

On Line Comments

Comments:

RE: Planning Application 18/04656/FUL: Courtfield House Polebarn Road Trowbridge BA14 7EG

With regard to the above planning application, I wish to make you aware of several objections and concerns that I have, particularly with reference to the traditional orchard space to the rear of the property. Inspection of historical maps shows that this area has never been built on and has been in continuous use as an orchard and/or growing vegetables for the past 150+ years. It is a largely unspoilt area of remarkable biodiversity, that is home to several rare and uncommon tree species, many of which date back to 1870. A row of ancient espaliered fruit trees; and a sunken Italian-style garden, built in the 1800s that contains a Roman stone casket are also located within the grounds. The proposals to erect 15 dwellings in the greenspace and “comprehensive landscaping” will lead to almost complete destruction of these heritage assets.

Significance of the orchard space

The traditional orchard, which makes up the northern half of the green space to the rear of Courtfield House, represents an increasingly rare feature. Few such sites, which boast a natural and unspoilt habitat now exist near any town centre that have the potential to serve the wider community. The orchard site is a natural habitat for bats, badgers, hedgehogs and a range of bird life, butterfly and insect life.

On 13 June 2018, the Mammal Society and Natural England released a high-publicised warning that approximately one in five of British mammal species are at risk of extinction if current trends of habitat destruction continue. A Sunday Times investigation, published on 3 June 2018, found that felling of trees in the UK is at unprecedented levels. Wiltshire was found to have the worst record for tree-cutting of all mixed urban and urban counties, having felled 4,778 trees in the last three years.

Given present trends and increasing public concern about the plight of England’s struggling wildlife, it is vital that this site is preserved. Its destruction for housing will be permanent and there are numerous brownfield sites and areas without such biodiversity that are suitable for such developments.

Specific objections and issues that warrant prompt attention include:

1. Failure to meet statutory requirements

Courtfield House and its range is a grade II* listed site, situated within a conservation area. It has fallen into a state of disrepair and is in need of restoration. The present land owners propose to repair and convert the property into five luxury flats, although they have not consulted Historic England. Furthermore, no National Amenity Bodies have been consulted, which is also a minimum requirement.

The Planning Design and Access Statement states that the proposal “has been informed by [...] pre-application engagement with Wiltshire Council and Historic

England". Personal communication with Historic England's officer for this site, Samuel Souter, on 15 June 2018 at 11.20 revealed that this "engagement" was merely a site visit and not the formal consultation that is necessary.

It was the opinion of Samuel Souter that the proposals would be "inappropriate" and would "adversely affect" the property's historic status and setting. He was of the opinion that he would be "surprised if [the proposal] is something we [Historic England] can support".

Samuel reported that he offered of a full assessment of the proposed plans for the site during this brief visit but was refused by the land developers on the grounds that there "wasn't enough time" for recommendations to be incorporated before submitting their proposals, a claim that was later shown to be somewhat disingenuous given that several weeks passed before the planning application was actually submitted.

Historic England's opinion, as expressed by Samuel Souter, was that the proposed works to the orchard would "destroy" the site's "historical status and setting". This is at odds with the Heritage Report, conducted by consultants Wessex Archaeology Ltd. The report also makes no mention of a stone Roman casket (coffin) which is situated in the site's sunken, Italian-style garden (dating from the 1800s).

Importantly, Wessex Archaeology's Heritage Report states that:

"It is recommended that Historic England, who are a statutory consultee in cases where development proposals affect a Grade II* Listed Building, and Wiltshire Council's Conservation Officer are consulted regarding the potential effects of the development on the historic environment. This would provide a means of identifying and addressing any potential concerns, or opportunities for enhancement at an early stage." (5.2.6)

The proposed works would be detrimental to the Conservation Area and so the conservation officer for Wiltshire Council needing to have given full consultation (which has not been completed at the time of writing) and a full county archaeological survey conducted.

2. Inadequate ecological survey

The Extended Phase 1 Ecological Survey, as conducted by Stark Ecology Ltd on behalf of the land owners, has been independently reviewed by the People's Trust for Endangered Species (PTES) and Wiltshire Wildlife Trust's (by Chief Executive, Dr Gary Mantle). They have independently expressed serious concerns over the accuracy and thoroughness of the submitted ecological survey, namely:

- Bat surveys were conducted in September, which is sub-optimal. (See Bat Survey Guidelines¹ para 2.4). Stark Ecology's report states that an additional re-entry survey needs to be conducted in May/June 2018 as a minimum, which appears not to have been done.

- The site is in an important ecological corridor for bats (including Bechstein's bats in Green Lane woods, which are a European protected species) and no assessment

was made for hibernacula or foraging bats moving along this corridor.

- Suggested "bat mitigation measures" are insufficient for the probable number of bats that are roosting (as per Bat mitigation guidelines²).

- Stark Ecology appear not to have assessed trees for roosting, and their report incorrectly states that "none of the trees within the site boundaries [...] have features such as cracks, splits or fissures which could be used by bats as a roost." This is factually incorrect: there is an abundance of old trees with these features. The ARB (the Arboricultural Association) has documented at least 16 trees that have characteristics suitable for bat roosting, which include:

T801 Numerous cavities main branch structure. Minor deadwood in canopy

T814 Major deadwood in canopy [Where deadwood is present, there will be cavities and woodpecker holes]

T819 Major decay throughout main stem

T830 Stem completely hollow, decayed [prime bat habitat]

T845 Stem hollow, decayed

T846 Stem hollow, decayed, cracked

- The badger survey was very cursory and many area were not inspected. Unsurprisingly no active setts were located but a lot of visible badger activity is visible and a badger latrine was easily visible, so active badgers are definitely on site.

- The ecology statement does not mention of make allowances for the fact that the site is a Priority Habitat.

- Both PTES and Wiltshire Wildlife Trust have unequivocally stated that the site should be subject to a full assessment by the county ecologist as a priority, especially given serious misgivings over the published report.

Worryingly, the Council's Head of Ecology was unaware of the planning proposal prior to me bringing it to her attention in mid-June.

1. Collins, J (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice

Guidelines (3rd edn). The Bat Conservation Trust, London.

2. Mitchell-Jones, A J (2004) Bat mitigation guidelines. English Nature, Peterborough.

3. Non-compliance with Natural England Priority Habitat Inventory requirements

The “orchard” is classified on Natural England’s Priority Habitat Inventory (PHI) as deciduous woodland. This status places a duty on Planning Authorities to have regard for biodiversity in exercising their functions. This status includes the duty to “promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and to identify suitable indicators for monitoring biodiversity in the plan.”

There are up to 13 bat species known to be living in the vicinity of the orchard and roosting sites are present in the trees. The site is home to diverse birdlife, an active badger population, as well as uncommon butterflies. Rather than “preserving, restoring and recreating” this natural habitat, the planning proposal represents a gross over-development that would lead to its permanent destruction.

Since acquisition of the land, it appears that the orchard space has not been well cared for and these responsibilities need to be undertaken as a matter of priority.

Regrettably, the Tree Officer for the area, David Wyatt, has not responded to any correspondence in the past three months with regard to the consideration of Tree Protection Orders, which has included telephone messages, emails, and numerous hand-delivered letters.

4. Non-compliance with Wiltshire Core Strategy CP49: Loss of Community Facilities

Core Policy CP49 of the Core Strategy states:

“Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted [...] Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered.”

Criterion ii of CP49 states that as a minimum the plan must:

“ii. Be as open and as flexible as possible with respect to alternative community use”

Not only does the orchard greenspace represent an irreplaceable part of our county’s heritage and is an area of natural beauty (CP 57/8), but its destruction will lead to the permanent loss of a valuable community asset. The community amenity may be redeveloped “only where it can be demonstrated that all preferable options have been exhausted” (CP 49).

As is apparent from the Design & Access Statement (page 22) no effort has been made

whatsoever be the planners to “be as open and as flexible as possible with respect to alternative community use” (criterion ii).

Falling under Class D1 (non-residential uses) of Use Classes Order 1987, the orchard site has been the venue for town’s annual Apple Festival for several years. The orchard’s veteran trees are integral to this lively community event of music and family activities. The orchard space also presently regularly serves as an educational and recreational space for the adjoining Roundstone Nursery.

Wiltshire Wildlife Trust and The BIG Community Grow (the organising charity for the annual Apple Festival) have independently expressed serious interest in opening up the site to the wider community, which would be easily achievable via a gate into the park. Life-enhancing community activities, such as for Forest School and as a community orchard. A compromise position would be acceptable whereby the northern end of the gardens containing the orchard are donated to the council or community/wildlife organisation and annexed or connected to Trowbridge Park via a gate. The area would make a top-class community orchard and excellent public greenspace and site for education and training as one of the very few biodiverse greenfield sites near a town centre, set apart from the heavily manicured town park.

5. Unsafe traffic levels, insufficient car parking, and increased pollution

The addition of 21 homes in and around Courtfield House (0.6 hectare) would be neither "acceptable", "viable" or sustainable. It represents a serious safety and environmental hazard, not least in terms of traffic volume, under which Polebarn Road is presently struggling to cope with. Lovemead GP group practice, Boots pharmacy, Trowbridge police station, Roundstone children’s Nursery and a Magnet kitchen furniture store are all situated on this (essentially single lane) cul-de-sac road. Court Mills, at the end of Polebarn Road, is presently undergoing development into accommodation, which will worsen the traffic congestion long before any housing project on Court Mills. Submitted proposal document use outdated traffic estimations of 80 motor vehicles travelling along Polebarn Road daily. Informal traffic surveys have revealed 188 motor vehicles travelling up and 241 motor vehicles travelling down the road over a two hour period (which include Post Office vans, lorries and emergency vehicles).

The Highways department appear not to have undertaken a traffic survey at the time of writing and a full, up-to-date assessment is essential given the risks associated with the increased traffic that would be incurred from the proposed additional housing.

It should be noted that the proposed primary access point to the Courtfield House via Polebarn Road orchard is narrow and not safe for wheelchair users (CP 61), and allowance should be given for the homes currently under construction at Court Mills.

Concluding remarks, with reference to National Planning Policy Framework (NPPF)

The proposed development will have no effect on alleviating housing shortages: all properties are to be luxury properties, and no allowance has been made for affordable housing. The land developers argue that all properties are required to cross-subsidise the £3 million restoration of Courtfield House (as per email from Tom Griffiths,

Development Director of Ashford Homes, received on 28 June 2018).

If, however, Courtfield House is to be repaired and restored via cross-subsidy of a housing development, then a balance must be struck between the project's financial viability and the preservation of this valuable heritage asset and community amenity. Basic calculations show that 10 properties, which could all be located without impinging on the orchard, would provide profit for the renovations while preserving this precious heritage asset. Currently the balance is swung too far in favour of the land developers interests to maximise profits.

It is worth stressing that development on this is not a zero-sum game. As per the National Planning Policy Framework (123), the imperative to "identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason" is not wholly incompatible with the restoration of the site. Moreover, "a positive strategy for the conservation and enjoyment of the historic environment" (NPPF, 126) has not been fully explored and it is essential that it is.

Ashford Homes fail to give a breakdown of costs vs projected revenues, which is of vital importance when considering this uniquely important site. "Great weight" need to be placed on "the wider social, cultural, economic and environmental benefits that conservation of the historic [Courtfield House orchard] environment can bring" (NPPF, 126). The National Planning Policy Framework also states in paragraph 132 that "Substantial harm to or loss of a grade II listed building, park or garden should be exceptional".

The site was bought speculatively on the assumption that the orchard could be built upon. No planning permission was granted prior to purchase and the current proposals prioritise the land owners' projected profit margin over and above the following NPPF requirements:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance." NPPF, 137

".. contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity" NPPF, 109

In the strongest possible terms, I request that the planning proposal in its current form be rejected and the land owners are requested to submit proposals that preserve the most historic and biodiverse parts of the orchard so that it can have continued and expanded use as a community amenity. It would be preferable that Trowbridge residents and local conservation organisations are consulted so that the requirement that "all preferable options have been exhausted" has been met.

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