

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 14 August 2014  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to David Parkes, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718220 or email [david.parkes@wiltshire.gov.uk](mailto:david.parkes@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Richard Britton	Cllr George Jeans
Cllr Richard Clewer	Cllr Ian McLennan
Cllr Brian Dalton	Cllr Ian Tomes
Cllr Christopher Devine	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Ian West
Cllr Mike Hewitt	

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### Substitutes:

Cllr Trevor Carbin	Cllr Helena McKeown
Cllr Terry Chivers	Cllr Leo Randall
Cllr Ernie Clark	Cllr Ricky Rogers
Cllr Tony Deane	Cllr John Smale
Cllr Dennis Drewett	Cllr John Walsh
Cllr Peter Edge	Cllr Bridget Wayman
Cllr Magnus Macdonald	Cllr Graham Wright

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# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

2 **Minutes** (*Pages 1 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 03 July 2014.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 7 August 2014**. Please contact the officer named on the front of this agenda for

further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals** (*Pages 9 - 10*)

To receive details of completed and pending appeals (copy herewith).

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **WITHDRAWN - 14/04682/FUL - Land at the Junction of Church Street and the road leading to Woodyates, Bowerchalke, Salisbury, Wiltshire, SP5 5DA**

7b **WITHDRAWN - 14/02043/FUL - 50 Winterslow Road, Land to rear of Chalk House, Porton, Salisbury, SP4 0LF** (*Pages 23 - 50*)

7c **14/04255/FUL - 27 Tollgate Road and 1 & 2 Fowlers Hill, Salisbury, Wiltshire, SP1 2JF** (*Pages 51 - 62*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

**Part II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

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## **SOUTHERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 3 JULY 2014 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE,  
SALISBURY, SP2 7TU.**

**Present:**

Cllr Richard Clewer, Cllr Brian Dalton, Cllr Christopher Devine (Vice-Chair), Cllr Jose Green, Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian Tomes, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

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**75 Apologies for Absence**

Apologies for absence were received from Cllr Richard Britton.

**76 Minutes**

The minutes of the meeting held on 12 June 2014 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes.**

**77 Declarations of Interest**

Cllr George Jeans declared a non-pecuniary interest and took no part in item 7c - 14/02315/FUL - Newlands, Boar Street, Mere, Warminster, BA12 6DD because the applicant was a relative. Cllr Jeans sat with the members of the public and did not speak or vote on the item.

**78 Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

**79 Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

## 80 Planning Appeals

The committee received details of the appeal decisions as detailed in the agenda.

## 81 Planning Applications

### 81a 13/00636/FUL - Brook Cottages, Gasper, Stourton, Warminster, BA12 6PY

#### Public Participation

Mr Nick Hall spoke in support of the application.

Mrs Sarah Hall (applicant) spoke in support of the application.

Mr Carpendale (agent) spoke in support of the application.

Parish Councillor Cristina Fearon (Gasper Parish Council) spoke in objection to the application.

Parish Councillor Harry Parker (Stourton Parish Council) spoke in support of the application.

The Planning Officer presented his report to the Committee which recommended that permission be **refused**.

Members of the Committee then had the opportunity to ask technical questions of the officer. The locations of bus stops in relation to the proposed site were requested.

An item of late correspondence was circulated at the meeting.

The Local Member, Cllr George Jeans, spoke in support of the application. Cllr Jeans first became aware of the project in 2010 but came to the meeting with an open mind and made his decision after considering the input of the Committee. Cllr Jeans stated that he supported the application subject to a section 106 agreement with a series of terms. These terms included rent being set at 80% of an open market tenancy rental, the tenanted housing remaining for perpetuity and the tenants being local or needing to work locally. Cllr Jeans continued by stating that the Local Member should have been consulted and kept informed. Cllr Jeans concluded by stating that the application may have failed to comply with some relevant policy; it nonetheless provides much needed discounted rented accommodation in this busy and affluent area.

Members debated the sustainability and unique nature of the application. It was stated that this development was well shielded and that the reduction in rent was an important factor. The need to provide affordable housing in Wiltshire was discussed and concern was raised to whether it was possible

to specify the allocation of the housing through the parish council. Legal advice was sought from the officers who were present and it was confirmed that it would be possible to stipulate in the s106 agreement that the parish council would be consulted regarding the allocation of the housing, although without a parish plan in place they would not be able to have the final decision . It was stated that this application was contrary to policy and that the s106 agreement was a matter of trust.

The potential future use of this development was debated. The availability of work at National Trust properties was also discussed. The possible alternative use of the land was also raised and the need for an 'accountable letting criteria' was raised. The need to use complementary materials was also discussed. Members continued by discussing the importance of the rural economy. The geographic isolation of surrounding villages was raised and also the necessity of a car when living in the area.

Sustainability was discussed and the need for a small amount of growth required in rural communities was raised. The need to encourage those who provided affordable housing was also discussed.

The need for a similar model that could be used elsewhere was raised.

**Resolved:**

**To delegate to the Area Development Manager to approve planning permission subject to the signing of a legal agreement and appropriate conditions; such an agreement is to return to a future Committee for approval.**

**81b 13/06901/FUL - Hunts Cottage, Hindon Road, Dinton, SP3 5EQ**

Public Participation

Mr Robin Buchanan (agent) spoke in support to the application. Parish Councillor Charles Smith (Dinton Parish Council) spoke in objection to the application.

The Planning Officer presented his report to the Committee which recommended delegation to the Area Development Manager to Approve subject to the signing of a section 106 agreement for off-site adult recreation in accordance with saved policy R2.

Members of the Committee then had the opportunity to ask technical questions of the officer. The ancillary use of the site within the planning history was raised.

An item of late correspondence was circulated at the meeting.

The need for a septic tank was raised and Members discussed the need to meet the shortage of housing in the area. The requirement for an informative in relation to the type of septic tank to be used was also discussed. Finally, the concerns of Wessex Water were considered by the Committee.

**Resolved:**

**To approve planning permission subject to the following conditions and a section 106 agreement for off-site adult recreation in accordance with saved policy R2.**

**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 details and samples of the materials to be used for the external walls and roofs 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.**

**3. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.**

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

**4. The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON: In the interests of highway safety.**



**5. The development hereby permitted shall not be first brought into use until splays have been provided on both its sides of the access in accordance with details that shall have been agreed in writing by the LPA.**

**REASON: In the interests of highway safety.**

**6. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.**

**REASON: In the interests of highway safety.**

**7. Demolition of the stables will be undertaken outside of the period 1<sup>st</sup> April to 30<sup>th</sup> September unless they have been checked by an ecologist within 48 hours of demolition and been found not to support nesting birds. Three artificial swallows nests will be erected in the barn in accordance with the details provided in Appendix D of the Phase 1 Bat Report and Ecological Assessment (PV Ecology, October 2013).**

**REASON: In the interest of ecology**

**8. The development hereby approved shall be carried out in complete accordance with the following list of documents and plans:**

**Phase 1 Bat Report and Ecological Assessment, dated October 2013, received 16/12/13**

**Planning Statement, dated December 2013, received 16/12/13**

**Drawing Ref no: 0787/05 Rev F Proposed site Plan, dated Nov 2013, received 10/01/14**

**Drawing Ref no: 0787/03 Rev C Proposed Elevations, dated Nov 2013, received 16/12/13**

**Drawing Ref no: 0787/02 Rev C Proposed Plans (Floor and Roof) dated Nov 2013, received 16/12/13**

**Drawing Ref no: 0787/04 Rev A Location Plan, dated Nov 2013, received 10/01/14**

**Reason: In the interest of clarity**

## Public Participation

Mr Eric Mitchell spoke in support of the application.

Mr Michael Jeans (applicant) spoke in support of the application.

Parish Councillor Clive Hazzard (Mere) spoke in support of the application.

The Planning Officer presented his report to the Committee which recommended that the application be delegated to the Area Development Manager for **approval**.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Member discussed the location of the property.

An item of late correspondence was circulated at the meeting.

### **Resolved:**

**To delegate to the Area Development Manager to approve planning permission for approval subject to the signing of a unilateral undertaking, and with the conditions set out below:**

**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 details and samples of the materials to be used for the external walls and roofs 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.**

**3. No development shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.**

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

**4. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.**

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

**5. No part of the development hereby permitted shall be first brought into use 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.**

**6. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of carriageway, has been consolidated and surfaced (not loose stone or gravel). The access area shall be maintained as such thereafter.**

**Reason: In the interests of highway safety.**

**7. The vehicular access area shall remain un gated.**

**Reason : in the interests of highway safety.**

**8. The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 1.0 metre parallel thereto over the whole site frontage has been cleared of any obstruction to visibility at and above a height of 1.0 metre above the nearside carriageway level. That area shall remain free of obstruction at all times thereafter.**

**Reason: In the interests of highway safety.**

**9. The development hereby approved shall not be first used until a detailed scheme of works to improve the vehicular access arrangements to the front of the property known as "Newlands", has been agreed in writing by the LPA and has been implemented in full.**

**Reason: In the interest of overall highway safety**

**10. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access area), 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.

**11.** No works shall commence on site until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

**Reason:** In the interests of preserving the character and appearance of the conservation area and the setting of adjacent listed buildings.

**12.** The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

**Reason:** In the interests of preserving the character and appearance of the conservation area and the setting of adjacent listed buildings.

**13.** The development hereby approved shall be carried out in complete accordance with the following list of documents plans and specifications:

**Design & Access Statement, received 06/03/14**

**Location Plan, received 28/02/14**

**Plan ref No: MJ/2 Elevations, dated Feb 2014, received 28/02/14**

**Elevation plan for Car Port and Garage as proposed,**

## **82 Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 7.40 pm)

The Officer who has produced these minutes is David Parkes, of Democratic Services, direct line (01225) 718220, e-mail [david.parkes@wiltshire.gov.uk](mailto:david.parkes@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

# APPEALS

## Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs

## Outstanding Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
13/01493/FUL	44 Fisherton Street, Salisbury	WR	DEL	
13/02724/FUL	Woodford, Middle Woodford, Salisbury	WR	COMMITTEE	O/T
13/02243/FUL	Land at Rear of the Plaza, Durrington	WR	DEL	
13/05286/FUL	Youth Hostels Association, Milford Hill House Milford Hill	Hearing	DEL	
13/05532/OUT	Land adj Coombe Road, Salisbury	WR	DEL	
13/05117/FUL	72 Shaftesbury Road, Wilton	WR	DEL	
13/04330/ADV	Partridge Hill, Giles Lane, Landford	WR	DEL	

## New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
14/02238/FUL	Land at Paddock View, The Street, Teffont	WR	COMMITTEE	O/T

- WR Written Representations
- HH Fastrack Householder Appeal
- H Hearing
- LI Local Inquiry
- ENF Enforcement Appeal

4 August 2014

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## Report To The Area Planning Committee

Report No. 1

<b>Date of Meeting</b>	14 <sup>th</sup> August 2014
<b>Application Number</b>	14/04682/FUL
<b>Site Address</b>	Land at the Junction of Church Street and the road leading to Woodyates, Bowerchalke Salisbury Wiltshire SP5 5DA
<b>Proposal</b>	Change of Use to children's play ground and the erection of various play equipment
<b>Applicant</b>	Bowerchalke Parish Council
<b>Town/Parish Council</b>	BOWERCHALKE
<b>Ward</b>	Fovant and Chalke Valley
<b>Grid Ref</b>	401373 122517
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Becky Jones

### Reason for the application being considered by Committee

The Division Member, Cllr Jose Green, requested the consideration of this planning application at a Planning Committee on the grounds of local interest in the application and environmental / highway impact.

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be **REFUSED for the highway and pedestrian safety reasons detailed below.**

#### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

1. The principle of the development and change of use to playground
2. Scale, design and the impact of the proposal on the character and appearance of the surrounding area
3. The impact that the proposal would have on residential amenity
4. Impact on highway and pedestrian safety
5. Archaeology, trees and ecology

#### 3. Site Description

The site is located at the junction of Church Street with the road leading to Woodyates, in Broadchalke. The site is generally laid to grass, with a gravel parking area. It includes a number of trees and two benches. A public right of way traverses the north section of the site. The site slopes upwards towards the north.

The surrounding area is predominantly rural in character. Dwellings lie to the north (Little Misselfore), south (Misselchalke cottage and others) and south west (Craigleith and others). These properties front onto the roads and have fields to the rear.

The proposal site lies within the Housing Restraint Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and Area of Special Archaeological Significance. The site does not lie within Flood Zone 2 or 3.

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

None

#### **5. The Proposal**

Under the current application, the applicant is seeking to change the use of the land to provide a formal playground, and to provide the following:

- Install 11 groups of play equipment items, constructed mainly from timber, including swings, walks, seesaw, bridge and tower. Colours include green, brown and yellow. Detailed drawings with full dimensions have been provided.
- Retain the existing parking area (approx 17m long)
- Provide post and rail timber fencing 1.2m high (with 25mm mesh below the first of the two rails) and two picket style gates 1.09m high (to meet ROSPA requirements).
- Retain the existing footpath through the site

#### **6. Planning Policy**

##### **National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance**

This Framework sets out the Government's planning policies for England. The Framework repeats that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004).

Para 109 and 115 give weight to the conservation of landscape, scenic beauty, wildlife and cultural heritage in AONBs.

The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework. (Paragraph 215 at Annex 1). The following policies are relevant to the determination of this application and are considered to align with the principles, aims, objectives and intentions of the NPPF. These policies are therefore considered to carry significant weight.



**Salisbury District Local Plan (which are ‘saved’ policies of the adopted South Wiltshire Core Strategy):**

G2: General criteria for development  
C5: Small scale development proposals within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty  
H19 Housing Restraint Area  
R1A, R1C New indoor and outdoor sports and recreation facilities  
R2, R4 Protection of open space facilities  
R17 Public Rights of Way (encourage increased use)  
C12 Protected Species  
TR11: The provision of off street car parking spaces

**South Wiltshire Core Strategy:**

Core Policy 21 Protection of community services and facilities

**Wiltshire Core Strategy:**

Core Policy 33 Wilton Community Area  
Core Policy 1 and 2 (small villages)  
Core Policy 48 Supporting rural life  
Core Policy 51 Landscape (AONB)  
Core Policy 62 Transport and Development (safe access)

**7. Consultations**

**Highways – objection** on the grounds that the development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street.

**Landscape and Planning Advisor (AONB)** – the proposal does not appear to be in a sustainable location and the scheme would substantially change the rural character of the site.

**Archaeology – no objection**, the development is unlikely to disturb significant archaeological remains

**Trees – no objection**, the trees are not of sufficient quality to warrant formal protection.

**Public Protection – no objection**, the development is unlikely to have a significant impact on adjacent properties. Very low risk of ground contamination from previous uses.

**Rights of Way –no objection**, the public footpath (BOWE3) has been accommodated satisfactorily.

**Sport England – no comment**

## 8. Publicity

This application was advertised via site notice and letters of consultation. 12 letters of support/observation and 4 letters of objection have been received.

In summary, the grounds of support/observation related to the following:

Facilities needed for over 80 village children, good use of scrap common land, parking available

Young children would not be left unattended and site would be fenced.

There is local support for the scheme

Normally, traffic levels generally low, speeds limited and visibility good. Risk is sufficiently low to be acceptable. Farm vehicles and No 29 bus sufficiently loud/visible to react to.

Would give impetus to footpath improvements

In summary, the grounds of the objection related to the following:

Site too isolated, unsustainable, remote from village centre and unsafe for children

Loss of open space, detract from rural appearance

Noise impact, disturbance to residents

Footpath is unsuitable for pushchairs, bicycles or wheelchairs. Overgrown, muddy, sets of steps, slopes, tree roots, gates. Needs upgrading to good standard – impose suitable condition to ensure path is upgraded before use commences.

Road too dangerous for pedestrian use – no refuge, speed of traffic, blind bend and used by agricultural vehicles to access grain drier (tractor triangle). Site located on a junction. Danger from heavy vehicles. Unacceptable risk to child safety.

No local support for a playground

Detrimental impact on landscape setting, AONB, equipment would be an alien feature in landscape, visual impact in winter when trees shed leaves.

Contrary to SWCS Strategic Objective 01 (Officer note – Policy H19 is saved by Appendix A of the SWCS and is still in force. The site lies within the settlement boundary and is not open countryside).

Contrary to SWCS SO4, 07 and 08 – no need has been demonstrated for the site and no safe or adequate access is proposed.

Contrary to Wiltshire Core Strategy CP1 (see officer note above, the WCS is still emerging and settlement boundaries still apply to this application).

Contrary to WCS CP2, CP3 as it extends the built form of the village and is not infilling (see officer note above)

Contrary to WCS Policy 50, 51 and 61.

## **9. Planning Considerations**

### *9.1 The principle of the development and change of use to playground*

Policy R1A, R1C, R2, H19 and Policy C5 of the Salisbury District Local Plan are saved by Appendix A of the South Wiltshire Core Strategy.

Policy R1A states that new indoor and outdoor sports and recreation facilities will be permitted within or on the edge of settlements subject to there being no adverse landscape implications and provided they are accessible by means of public transport and other sustainable modes of transport.

Policy R1C indicates that:

“In the countryside, proposals for new outdoor recreation facilities will be subject to the following considerations:

(i) where the proposal involves the Area of Outstanding Natural Beauty, a Site of Special Scientific Interest, an Area of High Ecological Value, an Area of Archaeological Significance or the Landscape Settings of Salisbury and Wilton, such development will be permitted only if there would be no adverse impact on these designated areas;

(ii) elsewhere in the plan area, outdoor recreation facilities will be allowed provided there will be no significant adverse impact on the surrounding landscape or nature conservation value of the area, there is a satisfactory means of access, the local highway network is adequate, and appropriate services can be made available;

(iii) the proposal is not dependent upon the construction of large buildings or other large structures; and

(iv) there is no adverse impact on the amenities of residents or other recreational users.”

Subject to its approval in the future, the Wiltshire Core Strategy would designate Bowerchalke and Misselfore as a small village. Under CP1, development in small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Under Policy CP2, development will be limited to infill within the existing built area and will be supported where proposals seek to meet housing needs of settlements or provide employment, services and facilities provided that the development accords with all policies of the development; plan and:

- i) respects the existing character and form of the settlement
- ii) the proposal does not elongate the village or impose development in sensitive landscape areas, and

iii) does not consolidate an existing sporadic loose knit areas of development related to the settlement

The site is currently open space within the Housing Restraint Area (ie within the settlement boundary and within the *built area* for the purposes of the emerging WCS). The proposed change of use to provide a community facility or play area is therefore acceptable in *principle*, subject to the landscape and accessibility considerations set out in the Local Plan.

### *9.2 Scale, design and the impact of the proposal on the character and appearance of the surrounding area*

The proposal seeks planning permission to install 11 groups of play equipment items, constructed mainly from timber, including swings, walks, seesaw, bridge and tower. Colours include green, brown and yellow. Post and rail timber fencing 1.2m high (with 25mm mesh below the first of the two rails) would enclose the play area and two picket style gates 1.09m high would be provided to meet ROSPA requirements. The equipment would be sited 10.7m from the Woodyates road and 14m from Church Street.

The AONB landscape and planning advisor has raised a number of concerns in his letter:

- Design and Access statement makes no mention of existing natural features (officer note – the pond is no longer present on the site and appears to be laid to grass).
- No information on necessary safety surfaces
- The site seems aimed at fairly young children who would need transporting by cars. This is not sustainable in a remote rural area, without adding to carbon dioxide production.
- No argument put forward for the play equipment or remoteness of site from main part of village
- Formal town park style equipment proposed in a very rural situation. The proposed fence would be urban in style
- Highway features and bollards would also urbanise the area, contrary to AONB principles to declutter (officer note – these are not proposed under this application)
- As submitted, the proposal does not appear to be in a sustainable location and the scheme would substantially change the rural character of the site.

Policy C5 of the Local Plan sets out the criteria for development within the AONB. Small scale development proposals will only be permitted provided that the siting and scale are sympathetic to the landscape in general and of the particular locality and standards of landscaping and design are high, using materials which are appropriate to the locality and reflect the character of the area.

The site is within the settlement boundary and currently provides open space with a couple of benches and a gravel parking area. There are trees lining the north, south and west boundaries and the ground is laid to grass. The pond is not apparent on the site. It appears to be gone and is now laid to grass. The setting of the site within

the village is created by glimpses of adjacent dwellings (Misselchalke Cottage and Little Misselfore) and the presence of the road junction. The existing gravel parking area encroaches into the grassed area and a number of wooden posts have been put into the ground. Two benches are on site. The site appears to form a natural opening between the Church Street junction and Misselchalke Cottage, and is enclosed by trees on three sides.

Given the enclosed character of the site, officers agree with the AONB office that the introduction of play equipment would change the rural character and appearance of the site. However, officers do not feel that the proposed play equipment or fences would *harm* the character or appearance of this part of the village or have an *adverse* landscape impact. The equipment and fence enclosures are likely to appear acceptable within the setting, given the natural enclosure of the site on three sides. The proposed materials would predominantly be wood, with natural colours (green, brown, yellow), which would help ensure that the equipment would not appear incongruous. Trees on the boundary of the site would be retained, which would help to preserve the rural setting and appearance of this part of the village, even in winter after leaves have been shed. Arguably, the play area would have a pleasing visual impact in preference to the Wilts and Dorset (overnight bus parking) outstation, which has been cited as an historic use.

In conclusion, whilst it is acknowledged that the character and appearance of the site would change following the development, the proposed play equipment and fences are unlikely to *harm* the character or appearance of this part of the village or the landscape and scenic beauty of this part of the AONB. The proposal would therefore comply with Policy C5.

### *9.3 The impact that the proposal would have on residential amenity*

Policy G2 of the Local Plan seeks to ensure that development would avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of the occupiers.

Neighbours of properties immediately adjacent to the site have not objected on these grounds. The public protection officer has suggested that in an area of a large population, the Council would be concerned about the impact of the play ground on the two properties immediately adjacent. However, bearing in mind the small local population, which is likely to limit both the intensity and duration of use of the playground, officers think it is unlikely to have a significant impact on amenities. No objection is raised under Policy G2.

### *9.4 Impact on highway and pedestrian safety*

There has been local concern expressed at the safety of the access to this site, and the Council's Highways officer has commented as follows:

*“Whilst I would not wish to raise a highway objection to the proposed playground on the basis that it would be for the use of children in the immediate vicinity of the site, I note that the site is some considerable distance from the main part of Bowerchalke. The unlit road leading to the site from the main part of the village is, in my view, by*

*reason of its narrow width and lack of separate pedestrian facilities or usable highway verges, inadequate and unsuitable to serve as a means of access to the playground. Whilst I acknowledge that there is a public footpath which runs parallel to Church Street, its surface is unmade with level differences and with restricted visibility at its western end, which, in my opinion, would discourage its use, particularly in inclement weather and by pushchairs etc. thereby encouraging pedestrians to walk along Church Street.*

*It is considered that the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street and I recommend that this application be refused on highways grounds for this reason”.*

Policy G2 (ii) seeks to ensure that development would avoid placing an undue burden on existing or proposed services and facilities, the existing or proposed local road network or other infrastructure. Policy R1A provides for new outdoor recreation facilities within settlements provided they are accessible by means of public transport and other sustainable modes of transport. R1C seeks that such play areas have a suitable means of access.

It is clear from the highways officer comments that there may be an issue with pedestrian safety in relation to accessing this site. The proposal is therefore contrary to the highway and accessibility aims of Policy G2 and R1A, and R1C.

However, as well as local concerns regarding this matter, other third party representations have highlighted the need for the new playground. Consequently, whilst officers have recommended refusal on highway safety grounds, Members will need to consider whether the need for the local play facility is outweighed by the possible highway safety concerns.

Policy R17 seeks to encourage the improvement and increased use of public rights of way. Wherever possible, local extensions and improvements to rights of way will be sought as part of development proposals. It is noted that improvements to the right of way are not included as part of this application, but the development is likely to result an increase in the use of the public footpath BOWE3. The footpaths officer is satisfied that the footpath has been satisfactorily accommodated within the site layout.

#### *9.5 Archaeology, Trees and Ecology*

The archaeologist considers that on the available evidence, it is unlikely that significant archaeological remains would be disturbed by the proposed development.

The arboricultural officer has considered the information submitted regarding the type, size and position of trees on the site and their distance from the proposed equipment. The applicant has stated that some excavation for the footings of the equipment would be necessary (750mm deep by 450mm wide by 450mm long). There are no proposals for excavations for any new drains, as surface water would drain into the watercourse adjacent to Church Street. (Any existing drains running

under the site towards the former pond are a private, civil matter between the owners).

The tree officer considers that the play equipment is positioned close to the southern boundary of the site which means that adjacent trees could suffer a degree of root damage. It is unclear who owns the trees, because the boundary is not distinct. However, if the trees are to be retained, care should be taken to avoid damage to any structural roots, which could potentially destabilise the trees. The line of trees provide a reasonable screen but they are not of sufficient quality to warrant formal protection.

In conclusion, an informative should be placed on any permission to advise the developer to exercise caution and use a hand digging method when excavating near trees, to avoid root damage which could cause instability.

The former pond on the site is no longer evident, and the site is mainly laid to grass, which has evidently been cut. Existing trees and boundary hedges would be retained and large areas of the site would be undisturbed. The development is therefore considered to present a low risk to any protected species that may still be present in the mown grass in the areas to be disturbed. However, an informative should be placed on any permission to ensure that if any bats or protected species are found during the works, work should stop immediately and Natural England contacted.

## **10. Conclusion**

The development would change the use of an existing open space within the village of Bowerchalke, to provide an enclosed play area for children, with parking. Whilst the development would change the appearance of this open space, the introduction of wooden play equipment enclosed by a fence within an area enclosed on three sides by trees is unlikely to adversely affect the visual quality of the landscape in this part of the village or the AONB.

The potential impact on neighbouring amenities is considered to be acceptable, and neighbours are unlikely to be unduly disturbed, given the small local population.

There would be no material impact arising from the development on archaeology, the risk to any protected species that may be found on the site is considered to be low and the trees are not of sufficient quality to warrant formal protection, subject to care being taken not to damage tree roots during excavations for footings.

However, whilst the existing footpath would be retained, the development is likely to increase its use, and the site is located away from the main centre of the village and would be served by a narrow, unlit and unsuitable road. The development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street. Consequently, despite the obvious enhancement to the open play space provision serving the village, officers are must advise members that in this instance, such enhancement is outweighed by the likely conflict likely to arise between pedestrian and vehicular traffic.

## **RECOMMENDATION**

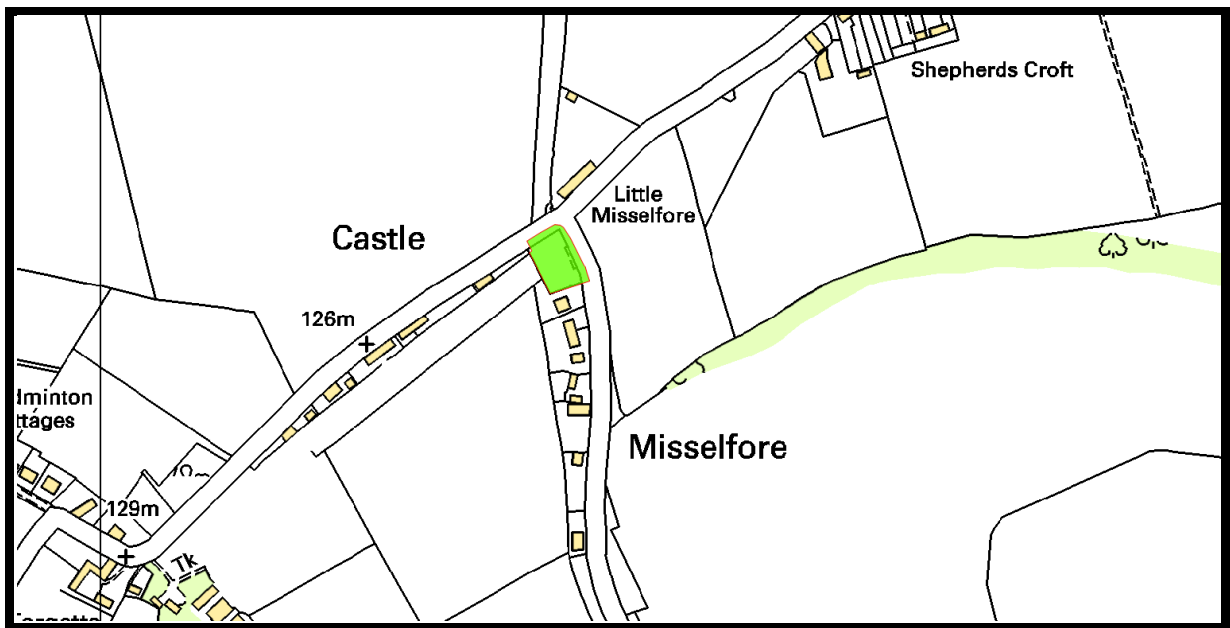
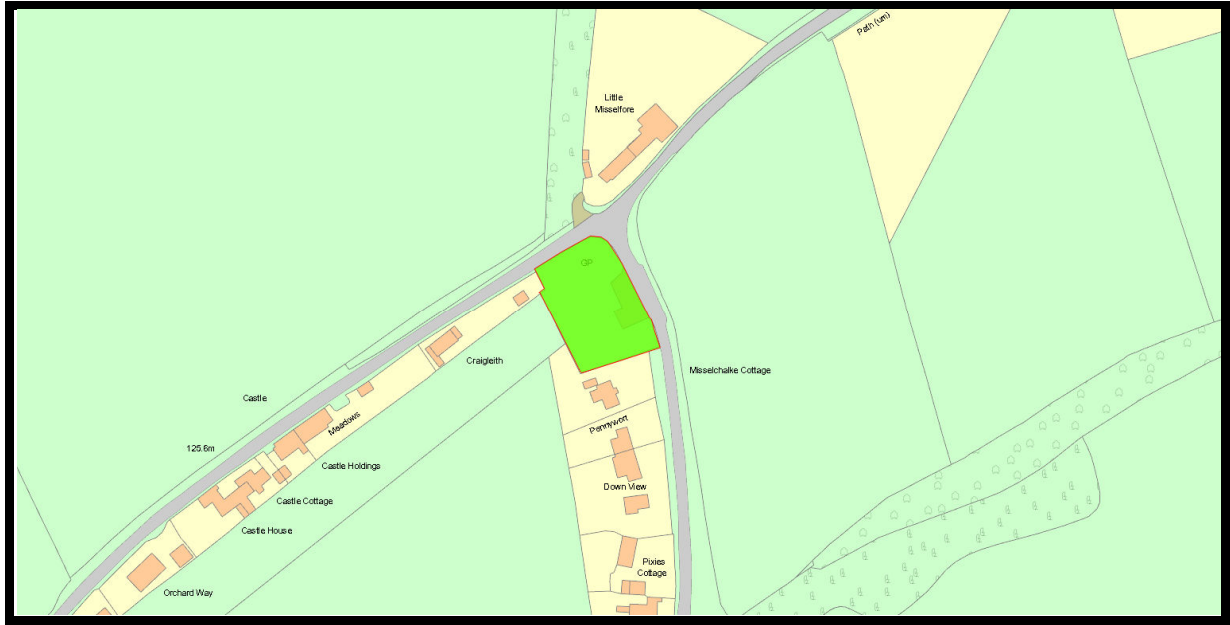
### **Planning Permission should be REFUSED for the following reasons:**

1. The site is some distance from the main part of Bowerchalke. The unlit road leading to the site from the main part of the village is, by reason of its narrow width and lack of separate pedestrian facilities or usable highway verges, inadequate and unsuitable to serve as a means of access to the playground. Whilst it is acknowledged that there is a public footpath which runs parallel to Church Street, its surface is unmade with level differences and with restricted visibility at its western end, which would discourage its use, particularly in inclement weather. Given the condition of the path, it is unlikely to be suitable for use by pushchairs or wheelchair users, and this would encourage pedestrians and others to use Church Street.

Consequently, it is considered that the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street. The proposal is therefore contrary to the accessibility aims of Policy G2 and R1A & R1C of the Salisbury District Local Plan, which are saved by Appendix C of the South Wiltshire Core Strategy.



**14/04682/FUL - Land at the Junction of Church Street and the road leading to Woodyates, Bowerchalke, Salisbury. SP5 5DA**



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## Report To The Area Planning Committee

Report No. 2

<b>Date of Meeting</b>	14 August 2014
<b>Application Number</b>	14/02043/FUL
<b>Site Address</b>	50 Winterslow Road (Land to rear of Chalk House) Porton Salisbury SP4 0LF
<b>Proposal</b>	Residential development comprising 20 dwellings (of which 12 market units and 8 affordable units), public open space and landscaping, and new access from Winterslow Road
<b>Applicant</b>	Mr Mark Carrington
<b>Town/Parish Council</b>	IDMISTON
<b>Ward</b>	Bourne and Woodford Valley
<b>Grid Ref</b>	418987 136476
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Bidwell

### Reason for the application being considered by Committee:

The ward member has called in the application due to the current state of play with the emerging Wiltshire Core Strategy and how it impacts on such proposals for development

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission to **REFUSE the application on the grounds that it is unacceptable as a matter of planning principle.**

#### 2. Report Summary

The application is for a residential development on land previously proposed for such development in the SHLA but, was not carried over allocated within the emerging Wiltshire Core Strategy.

The land is outside the defined developments limits of Porton as defined in the adopted South Wiltshire Core Strategy making development unacceptable in principle.

#### 3. Site Description

The site is comprised of 1.28 hectares of agricultural land used mostly for grazing. The main part of the site is relatively steep rising from Winterslow Road to open countryside in the south.

Chalk house is located on the northern edge of the site alongside Winterslow Road opposite St Nicholas church.

The site lies within a Countryside Character Area, an Area Susceptible to Surface Water Flooding, a River Catchment Area (River Bourne), and being outside of a Housing Policy Boundary is therefore within 'open countryside'. Part of the site adjoins the Conservation Area and is of significant Archaeological interest.

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

The site has been subject to several planning applications mostly in regard to chalk House itself. These have included extensions to the house / vehicular access applications and various works to trees. None of these applications are considered to be relevant to this proposal.

#### **5. The Proposal**

This application will result in the construction of 22 residential dwellings including 9 affordable houses. The proposal also included public open space and landscaping and a new vehicular access off Winterslow road

#### **6. Planning Policy**

*Adopted Salisbury District Local Plan saved policies, including the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy:*

G1, G2 – General Development Criteria

G3 – Water supplies (abstraction)

G5 – Water supplies and drainage

G9 – Additional infrastructure/facilities directly required and necessary for the development

C2 – Development in the Countryside

C12 – Protected species

C11 – Development affecting Areas of High Ecological Value

C13 – Wildlife habitat

C15 – Habitat creation

H23 – Residential development outside housing policy boundaries

D1 – Design

D8 – Public Art

CN21 & CN22 – Archaeology

CN8, CN10, CN11 – Conservation Areas

R2 – Recreational Open Space

PS5 – Education facilities

**South Wiltshire Core Strategy**

This was formally adopted at Full Council on 7 February 2012 and now forms part of the development plan for south Wiltshire.

Core Policy 1 – The Settlement Strategy and distribution of growth in south Wiltshire

Core Policy 3 – Meeting Local Needs for Affordable Housing

Core Policy 19 - Water efficiency and River Avon SAC

Core Policy 20 - Pollution and phosphate Levels in the Water Environment

### **Waste Core Strategy 2009**

Policy WSC6 – Waste Reduction & Auditing

### **Emerging Wiltshire Core Strategy**

Core Policy 2 – Delivery Strategy

Core Policy 44 – Rural Exceptions sites

Core Policy 41 – Energy Strategy

Core Policy 50 – Biodiversity & Geodiversity

Core Policy 52 – Green Infrastructure

Core Policy 67 – Sustainable drainage

Core Policy 69 – River Avon SAC

### **SPG: including**

Councils Adopted Supplementary Planning Document 'Creating Places'.

Habitat Regulations Assessment and Mitigation Strategy for Salisbury Plain Special Protection Area

### **Government Guidance**

National Planning Policy Framework (NPPF) March 2012

Town and Country Planning (EIA) Regulations 2011

## **7. Consultations**

Parish Council:

OBJECT for the following reasons;

1. The application lies outside the Housing Policy Boundary (HPB) for Porton and consequently does not comply with saved Policy H16 of the Salisbury District Local Plan and the South Wiltshire Core Strategy policy for development in Large Villages.

2. The proposal is not for 100% affordable housing or for housing for agricultural/forestry workers and consequently does not comply with saved Policy H23 of the Salisbury District Local Plan which provides for development outside the HPB if it falls into the above categories.
3. The application requires a modification to the settlement boundary (HPB) for Porton outside of the review process outlined in the Wiltshire Core Strategy and requires a development which is double the size of the 10 dwelling definition of a small site. Therefore, it does not comply with the Wiltshire Core Strategy provisions which relate to development in Large Villages.
4. To accord with the mechanisms for the review of the settlement boundaries outlined in the Wiltshire Core Strategy, the process of producing a Neighbourhood Plan for our Parish is underway. Approval of the current application would be prejudicial to the Housing Policy Boundary review and would compromise our community-led Neighbourhood Plan.
5. The application does not comply with Core Policy 18 – Lifetime Homes Standards in the South Wiltshire Core Strategy as the 12 private housing units do not meet the standards required “due especially to the gradient of the site”. (This confirms the unsuitability of the site for housing).
6. The application does not comply with the provisions of DESIGN POLICY 9 of our Village Design Statement by reason of the size of the development and the use of a visually important, elevated pasture which is a key component in the rural setting of the core of our village.
7. The application does not fully comply with DESIGN POLICY 8 of our Village Design Statement by reason of the site’s exposure and the bulk and appearance of the four large dwellings located on the upper part of the site.
8. The application does not fully comply with DESIGN POLICY 16 of our Village Design Statement by reason of the extensive use of uPVC and plastic cladding and the unsympathetic design, appearance and materials of the four large dwellings at the top of the site.
9. The proposed development, by reason of the elevated nature of proposed screen planting relative to adjoining properties in Bonaker Close, would give rise to overshadowing and will impair the amenity of No.5 in particular.

10. The new access to the proposed development is located on a tertiary road which is substandard in terms of width and alignment and is at a point where the view of vehicles exiting the junction of traffic travelling towards the A338 is frequently obscured by parked vehicles associated with the Church. The proposed development would endanger public safety by reason of traffic hazard.

#### Note

DP9 is designed to ensure that the character and appearance of our villages are not compromised by new development. It requires any new developments to meet four criteria. Of particular note are that it be of modest scale & not generally exceed 10 dwellings in order to protect the rural nature of our village and that it be well related to the existing village envelope.

The proposed development of 20 dwellings breaches the requirement to be of modest scale and it does not relate well to the village envelope because of the elevated nature of the site and its exposure to view to a wider area than would have been the case had the site been less steep.

DP8 requires any new development utilising the gardens/grounds of older properties in the villages to meet three criteria. One of these is to demonstrate how the proposed scheme will positively enhance the appearance of the villages and their Conservation Areas, where these exist.

The 12m level difference between the northern and southern boundary gives the proposed development a tiered effect with the smaller 1½ storey dwellings of traditional appearance hidden from view but with the much larger 2 storey, 4 bed properties of non traditional appearance at the top of the site exposed to view from within the village centre. These are considered to be of unsympathetic design and appearance and out of character when compared to the older buildings in the core of the village and consequently detract from its appearance.

DP16 is designed to ensure that new housing both reflects and enhances the character of our villages. Of particular relevance are the requirements that; building design should involve balanced proportions and complement any well defined features or themes in our historic buildings or in those of merit in the locality. This has not been achieved in regard to the four large dwellings at the top of the site in terms of design, appearance and materials resulting in buildings which fail to harmonise with those in the core of the village.

DP16 also requires building materials to complement existing buildings in both colour and texture, stating that the use of concrete products and applied artificial stone products or plastic cladding will not be supported and that joinery products should be of traditional design and that the use of uPVC windows and doors on elevations exposed to public view should be avoided.

The materials specification suggests otherwise with the use of uPVC products on all elevations and the use of artificial wood cladding on the four large dwellings proposed at the top of the site. Overall the development fails to provide for the use of knapped flint and light coloured render as facing materials, which are a prevalent feature of our older buildings in the core of the village and were used in Byford Gardens to ensure that development harmonised with its surroundings.

Clearly the Parish Council is opposed to the use of this elevated site for housing. However, were the Local Planning Authority minded to approve the application, in its current form, then the Parish Council would wish to see the following conditions applied;

1. No development shall commence until a Section 106 agreement has been entered into with the LPA for a £500,000 contribution towards the purchase of a flat site and the building a new parish hall to include a parish office and ancillary sporting facilities.

Reason; to contribute towards the costs of the replacement of outdated and inadequate community facilities

2. Prior to the commencement of development details of a mechanism to secure the ongoing maintenance and management of the proposed landscaping scheme together with those areas which are to be in the public realm shall be submitted to and approved in writing by the LPA.

Reason; to ensure the trees and hedgerows on the site will achieve the considerable visual screening envisaged for now and the lifetime of the development and that no public maintenance liability is incurred for the landscaping or those areas in the public realm.

3. Prior to the commencement of development a detailed lighting scheme comprising low level louvered bollards for the illumination of all roads and pathways shall be submitted to and approved in writing by the LPA.

Reason; to minimise night time light pollution and reduce the visual impact of the development of this elevated site on the village during the hours of darkness.

4. Prior to the commencement of development a revised materials schedule, which provides for the use of knapped flint and light coloured render as facing materials and with timber joinery products used on elevations exposed to public view, be submitted and approved in writing by the LPA.

Reason; to ensure new housing both reflects and enhances the character of our village.



Hours of work on site preparation and construction (including deliveries) shall be restricted to between 8-00 a.m. to 6-00 p.m. Monday to Friday and between 8-00 a.m. and 1-00pm on Saturdays unless otherwise agreed in writing with the LPA. No work shall be undertaken on Sundays or Bank Holidays.

Reason; to safeguard the amenity of the occupiers of the properties that adjoin the site.

**Highways:**

No objections subject to conditions

**Archaeology:**

It is considered that this site does have the potential to contain heritage assets of archaeological interest and that field evaluation is necessary.

**Ecology:**

Whilst no overall objections have been raised, further work to determine impact on protected species – bats in particular – is required. Conditions are recommended.

**Conservation:**

No specific objections to the proposal have been received

**Public Protection:**

No objections subject to conditions

**New Housing:**

No objection – (see section below)

**Open space:**

No objections subject to matters to be agreed in the S 106.

**Wessex Water:**

No objections

**Environment Agency:**

No objections subject to conditions and informatives.

## **Natural England:**

Satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified

## **8. Publicity**

The application has been advertised locally in the press and to neighbours. In this case the application has also been advertised as a departure.

33 Neighbour letters have been received to date with 18 clearly objecting to the proposal 14 general comments and 1 clearly in favour of it.

## **9. Planning Considerations**

### *Principle*

It is acknowledged that this site was submitted as part of the Strategic Housing Land Availability Assessment (SHLAA) and has been identified as a potential site for development as a result of this process.

However, the SHLAA states that “The inclusion of sites within this study should not be taken to imply that the Council would automatically consider planning applications favorably. Although it will inform housing allocations, it will not determine the allocation of land for housing development...All future planning applications will be considered individually, taking other material considerations into account, and will be assessed through policies in the most up-to-date development plan”. Therefore, the SHLAA does not provide weight towards the principle of development being acceptable on this site.

The site is not an allocated site within the Adopted South Wiltshire Core Strategy and being located outside of the designated Housing Policy Boundary of Porton is therefore deemed to be within open countryside where the presumption is against development unless there is an exceptional circumstance that provides an overriding justification for the encroachment of development in the countryside (saved policy H23).

One such exception is provided by Policy H27 where new residential dwellings will be permitted on established agricultural units provided that they are for rural workers and forestry workers dwellings and meet specified criteria relating to need and the profitability and viability of the agricultural enterprise. However, the proposed development is not for this purpose and therefore policy H27 is not applicable.

Core Policy 3 relates to meeting local needs for affordable housing and states that the development of 100% affordable housing schemes will be encouraged on exception sites outside of settlements if a local need has been identified; where environmental consideration will not be compromised and where sites are sensibly and sensitively

located within easy access to employment and services. However, as this is not a scheme for 100% affordable housing, this policy is not applicable.

The NPPF requires local planning authorities to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5% (paragraph 47). The NPPF also states that there must be a presumption in favour of sustainable development if a local planning authority cannot demonstrate a 5 years housing supply (paragraphs 15 and 49).

The South Wiltshire Core Strategy provides for 8621 deliverable houses (completions, commitments and deliverable allocations) that provides some 17.5 years of available housing land supply during the plan period (2006-2026) across South Wiltshire and allocates 5250 dwellings that provides over 10 years deliverable housing land supply. Core Policy 4 of the emerging Core Strategy also identifies that 'Amesbury, Bulford and Durrington have sufficient commitments to exceed the requirement.'

Consequently, there is no immediate need for the development of non-allocated sites such as this proposal.

The South Wiltshire Core Strategy does however, indicate that within the Amesbury Community Area 'housing may also be delivered through locally produced Neighbourhood Plans or community Right to Build schemes as detailed in para 5.46'

The scheme would need to be community led and in this regard, local consultation would be needed in order to establish whether or not there is genuine local support for the proposals and whether the detail of the application (including the number of houses and the housing mix) meet the desires of the community. I understand you have carried out consultations locally but, it would appear the outcome of this is not entirely positive.

This community led planning process is also emphasised in the emerging Wiltshire Core Strategy - Core Policy 2 of the emerging Core Strategy states 'Development outside the limits of development will only be permitted where it has been identified through community led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development.'

Any consideration of development of the site for housing could therefore only be pursued through the appropriate planning vehicle i.e. the Neighbourhood Plan Process. In light of this and as there is no clear support from the local community; it is considered that there is an 'in principle' policy objection to the scheme. The proposal is therefore considered to be unacceptable in principle.

**The emerging Wiltshire Core Strategy (eWCS) and Land Supply issues – Wiltshire council's evidence base.**

The applicants have set out an argument which has suggested that the council's method of determining housing numbers is flawed. The applicants argue that the council's model to determine numbers – the Liverpool model – is not the most appropriate and is the reason for an undersupplying in terms of housing numbers. The applicants argue that the appropriate model should be the Sedgefield Model.

However, members should note that the evidence base presented for the emerging Wiltshire Core Strategy uses the Liverpool Model. Extensive debate on this matter has pursued and the council does not agree that this argument is sound and thus, objects to the proposal in principle.

The key points 1 – 5, in favour of the councils approach are set out as follows:

1. The PPG 9(Planning guidance) does identify that “LPAs should aim to deal with any undersupply within the first five years of the plan period where possible.” The only rational reading of this is that; LPAs should aim to deal with any undersupply relative to a previous development target within the first five years of the new plan, as no undersupply can have arisen against the current plan. In contrast the Sedgefield approach requires that LPAs should aim to deal with any undersupply relative to the current (or emerging) development target within the immediate five year period. This in effect requires that a longstanding undersupply should be met forthwith but that undersupply across the current plan period may be appropriately picked up across that plan period. Indeed, the definition of undersupply relating to that arising against previous development plan targets is set out in PAS guidance. This misreading has been made at a previous appeal, and once the sentence has been read rationally, the appellant has conceded this point.
2. In all previous appeal decisions in Wiltshire, the Liverpool approach has been used in the calculations used by the various Inspectors although this has not been directly referenced.
3. There are a number of recent appeal decisions nationally which have supported the Liverpool approach over the Sedgefield approach, such as Barwell, Leicestershire.
4. Inspector Seaman in his tenth procedural letter has calculated that the Council would be able to demonstrate a five year land supply relative to a requirement of circa 42,000 homes. The Inspector has made this calculation independently, and his conclusion only works if he was using the Liverpool approach.
5. If the Sedgefield approach is adopted, this results in a significant boost to housing supply in the short-term at the expense of sustained longer term housing supply, as the same number of houses is simply frontloaded. It is considered that this negatively impacts on both sustained economic growth and the continuous supply of housing towards the end of the plan period

Notwithstanding the 'in principle' policy objections to the scheme, turning to the detailed proposal much work has been done to produce an appropriate scheme. These details are set out below:

### **The impact on the character and appearance of the conservation area/open countryside/special landscape area/setting of adjacent listed buildings**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

In considering planning applications for new development in or adjacent to conservation areas, the local planning authority will seek to ensure that the form, scale, design and materials of new development is in character and to protect the character and appearance of an area from unsympathetic changes and inappropriate development.

The site is within the open countryside from a planning policy point of view.

The site itself is currently in agricultural use and the proposed development will significantly alter the character and appearance of the site. Whilst overall it is considered that the proposal would result in an intrusion of built development into the open countryside, due to the particular position of this site – in affect infilling an area of land between existing residential development, I do not consider that the resultant impact to the rural character and appearance of the area would be adverse and likewise, in regard to the/adjacent conservation area.

The applicants have set out the design approach adopted in the Design & Access Statement. The approach includes the following:

**Layout:** The layout of the proposed development has had regard to the character of the site and its surroundings and has been informed by the technical assessments and consultations carried out. General factors leading to the proposed layout include:

**Topography:** with an average gradient of 1 in 9, the design sets out dwellings principally laid out on an east west axis with three rows of units, each row occupying a similar level on the hillside. This stepped approach contributes to a harmonious form which respects the natural contours of the site. **Planting and Trees:** Substantial provision of open space and landscaping has been made to ensure that the dwellings would integrate into the area. All significant vegetation on the boundary of the site would be maintained and enhanced. Internal plots would be divided by new hedges and tree planting.

**Density:** A key priority in the design of these proposals has been to ensure that the verdant, informal village character would be respected. The submitted proposal are to a density of 15.5 units per hectare, which is consistent with much of the village ensuring that the site is not overdeveloped and does not become unacceptable urban in

character. This fairly low density is also a natural consequence of maintaining and enhancing mature vegetation on the site, site levels and a range of house types and sizes.

Neighbour amenity; Care had been taken in the positioning and orientation of the dwellings to ensure appropriate boundary separation distances and to prevent unsatisfactory direct window to window relationships.

Scale: Given the changing levels on the site, scale and building heights are a significant consideration. Specifically to minimise landscape impacts and overlooking there is a need to limit overall building heights. In response to these objectives a number of measures have been taken:

Dwellings are two storey in height maximum, smaller scale 1.5 storey dwellings are proposed for the lower part of the site adjoining St Nicholas Close and Bonaker Close. Plots at the upper part of the site are split level.

In terms of materials, the proposal is considered to be appropriate for this site and the immediate area. Consultations had been carried out at a pre-application stage and the conservation officers did not raise concerns in this respect. However, the comments of the Parish council are noted and it is considered acceptable to impose a planning condition requiring final agreement of the range of materials prior to their use.

### **Highways:**

Notwithstanding the sustainability objection, at pre-application stage, the Highways department had indicated that subject to details regarding access, road layout, footpath linkage etc, the scheme is likely to be supported.

A Transport Statement has been submitted with the application as requested. The statement confirms that the design of the internal road layout will ensure low traffic speeds. The main carriageway width will be 4.8 metres with a footway on the eastern side of the bell-mouth. The road then becomes a shared surface with local narrowing.

The access off Porton Road has been designed to have minimal impact overall and specifically to avoid any unreasonable impacts on the existing boundary (Cob Wall) of Chalk House.

The layout of the access road has been designed to minimize its impact and reduce traffic speed in a controlled manner and in order to assist pedestrians it is proposed to provide a 1.8 metre wide footway along the site frontage.

As stated previously, the site lies outside of the housing policy boundary for Porton and as such would generally attract an adverse highway recommendation on sustainability grounds. It is acknowledged, however, that whilst the site is located just outside of the settlement framework it is within walking distance of the local facilities which include

shops schools and public transport linkages. For these reasons it is considered that a recommendation for refusal on this ground alone may be difficult to justify.

However, whilst there are no clear objections to the proposal on highways grounds, the highways officer has set out areas where details would benefit from further negotiation. These are as follows:

1. In this location I would expect visibility splays of 2.4m by 43m at or above a height of 600mm in line with the advice given in Manual for Streets. The full sight lines need to be shown on a drawing to be checked and approved.
2. I note that there is a pinch point on the access road at the opening in the existing cob wall. I would prefer if the vehicles entering the site had priority over those leaving and the layout should therefore be amended.
3. On the western side of the access the footway should continue into the site to a point opposite the entrance to Chalk House.
4. The access road into the site measures 4.8m. As this is a shared surface arrangement with no separate footways the carriageway should be widened to 5.5m. This will allow the free flow of vehicles and extra width for pedestrians and/or occasional visitor parking.
5. The parking is considered acceptable given that the garages are all over-sized with an internal dimension of 3m by 6m.
6. Turning facilities need to be provided to allow delivery and bin lorries to turn; swept paths are required to demonstrate the ability to turn. Please note I would not expect the bin lorry to enter the private road serving plots 2-5.
7. What arrangements would be made for the refuse collection for plots 1-5?
8. The buff coloured surfacing (block paving) is acceptable although I would prefer edgings to conservation kerbs.
9. I recommend that the applicant contacts our Drainage Engineer, to discuss the suitability of the drainage proposed, in particular the aquacells. Please note that the private road needs its own drainage system as it cannot drain into the proposed highway drain.

The applicant may wish to consider street lighting at this stage and in particular the positions of lighting columns. I suggest that they contact street lighting on [streetlightinginwiltshire@atkinsglobal.com](mailto:streetlightinginwiltshire@atkinsglobal.com).

On balance it is considered that the matters raised above are not overriding nor do they represent highways objections. Therefore subject to conditions that will seek further improvements to the proposal as suggested above, there is no overall objection to the proposal on highways grounds.

### **Archaeology**

As explained in the heritage desk based assessment (CgMS Feb 2014), the site has moderate to high potential for heritage assets with an archaeological interest, particularly with regard to the Iron Age and Roman periods.

The National Planning and Policy Framework (NPPF), which has superseded PPS5, contain the following Policy:

*“128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

It is considered that this site does have the potential to contain heritage assets of archaeological interest and that field evaluation is necessary.

In light of this, and in line with NPPF (2012), the applicants were advised that an archaeological field evaluation will need to be carried out prior to the determination of the application. This information should reveal the impact of the proposed development on any buried archaeology. These works should be conducted by a professional, qualified archaeologist, in line with a Written Scheme of Investigation agreed by the council. The application includes an Archaeological planning statement which proposes trial trenching for the site. This is considered to be an appropriate form of field evaluation for this proposal.

Archaeological field evaluation works have been carried out on the site prior to determination in the 2<sup>nd</sup> week of June. Having inspected the site the archaeologist reported back that some archaeological features were found including a ditch and possible quarry pit. However the council has not received the report to date. It is likely that the archaeologist will require further work by condition.

In such circumstances no decision on approval of this scheme should be made until the results of the field evaluation have been made known. If the results are positive, it may be necessary to recommend a further programme of archaeological works as an appropriate planning condition to be carried out prior to or during the development, or to recommend preservation *in situ* of the remains. The costs of the archaeological works will of course fall to the applicant.

Members will be updated on this matter at the meeting.

### **The impact on the living conditions of proposed and nearby properties**

It is considered that overall the application has demonstrated that the living conditions of both existing and proposed dwellings will be satisfactory. In particular, elevations and



dwelling orientation and layout is designed so there is not likely to be any unreasonable overlooking between properties. Therefore, there are no objections to the proposal in terms of impact on neighbor amenity.

## **Ecology - Nature Conservation**

This application is supported by the following documents: Ecological Assessment Report (Hampshire Ecological Survives Ltd, Jan 2014) and Reptile Survey and Mitigation Strategy Report (Hampshire Ecological Survives Ltd, Feb 2014). Both reports are of a high standard and demonstrate that it would be possible for the development to lead to a small but reasonable net gain for biodiversity provided the recommendations were followed.

### *Habitats Regulations*

There are two matters that need to be considered under the Habitats Regulations 2010.

The first is in relation to stone curlews which are a special feature of the Porton Down SPA. The site is in the Bourne valley and surrounded by built development. The general area is therefore not particularly suitable for stone curlew which is very sensitive to human activity and prefers large open fields. Retention and enhancement of the hedgerows as screens, and absence of footpaths through large fields to the south also help me to conclude that the development is unlikely to lead to significant effects (disturbance) on this species.

The second is in relation to the felling of the group of trees labelled as 5, 6, 7, 8, 9 in the ecological assessment and G22 in the arboriculture report. Tree number 9 (southernmost tree in the group) is known to be a bat roost as a result of surveys by Hampshire Ecological Services and will require a licence (under the Habitats Regulations) before it can be felled. I note that the arboriculture report states that trees in G22 do not need to be felled to allow the development to proceed but "Trees G22 are in such poor condition, they have been advised for removal in the interest of good management". Before the council grants permission to a development that will lead to a breach of the Habitats Regulations 2010, it is required to consider whether it is possible for a derogation licence to be issued by Natural England. The tests for such a licence are:

1. The work is required for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature..." (para 53 2 (e))
2. "There is no satisfactory alternative" (para 53 (9) (a))
3. The work "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" (para 53 (9) (b))

Given the wording of the arboriculture report it is unclear as to whether tests 1 and 2 above are met for tree number 9. If evidence can be provided to demonstrate that the

tests are met, then I believe that the information contained in section 5.6 of the ecological Assessment will be sufficient to satisfy test 3 and the council will be able to conclude that a licence may be forthcoming from Natural England. The other trees in this group were also assessed as having high potential for bats even though bats were not recorded using them during the surveys. Further consideration should therefore be given to the possibility of retaining these trees. The application should not be determined until this matter is resolved.

### *Hedgerows and trees*

It is noted that although the report provides recommendations to maintain and enhance the site for foraging and commuting bats, not all of these have been incorporated onto the Proposed Site Plan. In particular the recommendation for the double hedge with central pathway on the southern boundary is not evident. This was intended to offset impacts on rarer bats requiring dark conditions but also to screen the development from wildlife such as stone curlew using adjacent fields. It would also provide good foraging habitat to replace the grassland and mature trees that would (subject to comments above) be lost in the middle of the site.

In order to secure many of the mitigation requirements of this development, it will be essential to ensure that the southern boundary in particular but also other areas of existing planting, are retained under a single ownership and not conveyed with individual plots. This was assumed to be the case in the Ecological Assessment Report. However the ownership situation for hedgerows is unclear from the Proposed Site Plan and this must be resolved before the application is determined. Over the next 20 to 30 years the value of these features for bats, reptiles, birds and other wildlife will deteriorate significantly if sections of hedging are removed and replaced by fencing and if trees are felled but not replaced. There is a considerable risk of this happening if there are multiple ownerships especially since the southern hedgerow is currently in poor condition.

### *Long Term Site Management*

The long term management arrangements for landscape and ecological planting are unclear – they do not seem to be covered by the Landscape Maintenance Plan (Jan 2014). A plan needs to be prepared which clearly explains the responsibilities of the management company in terms of long term retention and management of ecological features. It is suggested the Landscape Maintenance Plan forms the basis of this and the ecological consultants have an input to ensure the works they recommended are delivered. These issues could be addressed by condition.

### *Construction phase*

The developer should have regard to the consultant's comments in relation to the risk of low numbers of bats using the tiled roof on the Cob wall. Also appropriate measures should be taken to ensure that montbretia is not caused to spread further following site clearance works. Works to the reptile translocation site will need to be in place before

translocation begins. In addition there is currently insufficient information on the initial works that will be necessary to bring the southern boundary hedgerow into a condition that is suitable for regular long term management. These matters as well as procedures for bats and reptiles during construction can be covered by condition.

### *Lighting*

Permanent lighting of the development should be designed to ensure that none of the perimeter hedgerows and none of the trees on the site are illuminated. The lighting plan should be conditioned.

### *Conditions:*

Once the above matters are resolved it is recommended that conditions are included if permission is granted. In addition, it will be necessary to secure by S106 agreement, the long term retention of the reptile translocation site in the south west corner of the development and the southern hedgerow as mitigation for the loss of reptile habitat and other ecological features.

### *Water Environment and Drainage*

The nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species.

Given the constraints of the water environment, it is evident that there are a number of potential effects, both during the construction and post-construction stages, associated with the proposed development that could pose a threat to groundwater and surface water quality if left unmitigated. In turn, this could adversely affect the water quality of the nearby River Bourne System, particularly given that the river and its ecosystem are sensitive to change. The potential effects on the water environment could arise as a result of pollution of groundwater and surface water during construction, potential contamination from surface water run-off, increased rate of surface water run-off, reduced groundwater recharge through reduced infiltration, as well as a result of increased demand for water supply and sewage treatment.

A mitigation strategy for pollution prevention measures would be required to ensure that any potential effects on the water environment are minimised and include adequate information to enable the Local Planning Authority, as the competent authority, to conclude that the development would not give rise to significant effects when undertaking an Appropriate Assessment in accordance with the Habitat Regulations. Suitable conditions can be imposed in this regard.

### **Public Open Space**

Community Infrastructure Levy Regulations 2010 – Regulation 122 states that planning obligations must be:

- a) Necessary to make the development acceptable in planning terms;

- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development

In order to make the development acceptable in planning terms, the standards for the provision of Public Open Space in Association with New Residential Developments are set out in Clause 2 of the Adopted Local Plan – Appendix IV.

With regards to Clause 6 of the Adopted Local Plan – Appendix IV. Salisbury District is deficient in the provision of both Children’s and Adults Facilities throughout, therefore Wiltshire Council has adopted the upper target figures for the provision of both children’s equipped play facilities and youth and adult facilities.

Clause 7 of the Adopted Local Plan – Appendix IV details how the population level is calculated on any new development. Therefore the Calculation and the Proposed Population level is as follows:

	Number of Bedrooms	Occupants per	Number of Dwellings	Population
	1	2	2	2 x 2 = 4
	2	3	9	9 x 3 = 27
	3	4	4	4 x 4 = 16
	4	5	5	5 x 5 = 25
<b>Total</b>			<b>20</b>	<b>72</b>

Provision for onsite Children’s Use: Clause 2 of the Adopted Local Plan – Appendix IV, fairly and reasonably relates the scale and kind to the development by calculating the Provision of the Public Open Space in accordance with the proposed dwelling mix and population.

Therefore the calculations are as follows:

Population	Calculatio	Required Provision
72	Equipped Children’s Play Grounds 0.3	0.0216ha
72	Casual or Informal Play Space 0.5 hectares x	0.0360ha

In order to directly relate the Equipped Play Space to the development, it is requested to provide a 0.0216ha Equipped Children’s Play Ground on the development, the Play Area is required to be positioned where there is a degree of surveillance from the proposed dwellings.

If it is not possible to include a 0.0216ha Equipped Play Space within the development, an offsite Equipped Play Space contribution to be allocated towards the existing Equipped Play Space, located at Porton Recreation Ground will be sought in lieu of the on-site deficit. The Off-site Equipped Play Space contribution requested would be £33,968.16.

In this case due to the slope of the site (amongst other things) it was not considered appropriate for this provision to be provided on site. As such a contribution as referred to will be sought.

In order to directly relate the Casual Play Space to the development, it is requested to provide a 0.0360ha Casual Play Space on the development. With regards to drawing number PP182/101-00, it has been estimated the proposal provides approximately 0.1642ha of Casual Open Space, and this therefore is adequate for the development. It requested that the grass within the amenity meadow is kept at short length to ensure the area can be used as Casual/Informal Play Space.

*Youth and Adult Use:*

Referring to the Adopted Local Plan, appendix 4, clause 15, Wiltshire Council will expect developers to make provision for youth and adult facilities. It is accepted the Youth and Adult provision will be off the development site, and therefore the developer will be expected to make a commuted payment towards the provision of new or the improvement of existing Youth and Adult facilities within the local area.

Off-site contributions will be calculated in accordance with the scale of contributions operated by Wiltshire Council. As identified in Appendix 1 of Policy R2 Guidance Notes and therefore are as follows:

No of	Total Adult R2	Number of Dwellings	Calculation	Contribution Sought
1	£806.00	2	2 x £806.00	£1,61
2	£806.00	9	9 x £806.00	£7,25
3	£806.00	4	4 x £806.00	£3,22
4 +	£1,209.00	5	5 x £1,209.00	£6,04
		20		<b>£18,13</b>

The Commuted Payment will be sought towards a Youth and Adult scheme that is directly related to the development, a scheme is currently under consideration with Porton Parish Council.

*Summary:*

As demonstrated above, in order to make the development acceptable in planning terms. The following provision levels are necessary:

- Equipped Children’s Play Grounds of 0.0216ha, or an offsite contribution of £33,968.16 towards the existing Equipped Play facilities located at Porton Recreation Ground, in lieu of the deficit.
- Casual/Informal Play Space 0.0360ha (Fully Met)
- Youth and adult Commuted sum of £18,135 towards a Youth and Adult Scheme which is directly related to the development, a scheme of which is currently under consideration by Porton Parish Council.

### *Maintenance Requirements:*

Developers will be expected to demonstrate to Wiltshire Council that adequate arrangements for the ongoing maintenance of recreational and amenity space associated with the development have been made. (Clause 19 of the Adopted Local Plan – Appendix IV), such provision may be required in perpetuity.

A maintenance sum will be requested for all adoptable areas, and therefore will be calculated on receipt of a detailed adoption plan, Management Plan and Planting Schedule for all adoptable areas. Therefore please accept these comments as a request for adoption documentation to be provided to Andy Mead when it is readily available.

Prior to adoption the open space should be fully laid out, equipped and ready for use before either Wiltshire Council or its nominee accepts responsibility. Based on the information provided to date, an indicative approximate Commuted Maintenance Sum has been calculated. The indicative Maintenance sum is £80,727.

Please note, should an Equipped Play Space be provided on-site, and if it was adopted by Wiltshire Council, an approximate indicative Commuted Maintenance Sum for the Equipped Play Space would be approximately £18,131.

### *Conclusion:*

To give a clear indication of Environmental Services Current Position, an objection is currently held until the following matters have been agreed.

1. Agree the on-site Equipped Play Space Provision level of 0.0216ha and subsequent maintenance contribution if necessary, or an offsite Contribution of £33,968.16 to be allocated towards the existing Equipped Play Space at Porton Recreation Ground, in lieu of the on-site deficit.
2. Agree the Casual Play Space Provision level 0.0360ha. (Fully Met).
3. Agree the Youth and Adult Off-site Provision level of £18,135, to be sought towards a Youth and Adult Scheme which is directly relevant to the development, a scheme of which is currently under consideration by Porton Parish Council.
4. Provide an indication of any adoptable areas and agree the Commuted Sum to be sought.

However, in regard to this proposal resolution of the above matters are being sought and can be settled by means of the s106 agreement.

### **Flood Risk / Drainage:**

A Flood Risk Assessment has been submitted with the application. This assessment concludes that the site is not located within an area considered at risk from flooding from Fluvial/tidal sources, overland flow, existing infrastructure or groundwater.

The Environment agency has been consulted and has confirmed they have no objection to the proposed development subject to standard conditions and informatives being used.

Wessex Water where consulted and they also have no objections to the proposal.

Therefore, subject to the measures set out in the flood risk assessment and the recommended conditions being imposed, there are no objections to the proposal on flooding and drainage grounds.

### **Affordable Housing:**

Sited outside the Settlement Framework Boundary, this site does not meet the requirements of a rural exceptions site which would provide residential development solely for affordable housing. However if through the planning process the site is considered to be acceptable for general market housing, my comments related to affordable housing provision are as follows:

#### *Policy Requirements:*

Although the proposals would meet the requirements of Core Policy 3 of the South Wiltshire Core Strategy by providing 40% affordable housing, Policy 43 of the emerging Wiltshire Core Strategy introduces two separate affordable housing zones. This site falls within an area requiring at least 30% affordable housing. In order to meet the requirements of the emerging Core Strategy there would now be a requirement for the provision of 6 affordable homes on a development of 20 homes on this site. It is therefore suggested that amending the affordable housing provision to the following mix is appropriate:

2 x 1 bed flats

3 x 2 bed houses

1 x 3 bed house

The applicant should confirm which of the plots are to provide the affordable housing.

Tenure Mix / Property Mix

I would suggest a tenure split for the affordable housing as follows:

AffordableRented

2 x 1 bed flats

1 x 2 bed house

1 x 3 bed house

SharedOwnership

## 2 x 2 bed houses

The proportion of shared ownership homes that I have suggested is slightly above our usual preference of 25% of affordable homes being provided as shared ownership. However, the housing needs evidence suggests shared ownership to be a popular choice of tenure for this area.

## Housing Need

There is a high level of housing need, with 10,755 applicants on the register in immediate housing need for affordable rented accommodation across Wiltshire. Of those 715 are in immediate need for affordable rented housing in the Amesbury Area Board area. There is also a high level of demand for shared ownership homes.

## Minimum Size Standards

All affordable homes would need to be built to at least minimum size standards and Design & Quality Standards set out by the Homes & Communities Agency. The minimum size standards for affordable homes are based on the number of occupants per dwelling, and are as follows:

1 bed /	1 person	30m <sup>2</sup>	
1 bed	2 persons	45m <sup>2</sup>	
2 bed	3 persons	57m <sup>2</sup>	
2 bed	4 persons	67m <sup>2</sup>	
3 bed	5 persons	75m <sup>2</sup>	1
3 bed	5 persons	82m <sup>2</sup>	2
4 bed	6 persons	85m <sup>2</sup>	1
4 bed	6 persons	95m <sup>2</sup>	2
5 bed	7 persons	108m <sup>2</sup>	
7+ persons	add 10m <sup>2</sup> per person		

## Design Standards

All affordable homes should be built to minimum Code for Sustainable Homes Level 3.

It is noted from the application that the 2 x 1 bed flats (Plots 13 and 14) are located over garages. It may be necessary to change the design, so that the flats are not located over garages, if it becomes difficult to find a Registered Provider to take on these units.

## Transfer to Registered Provider



All affordable homes would need to be transferred to a registered provider approved by the Council, or transferred to the Council, on a nil subsidy basis.

## Nominations

The local Authority would have nomination rights to the affordable homes, secured through a Nominations Agreement which will be signed by the Council and the Registered Provider.

## **S106 Developer Contributions**

Developer Contributions will be triggered towards infrastructure/facilities, including recreational open space, education, waste and recycling facilities, the stone curlew project and public art.

With regards to open space provision; the provision of recreation facilities are required for all proposals for new residential development to account for increased demand in accordance with saved policy R2. In this regard, Wiltshire Council has adopted the upper National Playing Fields Association (NPFA) for the provision of both equipped children's play facilities (0.3 hectares per 1,000 population) and youth and adult facilities (1.8 hectares per 1,000 population) and a standard of 0.5 hectares per 1,000 population in relation to casual/informal play space. The level of on-site provision required is calculated by the Council's Open Space Officer using the housing mix (paragraph 7 of Appendix IV of the Salisbury District Local Plan).

Saved Policy PS5 of the SDLP requires new education facilities and/or financial contributions where new residential development would take the local school over its current capacity. The current (and imminently to be updated for 2013/14), cost multipliers are £12713 per primary and £19155 per secondary place. It is the education department's policy to make a formal assessment/response as part of the consultation process on a submitted planning application. Priority for "allocation" of spare places at a school is established by the date of such a planning submission. Their assessment is also specific to the site location, housing number and mix, and any changes to these would necessitate a new assessment. Affordable units also attract a standard 30% discount.

The applicable waste and recycling contributions are outlined in the internal consultation responses section above. In addition to these contributions; policy WS6 of the Waste Core Strategy requires any development proposals providing 10 or more dwellings units to include a waste audit and design and provide facilities for occupiers of the development to recycle/compost waste (bring systems) and/or facilities within individual properties for the source separation and storage of different types of waste for recycling and/or composting.

A waste audit is included as part of the application and the council has no objections to it.

A financial contribution may also be sought towards the provision of public art within the development (in accordance with policy D8).

## **10. Summary and Conclusion:**

The SWCS and the emerging WCS seek to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles and the protection of the countryside and maintaining its local distinctiveness.

The site is outside a housing policy boundary (limits of development) where the presumption is against development unless for affordable housing exceptions site or rural workers dwellings, which in this case is not relevant.

Notwithstanding the fact that in the opinion of officers (refer comments above), this is a well designed scheme that will not adversely affect the character and appearance of the site, the adjacent conservation area, the landscape setting, biodiversity, flood defense, drainage and sustainability, overall this proposal is appropriate, in particular the characteristics / position within the settlement of this particular site, there is an 'in principle' policy objection to the scheme.

Any consideration of development for housing should therefore only be pursued through the Neighbourhood Plan Process and such a proposal would need to be subject to consultation with the local community in accordance with the Localism Act.

Whilst the application includes the document "A summary of the community involvement programme" undertaken by the developers, which has included extensive local consultations, the Parish Council comments confirm that nonetheless, the proposals do not have local support and they are not driven by the community.

## **RECOMMENDATION**

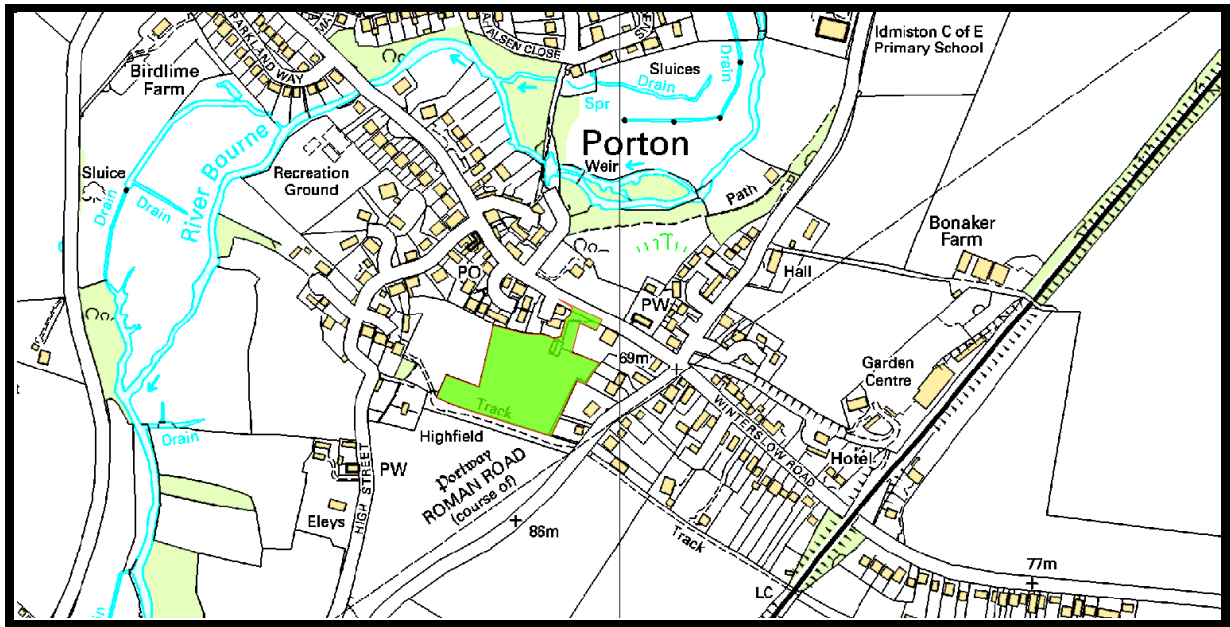
That the application is delegated to the area development manager (south) to **REFUSE** permission for the following reason:

**The development by reason of the proposed residential use in a location outside of the settlement boundary as defined within the Development Plan, represents development in the countryside for which no overriding need or circumstances have been demonstrated. As such the proposal would promote a pattern of**

**development contrary to the aims of achieving sustainable development as set out in the development plan, consistent with NPPF and therefore is contrary to policies H23 of the adopted South Wiltshire Core Strategy (saved policy) and Core Policy 2 of the emerging Wiltshire Core Strategy.**

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**14/02043/FUL - 50 Winterslow Road (Land to rear of Chalk House), Porton, Salisbury.SP4 0LF**



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<b>Date of Meeting</b>	14/08/2014
<b>Application Number</b>	14/04255/FUL
<b>Site Address</b>	27 Tollgate Road and 1 & 2 Fowlers Hill Salisbury Wiltshire SP1 2JF
<b>Proposal</b>	Demolition of existing buildings & erection of a pair of interlinked 27 bed care homes with associated parking, access and landscaping, including the change of use of 27 Tollgate Road and 2 Fowlers Hill from C3 to C2
<b>Applicant / Agent:</b>	Wessex Care Limited
<b>Town / Parish Council</b>	Salisbury City Council
<b>Ward</b>	St Martins & Cathedral
<b>Grid Ref</b>	Easting: 415020    Northing: 129739
<b>Type of Application</b>	Full
<b>Case Officer</b>	Charlie Bruce-White

### Reason for the application being considered by Committee

Cllr Tomes has called in the application due to the scale of development, visual impact upon the surrounding area, relationship to adjoining properties and design – bulk, height, general appearance.

#### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **APPROVED subject to conditions**.

#### 2. Report summary

The main issues in the consideration of this application are as follows:

1. Principle of development;
2. Character and appearance of the area;
3. Impact upon residential amenities of neighbouring property;
4. Highway considerations;
5. Archaeology;
6. Ecology.

Objections were received from the City Council and 7 members of the public

#### 3. Site Description

The site relates to three properties on the corner of Tollgate Road and Fowlers Hill, on the edge of Salisbury city centre. The properties comprise a single storey dwelling (2 Fowlers Hill), a 20 bed residential care home ('Kimberley' or 1 Fowlers Hill) and a two storey dwelling (27 Tollgate Road). The site is within the Salisbury Conservation Area and Housing Policy Boundary.

#### 4. Relevant Planning History

85/1262	Conversion and change of use to old people's home	AC	7.11.85
87/792	Construction of dormer & extension of external fire escape to 2nd floor	AC	16.7.87
88/6	Extension to nursing home & alteration of access 18.2.88	R	
		App All	27.9.88

#### 5. Proposal

It is proposed to demolish all of the buildings on site and to erect two detached 27 bed residential care homes.

#### 6. Planning Policy

Local Plan: policies G1, G2, H24, D1, D2, CN8, CN9, CN10, CN11, CN12, CN21, CN22, C12, C13, TR11, TR14, PS2

Core Strategy: core policy 1

Central government planning policy: NPPF and NPPG

Other material guidance: Salisbury City Conservation Area Appraisal & Management Plan

#### 7. Consultations

City Council	<b>Object</b> due to overdevelopment
Conservation Officer	<b>No objection</b> subject to applicant demonstrating over-riding public benefit to the proposed development due to loss of heritage asset.
Highways Officer	<b>No objection</b> subject to conditions regarding access, parking and construction.
Highways Agency	<b>No objection</b>
Environmental Health	<b>No objection</b> subject to condition to secure details of ventilation equipment to control fumes, noise, odours.
Archaeologist	<b>No objection</b> subject to condition to secure a watching brief
Ecologist	<b>No objection</b>
Adult Services	<b>Support</b>

#### 8. Publicity

The application was advertised by site/press notice and neighbour consultation.

7 letters of representation were received, raising the following objections/concerns:



- Loss of light and privacy to neighbouring residential property;
- Increase in disturbance to neighbouring residential property through increased noise & smells;
- Resulting increase in traffic around the site would be detrimental to highway/pedestrian safety;
- Overdevelopment of the site and would dominate the streetscene;
- The demolition of 1 Fowlers Hill would result in the loss of a valued heritage asset;
- Inadequate provision of off-street parking within the site would affect surrounding roads;
- Potential disturbance and other effects to neighbours from the construction phase.

## 9. Planning Considerations

### 9.1 Principle of development

Local Plan policy H24 states that within the Housing Policy Boundaries, residential development suitable for the elderly will be permitted provided that:

- (i) it includes adequate amenity space and has a high quality setting; and
- (ii) the development is well located in relation to local services and amenities.

Local Plan policy PS2 states that the erection of new buildings for nursing homes will be permitted within the settlements, subject to the buildings being;

- (i) detached with adequate private, well located garden space within the curtilage of the property; and
- (ii) located close to shops, community facilities and bus routes.

Being within a Conservation Area, Local Plan policies CN8 and CN9 are particularly relevant, which seek to preserve and enhance the character of the Conservation Area. The NPPF includes further guidance on the loss of heritage assets, particularly at paragraph 133.

### 9.2 Character & appearance of the area

On the loss of the existing buildings on the site the Conservation Officer comments as follows:

*The site is within the Milford Hill area of the Salisbury Conservation Area, and as you will be aware, a conservation area is a designated heritage asset using NPPF terms. The proposal to demolish the three buildings therefore has an impact on a heritage asset and we need to consider whether the impact is “substantial” or “less than substantial” (again NPPF terminology). Whilst the draft conservation area appraisal for Milford Hill identifies number 1 Fowlers Hill (Kimberley) as a building that makes a positive contribution to the character of the conservation area, it does not identify 27 Tollgate Road or number 2 Fowlers Hill and I think it is clear that they make a ‘neutral’ contribution.*

*I would concur with Elaine Milton’s [the applicant’s conservation consultant] conclusion that the loss of these three buildings would be ‘less than substantial harm’ (i.e. we are agreeing there is a harm, but that it is not substantial) as the buildings are*

*only a relatively modest element of the conservation area and two of the buildings have a neutral contribution. Having established this, the NPPF then says (para. 134) that the potential harm needs to be outweighed by substantial public benefits. The precise wording is:*

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

*The best use for Kimberley, from my perspective, would be for it to return to a single dwelling. However it has been a nursing home for a number of years and has been extended to accommodate this use, it is therefore difficult to envisage a scenario that would involve reversion to domestic use. I therefore feel that the applicants need to satisfy you that their proposals would result in an improved public benefit that could not reasonably be accommodated elsewhere and I would suggest that there needs to be a clear demonstration of improved facilities for the existing and new customers and that this meets wider community needs.*

The applicant has submitted a detailed report assessing the care needs in the catchment area of the site. This notes a projected future increase in the number of over 85s, the group most likely to require long term residential care, which is projected to increase from 3,700 in 2015 to 5,340 by 2026. The number of additional residential care bed spaces that are anticipated up to 2026 is 307. An assessment of other proposed developments that have been granted consent for additional care home bed spaces indicates that only a net increase of 16 bed spaces are currently in the pipeline.

Whilst the Government does not provide projections of need for care homes or issue guidance on appropriate levels of capacity, both the *National Strategy for Housing in an Ageing Society* and the NPPF advocate the provision of a wide range of accommodation and choice to meet the likely needs of an ageing population. The applicant also details that the proposed accommodation would be purposely built and designed to current standards, and that the phased nature of the development would allow the current residents of Kimberley House to remain on site before moving into the first of the new care home buildings.

The Council's Adult Services department confirm that they welcome the increase in capacity and improvements to the existing facilities that the development would bring, particularly given the more affordable nature of Wessex Care's accommodation in a locality where this not often the case.

On the basis of the applicant's report, the support of the Council's Adult Services department, and the objectives of Government guidance and the Core Strategy to provide new housing which meets the needs of all, Officers consider that the proposal development, which would result in a net increase of 33 bed spaces in a sustainable urban location, would provide the necessary public benefits to override the less than substantial harm identified by the Conservation Officer.

Turning to the design merits of the new buildings proposed, the Conservation Officer comments that:

*I welcome the idea of creating two villas, each with their own characteristics as this reduces the bulk of the potential building (creating two buildings instead of one) and also more closely reflects the character of the area. I have no particular comments to make but would like conditions that require drawings at a greater scale for elements of*

*the building (particularly windows, entrances, chimneys, decorative elements etc.) and also a condition covering materials (in particular I would like to see one of the villas using the clay tiles that are currently on the roof of 1 Fowler's Hill – which the architect describes as a Bridgewater tile).*

Whilst it is noted that the City Council and several local residents have raised concerns over the scale of the development, Officers concur with the opinion on the Conservation Officer on the proposed design and are satisfied that the submitted street elevation drawings demonstrate that the development would not be overly dominant within the streetscene and would provide good quality feature buildings that would positively contribute to the character of the area.

### *9.3 Amenities of adjoining and nearby property*

Several residents to the north and east of the application site have raised concerns that the development would have adverse impacts, notably upon their privacy and levels of light. No.3 Fowlers Hill is immediately to the east of the application site, adjacent to where the bungalow at No.2 would be demolished and replaced by the rearmost part of 'Villa 2' which would extend over much of the bungalow's former footprint, effectively extending its height by a storey and a half.

The applicant has given consideration to preserving privacy to the neighbours to the rear by designing room layouts so as to site predominantly only en-suites bathroom windows facing onto these neighbours. A condition can be imposed to ensure that these windows are both obscured and designed so as to prevent views when open. In terms of the additional bulk of the proposed building, it is noted that the increased height of the buildings have been limited by cutting into the slope of the site, so that the ground floor level would be notably lower than the existing bungalow. The bulk of the new building would also be reduced by its 'L'-shaped footprint and off-set angle to the rear boundary. Taken with the fact No.3 Fowlers Road would be situated on higher ground, it is not considered that the proposal would result in loss of light or overbearing effects to an unacceptable degree.

'Villa 1' would be constructed to a similar design in terms of room layout, also avoiding a significant number of windows to habitable rooms facing to the rear and, despite being a larger building than no.27 Tollgate Road, due to its lowered ground floor level would be no higher than this existing dwelling it would replace. The other dwellings to the north, on Fowlers Road, would be situated relatively further away from the application site compared to no. 3 Fowlers Road, and on higher ground still. These dwellings would also be separated from the application site by existing landscaping to the rear boundary of the site which is of a considerable height, and would be retained within the proposed development. Consequently it is not considered that these neighbours would be affected to an unacceptable degree either.

To the west of the site lies no.25 Tollgate Road. Although no objections have been received from its occupants, consideration has been given to the potential impacts upon its amenity. Whilst a number of windows to habitable accommodation would face onto this neighbour, this boundary also has existing landscaping of a considerable height that would be retained within the proposed development, and would screen both the bulk of the building and its windows to a large degree.

To the opposite side of the site, the two villas would look onto the terraces across the street on Tollgate Road. Such a relationship would be typical of that found within the urban area, where a degree of mutual overlooking is to be expected.

In terms of other potential effects, the Council's Environmental Health Officer comments that suitable ventilation and filtration equipment should be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises, and that such equipment will need to operate at a suitably quiet level. Such details can be secured by a planning condition.

#### *9.4 Highway considerations*

The Highways Officer comments that the site is located in a sustainable location close to the city centre, within easy walking distance of public transport, thus minimising the need for a private car, and therefore no highway objection is raised to the level of parking or to the proposed layout generally. Conditions are recommended to secure appropriate details for the new site access and a construction method statement to ensure safe practices during the construction process.

#### *9.5 Archaeology*

The Council's Archaeologist observes there is potential for remains associated with the medieval city and also with earlier settlement to be present on the site. However, the existing buildings may well have resulted in some damage or disturbance to any potential remains and there may be significant overlap between the footprint of the existing buildings and the proposed care homes. Consequently an archaeological watching brief is recommended during construction, rather than pre-determination evaluation, and a condition shall be imposed to secure this.

#### *9.6 Ecology*

The bat and nesting bird survey submitted with the application indicates that the buildings due to be demolished hold no evidence of bats or birds. Consequently the Council's Ecologist raises no objection.

### **10. Conclusion**

The development would be acceptable in principle and although it would result in the loss of a heritage asset, the harm would be less than substantial and it is considered that there would be over-riding public benefit through the provision of much needed additional residential care bed spaces. It is considered that the proposed two buildings would be of an appropriate scale, siting and design, so as to preserve the character of the Conservation Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access and parking would be provided so that the development would be acceptable in highway terms. There would be no detrimental impacts upon protected species and subject to an archaeological watching brief archaeology would be appropriately recorded.

### **11. Recommendation**

**Planning Permission be GRANTED subject to the following conditions:**

- 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) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....13-1871-100...	Dated....22.04.14....
Plan Ref....13-1871-101...	Dated....22.04.14....
Plan Ref....13-1871-102...	Dated....22.04.14....
Plan Ref....13-1871-103...	Dated....22.04.14....
Plan Ref....13-1871-104...	Dated....22.04.14....
Plan Ref....13-1871-105...	Dated....22.04.14....
Plan Ref....13-1871-106...	Dated....22.04.14....
Plan Ref....13-1871-107...	Dated....22.04.14....
Plan Ref....496 Ip 01...	Dated....22.04.14....

Reason: For the avoidance of doubt.

- 3) The site shall be used as a residential care home / nursing home for the elderly and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 4) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

- 5) No development to face the external walls of the care homes hereby permitted shall commence on site until a sample brickwork wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 6) No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers, entrances and decorative elements 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

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) details of trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (b) details of new trees and hedgerows to be planted, including species;
- (c) means of enclosure;
- (d) car park layouts;
- (e) hard surfacing materials;
- (f) minor artefacts and structures (e.g. refuse and other storage units, oil tanks);

Reason: To ensure a satisfactory landscaped setting for the development.

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

- 9) No development shall commence on site until details of the proposed access alterations to the Tollgate Road site frontage have been submitted to, and approved in writing by the local planning authority. The development hereby permitted shall not be fully brought into use until the access alterations, drop off area and realigned paved footway, including all associated highway works, have been provided in accordance with the approved details.

Reason: In the interests of highway safety.

- 10) The development hereby approved shall not be fully brought into use until the cycle/car parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. These areas shall be maintained and remain available for these uses at all times thereafter.

Reason: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 11) The development hereby permitted shall not be fully brought into use until the first five metres of the new Tollgate Road site access, measured from the back of the realigned paved footway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 12) The gradient of the new Tollgate Road access shall not at any point exceed 1 in 15 for a distance of five metres from the back of the realigned paved footway.

Reason: In the interests of highway safety.

- 13) 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 area), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be fully brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

- 14) No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

- 15) Before the development hereby permitted commences a scheme for the discharge and control of fumes and/or odours from the proposed cooking operations on the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details.

Reason: In the interests of neighbouring amenity.

- 16) Before the development hereby permitted commences a scheme of acoustic insulation shall be submitted to and approved in writing by the Local Planning Authority specifying the measures that will be taken for the purposes of preventing and controlling the emission of noise from externally mounted plant, equipment and ventilation systems. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details.

Reason: In the interests of neighbouring amenity.

- 17) The en-suite windows in the north-east elevations shall be glazed with obscure glass only and permanently fixed with a ventilation stay restricting the opening of the window, in accordance with details to be submitted to and agreed in writing by the local planning authority, prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

Reason: In the interests of residential amenity and privacy.

- 18) No development shall commence within the area indicated (proposed development site) until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

- 19) No demolition or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

Reason: In the interests of neighbouring amenity.

## **INFORMATIVES:**

### Bats

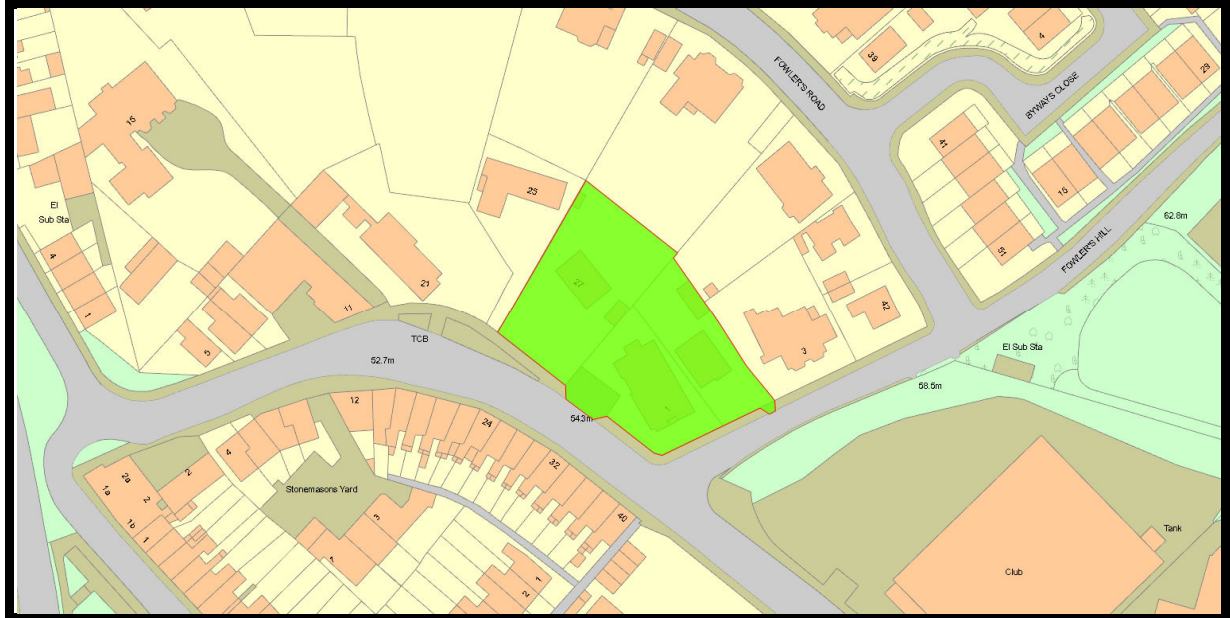
There is a low risk that bats may occur at the development site. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bat Conservation Trust website

### Highways adoption

It is anticipated that the realigned paved footway will be adopted by the council under a legal agreement.



**14/04255/FUL - 27 Tollgate Road and 1 & 2 Fowlers Hill, Salisbury. SP1 2JF**



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