Observations from the Wiltshire Leisure Village Leaseholders Association on planning application PL/2023/08087

Site Address
Wiltshire Leisure Village, Wiltshire Crescent, Royal Wootton Bassett, SN4 7PB

Proposal
Variation to layout and provision of alternative house type, new bungalow and septic tank in respect of Phase 2 as approved in planning application reference: 18/04544/VAR (an amendment pursuant to planning permission 08/00706/FUL)

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1. Introduction

The Wiltshire Leisure Village Leaseholders Association is a Tenants Association recognised by the landlord Wiltshire Ground Rents Ltd. It represents over 60% of leasehold owners of properties at the Wiltshire Leisure Village (the 'Village').

The Wiltshire Leisure Village Ltd. (the 'Developer') has imposed a restriction on all leasehold and freehold owners in the Village preventing them from objecting to any planning applications. These restrictions have a serious effect in that they adversely affect the ability of the Planning Department to consider the views of all those who are directly affected by the application and who are prevented by the said restrictions from voicing their legitimate concerns.

However, it is in the public interest and in the interest of transparency that the Council Planning Committee and Planning Officers should take the following **observations** into consideration when determining planning application PL/2023/08087.

These Observations touch and concern issues covered by the Development Plan Policy, Government Guidance, need to safeguard the countryside and Highways and Traffic.

The Observations support the aims of the Wiltshire Core Strategy 2015 with reference to the Royal Wootton Bassett Strategy including those listed below.

- The Strategy (p321) refers to 'building communities which are resilient to the future impacts of a changing climate' and state the objective of 'Reducing the risk of flooding by ensuring new development is neither vulnerable to flooding nor increases the risk of flooding elsewhere.' The decision to site a new sewage treatment plant must comply with these aims. Observations on the propensity to flooding to the area that is proposed to be built on are included below.
- The Strategy (p247) refers to providing support to the ageing population profile. Observations on the current speed limit on the A3102 as a hazard faced by Village residents when crossing that road to and from the bus stop are included below.
- The Strategy (p307) refers to the requirement for Sustainable Drainage Systems and the need for a 'surface water management train.' Observations relating to the recent flooding of the area that is proposed for the new sewage treatment plant and the new buildings are included below.

The Wiltshire Local Transport Plan Strategy specifies the minimum number of car parking spaces. Observations are made on this below.

Summary of the observations for consideration…

- Should this be a limited variation or a new Full Planning Application?
    - Increase in size and scope.
    - New infrastructure proposed.
    - Sewage treatment plant on banks of wildlife lake in a high flood risk area.
    - Net zero strategies including EV chargers.
    - Electricity supply capacity.
    - Refuse bins and recycling.
    - Tourism (change of use) – lack of facilities at Hotel and Golf Club.
- Potential non-compliance of previous planning conditions.
    - Roads, Parking spaces, Landscaping/Tree planting, Maintenance.
- Outstanding S106 Retirement Status application.

See Sections 3, 4 and 5 below for full details.

2. Failure to Notify

The List of Neighbours Notified supplied with this planning application indicates that none of the 7 closest properties was informed. Furthermore, only a limited number of leaseholders were informed, and no freeholders.

We also understand that properties immediately adjacent to the Village have not been informed, notwithstanding that the proposal will directly affect them.

At the very least all interested parties, including the immediate adjoining properties to the development itself should be notified and an extension given to the deadline for comments.

As the leasehold properties are mainly tourist accommodation and the notification letters were sent to the property address many leasehold owners have not received them.

We requested that all residents be informed and understand that an extension of the deadline is given for comments/objections – date of request 12/10/2023.
Notification letters received by the closest properties – 22/10/2023.

3. Observations for consideration… Please see below for full supporting details

3.1. Variation or Full Planning Application?

This application has been submitted as a Section 73 limited variation. Due to the increase in scale of the development and associated infrastructure required we suggest that it is more appropriate for this to be raised as a full planning application and considered by the full Planning Committee taking into account the following factors…

- 5 new buildings in place of 2.
- Double the area covered.
- Environmental impact of removing existing sewage treatment plants and installing a new sewage treatment plant.
- Increase in road usage at entrance from main road and within the Village itself.
- Increase in parking spaces required.
- Change from original tourist occupation to permanent occupation.
- Effect of climate change and increased risk of flooding to area.
- Adequacy of recycling and rubbish facilities.
- Provision of EV charging points.
- 3 phase electricity supply including new sewage plant requirements.
- Increase in load on local infrastructure e.g. medical, transport, local amenities.
- Need to reduce the speed limit on A3102 to allow safe crossing for elderly residents.

In the light of the importance of these factors is it in the public interest for this application to be considered as a limited variation or **should it be resubmitted as a new full planning application** with pre-planning consultation and associated environmental, highways, engineering and Distribution Network Operator (DNO) surveys completed?

3.2. SCOPE

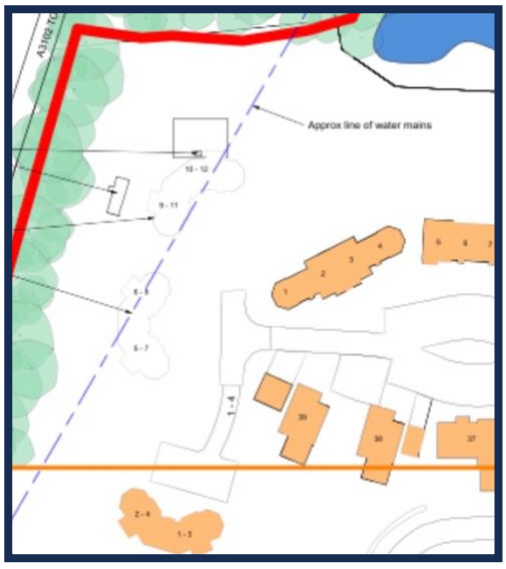
3.2.1. Block plans

Block plan Proposed in this application – new properties highlighted in red



Existing block plan (right) shows location of

the 2 apartment blocks approved in N/08/00706/FUL on appeal.



NB. One block is overlapping the existing sewage treatment plant

The built apartment block to the south was re-sited and approved retrospectively in 18/07195/FUL

3.2.2. Increase in Size and Scope

5 large buildings replace the 2 buildings previously approved

- 4 large executive homes at approx. 200m2 each
- 1 large 4 bed bungalow approx. 255m2 with integral garage
- 1 apartment block (re-sited)

e.g. Bungalow ground floor plan shows 2 bedrooms and a study.

However, the first floor plan (not included in the application) consists of master bedroom with ensuite and a large storage room. There is potential for more than 2 bedrooms, and possibly up to 5.

Photo shows similar bungalow recently built in 2023 (this one has no garage)



- Additional acreage covered – approx. double the area covered by the previous approval.

- Additional parking requirement
  i.e. 8 spaces for apartment block + 3 spaces for each house/bungalow = 20 parking spaces + 2 visitor spaces.

- New roadway required for access to the properties.

- New service road required for proposed sewage plant.

- Removal of 2 sewage treatment plants.

- Installation of a new larger sewage treatment plant (see Section 3.3.)

3.3. Sewage

Installation of a large new Sewage treatment plant serving all 74 properties, and removal of the existing 2 sewage treatment plants.

3.3.1. Sewage Treatment Plant fit for purpose?

The replacement of the existing sewage plants must not be considered lightly as it not only affects the current stakeholders but will impact on the future. There is nothing to show that the proposed replacement will, in fact, be fit for purpose or that it will properly serve the needs of the current and future residents. Our expectation is that the Planning Department will ensure that the proposed plant will be fit for the purpose of permanent residences and will take the following observations seriously.

- The Septic Tank specification included with the application states it is for the Wiltshire Golf and Country Club i.e. not this development. Is it acceptable for documents commissioned for unrelated projects to be relied on?
- The specification supplied, appears to be for **tourism use** rather than residential/retirement living – **no engineers report has been supplied to ensure this is fit for purpose.**
- It clearly states that **fats, oils, grease and surface water must not enter the plant.** How does the Developer expect to ensure tourists, or those who are not permanently resident on the development, comply with this?
- **There have been ongoing problems over several years with the existing sewage treatment plant**. What steps will the Planning Department take to determine the extent of these problems and ensure the proposed facility does not replicate them?
- Will the Planning Department consider the fact that the **ongoing costs of maintaining the sewage plant** rests with the leaseholders and freeholders and not with the Developer. As stakeholders should these persons be involved in any decision-making process with respect to any new treatment plant proposal and, if so, will the Council ensure that this takes place?
- Should the **interests of these stakeholders** be taken into consideration prior to Council approving the installation of a new sewage treatment plant?
- Is the following extract from septic tank brochure supplied indicative that the plant is designed **for non-permanent residential use**? If so, what steps will Planning take to ensure that the new plant installed is for permanent residential use?

Extract from septic tank brochure included with the application…

*This can be particularly **beneficial for seasonal applications such as campsites, caravan parks, lodges or hotels** where they may operate at peak capacity for short periods of the year. This functionality permits the volume of air to be increased or reduced, depending on the amount of people to be accommodated, thereby offering the end-user the ability to further reduce energy and running costs.*

3.3.2. Location of sewage treatment plant by Wildlife Lake

The proposed location of the new sewage plant is on the bank of a **lake** that supports a variety of **wildlife**, including newts, moorhens, ducks, woodpeckers etc. (all observed in the area recently). **Should an Environmental impact survey be undertaken?**



Site of proposed sewage treatment plant

Photo shows the nature lake - site of proposed sewage treatment plant

3.3.3. Drainage

This lake drains an area of Hunts Mill Farm, then across the A3102 and into the main water course. As the Council is fully aware, in October 2023 the A3102 between The Wiltshire Hotel and Breach Lane flooded when that drainage course backed up, to the extent that traffic was severely disrupted.
Should the drainage overflow system be assessed by the Environmental Agency before any new sewage plant is commissioned?

This area is prone to flooding. As the **risk of flooding is likely to increase as a result of climate change** and will this also be factored into any decision taken?

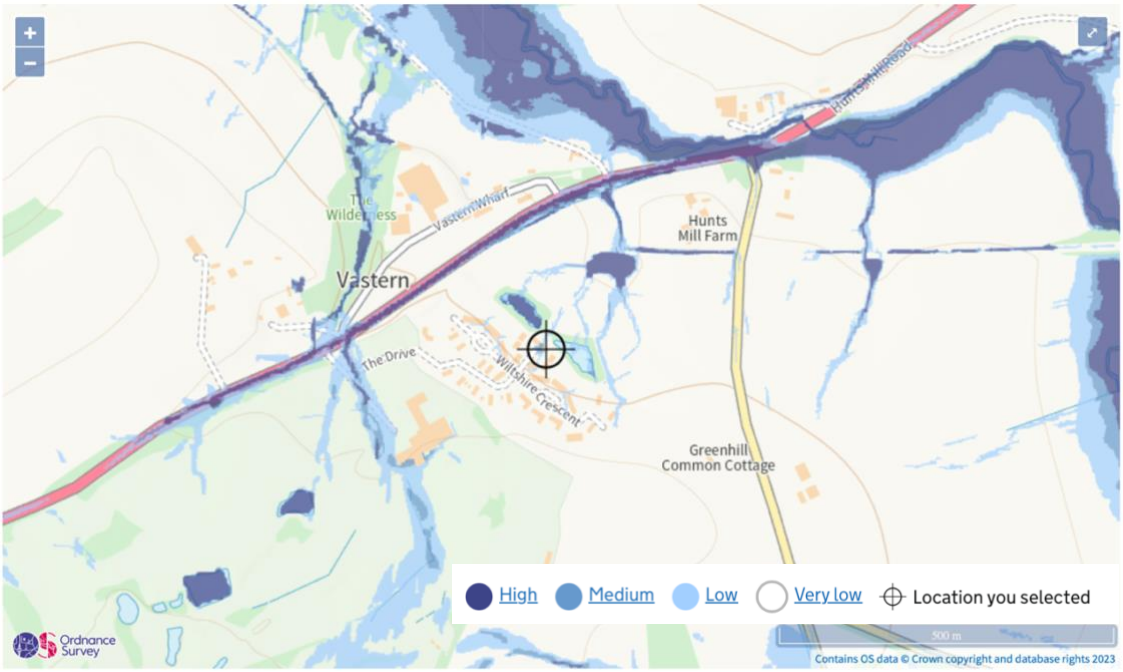
We understand that there is an obligation to take the propensity of flooding into account when siting housing and so the expectation is that the Planning Department will fully consider the vulnerability of the proposed new buildings and the water treatment plant to the risk of flooding, and to the risk of further flooding onto the neighbouring land.

3.3.4. High flood risk from surface water

Map below shows the **High Flood Risk from Surface Water** by the lake where the proposed sewage treatment plant is to be sited – (source Environment agency .Gov.UK)

https://check-long-term-flood-risk.service.gov.uk/map?easting=405348&northing=181368&map=SurfaceWater#

Within the immediate vicinity of the proposed new buildings existing properties are already officially categorised as 'medium risk' of flooding. These properties are below the proposed sewage treatment plant. Should this be taken into consideration when re-siting the sewage treatment plant?



Extent of flooding from surface water

Will the Planning Department expect any sewage treatment proposal to have been verified by a site visit and what steps will have been taken to ensure that this has taken place?

3.3.5. New Regulations for water treatment plants

We understand that after 2nd October 2023 new rules and regulations for water treatment plants apply and that, where possible, connection to mains sewer should be made. Will the application be considered in conjunction with these new regulations and will the Environment Agency need to be involved? Will the stakeholders be informed and/or included?

Photos taken in October 2023 showing flooding at the entrance to the development…






3.4. Net Zero Strategy including EV chargers

- What sustainable Net Zero measures are proposed? e.g. solar panels, air source heat pumps
- **Are EV chargers included?** - required for all new builds (Building Regs 2021 edition)
  https://assets.publishing.service.gov.uk/media/6218c5d38fa8f54911e22263/AD_S.pdf

This section deals with requirement S1 from Part S of Schedule 1 and regulation 44D of the Building Regulations 2010.

Requirement

The erection of new residential buildings

S1. (1) A new residential building with associated parking must have access to electric vehicle charge points as provided for in paragraph (2).

(2) The number of associated parking spaces which have access to electric vehicle charge points must be—

(a) the total number of associated parking spaces, where there are fewer associated parking spaces than there are dwellings contained in the residential building; or

(b) the number of associated parking spaces that is equal to the total number of dwellings contained in the residential building, where there are the same number of associated parking spaces as, or more associated parking spaces than, there are dwellings.

(3) Cable routes for electric vehicle charge points must be installed in any associated parking spaces which do not, in accordance with paragraph (2), have an electric vehicle charge point where—

(a) a new residential building has more than 10 associated parking spaces; and

(b) there are more associated parking spaces than there are dwellings contained in the residential building.

3.5. Electricity supply capacity

- Is the capacity of the existing electricity supply sufficient for the additional number of EV chargers, air source heat pumps and solar panels?
- Has the Distribution Network Operator (DNO) been approached?
- Has the electricity feed required for the new sewage plant been specified?

3.6. Refuse Bins and Recycling

- The existing bins/recycling area is often full to capacity.
- Is it large enough for the proposed new development?
- Does it need extending?

3.7. Tourism/Retirement use

3.7.1. Tourism (change of use)

14/11318/VAR – Planning statement for change to Phase 2 to include Retirement use

2.2 The golf and country club was sold in 2013 but the lodges were retained and managed by the Applicant so that the development can be completed.

2.4 There is a 999 year lease in place which gives all leaseholders and residents of the lodges the right to enjoy the amenities of the leisure golf and all other facilities of The Wiltshire Golf & Country Club. There has been no change in this relationship and the new club owners have a commitment to retain all these facilities for the lodge owners.

Hotel

- Notwithstanding its referencing the amenities of the Wiltshire Hotel and Golf and Leisure Club in this application, the Developer no longer has an interest in the Wiltshire Hotel and Golf Club having sold it in 2013.
- In fact, the Hotel is now a residential facility housing Asylum Seekers.
- It is no longer a major local employer of local residents and uses staff recruited in India.

Golf Club and Leisure Facilities

- The connection between the leisure facilities and the Village was strongly emphasised in the initial obtaining of planning permission for the development and is also referred to in the current application. Sadly it no longer exists.
- There is little or no attraction for tourists to come into the area and the basis of the initial approval of the Village no longer exists.
- In reality, tourists and visitors are no longer freely able to access the Golf and leisure facilities.
- Leaseholders and freeholders can no longer benefit from the 27 hole golf course. They may use the 18 hole course but the 9 hole is no longer available.
- There has also been a substantial reduction in the availability of leisure facilities for residents of the Village.
- Owners of tourist lodges have found it extremely difficult to sell their properties or rent them out to tourist visitors as a result of these changes.
- The membership of the Golf Club and Leisure Facilities has fallen dramatically since 2019 and the Club has failed to attract any significant numbers of new members. We would strongly recommend that the Planning Department visit the 'amenities and facilities' described by the Developer in its Planning Statements when considering the application.

Consequently, the Village is now far less suitable for tourist accommodation.

Will the Planning Department also **consider granting flexible tourism/retirement status to all the properties**? (see Section 5 page 20)

3.7.2. Retirement use - accessibility

Extracts from the Planning statement for this application…

> **3.8. A planning application (reference: 14/11318/VAR) to vary condition 1 of the 2009 permission to allow a flexible use of the lodges in Phase 2 of the Wiltshire Leisure Village to include retirement in addition to tourism, was approved in May 2015.**
>
> **5.15. Whilst there are no specific policies relating to the retirement use at The Wiltshire Leisure Village, Core Policy 46 provides guidance relating to the provision of housing to meet the needs of** Wiltshire's **vulnerable and older people. The Policy requires** *"the provision, in suitable locations, of new housing to meet the needs of vulnerable and older people"*. **It directs that** *"wherever practicable, accommodation should seek to deliver and promote independent living"*.
>
> **5.16. The Policy goes on to states that** *"housing schemes should assist older people to live securely and independently within their communities. Residential development must ensure that the layout, form and orientation consider adaptability to change as an integral part of design art the outset in a way that integrates all households into the community"*.

As the Developer is now choosing to emphasise the **retirement accommodation** aspect of the development and the change from original concept for 'tourist accommodation' will the Planning Department accept that it has a duty to **support an ageing population** profile and, when considering this application, should - indeed must - take into account the **suitability of the access** and **the current speed limit on the A3102**

- The access road to the development is off the A3102 where the **national speed limit of 60mph applies**.
- There is a shared access drive with the Wiltshire Hotel and the **width at that entrance is insufficient to allow for a pavement** on either or both sides.
- There is **no pavement** from that entrance **to the bus shelter** outside, **nor is there a pavement on the other side of the road**.
- In October 2023 the access road was inundated such that there could be no safe passage for pedestrians. Will the Planning Department also take this into account when considering the application? "

Will the **Highways Department** take this into account when considering the application and assess the need to **reduce the speed limit on A3102 to allow safe crossing** for the use of residents who will increasingly present as less mobile and more elderly?

4. Potential non-compliance of Planning Conditions

Several significant planning conditions are contained in previous planning decision notices for this development, some of which appear to be incomplete.

- What is the Planning Department's view on non-compliance with previous planning applications?
- Does non-compliance of planning conditions undermine public confidence In the planning process?
- Will the Planning Department take into account Developer's undertakings given in respect of previous applications?

4.1. Roads

The top dressing of the roads for Phase 1 **has not been completed after 15 years**.
The surface is crumbling and patched which is a safety hazard especially as many of the residents are retirees in their 70s and 80s.

N/06/00278/FUL - Decision notice 17/05/2006

> Prior to the use or occupation of the development hereby permitted, details of the layout and construction of areas for the parking of vehicles and means of access thereto shall be submitted to, and approved in writing by, the local planning authority. Such areas shall thereafter be kept available for the parking of vehicles and access thereto at all times.
>
> Reason: In the interests of highway safety and convenient access.

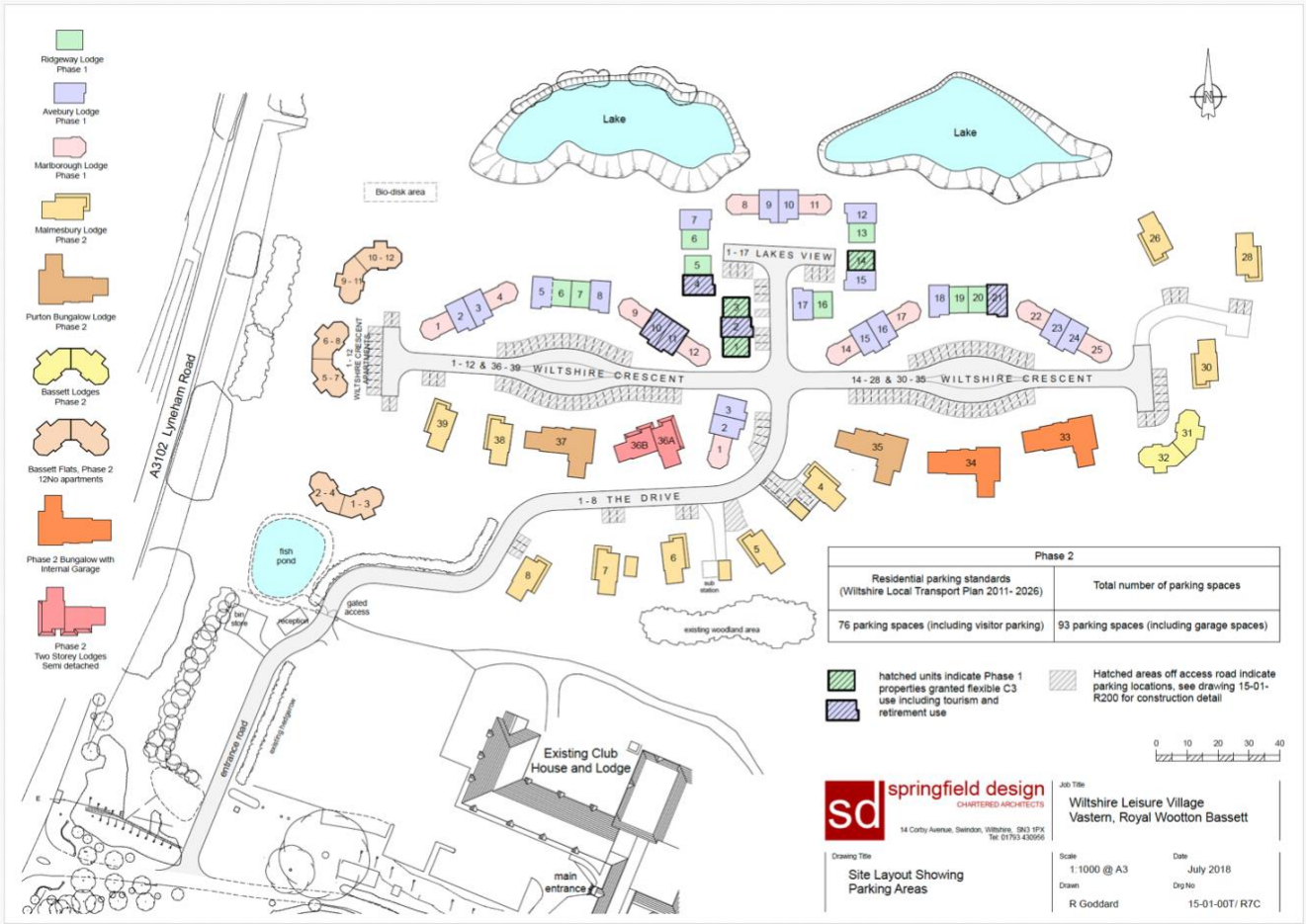





4.2. Parking spaces – a large number of the original parking spaces are no longer available due to the building of Phase 2 properties. Are sufficient spaces remaining?

e.g. None of the parking spaces shown to the south of Wiltshire Crescent (west) now exist due to the building of 36A, 36B, 37, 38, 39 (which have 3 spaces each).

See below parking scheme map dated July 2018 - included in 14/11318/VAR



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Reason: In the interests of highway safety and convenient access.

14/11318/VAR

<u>parking...</u>

cl 5: '**Such areas shall thereafter be kept available for the parking of vehicles and access thereto at all times**.'

Reason: in the interests of highway safety

4.2.1. Wiltshire Local Transport Plan 2011-2026

https://www.wiltshire.gov.uk/media/7623/Wiltshire-Local-Transport-Plan-2011-2026-Car-Parking-Strategy/pdf/ltp-car-parking-strategy-2015-march.pdf?m=637728302733800000

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

4.2.2. **Parking spaces required** - Using the above specifications…

Phase 1 - built

34 x 3 bed lodges @ 2 spaces per property	= 68 parking spaces
10 x 4 bed lodges @ 3 spaces per property	= 30 parking spaces
Visitor spaces 44 lodges @0.2 per property	= 8.8 rounded up to 9
Total spaces required for Phase 1 properties	**= 107 parking spaces**

Phase 2 - built

18 x 4 bed houses @ 3 spaces per property	= 54 parking spaces
4 x 2 bed flats @ 2 spaces per property	= 8 parking spaces
Visitor spaces 22 properties @0.2 property	= 4.4 rounded up to 5
Total spaces required for Phase 2 built properties	**= 67 parking spaces**

Phase 2 this variation

4 x 4 bed house/bungalow @3 spaces per property	= 12 parking spaces
4 x 2 bed flats @ 2 spaces per property	= 8 parking spaces
Visitor spaces 8 properties @0.2 property	= 2.2 rounded down to 2
Total additional spaces for this variation	**= 22 parking spaces**

Total parking spaces required now = 174
Total parking spaces required including new variation = 196

The site map from 2018 shows 93 spaces available i.e. fewer than the 174 currently required… and many of these have since been removed

Phase 2	
Residential parking standards (Wiltshire Local Transport Plan 2011- 2026)	Total number of parking spaces
76 parking spaces (including visitor parking)	93 parking spaces (including garage spaces)

Will the Planning Department consider whether the total number of parking spaces available is adequate or not?

4.3. Landscaping/tree planting

Required to be completed within 1 year of occupation of the first Phase 2 Retirement property. This **has not been started**. First house for Retirement use was occupied in 2016.

See below planting scheme dated 06/07/2018 included in 18/07195/FUL



This landscaping/tree planting scheme has been started and it is certainly not completed. There has been a small amount of planting done by leaseholders in the curved beds in Wiltshire Crescent and Freeholders have planted trees and shrubs in their own gardens.

N/06/00278/FUL - Decision notice – 17/05/2006

The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

14/11318/VAR – Decision notice – 5/5/2015 – variation of use for Phase 2 retirement

2 No development shall take place until full details of landscape works and their subsequent maintenance have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The approved landscaping scheme shall be implemented within one year of either the first occupation of part or all of the development, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. Any trees or plants which within the maintenance period die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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

The landscaping/tree planting scheme to be implemented **within 1 year** of the first Retirement house occupied. **It has not been done**.

Phase 2 retirement property occupied (New build) in Feb 2016 – source Rightmove.



4.4. Maintenance

The developer owns several of the Phase 1 properties plus the Site Office, either directly or through its Directors.

These properties have not been maintained properly insofar as they have rotting window frames, timber cladding faded and they have not been re-painted since 2014.

Will the Planning Department consider the Developer's actions in the light of the planning consents that it has issued viz:

N/06/00278/FUL - 2006 decision notice

Prior to the use or occupation of any part of the building hereby permitted, all external joinery shall be painted in a finish to be submitted to, and approved in writing by, the local planning authority. Thereafter the approved painted finish shall be retained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the character and appearance of the area.

14/11318/VAR – 2014 Decision notice

window surrounds and external woodwork…

cl.4 …. all external joinery shall be painted in a finish to be submitted and approved in writing by the local planning authority and thereafter retained unless otherwise agreed by the lpa.
Reason: In the interests of visual amenity and the character and appearance of the area



Photo of the Site Office showing rotten door and window frames and faded timber cladding

5. Outstanding S106 Application

Will the Planning Department note that **20/07559/VAR** for **flexible tourism/retirement status** for Phase 1 properties is still pending decision notwithstanding its submission over 2 years ago.

This decision should be expedited and, in the public interest, should be decided prior to consideration of the current application.

(See section 3.7.1. Tourism/Retirement use for more information)

6. Conclusion

The above are **observations**. They are **not objections**. No-one who has a leasehold or freehold interest in the Village is permitted to object to any planning applications on this site due to a restrictive clause in the lease.

Extract from Lease

5-7.3.2 The Lessee has entered into this Lease in full knowledge that the Landlord intends to obtain planning permission for the construction of further Holiday Lodges on the Estate and the Lessee hereby agrees not to make or procure the making of objections to the Landlord's planning applications therefor and acknowledges that the construction of the further Holiday Lodges will result in noise inconvenience and disturbance to the Lessee's enjoyment of the Holiday Lodge and possible loss of amenity privacy or view and covenants not to claim any compensation from the Landlord in respect of the same

We wish to thank Planning Officer Callan Powers and the Council Planning Committee for considering these observations in order to deliver outcomes that are in the best interests of the leaseholders, the freeholders and the developer.

Wiltshire Leisure Village Leaseholders Association