

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No. 2**

<b>Date of Meeting</b>	28/04/2016
<b>Application Number</b>	15/10824/FUL
<b>Site Address</b>	Land South of 1 Park Houses East Knoyle Wiltshire SP3 6AN
<b>Proposal</b>	Proposed two single storey houses for elderly people, with associated access road and car parking.
<b>Applicant</b>	Wiltshire Council (Strategic Assets Team)
<b>Town/Parish Council</b>	EAST KNOYLE
<b>Electoral Division</b>	NADDER AND EAST KNOYLE – Cllr Bridget Wayman
<b>Grid Ref</b>	388077 130104
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

**Reason for the application being considered by Committee**

The application has been submitted by Wiltshire Council and objections have been received raising material planning considerations.

**1. Purpose of Report**

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED.

**2. Report Summary**

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

- Principle of development
- Scale, design, impact on the character and appearance of the conservation area and Cranborne Chase and West Wiltshire Downs AONB and setting of listed building
- Residential amenity
- Surface Water Drainage
- Highway considerations
- Archaeology
- Sustainable construction
- S106 obligations and CIL

The application has generated Support from East Knoyle Parish Council (subject to conditions) and 3 letters of representation.

**3. Site Description**

The site is located within the East Knoyle conservation area (the extent of which is identified by dark green on the plan below) and within the Cranborne Chase and West Wiltshire Downs AONB. The Seymour Arms (to the north east of the site) is grade II listed (identified by cross hatching on the plan below).



The site lies to the rear of and to the side of existing two storey development fronting Shaftesbury Road. The site is connected to Shaftesbury Road by a grassed strip of land that runs in front of Nos 1 and 4 Park Houses and behind a line of car parking spaces serving Park Houses.

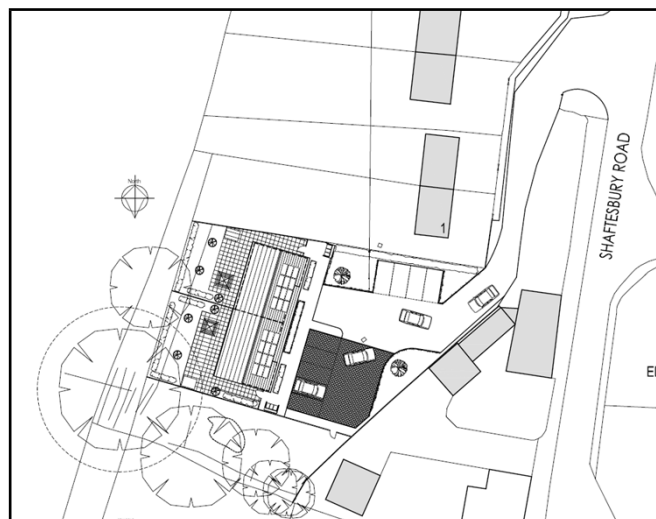
There is a hedgerow and ditch on the western boundary and several mature trees on the south and west sides of the site. The site is level and includes a depression close to the southern boundary which fills with water.

#### 4. Planning History

Application Ref	Proposal	Decision
16/01294/TCA	Fell Three Ash Trees, Fell Willow	No objections 10/03/2016

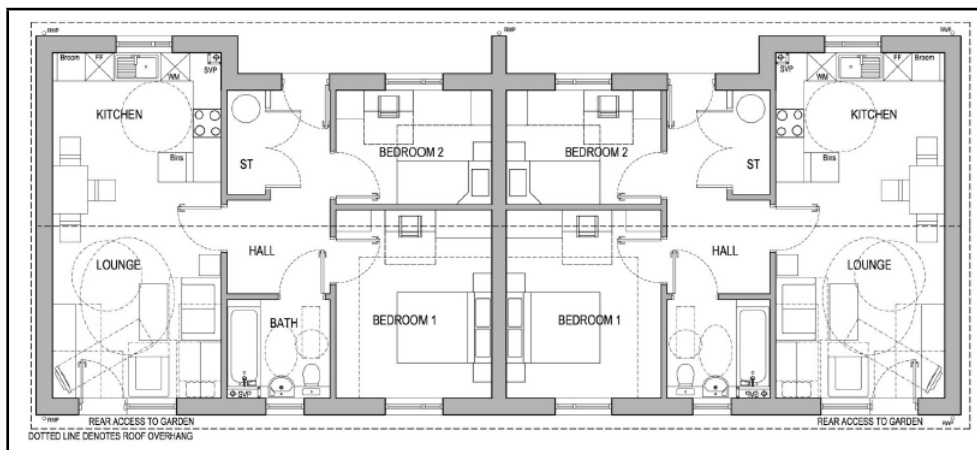
#### 5. The Proposal

The application is for a pair of semi-detached single storey bungalows with associated access road (from Shaftesbury Road) and car parking.



The proposals include parking for both the proposed dwellings and to provide compensatory parking for spaces following the creation of the vehicular access.

The design and access statement explains that the housing will comprise affordable rented accommodation for the elderly, with each bungalow containing a double and a single bedroom and the proposals form part of the wider council house building programme (which aims to develop approximately 50 new bungalows across a range of sites over the next 5 years) with a focus on delivering bungalows for older people in rural communities to enable them to downsize from larger family homes. The Council's current under-occupancy data for the 65+ age category within the Parish of East Knoyle is that there are 8 households currently under-occupying (3 under-occupying by 1 bedroom and 5 under-occupying by 2 bedrooms).



*Proposed Floor Plans*

The bungalows are proposed to be built with brickwork walls under tiled pitched roofs incorporating photovoltaic roof panels.



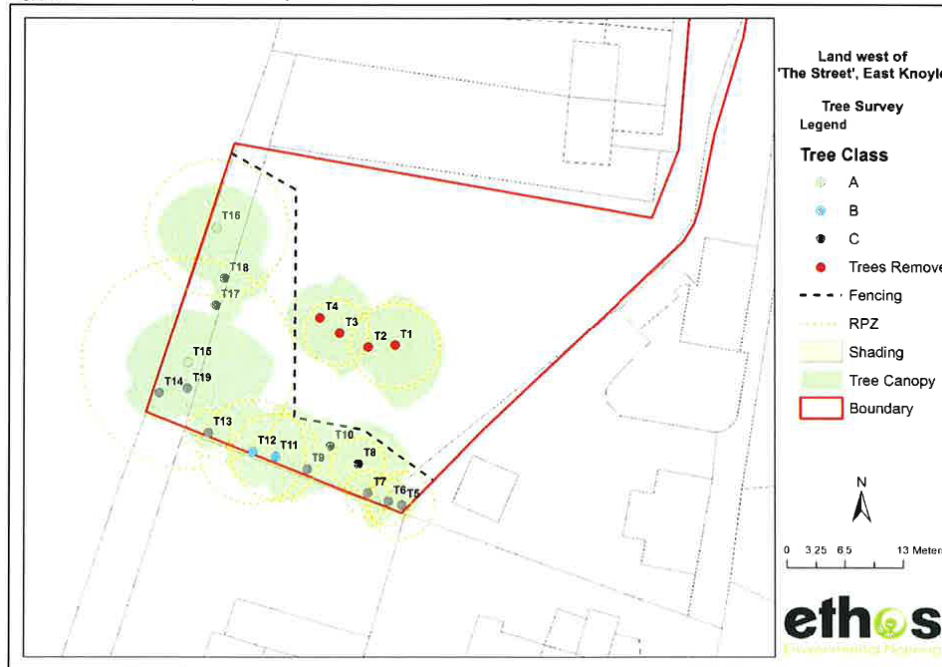
*Proposed front and rear elevations*

The design and access statement explains that the affordable rented dwellings will be let by a Transferee to a Qualifying Person, who is eligible to obtain social rented housing and which is subject to rent controls that require a rent of no more than 80% of local Open

Market rent at the time of letting. Should the affordable dwellings not remain within the Council's ownership they would be transferred to a Registered Provider approved by the Council, on a nil subsidy basis.

Permission has also been granted separately under 16/01294/TCA to fell 3 Ash Trees and 1 Willow tree within the central area of the site in order to facilitate the development (identified by red marks on the extract from the application plan below):

Figure 5 Tree protection plan



The remaining trees to the south and west boundaries are to be retained.

## 6. Local Planning Policy

The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20<sup>th</sup> January 2015:

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 17: Spatial Strategy: Mere Community Area

Core Policy 41: Sustainable construction and low carbon energy

Core Policy 43: Providing Affordable Homes

Core Policy 44: Rural Exceptions Sites

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 61: Transport and New Development

Core Policy 64: Demand Management

Saved policies of the Salisbury District Local Plan:

R2 (Open Space Provision)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF) March 2012  
National Planning Policy Guidance (NPPG)

Supplementary Planning Documents:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006  
East Knoyle Village Design Statement (February 2012)  
Cranborne Chase and West Wiltshire Downs AONB Management Plan (2014-2019)

Planning (Listed Buildings and Conservation Areas) Act 1990

## **7. Summary of consultation responses**

### **Highways: No objections**

It is considered that the development proposed will not have any significant impact on highway safety. No highway objection subject to condition for a scheme for the discharge of surface water from the site (including water from the access/driveway) and informative that a licence will be required from the highway authority for any works carried out on land forming part of the highway.

### **Wiltshire Council Drainage Engineer: No objections**

I can now accept the drainage proposals shown on the attached plan.

### **Conservation Officer: No objections**

I have no concerns regarding this proposal re the setting of the listed building nearby and the conservation area.

### **Archaeology: No objections subject to condition**

The desk based assessment that accompanies the application notes the potential for archaeological activity to be present, particularly in the northern part of the site. It also notes the problems with undertaking field evaluation.

In this case, I consider that the archaeological assessment meets the requirement of this paragraph. I would normally advise that an archaeological evaluation was necessary, but accept that this is problematic in the case of this site.

It is therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out as part of any development. The applicant should be aware that, if archaeological remains are encountered, this may have an effect on their programme of works. If human remains are encountered during the works, they cannot be removed without the appropriate permissions.

Therefore in line with the National Planning Policy Framework (NPPF) and the earlier PPS5 (2010) and Planning Policy Guidance Note 16: Archaeology and Planning (DoE 1990) the following recommendations are made:

### **East Knoyle Parish Council: Support subject to conditions**

1) Treatment and disposal of rainwater run off needs to be more convincingly addressed, given the existing pond conditions. Could a French drain be put in the field behind the houses to assist with run off?

- 2) Legal responsibility for maintenance of drainage should remain with Wilts Council and greater attempt should be made to reduce surface water run off to protect current neighbouring houses and property from flooding.
- 3) Parking provision for 4 new parking spaces does not sufficiently replace the spaces (already inadequate due to demand and causing overspill into the main road) being lost as a result of construction and it is hoped that WCC would look at creating more parking spaces available.
- 4) The residents of Coppice House will have access to their wall and heating outflow apparatus severely restricted by the new development and its boundary fence, and it is essential that they have access at all times.
- 5) The loss of two trees in the building project should be made good by the planting of two trees of a native species in the nearby hedgerow.
- 6) East Knoyle PC and concerned residents would like to have the policy concerning “right to buy” clarified. It is hoped that the houses can be filled with current elderly East Knoyle residents, or elderly ex-residents wishing to return to the village, and not be snapped up by property speculators for resale.

## **8. Publicity**

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

3 letters of representation were received summarised as follows:

- Insufficient consideration to flooding problem (water presently flows from woodland and fields behind the site, through the site and floods onto adjacent gardens and shared driveway)
- Development will exacerbate flooding in spite of proposed pumping station and holding tank/enlarged pond due to hard standing/concrete causing increased run-off
- Soakaway testing results concluded soakaway drainage is unlikely to be feasible
- Council should accept liability if surplus water floods neighbouring dwellings or cause problems with insurance
- Insufficient car parking in congested area – four spaces provided on the site to replace those lost due to creation of access insufficient
- Concerns that erection of boundary fencing will restrict access to maintain boundary wall and boiler outlet of Coppice House
- Loss of trees - impact to wildlife they sustain and drainage of site

## **9. Planning Considerations**

### **9.1 Principle**

The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the ‘NPPF does not change the statutory status of the development plan as the starting point for decision making’ and proposed development that is in accordance with an up-to-date Local

Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS) which also includes some saved policies of the Salisbury District Local Plan (SDLP).

At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

The site is also within the Mere Community Area and Core Policy 17 confirms that *'Development in the Mere Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.'*

Core Policy 2 of the Wiltshire Core Strategy sets out the *'Delivery Strategy'*. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Within the Settlement Strategy, East Knoyle is identified as a Small Village which do not have limits of development/settlement boundaries and as such the proposed site is located outside of any designated Settlement Boundary and is therefore deemed to be within Open Countryside which is considered to be the most unsustainable location for new growth and the presumption is against development in principle.

However Core Policy 1 explains that some very modest development may be appropriate at Small Villages which will be carefully managed by Core Policy 2 (which states that limited development within the built area is acceptable) and the other relevant policies of the development plan

The supporting text explains that the appropriate level of growth within the built up area of small villages is infill development which is defined as *'the filling of a small gap within the*

*village that is only large enough for not more than a few dwellings, generally only one dwelling.'*

The site is considered to be within the built up area of East Knoyle and as such can be considered to be infill development.

It is also relevant that the application proposal is for affordable housing and the list of exceptional circumstances that provides an overriding justification for the encroachment of development in the countryside as set out in policy CP2 of the WCS includes rural exception sites for affordable housing (Core Policy 44) which allows for the allocation of or granting of planning permission for small sites comprising of affordable housing only as an exception to normal policies, subject to the following criteria:

- i. The proposal has clear support from the local community
- ii. The housing is being delivered to meet an identified and genuine local need
- iii. The proposal is within, adjoining or well related to the existing settlement
- iv. Environmental and landscape considerations will not be compromised
- v. The proposal consists of 10 dwellings or fewer
- vi. Employment and services are accessible from the site
- vii. Its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement and
- viii. The affordable housing provided under this policy will always be available for defined local needs, both initially and on subsequent change of occupant.

It is therefore considered that in principle, the development could be considered acceptable as infill development within a small village in accordance with Core Policy 2 and also affordable housing in accordance with Core Policy 44.

In addition to considering the acceptability of the proposals in principle; it is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts considered below.

## **9.2 Scale, design, impact on the character and appearance of the conservation area and Cranborne Chase and West Wiltshire Downs AONB and setting of listed building**

The National Planning Policy Framework sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should be genuinely plan-led, should always seek to secure high quality design.

The Planning (Listed Building and Conservation Areas) Act 1990 (sections 16, 66 & 72) requires proposals affecting listed buildings or their settings to seek to preserve the special interest of the buildings and their settings. The principal considerations are to ensure that new development protects the significance of listed buildings and their settings, and prevents harm to their significance. Proposals within conservation areas must preserve or enhance the character and appearance of the areas.



The NPPF outlines current policy towards the historic environment. Paragraph 58 of the NPPF in particular states that development should respond to local character and history, and reflect the identity of local surroundings and materials and paragraph 132 requires development to enhance heritage assets and make a positive contribution to their setting.

Core Policy 58 *'Ensuring the conservation of the historic environment'* requires that *'Development should protect, conserve and where possible enhance the historic environment'* and *'Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.'*

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses (including in terms of ensuring residential amenity is safeguarded).

The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area. Core Policy 51 of the WCS requires the need for development proposals to demonstrate particular regard to the character and appearance of the landscape setting.

An ecological report has been included with the application documentation which concludes that the sites most important ecological (and landscape) features are the western and southern hedgerows, which will be retained and can be protected during the construction phase of the development by a root protection fence. A new hedgerow is also proposed along the northern boundary of the site (details of which can be conditioned as part of a landscaping scheme for the site).

The proposed development site is to the rear of existing development (and as such largely screened), although there are views of the site through the gaps within the line of existing dwellings facing Shaftesbury Road. The prevailing character of development is set parallel to the road (rather than extending back from the road behind existing dwellings).

The application was subject to a pre-application and the design and access statement explains that following comments received from the pre planning application consultation the site layout was amended from L-shape dwellings to rectangular house types to reduce the visual impact of the scheme and to relate to the prevailing character of the adjacent housing with simply designed double pitched roofs and more compact footprint. The houses were rotated slightly, both to align with the grain of the neighbouring houses, but also to allow them to be moved as far away as possible from the depression / pond on the site.

It is considered that the development has been designed to minimise visual impact upon the street scene and views from the main road through the village will be largely unaffected.

The Conservation Officer has raised no concerns regarding the setting of the listed building or the conservation area.

### 9.3 Residential amenity

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

Whilst the proposed access runs to very close to the rear of Coppice House (which would normally result in issues causing noise and disturbance to the dwelling in front), Coppice House has been designed with limited windows on the rear elevation (closest to the proposed driveway).



*View looking north towards Park Houses and the site entrance*



*View looking north towards Coppice House*

The proposed dwellings are single storey with no windows above ground floor level and as such, whilst the dwellings are set back behind existing dwellings, it is not considered that they will unduly overlook adjacent gardens/dwellings.

It is not considered that the proposed development will have an adverse impact upon residential amenity of both existing and proposed dwellings.

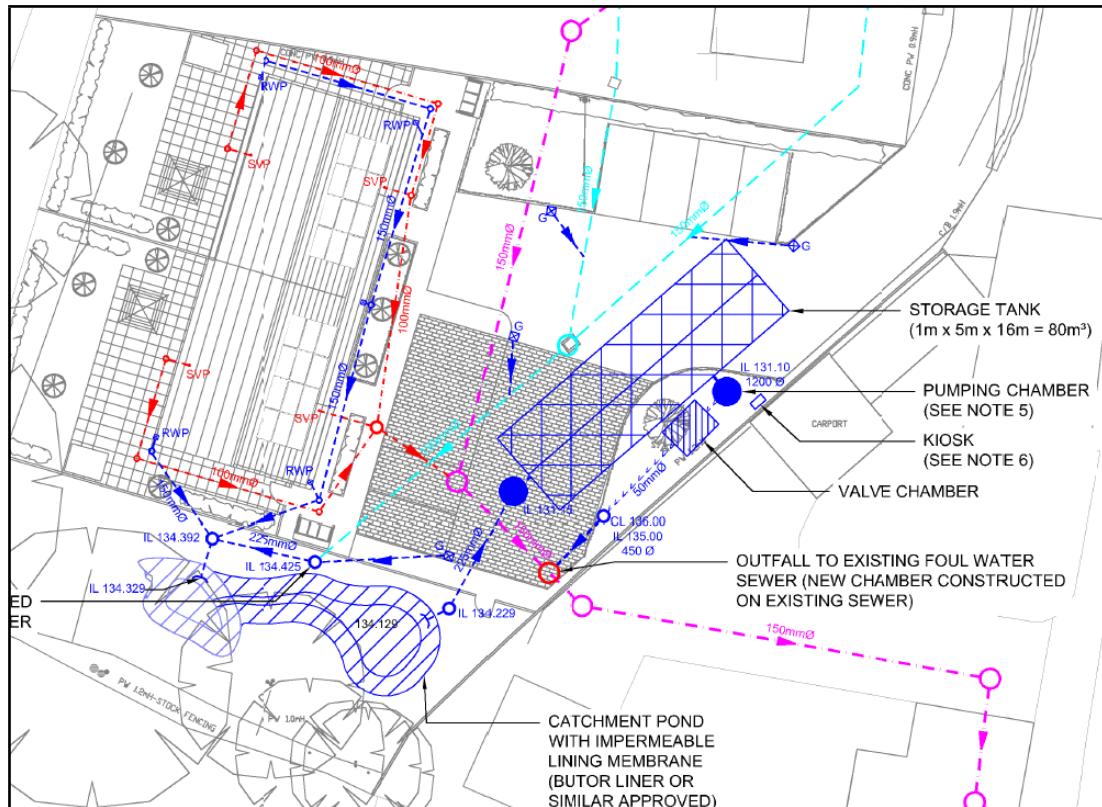
It will be appropriate to add conditions to remove permitted development rights for extensions and addition of any windows above ground floor level.

### 9.4 Surface Water Drainage

The design and access statement explains that the site is poorly drained with surface water drainage pipework from the adjacent council houses discharging into the depression at the southern edge of the site which acts as a soakaway but is ineffective as it fills with water during periods of wet weather.

Following an original objection from the Council's drainage engineer due to concerns over flooding and stormwater disposal from the site, further survey work of existing surface water drainage has been undertaken and a detailed drainage scheme has been submitted during the course of the application.

The further survey work included infiltration testing which showed that a soakaway would not be feasible in this location. The proposal is to attenuate the surface water discharge on site and pump it at a restricted rate to the foul sewer within the site.



This scheme proposes that surface water from the new dwellings, hardsurfaced areas and existing dwellings to the north will be taken initially to an enlarged and remodelled ‘catchment pond’ in the southern part of the site and an outfall from this will connect to a new underground storage tank beneath the access driveway/parking areas to be controlled by a pumping station (to be owned and operated by Wiltshire Council) to discharge to the existing foul water sewer.

The Council’s drainage engineer now supports the scheme subject to conditioning that the drainage scheme is implemented.

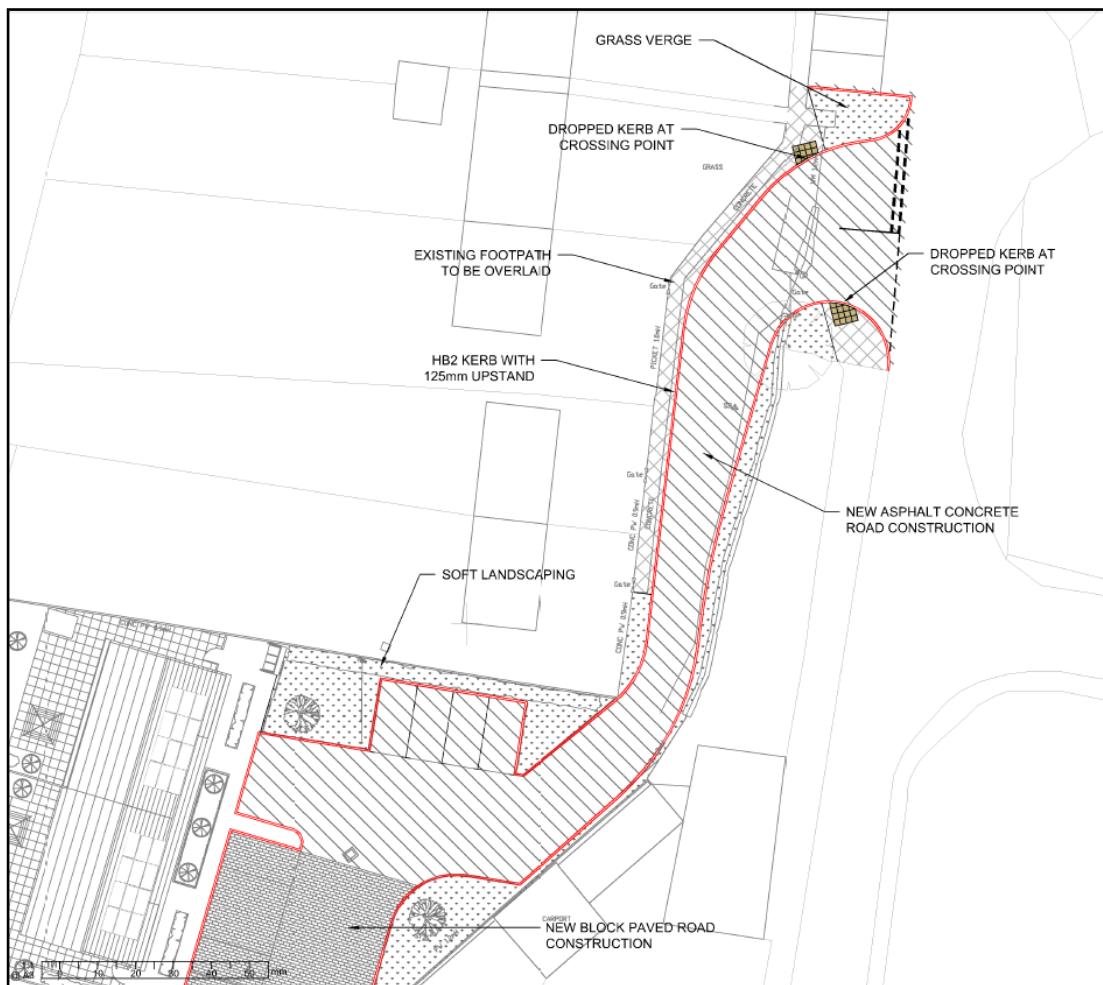
### 9.5 Highway considerations

The supporting text to Wiltshire Core Strategy Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas. The resulting LTP3 Car Parking Strategy (the third evolution of the Wiltshire Local Transport Plan) was adopted by the council in February 2011 and includes policy PS6 – Residential parking standards. The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy:

Table 7.1 Minimum parking standards (allocated parking)

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

The design and access statement explains that the layout has been designed to provide 4 car parking spaces for residents of Park Houses (to replace those lost by the formation of the new site entrance) and also includes 5 car parking spaces for the proposed new houses (in accordance with the parking standards), together with a turning area for larger vehicles. The parking area for the new houses is designated by a different surface.



The highways department have raised no objections to the subject to a condition for a scheme for surface water drainage discharge from the access/driveway.

## 9.6 Archaeology

Paragraph 128 of the NPPF states that *'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’.*

The NPPF also says: *141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*

The desk based assessment that accompanies the application notes the potential for archaeological activity to be present, particularly in the northern part of the site. The Council’s archaeologist has therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out as part of any development.

## **9.7 Sustainable Construction**

In addition to the New Housing team advising that all affordable dwellings should be built to minimum Code for Sustainable Homes, Level 4; Core Policy 41 of the Wiltshire Core Strategy also requires new build homes to achieve at least level 4 of the Code for Sustainable Homes.

The Wiltshire Core Strategy’s key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41- Sustainable Construction.

For new build residential development this is achieved through Level 4 of the Code for Sustainable Homes (CSH4) which seeks a 19% reduction in Green House Gas (GHG) emissions over the benchmark set in Part L of the 2013 Building Regulations.

CP 41 - New homes (excluding extensions and conversions) will be required to achieve at least Level 4 (in full) of the Code for Sustainable Homes<sup>86</sup>.

86. For residential development post-construction Code for Sustainable Homes assessments will be required which must be undertaken by an accredited assessor. For conversions and for non-residential development an appropriate post-construction BREEAM assessment will be required which must also be undertaken by an accredited assessor. Replacements for the BREEAM standards are being developed and this policy will apply the equivalent replacement standards. The policy will also apply to any future replacements to the Code for Sustainable Homes.

<http://www.wiltshire.gov.uk/wiltshire-core-strategy-web-version-new-june.pdf> (p238)

The Planning Inspector for the Wiltshire Core Strategy (WCS) endorsed and made specific reference to the above position in his final report of December 2014:

137. Secondly, the policy addresses the notion of sustainable construction. Once again the Council has proposed changes to the policy to reflect the passage of time and to clarify that the Code for Sustainable Homes Level 4 will need to be secured for new homes and BREEAM76 'Very Good' standards in other circumstances. I am satisfied that the evidence base, particularly Topic Paper 1, establishes a sound basis for local policy to supplement national aspirations with regard to sustainable construction.

<http://www.wiltshire.gov.uk/wiltshire-core-strategy-inspectors-report.pdf>

The local planning authority have been adding the following standard condition to planning consents for new build residential development in Wiltshire:

*The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.*

*REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.*

Wiltshire Council has received challenges from developers seeking not to apply CSH4 to new developments. These challenges have argued that Section 43 of the Deregulation Act 2015 and a Ministerial Statement dated March 2015 brought CSH4 into question.

Legal advice has confirmed that:

a) The Department for Communities and Local Government, through the then Secretary of State, The Right Honourable Eric Pickles, delivered on the 25/03/2015 in the House of Commons a policy statement specifically dealing with energy efficiency in buildings and Planning system:

*'the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent. This statement does not modify the National Planning Policy Framework policy allowing the connection of new housing development to low carbon infrastructure such as district heating networks.'*

<https://www.gov.uk/government/speeches/planning-update-march-2015>

b) Section 43 of the Deregulation Act is still not in force and has, accordingly, altered neither the Planning nor Energy Act 2008, nor the policy led approach under CP41 of the WCS that

Wiltshire Council can and should apply to any new application for new build residential development.

c) The Government's intention (set out at 4(a) above) to retain higher energy standards in the move towards sustainable homes is consistent with WCS Core Policy 41 which requires CSH4. By only requiring up to the pre-existing level 4 of the Code for Sustainable Homes, Wiltshire Council has not set the bar above what was envisaged by the Minister or Government at paragraph 4(a) above.

In view of planned changes to national policy, and following a recent appeal decision in Salisbury (14/10442/FUL), Wiltshire Council's standard condition relating to Code for Sustainable Homes for new build residential development has been replaced by the following:

*The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.*

*REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.*

The Inspector's appeal decision *explains 'At the Hearing the parties indicated that there was not agreement about the Council's requirement for the dwellings to comply with Code 4 of the Code for Sustainable Homes. The relevant development plan policy, CS Policy CP41, creates a need to achieve at least level 4 of the Code for Sustainable Homes and, until amendments are made to the Planning Energy Act 2008, it is accepted that this may continue to be applied by condition, but limited to achieving equivalent energy standards.'*

The key difference is that the local planning authority is now seeking energy performance at "or equivalent to" Level 4 of the Code for Sustainable Homes. Evidence of achievement is still required prior to occupation.

## **9.8 S106 obligations and CIL**

The proposed dwellings would have generated an off-site recreational open space contribution under saved policy R2 of the Salisbury District Local Plan. However, this is a tariff style 'pooled' contribution. Pooling restrictions that came into force on 6 April 2015 mean that Wiltshire Council cannot pool more than five planning obligations towards the same infrastructure type or project. This limit extends to all planning obligations entered into since 6 April 2010. As the Council has already pooled more than 5 planning obligations towards recreational open space, we cannot therefore require any further pooled recreational off site contributions.

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to the dwelling element of the proposals.

CIL is a new levy that local authorities can choose to charge on development in their area, and which Wiltshire Council has taken the decision to implement. CIL will contribute towards the "funding gap" between the total cost of infrastructure necessary to deliver new development and the amount of funding available from other sources.

CIL is charged on commencement of development and is separate from the planning decision process, being administered by a separate department. The Wiltshire Community Infrastructure Levy Charging Schedule lists the types of development which do not pay CIL, and this includes:

- Social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2014 Regulations)

### **9.9 Other issues raised by Parish Council**

The Strategic Assets Team have noted the concerns raised by the Parish Council and have advised in relation to concerns about parking provision that they are proposing more additional spaces on the new site than the number lost by using the existing lay-by to enter the development.

Although not a material planning consideration, in relation to Right to Buy, the Strategic Assets Team has advised that the Council is currently unable to exclude older persons' bungalows from Right to Buy; but there is a disincentive for anyone to purchase any new affordable home for some considerable time due to the lack of discount available.

### **10.0 Conclusion**

The Adopted Wiltshire Core Strategy seeks 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.

The proposal for 2x 2 bedroom ground floor dwellings for affordable rented accommodation for the elderly is supported by Wiltshire Core Strategy Policy 44.

It is considered that the proposed re-development of the site will maintain the character and appearance of the area and avoid adverse impact upon the character and appearance of the conservation area, landscape (also designated as an AONB), setting of the listed building to the north east of the site and will not unduly impact upon residential amenity.

### **RECOMMENDATION: Approve 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) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs (including the solar panels) 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 scheme for the discharge of surface water from the access/driveway, incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first



occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

4) 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard and soft surfacing materials

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order to ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

4) 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; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

6) 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; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

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

7) The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

8) No dwelling shall be first occupied until foul water and surface water drainage has been constructed in accordance with the approved scheme shown on the submitted and approved plans (Plan Ref: L-06602 D.01 Rev 3 Drainage Layout, dated 21/03/2016, received by this office 21/03/2016).

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

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking

or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, shall be inserted in the roofslopes or side gables (above first floor level) of the development hereby permitted. REASON: In the interests of residential amenity and privacy.

11) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: L-06602 D.01 Rev 3 Drainage Layout, dated 21/03/2016, received by this office 21/03/2016

Plan Ref: 17014-DB3-B01-XX-DR-A-80-01 Existing Location Plan (Red Line), dated 11/09/2015, received by this office 04/11/2015

Plan Ref: L-06602 PC01 Rev 1 Preliminary Entrance Layout, dated 20/10/2015, received by this office 04/11/2015

Plan Ref: 17014-DB3-B01-XX-DR-A-20-01 Proposed Floor Plan for House 1 and 2, dated 11/09/2015, received by this office 04/11/2015

Plan Ref: 17014-DB3-B01-XX-DR-A-20-02 Proposed Front and Side Elevation 1, dated 11/09/2015, received by this office 04/11/2015

Plan Ref: 17014-DB3-B01-XX-DR-A-20-03 Proposed Rear and Side Elevation 2, dated 11/09/2015, received by this office 04/11/2015

Plan Ref: 17014-DB3-B01-XX-DR-A-90-02 Proposed Site Plan, dated 19/10/2015, received by this office 04/11/2015

Plan Ref: 17014-DB3-B01-XX-DR-A-90-01 Proposed Context Site Plan showing neighbouring properties, dated 19/10/2015, received by this office 04/11/2015

REASON: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE: Highway licence**

The consent hereby granted shall not be construed as authority to carry out works on the highway. A licence will be required from the local highway authority before any works carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.

**INFORMATIVE: Material samples**

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

**INFORMATIVE: Archaeological work**

The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

**INFORMATIVE: CIL**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for

CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).