site prior to the meeting so that they can see how unsuitable this site is for this scale of residential development.

I would strongly emphasise the importance of the Plan for Woolley 2026 neighbourhood plan to the local community. In this they have set out their vision for their neighbourhood's future with great clarity, and the traditional orchard plays a key role in many aspects of this, including the area's character, environmental, climate change, community, and economic matters. The Friends of Woolley community group has also sent an extensive objection to this application and recommends its refusal.

The Government no longer recognises garden ground as brown field. Through the Government's reforms, local councils should be able to protect the character of local neighbourhoods, and that the Government's emphasis is on local communities deciding the type of development they feel is suitable for their area.

The proposed development is near a school route and local residents have also raised concerns over access issues and traffic and pedestrian safety, particularly in relation to the visibility issues and parking. Although the Council's highways department has apparently advised that it is satisfied with the proposed development, concerns remain over the addition to existing parking problems, with many Woolley Street residents having to park in Coronation Avenue. Parked cars along both sides of the road already restrict visibility of traffic and pedestrians trying to cross the road.

There are also concerns for the point at which a new road would cross an existing footpath. The Woolley Allotments Association has confirmed that it has deeds of access to this path and that it will not accept its members losing unrestricted access to it. Works to complete the development would apparently cause this path to be closed off during working hours for around one year.

The Council must ensure that the area's wildlife and ecology are properly protected. I have seen reports from the observers monitoring wildlife in the area in 2005 and note the range of species identified, including five which are apparently on the UK's Red List. One local resident has advised that even if some new trees were planted once the development has been completed, this habitat would have already been undermined through the felling of existing trees and the loss of space.

Furthermore, new properties will be in close proximity to retained trees, which could lead to damage to the trees' root structures and compromise the strength of the buildings either through direct damage from roots or secondary damage caused by their effects on the soil. There may be recommended planting distances which it would have been reasonable to expect a development in an orchard to adhere to.

Concerns have also been raised over the development's proximity and relationship to existing properties, with a number of respondents explaining that certain proposed dwellings will overshadow their homes and gardens, or even have a view directly into their homes. Local residents have also objected to the treatment of boundaries, the use of bargeboards, the demolition of Hill Leigh, and the effect that these would have on the character of the area.

Wiltshire Council has stated that it still considers the principle of residential development on this site to be acceptable - a position which the applicants have strongly emphasised. Nevertheless I would draw your attention to the Town Council's comment that it is increasingly evident that not all of the open sites within the built up area of the town are capable of accommodating new development.

I am concerned that regardless of how these plans may be amended in the future, it may not prove possible to formulate a proposal for development that does not have a severe detrimental impact on the area's ecology and conservation needs. This is emphasised by the current planning application being the sixth one in six years which has failed to find a solution to these issues.

I would urge you to ensure that local residents' views, expressed both through their consultation responses and their neighbourhood plan, are fully considered. I do not accept that this application has resolved concerns on the basis of which previous applications have been refused.

Indeed, given the volume of unviable applications which have been received for this site, it may be helpful for Wiltshire Council to recognise the neighbourhood plan for Woolley as soon as possible in order to help clarify what development will and will not be considered appropriate in this area.

Bradford on Avon Preservation Trust - Supports the Town Council's recommendation for refusal. The Trust strongly recommends that Members of the Committee visit the site to see how unsuitable it is for residential development, including the complete lack of an acceptable access.

Woolley Allotments Association - Objects on the basis that if approved, the footpath which is used by allotment plot holders and share holders, would be obstructed. The Allotment Association holds a Deed of Access (dated 1930). Preventing access to the allotments (for a suggested one year period) is not acceptable. The footpath (although not publicly owned) has been used by the public for over 50 years and there must be a genuine safety concern about the proposed new road crossing the footpath due to lack of visibility. The Allotment Association supports the local request for the orchard to be protected and the trees covered by a TPO.

Friends of Woolley (FOW) - "Strongly" objects and lists the following reasons for doing so:

1. The proposed development would result in the loss of National Priority Traditional Orchard Habitat (UK Biodiversity Action Plan)
2. It would damage an acknowledged Heritage Asset and does not preserve or enhance the character or appearance of the Conservation area.
3. There would be a substantial impact on Coronation Avenue and on the amenity of adjacent properties.
4. There are serious concerns about pedestrian, cyclist and driver safety.
5. There are many inaccuracies and omissions in the documentation submitted.
6. The application does not comply with the West Wiltshire Local Plan, the Adopted Conservation Area Character Assessment, the emerging Core Strategy, national Planning Statements 1, 3, 5 & 9 or the National Planning Policy Framework.
7. The principle of development on this site has not been previously accepted.
8. The Plan for Woolley 2026 Neighbourhood Plan and the "Localism" agenda are material considerations as locals recognise the importance of the orchard to the community of Woolley. The Neighbourhood Plan has been formally adopted by the Friends of Woolley and has the endorsement of the Town Council Planning Committee. Wiltshire Council's Spatial Planning Team has also advised that it is being used as evidence for the emerging Core Strategy.
9. Woolley 2026 shows this orchard as an 'historic orchard' to be 'enhanced/ restored', and for designation as a protected 'Local Green Space', and seeks 'exclusion of the Traditional Orchard habitat from the Bradford on Avon Settlement Boundary'. In addition FoW has through its successful apple juicing project, demonstrated the potential viability of orchards in Woolley, the Plan for Woolley 2026 seeks to 'establish a Community Orchard' and FoW has sought to contact the land owner on a number of occasions expressing an interest in acquisition. The neighbourhood plan includes further relevant information.
10. This orchard previously formed the bulk of the mature garden of No. 69 Woolley Street. Evidence of this former use is clear on site in the form of the now derelict swimming pool, blue picket fencing, and an arch that led into the orchard as well as the presence of a domestic scale greenhouse. The government has amended planning policy so that gardens should no longer be considered as brown field. It is certainly not 'sui generis' as claimed by the applicant. Research at the Swindon and Wiltshire History Centre indicates that the adjacent building, which is now The George Public House, dates back to the late 1600s and the application site once formed part of the grounds of this property. Orchards are specifically mentioned as forming part of the property in leases dating back to the

1700s. This indicates that the historic interest of the planning application site dates back several centuries.

11. The application does not deliver good design. An alien cul-de-sac is proposed with 3 building blocks intruding on high ground in the heart of an important mosaic of orchards and gardens.

12. There are a significant number of protected species using this open green and tranquil site, including newts, frogs, redwings, owls, several species of bats, hedgehogs etc. The ecological surveys submitted are patchy and do not reflect the full value of this site to a range of species, nor do they record all the plants/trees found on or species that use this open green space.

13. The proposed buildings and paving are squeezed in and around the major apple trees. These are of substantial importance to the character of the Conservation Area and an intrinsic part of the wider Traditional Orchard National Priority Habitat.

14. The sole means of access to units 5-7 is through the proposed orchard habitat. The garages and units 3-5 are hard up / very close to the canopies of the main fruit trees.

15. The proposed houses will suffer severely from a lack of natural light and there will be constant pressure for crown reduction and/or removal of these fine and characteristic specimens of the Conservation Area, and nationally important Traditional Orchard Habitat. The conflict between the Arboricultural report and the layout and dimensions of buildings threatens the existing mature trees during the inevitably disruptive construction work and also by bringing 'hazardous construction materials to within 2m of their canopies when 10m separation is required.

16. The arboricultural report does not address the threat to a number of the TPO trees.

17. Some of the proposed fruit trees are so close to the edge of the canopies of the vigorously growing TPO sycamore trees that they will fail to establish or flourish.

18. It is unrealistic to expect that with this layout, the remaining trees and ground flora can be managed as a Traditional Orchard Habitat, and activities, noise and light will disturb what habitat remains. There will be a significant impact on the biodiversity value of the site.

19. Planning Policy requires planning decisions to prevent harm to biodiversity interests. Where there would be significant harm, the local planning authority needs to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. Wiltshire Council's emerging Core Strategy includes policies to protect biodiversity interests and sets out areas for development up to 2026, clearly demonstrating that there is no overriding need for development to take place on this site.

20. Six of the twenty existing fruit trees would be felled and turned into a 'log pile'. In addition an extensive area of productive, suckering and ecologically valuable plums will be lost. The proposed development damages the integrity of, and results in a reduction in the area of Traditional Orchard Habitat. It would impact on the biodiversity of the remaining habitat and threaten the survival of the remaining important fruit trees on the site. The application is therefore contrary to the UK Biodiversity Action Plan, the Local Plan and Core Strategy policies and the Plan for Woolley 2026.

21. The landscape scheme is inadequate (and would not sustain or enhance a significant recognised heritage asset, or National Priority Habitat). The threat to important fruit trees and TPO'd trees are further inadequacies of the applicant's landscape proposals.

22. The layout brings buildings into the centre of an open and green mosaic of gardens and orchards that is of acknowledged importance in both the Adopted Conservation Character Assessment and in the Plan for Woolley 2026. Being so central and on high ground and so close to the boundaries of the site, this proposed layout gives no possibility of achieving an appropriate landscape scheme.

23. The proposed 1m wide 'landscape buffer' along the eastern boundary and the 1m separation between the building at plot 7 and the northern boundary is too narrow to provide any effective separation from or buffering to the residual 'significant private open space' mosaic of gardens and orchards that provides the setting to the surrounding local interest buildings and is such a key feature of the Conservation Area.

24. The documentation contains no firm proposals for the future management of the open space, with both private management and local authority management being suggested. This lack of clarity makes the 'planning gain' claimed meaningless.

25. The proposed layout introduces an alien form of development into the Woolley Conservation Area. The surrounding area is entirely car free and of a distinctive green and open character. The proposed road and parking layout is totally out of keeping with the character and historic settlement pattern of the Conservation Area. Together the three groups of proposed buildings would read as a virtually continuous built form on the skyline in views within and of the Conservation Area, urbanizing and severely impacting on the character and appearance of the Conservation Area. The proposed development will be highly intrusive in the peaceful and tranquil green heart of the northern part of the Conservation Area at Woolley, impacting on a range of views.

26. There would be a loss of 'important views' from the paths that give the sole means of public and private access to surrounding historic terraces of cottages. There would also be loss of views from the Public Right of Way crossing the field to the northeast. Views would also be impacted on over and between buildings as seen from public roads and footpaths - here the site forms a green and open backdrop to the surrounding buildings.

27. The buildings, their materials, massing and proposed layout are of poor design and will not conserve or enhance the character and appearance of the Conservation Area.

28. The unmanaged state of the orchard and derelict state of the swimming pool (which are the direct result of the developer's actions) must be ignored in making any planning decision on this site.

29. The proposed demolition of Hill Leigh - one of a harmonious group of stone built 1930s houses with well vegetated gardens - would create a prominent and unacceptable gap, replacing a house and mature garden with a tight roadway and parking. The impact on Coronation Avenue is unacceptable. This was an explicit reason for the refusal of the previous application 08/02912/FUL which was similar in essential respects. The applicant's claim that demolition is a 'positive feature' in providing direct views into the Conservation Area is specious: because of the boundary treatments such views are principally of a road, car turning and parking areas.

30. Impact on the residential amenity of neighbouring houses and gardens - The distances between buildings and boundaries and the proposed gardens are too small with insufficient space for effective buffering. The two storey dwellings will have an overbearing impact on adjacent houses and gardens. In addition the replacement of a private house and mature gardens and the introduction of public pedestrian and vehicular traffic adjacent to the boundaries to Hainault and Sunnymead will have an unacceptable impact on their amenity.

31. Safety Concerns - unsafe for drivers, cyclists and pedestrians - The proposal to build a 2m high stone wall immediately alongside the footpath linking Woolley Street and Coronation Avenue to Sladesbrook will result in an unpleasant, oppressive and potentially unsafe 'back alley' effect. This is not consistent with the principles of 'Secure by Design'.

32. The visibility splays do not meet the requirements of the Manual for Streets either at the junction with Coronation Avenue or for users of the path running behind Coronation Avenue (which is well used by school children). Visibility of approaching pedestrians would be minimal. Many local residents have no choice but to park on the street. Pressure for parking in the area is increasing. Coronation Avenue is narrow. Parked cars will block sight lines. If parking is limited, then traffic speeds will increase and visibility splays will need to be longer.

33. There is no commitment to natural stone on the building facades despite this visually prominent location in the Conservation Area.

34. The window proportions and arrangements include a muddle of shapes and forms, and some that breach the string course - this does not compliment the distinctive character of buildings in the Conservation Area. In addition, plain clay roof tiles, white timber door canopies, close boarded fences, 'ornate' metal railings and red brick chimneys are not typical of and do not compliment and will harm the character and appearance of the Woolley Conservation Area.

35. The current application contains numerous inaccuracies and has significant omissions. Inadequate preparation, justification and presentation has been a feature of most previous applications and was a specific reason for refusing W/10/00259/FUL. The developer has chosen to carry over many of these deficiencies to the present application and made minimal effort to overcome them. This merits refusal of the planning application.

36. The application fails to illustrate the impact on acknowledged heritage assets including 'important views' in the Conservation Area.

37. The extent of the area of fruit trees is under reported, including a significant area of suckering and highly productive traditional variety Oullin's Gage trees is omitted from the survey and plans.

38. The size of one of the main apple trees (28) is substantially under-reported - reported as 4m diameter when in reality seems to measure 5.8 - 6m. The apple identifications for trees 28 & 29 are incorrect. Tree 23 is not just Bramley Seedling, the RHS has confirmed that this tree is of dual type - it has been grafted in the past and a significant part of the canopy is identified by the RHS as another traditional variety - Newton Wonder. Tree 29 has been reviewed by the RHS and K Goverd - an acknowledged expert in the field - as probably Barnack Beauty - a traditional variety dating back to about 1870. It is definitely not Blenheim Orange, which is very different in appearance and flavour.

39. The submitted survey does not identify the type of plum trees on site. These highly productive and suckering trees have been identified as a gage like plum tree known as 'Oullin's Gage' - a traditional variety dating back to the 1850's.

40. The orchard survey form variably fails to note: the 2 cherry trees on the site or the hazel or birch; the orchard immediately to the north of the site, or the open fields that form part of a continuity of

green space connecting through to the orchard; the many fruit trees in the mosaic of orchards and gardens surrounding the site; the suckering on either the apple or plum trees; that there are some younger fruit trees on the site; that there are some cavities/crevices in some of the fruit trees does not record the main fruit trees as 'veteran' when they have been previously identified as such by the Wildlife Trust and ecologist.

41. A number of the trees in 'hedgerow' 25 are of sufficient girth and height to warrant possible retention in the Conservation Area, yet all are proposed for felling without justification.
42. The site sections and proposed site plan show an 'existing stone wall to be retained' along the northern boundary that does not exist.
43. The landscape management plan and Design and Access statement variously talk about managing the open space by a private management company or offering to the local authority as open space - there is no certainty as to what is proposed.
44. The description of the context of the site in the Design and Access Statement is inaccurate - it wrongly states that the historic local interest terraced cottages to the north front onto Grange View, it fails to mention the existing orchard directly adjacent to the application site.
45. The facing materials proposed for the buildings are ambiguous - 'ashlar stone' - this could be reconstituted (which is unacceptable in a Conservation Area) or natural material.
46. Plan CA/P/009 purports to show a 'cock & hen wall detail' - it does not.
47. The application form says no public roads are proposed - yet plan CA P 011 shows the internal road to be adopted by the Local Authority
48. The drawings are misleading in terms of impact on No. 69 Woolley Street - the proposed site plan shows 69 as much closer to the proposed buildings than the sections. We have measured this and No. 69 is approximately 7.3m from its garden fence at its closest.
49. Section AA is misleading - there is no space for trees between the plot 4 (as shown on the proposed site plan) and the site boundary. There is no possibility of an effective landscape buffer here.
50. The Arboricultural report states that the development may impact on trees in neighbors' gardens, yet this impact is not assessed.
51. No traffic data has been submitted to justify the substandard visibility splays proposed. There have been recent changes in traffic patterns, increases in through traffic as a result of the new roundabout at the junction of New Road and Woolley Street, plus further increases in parked cars. New traffic data should be provided.
52. Objections raised against garden grabbing. The viability of the orchard has been demonstrated by FOW.
53. The applicant has not consulted with or approached the Woolley community.
54. The applicant has not provided an Assessment of the impact of the development on the Conservation Area
55. The development would be intrusive and the proposed mass of buildings would affect views from PROWs, local footpaths and from neighbouring properties
56. The application does not overcome the reasons for refusal of w/10/00259/FUL
57. The development results in impacts that substantially outweigh any benefits.

In addition to the above, it should be noted that of the 35 letters of objection received, with many objectors raising objections detailed above. Additional local objections (not covered above) can be summarised as follows:-

1. Trees not within the control/ ownership of the applicant would have the potential to affect the proposed access drive
2. Doubts are raised about how the site could be managed as a Traditional Orchard habitat and there is an example of the applicant's approach to landscaping elsewhere in the conservation area at 49 Woolley Street. The site, which was once a mature garden with hedgerow, now looks more like a scene from a warzone. It demonstrates that no matter how robust the conditions are, the net loss in the short term of any development is severe and the incentive to adhere to the conditions are few. The orchard is too important and delicate a habitat to risk a repeat of these actions.
3. The site should be made into a community space and has a viable and sustainable future as an orchard
4. Detrimental impact on skyline
5. Unacceptable, unjustified demolition of Hill Leigh

6. Incoherent and unsympathetic housing layout, design, appearance and detailing / plots appear very small for 3-bed dwellings - future risk of orchard encroachment / there is no commitment to using natural stone on the building facades / messy fenestration detailing
7. Overlooking / window-window conflicts / loss of residential amenity and privacy
8. Noise nuisance (e.g. loss of quiet enjoyment in existing neighbouring rear gardens), loss of light and light pollution
9. Lack of parking and loss of parking along Coronation Avenue which will be made worse.
10. No confidence in the supporting statements which are inaccurate and inadequate / vagueness about community benefit and gain
11. Proposals are contrary to what locals want as well as being contrary to the community driven Plan for Woolley 2026
12. The need for additional housing in Bradford on Avon should be carefully balanced against the availability of suitable brown field sites (such as Kingston Mills) and green field sites such as this.
13. Construction operations will threaten the veteran fruit trees.
14. The applicant has not indicated how the existing electricity utility pole (which services houses on both sides of Coronation Avenue) will be dealt with. It would be unacceptable for it to be relocated in front of a neighbour's home in order for the developer to create the access.
15. Concerns raised about the condition of the pavement and gutter along Woolley Street to the junction with Woolley Terrace. Potholes in the road.

## **9. Planning Considerations**

### Principle of Development

The site is located entirely within the defined Town Policy limits of Bradford on Avon and under Policy H1 of the West Wiltshire District Plan, proposals for new housing development in this area may be permitted provided, inter alia, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development. As detailed above, this particular site also has BAP status and the environmental and ecological interests have been fully considered and are duly considered later on in this report.

Policy H24 leads on to state 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.

The NPPF places an importance on the planning system to 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. Making efficient and sustainable use of land is still an over-arching planning requirement; and, it is recognised that the form and density of a site's surroundings are material considerations.

Paragraph 49 of the NPPF makes it explicitly clear that "housing applications should be considered in the context of the presumption in favour of sustainable development". In this particular case, the site is located within the established Town Policy Limits and can access all the Town's amenities and services in a sustainable manner, including making use of the public transport links. Whilst inappropriate forms of "garden grabbing" should be resisted, where they cause harm, officers submit that this is not the case here. The development does not involve erecting houses on garden ground. The orchard is considered to be a distinct planning unit separate from the recognised local domestic curtilages. Local residents and The Friends of Woolley have made robust arguments about the importance of the orchard in terms of its ecological and environmental status as well as producing extensive ranges of fruit. The fact that the orchard is in private ownership should not be forgotten. The proposed scheme, suitably conditioned and legally bound, would secure a more resilient future for the orchard; and should it come to pass, The Friends of Woolley might well be the ideal candidates of being the, or be part of the private management company to secure the future of this part of Woolley.

The proposed demolition of the Hill Leigh property does not raise any Policy objection. Whilst local opposition to the demolition of a habitable dwelling is recognised, the house has no architectural or historic merit to warrant a refusal. The house is not located within the Conservation Area and as such Conservation Area Consent is not required. The visual loss of the house in the streetscene and its impact would be counter balanced by the positives gained by opening up the orchard to public views and enhancing the heritage asset.

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. These aspects are covered in detail later in this report.

The Plan for Woolley has been referenced by local residents and Friends of Woolley to support their opposition against this application. Whilst the Plan does not identify the site for residential development purposes, and clearly identifies what Woolley residents recognise as being important within their local community; it must be recorded that The Plan for Woolley has not been adopted by Wiltshire Council, although it has been endorsed by Bradford on Avon Town Council.

Whenever there is an overwhelming local objection to a development, comprising substantial objections from local residents and groups like The Friends of Woolley, the Town Council, the MP, and the Unitary Ward Member it must be recognised as a material planning consideration. The concerns and objections raised against the principle of developing in the orchard have been fully considered and been subject to much discussion. Members are advised that officers, including the Council's Highways Authority and the Spatial Planning team, the Council's arborist, the Principle Ecologist and Conservation officer all submit that this small-scale residential development would be acceptable in principle and would not conflict with established Policy.

It has previously been argued that building on plot 5 would compromise existing covenants. In addition, legal rights of access and obstructing the footpath have been raised as grounds to object to this application. In both cases, such matters are not for the planning authority to get involved in as they fall outside the scope of planning. These are civil, legal matters that cannot and should not influence the determination of this application.

#### Does the scheme preserve or enhance the character of the Conservation Area?

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on Local Planning Authorities, to pay special attention to the "desirability of preserving or enhancing the character or appearance of that area".

The West Wiltshire District Plan Policy C17 states that the special character or appearance of the designated Conservation Areas and their setting should be preserved and enhanced.

Policy C18 states that proposals for new development in a Conservation Area will be permitted only if the following criteria are met.

- a. The development will preserve or enhance the character of the Conservation Area;
- b. The plot layout, scale, form and detailed designs are characteristic of the area;
- c. Historically important boundaries and street patterns, trees, walls, railings and other means of enclosure which contribute to the area's character are retained;
- d. Open spaces and views into, out of and within the area, which are important to its character are protected;
- e. Materials and colours which blend with their setting are used. Traditional local materials will be expected, except in locations away from public view.

This Policy is consistent with the recently published National Planning Policy Framework (NPPF).

The orchard site is identified in the Bradford on Avon Conservation Area Character Assessment as a 'significant private enclosed space', but its significance in heritage terms is considered to be **low** as it does not visually or significantly contribute to the special character and appearance of the

Conservation Area. Although there is strong local opposition to this development, the scheme nevertheless offers an opportunity to bring this hidden site into the public view and improve the presence of the orchard within the Conservation Area; and by doing so, its status will be enhanced.

The proposed density is low and there would be a substantial amount of open space left within the site. The trees on the north and western boundaries are protected and would be retained. It is also fully recognised that the orchard would be enhanced through retention of the majority of fruit trees as well as planting 12 replacements to provide an overall net gain of 6 trees within the orchard. In conservation terms, the use and appearance of the site as an orchard would be enhanced. The tree works and repairs to historic boundaries fully accord with Policy C18 of the West Wiltshire District Plan 1st Alteration.

Whilst the NPPF revoked a series of previously relevant national planning policy statements, the key thrust of PPS5 is enshrined within the NPPF document and local planning authorities are still required to take into account the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping. This site is not a publicly accessible orchard. It is in private ownership and most of the orchard is screened from public view. Whilst it is accepted that the proposed housing development will inevitably reduce the size of the orchard space, it should not be ignored that Government policy still encourages local planning authorities to treat applications favourably where they better reveal the significance of the asset.

The path which connects the allotments with Woolley Street is not a public right of way, although it is recognised that the path is well used. There is also no denying that some roofscapes and parts of elevations forming part of proposed development would be visible from Coronation Avenue, Woolley Street and the allotments as well as from existing domestic properties; and, although the dwellings may very well be higher than the existing two storey properties found locally (due in part to the higher ground level), the development would not be significantly conspicuous, since the development would be located behind existing dwellings, well established (and protected) trees, plot boundaries and hedgerows.

There is no doubting the fact that the pattern of development along Coronation Street consists of dwellings fronting the public highway with front (although limited) and rear gardens. Although, this proposed development would not reflect this, the layout the three building blocks sited around the south eastern and south western boundary of the orchard site, would be a sympathetic form of development. There can be no in principle objection to appropriate forms of backland development. In and around Woolley there are examples of residential buildings that do not front a public highway. The quirky and in some cases, organic way Woolley has developed creates the very unique character and appearance which has special protection. This site has not been an easy one to plan a development for or indeed assess, since it would result in a significant change of character. The crucial point to stress however is that this development scheme is considered appropriate.

The traditional design and form of the proposed buildings would add some variety, but at the same time respect the character of the Conservation Area. The proposed location and scale of the buildings would retain the feeling of space within the area which is so characteristic of the site at present. The fenestration is traditional and does not appear to be overly repetitive. Consequently, the layout, scale, form and detailed designs are in accordance with criterion B of Policy C18 of the District Plan.

The scheme satisfies the NPPF in terms of making a positive contribution to the character and local distinctiveness of the historic environment. The previous scheme in 2010 lacked adequate chimney details. Chimneys have now been proposed which adds to the traditional character.

The proposed entrance in place of Hill Leigh would have a beneficial impact on the views into and out of the Conservation Area. Following the removal of Hill Leigh, there would be a direct view from Coronation Road into the Conservation Area and the orchard. This would be a significant improvement to the setting of this part of the Conservation Area and would raise the significance of the orchard to that of a very important open space within the public realm of the Conservation Area and result in an improvement to the setting of the Conservation Area. This is in accordance with Policy C17 and criterion D of Policy C18 of the District Plan.

Planning conditions are necessary to ensure the materials used are appropriate. In addition, officers submit that it would be necessary to remove permitted development rights for further garden buildings, boundary treatments and domestic extensions in order to preserve the special character and appearance of the Conservation Area.

Does the proposal detrimentally affect road safety interests?

The Council's Highway Authority reports no objections subject to planning conditions being attached to any grant of planning permission.

It is recorded that following third party queries regarding the location of the speed strips along Coronation Avenue, the Council's Highway Authority collected their own data through undertaking an independent Traffic survey of Coronation Avenue and the results are that 85% of the vehicles did not travel at a speed greater than 19 mph. Such data aligns with the figures of the applicants submitted traffic survey.

The Council's Highway Authority are satisfied with the submitted traffic speed data and after conducting its own readings, the data taken by the applicant's was ratified. Furthermore, the Council's Highway Authority concluded based on evidential data that the sight lines illustrated on Drawing No. CA/P/010 is acceptable subject to a condition being attached to any planning permission granted.

Does the proposal detrimentally affect protected trees and wider landscape considerations?

The Council's Tree and Landscape officer fully supports this application, subject to conditions. The Council's arborist fully supports the principle of binding a private management company to a clearly and legally defined s.106 in order to properly manage the area with consistency and expertise.

The open character of the orchard is something officers have long sought to retain; and it has taken several attempts by the applicants to produce a scheme which makes this possible. The proposed landscaping scheme is achievable and the proposed division of the site to provide separate plots and gardens is acceptable. However, sample details of the boundary treatments and landscape surfacing materials should be subject to a specific planning condition.

The proposed parking would be located within the entrance to the site and adjacent to the dwellings. A small number of spaces would project from the turning area into the orchard, however providing a high quality boundary detail is used and subject to a suitable surfacing material, these small encroachments would not result in harm to the openness of the orchard part of the site.

Does the proposal detrimentally affect protected species or their habitats?

After extensive discussions, reviewing surveys and negotiations, the Council's Principal Ecologist is fully satisfied that the proposed development would not demonstrably harm ecological and biodiversity interests. Robust ecological assessments have been undertaken which have the support of the Council's Ecologist. In order to protect the integrity of the orchard and the BAP habitat, planning conditions are necessary in terms of phasing the development, requiring the development to proceed in strict accordance with the Ecological Impact Assessment, including enhancement measures as well as imposing an ecological watching brief.

The Council's Principal Ecologist advises that the development would only result in the loss of a small area of bat feeding ground which would not likely detrimentally affect bat habitat or populations. After visiting the site, the Council's Ecologist confirmed that the orchard/swimming pool is not suitable for great crested newts. No reptiles were found following a survey, and whilst reptiles may visit the site (probably from surrounding habitats), the orchard habitat is relatively poor, hence the results of the Ecosulis' survey, and no badger presence was confirmed.

The six mature/over mature trees to be felled is not objectionable in ecological terms as they do not support significant bryophyte or lichen communities. The loss of the six trees would be compensated for through planting 12 new trees; and an entity, the orchard would have a net gain through growing traditional Wiltshire varieties, increasing the number of trees within the orchard (from 20 to 26), as well as adding some diversity to the age structure.

The long term management of the orchard is critical and it is submitted that if this application is to be approved, the applicant should enter into a legal agreement to legally bind any private management company in terms of its on-site functions, responsibilities and management in perpetuity.

### Does the proposal detrimentally affect neighbouring amenities and privacy?

Whilst third parties have raised objections against the development on loss of outlook from existing properties, it is not a material planning consideration. The loss of a view over land not owned by an individual is not considered reasonable grounds to refuse an application. In planning terms, there is no right to a view. The relevant question to ask is: would the development cause detriment to existing amenities and privacies?

Along with adopted District Plan Policy C31a, Paragraph 56 of the NPPF outlines the fact that "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". In this particular case the scale, form and height of the proposed development has been carefully considered in terms of its impact in the street scene and its relationship with neighbouring properties.

The proposed separation of the new housing and existing neighbouring properties is acceptable. Within an urban environment, having neighbouring properties behind any given plot should not be grounds for refusal in itself. After all, there can be no in principle objection to backland development where the scale, form and density is considered acceptable. Window to window relationships are acceptable and with appropriate planning conditions covering obscure glazing and preventing additional wall openings, residential amenities should be adequately protected from inappropriate overlooking or loss of privacy.

In this particular case, the proposed development would result in changing the existing character and no doubt alter the amenities enjoyed at present by occupiers living along Coronation Avenue and Woolley Street. As reported above, following the removal of Hill Leigh and the hedgerow, which separates the orchard from the privately owned footpath, the site would be substantially opened up; and elements of the new buildings would be visible within the surrounding urban environment. Officers submit that the development would not demonstrably cause significant detriment to neighbouring amenity. Views across the site from private land or the allotments specifically will be interrupted and the character of the area will be changed. This application does not propose the development of the whole orchard. Much of the greenspace and trees will be retained. It is not considered overdevelopment and the proposed seven house development could be built without causing significant harm. Specific planning conditions are necessary to define the terms of any permission as well as removing PD rights for any future extensions, additions, outbuildings or other means of enclosure to safeguard future residential amenity and privacy values.

### Legal Agreement / Developer Contributions / Legal Ties

The Council's Education Team report that as a result of considerable pressure in Bradford on Avon financial contributions should be sought for windfall residential developments within the Town to cover the costs of providing additional primary and secondary school places. It is understood that the education team remain concerned that following on from representations to the Core Strategy, there is predicted growth of Bradford-on-Avon to the east and therefore they have started anticipating the school places that this will generate.

Adopted District Plan Policy S1 and the Education Services own 'Policy for Requesting Section 106 Contributions for Education Infrastructure' state that where reasonable and appropriate, education infrastructure contributions shall be sought from developers in accordance with the requirements of the Local Education Authority. The designated area schools: Christ Church Primary and St Laurence Secondary schools are full and forecast to remain so. If this housing development is to be approved, it is essential that the Council secures full contributions on this application of 2 x primary places at the current cost multiplier of £12,713 each and 1 secondary place at £19,155 (to be index linked). This £44,581 index linked sum of money would contribute towards the expansion of the aforementioned

schools together with Council funds to meet the demographic pressures. It should be duly noted that the multipliers would remain valid on a S106 agreement signed up until 31 March 2013.

In addition to the abovementioned contributions which have been accepted as being necessary by the applicant, the s.106 should also legally define the model articles of the required private management company as well as its terms and responsibilities in order to secure and implement all future on-site ecological, arboricultural and landscape management directives for the lifetime of the development hereby approved. Consideration was given to imposing specific planning conditions, but the precision which is required necessitates a legally defined planning obligation.

### Conclusion

The essential character of this site within the Conservation Area, one of a private open green space and a transition between the built up area of Bradford on Avon and the countryside, would be enhanced as the proposed built form would be entirely along the eastern and southern boundaries of the site and the whole site would be brought into the public realm. The site would remain as an urban-rural transition site but its significance would be significantly enhanced and it would be included within the street scene. The raised significance of the heritage asset is a clear benefit to the public through enhanced access to and views of the asset.

After extensive negotiations, discussions and submission of supporting documentation, this proposal has the full support of planning officers, the Council's Conservation officer, Tree and Landscape officer, Principal Ecological and Highways Authority. Through robust planning conditions and a s.106 Legal Agreement, the proposed development would be properly controlled to ensure it reflects and respects the importance of its surroundings.

Although the substantial weight of local opposition is duly noted, officers do not agree that there is sufficient material planning grounds to warrant a refusal decision. The proposal would bring an area that is overgrown and neglected into public view and proper management, enhancing the conservation area and providing biodiversity gains.

### **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 2 x primary places calculated at the 2012/13 cost multiplier of £12,713 each and 1 secondary place at £19,155 totalling £44,581 which would be index linked and valid on any S106 signed by 31.03.13); and,**

**ii) to define the responsibilities of a private management company and its successor(s) and to secure in perpetuity the future on site ecological and landscape management and protection of the site.**

### **For the following reason(s):**

**This proposed application would be an appropriate form of development within the Conservation Area and through negotiations, the revised scheme overcomes previous grounds for refusal; and any additional concerns can be overcome by planning conditions.**

### **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 the property known as Hill Leigh has 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: West Wiltshire District Plan 1st Alteration 2004 - Policies C17, C18, C31a , C38.and the NPPF.

- 3 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.

- 4 No development shall commence on site until details and samples of the materials to be used for the external walls, roofs, boundary treatments and block paviers 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: West Wiltshire District Plan - 1st Alteration 2004 Policies C17, C18, C31a and C38 and The National Planning Policy Framework (NPPF).

- 5 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: West Wiltshire District Plan - 1st Alteration policies C18, C31a and C38 and the NPPF.

- 6 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 formed without a further planning application being approved for such works.

REASON: In the interests of residential amenity and privacy.

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

- 7 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.

- 8 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 9 The proposed new access road, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

- 10 No part of the development shall be first brought into use until the visibility splays shown on Plan Drawing CA/P/010 A have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 11 No development shall commence until full construction details of the internal road layout, including footway and access details, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details within 12 months of the occupation of the last dwelling.

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

- 12 All soft landscaping comprised in the approved details of landscaping (dwg no. CA/P/007) 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.

- 13 The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Sharples Tree Services and dated 18th November 2011, and shall be supervised by an arboricultural consultant.

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

- 14 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved

remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

- 15 The nature conservation mitigation recommendations and measures as detailed in the approved Ecological Appraisal Report (published by Johns Associates in May 2012) shall be carried out in full for the lifetime of the development hereby approved, with any amendment requiring the written approval of the Council before such works take place.

REASON: To mitigate against the loss of existing biodiversity and nature habitats and in order to enhance the nature conservation of the site.

POLICY: The National Planning Policy Framework (NPPF)

- 16 A pre-commencement site meeting shall be held and attended by the developer's ecology consultant, the designated site foreman and with the local authority ecologist to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's ecology consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the ecology consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the site's nature conservation and BAP habitat will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan - 1st Alteration Policies H1, H24 and the National Planning Policy Framework (NPPF).

- 17 Prior to the commencement of works on site, full details of a Nature Conservation and Management Plan (NCMP), following the framework outlined in the Ecological Appraisal report (contained within appendix F of Johns Associates publication dated May 2012) shall be submitted for the written approval of the Council. Thereafter, development shall proceed in full accordance with the NCMP, with any subsequent amendment requiring the written approval of the Council before such works take place.

REASON: To mitigate against the loss of existing biodiversity and nature habitats and in order to enhance the nature conservation of the site.

POLICY: The National Planning Policy Framework (NPPF)

- 18 If, during development, any archaeological evidence on the site is found, the developer shall contact the local planning authority to identify whether any additional archaeological work may be necessary. In the event that any such unexpected archaeological evidence is identified, the developer shall cease work on that part of the site and allow access to it by the Local planning authority, or any archaeologist nominated by the local planning authority, to record any findings. Construction on that part of the site affected shall not recommence until the LPA have agreed that the on-site archaeological recording has been completed.

REASON: To ensure that any unexpected archaeological remains are recorded.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted

Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the car port(s) hereby permitted shall not be converted to habitable accommodation.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

- 20 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.

- 21 The development hereby permitted shall not be occupied until the cycle parking facilities and bin storage facilities as shown on the approved plans have been provided in full and made available for use. The facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles and bin storage are provided on site.

- 22 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:

- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
- b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
- c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY: West Wiltshire District Plan – 1st Alteration Policies C37 and C38 and The National Planning policy Framework (NPPF).

- 23 The development hereby approved shall be carried out in full accordance with the Plan Drawing CA/P/015 which specifies the phasing stages, the location of the build compound (including where materials shall be stored during the construction period) and the construction site car parking. No deviation from this plan shall take place without the written approval of the local authority.

REASON: To secure the programming and phasing of, and an orderly pattern to the development.

- 24 The development hereby approved shall not commence (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority covering the following :

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (d) measures to be adopted and followed to prevent pedestrian conflicts, especially along the footpath;
- (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;

Thereafter, the development shall be completed in strict adherence to such details throughout the construction period as well adhering to the phasing plan as stipulated on plan drawing CA/P/015. 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: West Wiltshire District Plan 1st Alteration 2004 Policy C38 and the NPPF.

- 25 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

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

LOCATION PLAN Drawing No. CA/P/001 received on 30.11.2011  
EXISTING SITE PLAN Drawing No. CA/P/002 received on 30.11.2011  
PROPOSED SITE PLAN Drawing No. CA/P/003 received on 30.11.2011  
PLOTS 1&2 PLANS AND ELEVATIONS Drawing No. CA/P/004 received on 30.11.2011  
PLOTS 3&4 PLANS AND ELEVATIONS Drawing No. CA/P/005 received on 30.11.2011  
PLOTS 5-7 PLANS AND ELEVATIONS Drawing No. CA/P/006 received on 30.11.2011  
PROPOSED LANDSCAPING PLAN Drawing No. CA/P/007 received on 30.11.2011  
PROPOSED CONTEXT PLAN Drawing No. CA/P/008 received on 30.11.2011  
PROPOSED SITE SECTIONS Drawing No. CA/P/009 received on 30.11.2011  
PROPOSED VISIBILITY PLAN Drawing no. CA/P/010Rev A received on 06.02.2012  
MANAGEMENT PLAN Drawing No. CA/P/011 received on 30.11.2011  
HILL LEIGH EXISTING ROOF PLAN AND ELEVATIONS Drawing No. CA/P/012 received on 30.11.2011  
PROPOSED SITE PLAN Drawing No. CA/P/013 received on 30.11.2011  
PROPOSED DRAINAGE AND SERVICES LAYOUT Drawing No. CA/P/014 received on 30.11.2011

PROPOSED COMPOUND STORAGE SITE PARKING AND PHASING OF BUILD PLAN  
Drawing No. CA/P/015 received on 30.11.2011  
EXISTING ORCHARD OUTLINE PLAN Drawing No. CA/P/020 received on 30.11.2011  
PROPOSED ORCHARD OUTLINE PLAN Drawing No. CA/P/021 received on 30.11.2011

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 In the interests of protecting the amenities of local residents, the following guidance should be followed:

Where the site is adjacent to residential or premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday 7.30 – 18.00

Saturday 8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc)

Radio noise should not be audible at the boundary of the nearest neighbouring property.

Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Protection Department prior to commencement.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	