

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 27 November 2014
Time: 6.00 pm

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

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

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

AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 1 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 06 November 2014.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

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 (acting on behalf of the Corporate

Director) no later than 5pm on Thursday 20 November 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 7 - 8*)

To receive details of completed and pending appeals.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **13/00636/FUL - Brook Cottages, Gasper, Stourton, Warminster, Wiltshire, BA12 6PY** (*Pages 9 - 44*)

7b **14/06858/FUL - Land to the north of Hampton Park Phase 2 Development, Sycamore Drive, Bishopdown, SP1 3GZ (Hampton Park II)** (*Pages 45 - 64*)

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

SOUTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 6 NOVEMBER 2014 AT THE GUILDHALL, MARKET PLACE,
SALISBURY, WILTSHIRE, SP1 1JH.**

Present:

Cllr Richard Britton, Cllr Richard Clewer, Cllr Brian Dalton, Cllr Christopher Devine (Vice-Chair), Cllr Peter Edge (Substitute), Cllr Jose Green, Cllr Mike Hewitt, Cllr George Jeans and Cllr Ian Tomes

Also Present:

Cllr John Smale and Cllr Graham Wright

110 Apologies for Absence

Apologies for absence were received from Cllr Ian West who was substituted by Cllr Peter Edge. Apologies were also received from Cllr Ian McLennan.

111 Minutes

The minutes of the meeting held 16 October 2014 were presented.

Resolved:

**To be approved as a correct record of the meeting and to be signed by the
Chairman on behalf of the Committee**

112 Declarations of Interest

There were no declarations of interest.

113 Chairman's Announcements

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

114 Public Participation and Councillors' Questions

The committee noted the rules on public participation.

115 Rights of Way Modification Order

Public Participation

Mrs. Samantha Smith spoke in objection to the Rights of Way Modification Order.

Members had the opportunity to ask technical questions. It was asked if any changes had been made to the Modification Order since it had last been debated by the Committee. It was explained that the only changes that had been made related to the symbols used as they had been previously rejected.

Cllr Smale, as the Local Member, discussed 'the DIO surveyor' and the need to contact the owner of the land on this matter. Cllr Smale stressed the need for a site visit to understand the point of view of local residents.

It was heard that the MOD had been consulted and that there was a need for a meeting with any interested parties. It was raised that this application had previously been to committee and that there was no changes in the evidence provided. It was explained that the Modification Order should be forwarded to the Secretary of State for determination at public enquiry.

Members debated the Modification Order and it was heard that there was no basis to change their minds as the decision had been made in January and the evidence provided had not changed.

Resolved:

That the Wiltshire Council Milston 16 (Part) Rights of Way Modification Order 2014 is forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that the Order be confirmed.

116 Planning Appeals

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

117 Planning Applications

117a 13/05402/FUL - Harnham Telephone Repeater Station

Public Participation

Ms Stella Maughan-Smith spoke in objection of the application.
Mr Stephen Berry spoke in objection of the application.
Mr Christopher Rider spoke in objection of the application.
Mr Stewart Garnett spoke in support of the application.

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

Members of the Committee had the opportunity to ask technical questions of the officer. Members asked about the R2 and affordable housing contribution amounts. A question was also asked in regards to the retaining wall and it was explained that this was in a good condition. The Chairman sought clarification over the size of the plot.

The Local Member, Cllr Brian Dalton, spoke in objection to the application. Cllr Dalton provided background information to the application and raised concern with both parking and highways issues. He stated that a property in the locality of the development would be overlooked. Reference was also made to policy H19 and the report provided by the planning officers.

Members discussed the current state of the site, the timing of potential work at the site, the safety of children walking near the site and the site access. Members discussed potential overdevelopment of the area and specifically what was needed in this area. The character of neighbouring properties and the dominance of this development were also raised. The orientation of the site was raised by the Chairman and how the property was set into the ground, as well as the sunlight available to the property.

Resolved:

To REFUSE planning permission for the following reasons:

It is considered that the proposed development, by imposing a significantly denser pattern of development, with semi-detached as well as detached built forms, within an area that is otherwise characterised by larger, detached dwellings, the proposed development would constitute an overdevelopment of the site that would have an adverse impact on the character of the surrounding neighbourhood and be out of keeping with the character of neighbouring properties. In these respects it is considered the proposed development fails to accord with criteria of saved local plan policy H19 (constituting a saved policy listed in Appendix C, of the adopted South Wiltshire Core Strategy).

117b 14/07720/OUT - 3 Westfield Close, Durrington, SP4 8BY

Public Participation

Mr Jones spoke in objection of the application.
Mr Steeples spoke in support of the application.
Mr John Mills spoke in objection to the application.

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

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer. It was asked if the properties displayed on the indicative site plan had garages.

The Local Member, Cllr Wright , spoke in objection to the application. Concern over potential infilling was raised, as well as the Durrington village design statement. Cllr Wright discussed overdevelopment of the site and provided a background to Westfield Close.

Members considered that the proposal represented an over development of the site, which would be out of keeping with the more spacious and open character of the area and would result in two dwellings with limited garden area, contrary to the aims of the Durrington Village Statement.

Resolved:

To REFUSE planning permission for the following reasons:

The proposed dwelling, by reason of its size and positioning, would result in a cramped form of development which would detract from the spacious and open character of the surrounding area, and would result in a limited amount of amenity space serving 3 Westfield Close and the proposed dwelling, which would cause significant harm to the amenity of the occupiers of both properties. The proposal is therefore contrary to the Durrington Village Statement and saved policies H16, G2 and D2 of the Salisbury District Local Plan (which are 'saved' policies of the adopted south Wiltshire Core Strategy).

117c 14/07911/FUL - 15 Ridgmount, Durrington, SP4 8AH

Public Participation

Mr Richard Butler spoke in objection of the application.
Mr Banfield spoke in support of the application.
Mr John Mills spoke in objection to the application

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

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer. It was asked whether a wall in the locality was within the conservation area. It was heard that the Conservation Officer had not made reference to the wall in their recommendation. The location of the extension in relation to the wall was raised. Members also discussed the planning history of the application.

The Local Member, Cllr Wright, spoke in objection to the application. Cllr Wright raised concern in regards to the proposed windows on the property and specially the first floor west facing window.

It was heard that the village design statement was not mentioned within the Planning Officer's report. The Chairman stated that village design statements should not be an impediment to interesting design. The number of extensions in the local area was also raised. The Chairman stated that this was a modest extension.

Members debated the character of the design. The impact of the proposed development on the living standards of residents in the property was also discussed with reference to the larger kitchen. The size of the plot was also discussed. The potential tinting of glass was also raised. The distance between the window and the surrounding properties was debated by Members.

Members debated the appearance of the property and potential for overlooking neighbouring properties.

Resolved:

To APPROVE planning permission with 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 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.The development shall be carried out in complete accordance with the following drawings:

Drawing reference: 2014-27-3 revision: A Date drawn: 08/2014 Date received by Wiltshire Council: 20/08/2014

Drawing reference: 2014-27-4 Date drawn: 08/2014 Date received by Wiltshire Council: 15/08/2014

Drawing reference: 2014-27-5 Date drawn: 08/2014 Date received by Wiltshire Council: 15/08/2014

Reason: For the avoidance of doubt.

118 Urgent Items

There were no urgent items

(Duration of meeting: 6.00 - 8.25 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

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

APPEALS Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs
13/01493/FUL	44 Fisherton Street, Salisbury	WR	DEL	Dismissed		
14/04518/FUL	5 Beech Close, Porton	HH	DEL	Part Allowed		
13/04200/FUL	Lyvers Farm, East Grimstead	Hearing	COM	Allowed	O/T	

Outstanding Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
13/02724/FUL	Woodford, Middle Woodford, Salisbury	WR	COMMITTEE	O/T
13/04330/ADV	Partridge Hill, Giles Lane, Landford	WR	DEL	
14/03436/ADV	Richmond Farm, Brickworth Road, Whiteparish	WR	DEL	
14/02018/FUL	81 Downton Road, Salisbury	WR	DEL	
14/07763/FUL	Land adj to Orchard Cottage, Stapleford	WR	DEL	
S/2013/0255	Park Cottage, Milton, East Knoyle	H (RE-DETERMINATION)	DEL	

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
14/04684/FUL	Ludgershall Garden Centre, Granby Gardens	H	NON DETERMINATION	

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

17TH November 2014

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Report To The Area Planning Committee

Report No. 1

Date of Meeting	27 November 2014
Application Number	13/00636/FUL
Site Address	Brook Cottages Gasper Stourton Warminster Wiltshire BA12 6PY
Proposal	Construction of three two bedroom affordable houses; one three bedroom affordable house and a structure which would provide garaging for eight vehicles and bike and bin storage.
Applicant	Mr Nick Hoare
Town/Parish Council	STOURTON WITH GASPER
Division	MERE
Grid Ref	376230 133075
Type of application	Full Planning
Case Officer	Steven Banks

Reason for the item being considered by Committee

Application 13/00636/FUL was considered by the Southern Area Planning Committee held on the 3rd of July 2014. At that Meeting members resolved to grant planning permission for the development subject to the imposition of planning conditions and the applicant entering into a legal agreement concerning the allocation of the housing and a financial contribution towards public open space. It was further agreed that a draft Section 106 agreement and a draft set of conditions should be considered by a future Planning Committee before the Local Planning Authority issued a decision. Negotiations on the S106 were completed a few weeks ago and therefore the legal agreement and conditions are attached to this report for members consideration.

Attached as appendices to this report are the original officers report (A), the s106 agreement(B) and the proposed conditions(C)

Legal agreement

The attached legal agreement covers

1. The Housing distribution and occupational criteria
2. The Open space contribution

1.The legal agreement stipulates the following –

That there is no requirement to be on the Housing Register to rent a property.

That Applicants for the properties must have a local connection. (which is defined in the agreement)

Tenancies will only be granted to applicants who

- (i) Are unable to afford to buy a home in the village of Stourton; and
- (ii) Do not own any residential property; and
- (iii) Are able to pay rent and outgoings at time of letting from current earnings

The legal agreement has been negotiated between the local authority planning department, the parish council and the applicants over a number of months and has now been agreed with both parties.

2. The second part of the legal agreement requires that prior to first occupation of the dwellings the developer shall pay to the council the sum of £5524.00 in accordance with the council's saved policy R2 towards recreational open space.

RECOMMENDATION

It is recommended that following members resolution to grant planning permission at the committee of the 3rd July 2014 that members further approve the legal agreement at appendix B and the proposed conditions at appendix C.

Appendix A

Officer's report to the Planning Committee of the 03/07/2014

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	03/07/2014
Application Number	13/00636/FUL
Site Address	Brook Cottages Gasper Stourton Warminster Wiltshire BA12 6PY
Proposal	Construction of three two bedroom affordable houses; one three bedroom affordable house and a structure which would provide garaging for eight vehicles and bike and bin storage.
Applicant	Mr Nick Hoare
Town/Parish Council	STOURTON WITH GASPER
Ward	MERE
Grid Ref	376230 133075
Type of application	Full Planning
Case Officer	Steven Banks

Reason for the application being considered by Committee

Cllr Jeans has requested the consideration of this planning application at a Planning Committee if the Case Officer's recommendation is not to grant planning permission for this proposal in order to consider the need for this local housing.

The Case Officer has recommended the refusal of the planning application and therefore the application is to be considered by a Planning Committee.

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 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 proposal site being developed as a rural exception site
2. The provision of affordable housing and Wiltshire Council's allocations policy
3. Financial contributions towards the provision of recreational open space
4. The impact that the proposal would have on residential amenity
5. The impact that the proposal would have on the character and appearance of the area surrounding the proposal site
6. The impact that the proposal would have on highway safety

3. Site Description

This application relates to a piece of land which is located to the south of Gasper Street in Gasper. The site slopes gently from north down to south and is relatively overgrown. The surrounding area is predominantly rural in character. Two dwellings exist to the west of the site and further dwellings can be found in positions which are adjacent to Gasper Street. The proposal site falls within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and outside of any Housing Policy Boundary.

4. Planning History

It is not considered that there is any planning history which is of relevance to this application.

5. The Proposal

The proposal is to: Construct three two bedroom affordable houses; one three bedroom affordable house and a structure which would provide garaging for eight vehicles and bike and bin storage.

6. Planning Policy

The following planning policies are considered to be relevant to the determination of this application.

National Planning Policy Framework (NPPF) 2012:

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. Part 6, delivering a wide choice of quality homes, and part 7, requiring good design, of the NPPF are considered to be particularly relevant to the determination of this application.

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. The following policies are therefore considered to carry significant weight.

Salisbury District Local Plan saved policies (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

TR11: The provision of off street car parking spaces

R2: Open space provision

H23: Residential Development outside Housing Policy Boundaries

South Wiltshire Core Strategy:

Core Policy 3 Meeting Local Needs for Affordable Housing

Wiltshire Core Strategy:

Core Policy 44 Rural exception sites

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 61 Transport and New Development

Wiltshire Local Transport Plan Car Parking Strategy:

PS6 Residential parking standards

7. Consultations

Cranborne Chase and West Wiltshire Downs AONB Partnership Landscape and Planning, in their consultation response, expressed concerns regarding the appearance of the proposed dwellings. The AONB Group further expressed that they would wish to see sufficient internal storage space for household recycling and robust mechanisms to ensure that the properties remained affordable in perpetuity. They also expressed that they would wish to be assured that the proposals would comply with the AONB Group’s Position Statement on light pollution.

Wiltshire Council, Land Adoptions Department, Technical Officer, in their consultation response, considered that a financial contribution of £5,800.20 towards the cost of providing public recreational facilities should be sought in line with saved policy R2.

Stourton with Gasper Parish Council, in their consultation response, expressed their support for the application. It should be noted that reference was made to the proposed dwellings remaining available for local people to rent at an affordable price.

Wiltshire Council, New Housing Department, Development Officer, in their consultation response, considered that the proposed method of allocations is contrary to Wiltshire Council’s allocation policy and objected to the proposal.

Wiltshire Council Ecologist, in their consultation response, did not object to the proposal subject to the imposition of one condition and the attachment of one informative on any planning permission. The condition related to the retention of the trees and scrub which exists on the proposal site’s boundaries and the informative related to protected species.

Wiltshire Council highways Officer, in their consultation response, considered that the proposal would represent an unsustainable form of development and objected to the proposal.

8. Publicity

This application was advertised via site notice and letters of consultation.

22 letters of support and 1 letter of objection have been received.

In summary, the grounds of the objection related to the considerations that the proposal would be remote from facilities, public transport and activities, employment opportunities are low in the area, the additional traffic would harm highway safety and the proposed houses do not meet the housing type demand in the area.

In summary, the grounds of support related to the considerations that there is a need for affordable housing for local families, the proposal would be eco friendly, the proposal would use a brown field site and the proposal would have a minimal impact on the local environment.

9. Planning Considerations

9.1 The principle of the proposal site being developed as a rural exception site:

Saved Policy H23 of the Salisbury District Local Plan, Core policy 3 of the South Wiltshire Core Strategy and Core Policy 44 of the Wiltshire Core Strategy are considered to be the relevant policies of which to assess the principle of the proposal site representing a rural exception site.

Saved policy H23 of the Salisbury District Local Plan defines undeveloped land which falls outside of any Housing Policy Boundary as being countryside, where the erection of new dwellings will only be permitted where provided for by policies H26 or H27. Policy H26 relates to the provision of affordable housing and has been replaced by Core Policy 3 of the South Wiltshire Core Strategy, Saved policy H27 of the Salisbury District Local Plan relates to the provision of housing for rural workers. Core Policy 3 of the South Wiltshire Core Strategy expresses that exception sites, where affordable housing is provided outside of any housing policy boundary, should be sensibly and sensitively located within easy access to employment and services.

Core Policy 44 of the Wiltshire Core Strategy permits the development of small sites, which, amongst other factors, are located outside but adjoining the development limits of Local Service Centres and Large Villages, or are adjacent to the existing built area of Small Villages, where employment and services are easily accessible from the site, for the provision of affordable housing as an exception to normal policy where it can be demonstrated that a proposed development would meet a particular locally generated need that cannot be accommodated in any other way.

The piece of land to which this application relates falls outside of any Housing Policy Boundary and is therefore considered to be countryside. Material has been submitted as part of this planning application which expresses that the proposed four dwellings would be classified as affordable. Affordable housing is housing which is, "provided to eligible households whose needs are not met by the market" (NPPF).

The proposal site forms part of the open countryside which forms part of the Hamlet known as Gasper. It is considered that the proposal site does not adjoin the development limits of a Local Service Centre or Large Village where employment and services are easily accessible. It is also considered that the proposal site is not adjacent to the existing built area of a Small Village where employment and services are easily accessible.

The proposal site, by reason of its location, which is remote from services and employment, does not represent an exception site. Consequently, the principle of developing the proposal site as a rural exception site is not accepted. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan.

9.2 The provision of affordable housing and Wiltshire Council's allocations policy:

It is stated in the NPPF that, "Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges where applicable)."

The Council's housing officer is concerned that the applicant proposes that the housing would not have to be registered with Homes4Wiltshire and would not have to be allocated through the Homes4Wiltshire allocations policy. This includes the proposal that the affordable housing could be offered to applicants who fall into the current Bronze band on the housing register, who will no longer be considered in housing need, or be eligible to register or bid for affordable rented properties when the new Allocations Policy takes effect later this year. These two issues do not conform with Wiltshire Council's current or emerging allocations policy. It was further considered that the proposed definition of local connection does not conform with Wiltshire Council's allocations policy.

Therefore, although, the proposed housing maybe offered at an affordable rent, as defined in the NPPF, it is considered that the proposal is contrary to Wiltshire Council's allocations policy.

It is therefore considered that the proposed housing would not function as affordable housing as defined in Wiltshire.

9.3 Financial contributions towards the provision of recreational open space:

On proposal sites where residential development is proposed, a financial contribution, under saved policy R2, is sought towards the provision of recreational open space. Legal agreements are entered into when applicants are willing to comply with the requirements of saved policy R2. As there is no R2 payment or agreement with this proposal. This forms a further reason for refusal.

9.4 The impact that the proposal would have on residential amenity:

Criterion (vi) of saved policy G2 of the Salisbury District Local Plan and criterion vii of Core Policy 57 of the Wiltshire Core Strategy are considered to be the relevant criterion of the policies against which to assess the impact, that the proposal would have on residential amenity.

Criterion (vi) of saved policy G2 requires new development to avoid harming the amenity of the occupants of adjoining dwellings and uses and criterion vii of Core Policy 57 of the Wiltshire Core Strategy requires new development to have regard to the compatibility of adjoining buildings and uses, the impact that the development would have on the amenity of existing occupants and to ensure that appropriate levels of amenity are achievable within the development itself.

The proposed structures, by reason of their size, in terms of their height, width and depth, and the separation distance between the proposed structures and the nearest properties and the views which would be possible from the proposed openings, would not harm the amenity of the occupiers of the properties nearest to the proposed works.

The proposed structures, by reason of their size, in terms of their height, width and depth and their positioning in relation to each other and the views which would be possible from the proposed openings, would ensure that appropriate levels of residential amenity would be achievable within the site.

The proposal is therefore considered to be in accordance with criterion (vi) of saved policy G2 and criterion vii of Core Policy 57 of the Wiltshire Core Strategy

9.5 The impact that the proposal would have on the character and appearance of the area surrounding the proposal site:

Good design forms an important theme in the NPPF. Paragraph 56 of the NPPF states that, "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 of the NPPF further states that, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Saved policy C5 of the Salisbury District Plan permits development within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty which would be sympathetic with the landscape, criterion (iv) of saved policy G2 of the Salisbury District Local Plan requires new development to respect the physical environment and criterion (i), (ii), (iii) and (vi) of Core Policy 57 of the Wiltshire Core Strategy requires new development to respect the physical environment.

The proposed development, by reason of its design, size, positioning and materials, would not undermine the character of the area.

The proposal is therefore considered to be in accordance with criterion (iv) of saved policy G2 of the Salisbury District Local Plan, criterion (i), (ii), (iii) and (vi) of Core Policy 57 of the Wiltshire Core Strategy and saved policy C5 of the Salisbury District Local Plan

9.6 The impact that the proposal would have on highway safety:

Part (i) of saved policy G2 of the Salisbury District Local Plan states that new development will be assessed against the provision of a satisfactory means of access and turning space within the site. Reference is also made to the provision of a sufficient level of parking. Saved policy TR11 of the Salisbury District Local Plan requires the provision of a sufficient level of off street parking spaces for development proposals, Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy Document provides minimum residential parking standards and criterion ii of Core Policy 61 of the Wiltshire Core Strategy requires proposals to be capable of being served by a safe access to the highway network. Wiltshire Council's Highways Department did not object to the proposal on the grounds of an unsatisfactory means of access and turning space or an insufficient level of proposed parking and it is considered that a satisfactory means of access and turning space within the site and a sufficient level of parking is proposed. It is consequently considered that the proposal would not conflict with saved policy TR11 of the Salisbury District Local

Plan, part (i) of saved policy G2 of the Salisbury District Local Plan, Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy Document or criterion ii of Core Policy 61 of the Wiltshire Core Strategy.

10. Conclusion

The proposal site, by reason of its location, in the open countryside, which is remote from services and employment, does not represent an exception site. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

The proposal, by reason of the lack of a financial contribution towards recreational open space, is contrary to saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

11. RECOMMENDATION

Planning Permission should be REFUSED for the following reasons:

1. The proposal site, by reason of its location, in the open countryside, which is remote from services and employment, does not represent an exception site. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).
2. It is not intended to register the housing with Homes4Wiltshire, or to allocate the housing through the Homes4Wiltshire allocations policy and the proposed definition of local connection, is contrary to Wiltshire Council's allocations policy. The proposal is therefore contrary to Wiltshire Council's allocations policy and it is consequently considered that the proposed housing would not function as affordable housing as defined in Wiltshire. The proposal is therefore contrary to Core Policy 3 of the South Wiltshire Core Strategy, Core Policy 44 of the Wiltshire Core Strategy and saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).
3. The proposal, by reason of the lack of a financial contribution towards recreational open space, is contrary to saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

Informatives:

1. In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to the proposal's failure to comply with the development plan as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

2. It should be noted that the reason given above relating to policy R2 of the adopted Local Plan could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement contributing to recreational open space provision.

Appendix B

Draft Section 106 Agreement

DATED

between

WILTSHIRE COUNCIL

and

STOURTON WITH GASPER PARISH COUNCIL

and

NICHOLAS COLT HOARE

Deed under Section 106 of the Town and Country Planning Act 1990

and all other enabling powers

relating to Land at Brook Cottages, Gasper, Stourton,

Warminster, Wiltshire BA12 6PY

**Head of Legal Services
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire BA14 8JN
Ref: 104363**

THIS DEED is dated [DATE]

(1) **WILTSHIRE COUNCIL** of County Hall Bythesea Road Trowbridge Wiltshire BA14 8JN (**Council**).

(2) **STOURTON WITH GASPER PARISH COUNCIL** of 7 High Street
Stourton Warminster BA12 6QF

(2) **NICHOLAS COLT HOARE** of The Orchard Bridge Road Leigh Woods Bristol (**Owner**).

BACKGROUND

1. The Owner is the freehold owner and is seised in possession of the Land shown for the purposes of identification only edged red on the Plan
2. The Council is the local planning authority for the purposes of the Act, the highway authority, the education authority and the housing authority for the area in which the Land is situated
3. The Parish Council has agreed to undertake certain functions with regard to the allocation of the Affordable Housing Units
4. The Owner has submitted the Planning Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed without which the Planning Permission would not be granted
5. On 3 July 2014 the Council resolved to grant planning permission for the Development subject to conditions and the prior completion of this Deed in the interests of the proper planning of the area.

NOW THIS DEED WITNESSES AS FOLLOWS:

Definitions

The definitions and rules of interpretation in this clause apply in this deed:

"the Act"	the Town and Country Planning Act 1990
"Affordable Housing"	housing let in perpetuity to Qualifying Persons at a rent of no more than 80% of local Open Market Rents (including service charges, where applicable) at the time of letting which may be increased by no more than the All Items Index of Retail Prices plus 0.5% annually
"Affordable Housing Unit"	any of the Residential Units forming part of the Development, all such Residential Units comprising Affordable Housing
"Allocations Policy and Procedure"	the policy and procedure attached at Schedule 4 which sets out : <ol style="list-style-type: none">(i) the necessary criteria to be met

in order for person(s) to be allocated an Affordable Housing Unit; and

- (ii) the procedure to be followed by applicants, the Owner and the Parish Council on applications for an Affordable Housing Unit

“Commencement of Development” the date on which any material operation as defined in section 56(4) of the Act forming part of the Development begins to be carried out with the exception of investigation of ground conditions and remedial work archaeological work demolition and erection of hoardings and Commence and Commenced shall be construed accordingly

"Engineer" the Director of Highways and Transport or his appointed representative for the time being of the Council

“Development” any development permitted by the Planning Permission

“Director” the Associate Director of Economic Development and Planning or his appointed representative for the time being of the Council

“Index” All Items Index of Retail Prices issued by the Office for National Statistics

“Index Linked” increased in accordance with the following formula:

Amount payable = the Contribution x (A/B)

where:

A = the figure for the Index that applied immediately preceding the date of actual payment and

B = the figure for the Index that applied when the Index was last published prior to the date of this Deed

“Interest”	Interest at the rate of 4% above the base lending rate of the HSBC Bank Plc from time to time
“Land”	the land at Brook Cottages Gasper Stourton Warminster Wiltshire BA12 6PY
“Land Compensation Act”	In relation to clause 16 means the Land Clauses Consolidation Act 1845 the Land Compensation Act 1961 the Compulsory Purchase Act 1965 the Land Compensation Act 1973 and the Planning and Compensation Act 1991 and includes the Human Rights Act 1998 and any variation or enactment of the Land Compensation Acts on a date on or after the date of execution of this Deed which confers a right of compensation for the compulsory acquisition of land and/or the diminution in value of land as a result of the carrying out of or the use of public works
“Monitoring Sum”	the sum of £331.44 (three hundred and thirty-one pounds 44 pence)
“Occupation” and “Occupied”	occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction
“Open Market Rent”	means the rent calculated in accordance with the definition of "Market Rent" at Practice Statement 3.3 of the Royal Institution of Chartered Surveyors' Appraisal and Valuation Standards 6th Edition dated January 2008 as amended
“Open Space Contribution”	the sum of £5524.00 (five thousand five hundred and twenty-four pounds) as a contribution towards recreational open space in accordance with saved policy R2 of the Salisbury District Local Plan which is a saved policy of the South Wiltshire Core Strategy

“Plan”	the plan or drawing attached to this Deed and referenced 0253/101rev B which plan is for the purposes of identification only
“Planning Application”	the planning application for full planning permission for the construction of three two bedroom Affordable Housing Units; the construction of one three bedroom Affordable Housing Unit and a structure which would provide garaging for eight vehicles and bike and bin storage registered by the Council on 28 May 2013 and allocated reference number 13/00636/FUL
“Planning Permission”	the/any planning permission for the Development that may be granted pursuant to the Planning Application
“Qualifying Person”	an individual who fulfils the requirements of appendix 1 and appendix 2 of the Allocations Policy

Construction of this Deed

Words importing the masculine include the feminine and neuter gender and vice versa

Words importing the singular include the plural and vice versa

Words importing persons include companies corporations and vice versa and all such words shall be construed interchangeable in that manner

Wherever there is more than one person named as a party and where more than one party undertakes an obligation (including by becoming a successor in title) all their obligations can be enforced against all of them jointly and against each individually

Insofar as different parts of or interests in the Land are owned by different persons each person Covenants with the Council and with one another to co-operate insofar as they are able to ensure that the Covenants herein on behalf of “the Owner/ Developer” are fulfilled as expeditiously as possible

The headings throughout this Deed are for convenience only and shall not be taken into account in the construction and interpretation of this Deed

Any reference to a clause paragraph schedule or plan is to one in to or attached to this Deed and any reference to this Deed includes any schedule, plan, annexure or other attachment to this Deed

In the absence of contrary provision any reference to a Council document to be completed which is annexed or referred to in this Deed shall be the Council document which is current and in force at the date of its completion

In the absence of contrary provision any reference to a statute or statutory instrument includes any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force and reference to a statute includes any statutory instrument direction or specification made or issued under the statute or deriving validity from it

References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and successors to any statutory functions of the Council

Covenants to do or not to do an action shall include respectively a covenant to permit or not to permit that action to be done

Statutory provisions

This Deed is made pursuant to the following:

Section 106 of the Act

Section 111 of the Local Government Act 1972

Section 1 Localism Act 2011

and all other enabling powers

and has been entered into by the Council pursuant to those powers

The covenants restrictions and requirements created by this Deed are planning obligations for the purposes of Section 106 of the Act to the intent that it shall bind the parties and their respective successors in title to each and every part of the Land and are enforceable by the Council as local planning authority

Commencement

This Deed takes effect on the grant of the Planning Permission

The Owner shall notify the Council of the Commencement of Development and the date of Occupation of the first Residential Unit and the Owner agrees that no time shall run to the detriment of the Council if and so long as the Owner has failed to serve notice

If the Owner has not provided the information referred to in clause 1.15 above within 20 Working Days of its becoming available the Council shall have the right to obtain this information by other reasonable means and to charge the Owner its costs in obtaining this information subject to a maximum of one thousand pounds (£1,000) per time **PROVIDED THAT** the information is in fact obtained as aforesaid and reasonable evidence of this is provided by the Council to the Owner

The Owner's Covenants

1.17 The Owner will observe and perform the obligations set out in this Deed and the Schedules

The Parish Council's Covenants

1.18 The Parish Council will observe and perform its obligations as set out in the Allocations Policy and Procedure

The Council's Covenants

1.19 The Council covenants with the Owner as set out in the Second Schedule

General

The parties agree that:

1.20 Nothing in this Deed constitutes an obligation to grant planning permission or any other approval consent or permission required from the Council in the exercise of any other statutory function and nothing in this Deed constitutes and such approval, consent or permission.

1.21 This Deed does not and is not intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999 (other than any replacement body of the Council)

1.22 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land or that part of the Land in relation to which such breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest

1.23 Insofar as any clause or clauses or any part thereof of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed

1.24 If before Commencement of Development the Planning Permission:

- a) expires within the meaning of Sections 91 92 or 93 of the Act; or
- b) is revoked, quashed or modified without the consent of the Developer;

this Deed shall cease to have effect

- 1.25 The Owner shall pay to the Council:(a) its proper and reasonable legal costs incurred in negotiating preparing and entering into this Deed upon completion of this Deed, and

(b) upon Commencement of Development to pay the Monitoring Sum
- 1.26 The Owner shall pay to the Council on the date hereof its proper and reasonable legal costs incurred in respect of the transfer or other disposal of any land or facility as required by this Deed.
- 1.27 This Deed shall be registerable as a local land charge by the Council
- 1.28 If required by the Council the Owner shall secure registration of this Deed in the Charges Register of the Registered Title to the Land at the Land Registry
- 1.29 Where the agreement approval consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement consent approval or expression of satisfaction shall be given in writing on behalf of the Council by the Engineer or Director as appropriate
- 1.30 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed
- 1.31 Nothing contained or implied in this Deed shall prejudice affect fetter or restrict the rights powers duties and obligations of the Council in the exercise of its functions as Local Planning Authority or any other statutory function rights duties powers and obligations under all public and private statutes byelaws and regulations
- 1.32 This Deed is governed by and interpreted in accordance with the law of England and Wales

Notices

- 1.33 Any notice or other communication given or made under this Deed shall be in writing and (unless otherwise herein provided) shall be deemed to be sufficiently served if sent by registered or recorded delivery post to the address of the party specified in this Deed or to such other address (in substitution thereof) as may be notified in writing by that party from time to time for this purpose and in the case of the Council shall be addressed to the Head of Legal Services and quote reference 13/00636/FUL

Waiver

- 1.34 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default

Change in Ownership

- 1.35 The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the obligations under this Deed have been discharged. Such notice to give details of the transferee's name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation transferred by reference to a plan PROVIDED THAT this clause shall not apply to the disposal of an individual Residential Unit

Indexation

- 1.36 All financial contributions payable to the Council under this Deed shall be Index Linked

Interest

- 1.37 If any payment due under this Deed is paid late Interest will be payable from the date payment is due to the date of actual payment compounded annually.

VAT

- 1.38 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable in respect thereof
- 1.39 If at any time VAT becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT had not previously been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly

Indemnity

- 1.40 The Owner hereby undertakes and agrees with the Council that in the event of any claim or claims being made against the Council for any one or more of the following payments:
- a) Compensation (including any claim arising under the Land Compensation Acts)
 - b) Damages
 - c) Costs
 - d) Charges
 - e) any other payment

such claim arising in connection with or incidental to or in consequence of any failure on the part of the Owner to comply with its obligations under this Deed the Owner will hold the Council fully indemnified from and against each and every said claim

- 1.41 The Owner shall not be liable under this clause to indemnify the Council in respect of any claim only insofar as and to the extent that the said claim is found to have resulted from the negligent act or omission of the Council or its servants or agents save that for the purpose of this clause the Owner or persons acting on behalf of the Owner shall not be regarded as servants or agents of the Council

Delivery

- 1.42 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

SCHEDULE 1: Covenants by the Owner to the Council and the Parish Council

The Owner covenants with the Council that

1. Affordable Housing

- 1.1 it shall ensure that the Affordable Housing Units are at all times occupied in accordance with the Allocations Policy and Procedure and at no more than 80% of the local Open Market Rent (including service charges where applicable at the time of letting) which may be increased by no more than the All Items Index of Retail Prices plus 0.5% annually
- 1.2 it shall not use the Affordable Housing Units other than for Affordable Housing let in accordance with the Allocations Policy and Procedure;
- 1.3 It shall cooperate with the Parish Council where necessary in the fulfilment of its obligations set out in the Allocations Policy and Procedure

2. Open Space Contribution

- 2.1 Prior to first Occupation to pay the Open Space Contribution to the Council.
- 2.2 Not to Occupy the Development until the Open Space Contribution has been paid to the Council

SCHEDULE 2: Covenants by the Parish Council to the Council and to the Owner

1. At all times and acting reasonably to comply with the Allocations Policy and Procedure
2. To cooperate with the Owner where necessary in the fulfilment of its obligations set out in the Allocations Policy and Procedure

SCHEDULE 3: Covenants by the Council to the Owner

Repayment of Contributions

The Council covenants with the Owner:

1. To use all sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid

2. To pay to the paying party such amount of any payment made by the Owner to the Council under this Deed which has not been expended or committed in accordance with the provisions of this Deed within ten (10) years of the date of receipt by the Council of such payment on receipt of a written request from the Owner to do so

SCHEDULE 4: ALLOCATIONS POLICY AND PROCEDURE

Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

Page 1 of 6 Version 2 31/08/2014

Purpose:

This policy ensures that the 4 new houses in Gasper Street built by Stourhead Western Estate ("SWE"), the Landlord, are let to tenants with local connection (as defined below), taking into account their housing need.

1 Eligibility to apply

1) All members of the public may apply.

There is no requirement to be on the Housing Register.

2 Other criteria to be met

(a) Applicants must have a local connection, as defined in section 3 below

(b) Occupation suitable to size of household

Houses will be allocated in accordance with the policy set out in Appendix 1.

(c) Financial criteria

Tenancies will only be granted to applicants who

- (i) Are unable to afford to buy a home in the village of Stourton; and
- (ii) Do not own any residential property; and
- (iii) Are able to pay rent and outgoings at time of letting from current earnings

Applicants will be asked to provide evidence of their income, debts, savings and capital assets.

3 Definition of Local Connection

To demonstrate a local connection, applicants must meet one or more of the three following requirements at the time of application:

(a) Local work

Either:

- At least one years' substantial and continuing employment in the village of Stourton; or
- At least one year of self employment or running a business operating to a substantial degree in the village of Stourton

(b) Local residency

Full time residence in Stourton for at least 5 of the preceding 10 years.

(c) Family connection

At least one parent resident in the village of Stourton, who has lived in the village full time for the preceding 10 years .

If there are more applicants meeting the Stourton local connection than vacancies, preference will be applied to those meeting the Local Work condition

Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

Page 2 of 6 Version 2 31/08/2014

If there are fewer applicants than vacancies meeting the Stourton local connection conditions, the tenancies will be readvertised and Local Area extended to include Stourton and contiguous parishes (currently Zeals, Kilmington, Mere, Bourton, Charlton Musgrove, Brewham and Penselwood).

4 Housing need

If there is more than one applicant for a tenancy, meeting all other criteria and with equal degrees of local connection, the tenancy will be allocated to the applicant with the highest degree of housing need, as defined in Appendix 2.

5 Nominations

Homes will be advertised through appropriate local channels at the Landlord's expense.
Houses will be allocated strictly in accordance with this agreement. The applications will be made to the Landlord, who will make the initial decision.

The Landlord may seek references at its own expense to confirm that applicants meet the criteria in sections 1 2 and 3. Applicants meeting the conditions may nevertheless be vetoed according to the criteria set out in Appendix 3.

Any applicant will have the right to appeal to the Stourton Parish Council if they feel the policy or a veto has been wrongly applied.

Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

Page 3 of 6 Version 2 31/08/2014

Appendix 1: Occupation criteria

Bedroom eligibility

Any expected child will be included as part of the household when calculating minimum bedroom requirements

Household make-up

Eligible for two bedroom home:

Single person
Couple
Single or Couple with 1 Child
Single or Couple with 2 Children (both under 10yrs)

Eligible for three bedroom home

Single or Couple with 1 Child
Single or Couple with 2 Children (both under 10yrs)
Single or Couple with 2 Children (one of which over 10yrs)
Single or Couple with 3 Children

Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

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Appendix 2: Housing Need

The bands of housing need are listed from highest to lowest:

Gold: <i>Seriously Overcrowded</i>	Applicants living in overcrowded accommodation (in need of at least two additional bedrooms)
<i>Hazards</i>	Applicants living in a property assessed by the Private Sector Housing Team in accordance with the HHSRS as having 3 or more category 1 hazards that cannot be remedied.
<i>Insecurity of tenure</i>	Where an applicant is under written notice to leave their accommodation. Applicants assessed as being insecure in their accommodation will generally be under a 2 month or 93 day notice to vacate their accommodation.
<i>High welfare or support needs</i>	Where an applicant has an identified support or welfare need which cannot be alleviated in the current accommodation. Applicants may need to live closer to family or support networks to give or receive support. Consideration will be given to the obstacles relating to the applicants need, such as the distance and transport links between the two areas.
<i>Multiple needs</i>	Applicants meeting more than two needs criteria within silver band.
<i>Split households</i>	Applicants whose family have formerly lived together as a household unit, with dependent children or expecting a child, who are unable to live together because of factors beyond their control, and as a result are living in separate households.
Silver: <i>Serious Disrepair</i>	Applicants living in a property assessed by the Private Sector Housing Team in accordance with the HHSRS as having 1 or 2 category 1 hazards that cannot be remedied.
Overcrowded	Applicants living in overcrowded accommodation (in need of one additional bedroom).
Sharing Facilities	Applicants sharing facilities - e.g. kitchen, bathroom, and toilet - with people who are not included in the application This does not include applicants who choose to share their home with someone who is not included on the housing application.
Tied Accommodation	Applicants living in accommodation tied to their employment.
Bronze: <i>Adequately Housed</i>	Applicants who are currently housed in a property that is appropriate for their needs in terms of size and facilities.

Deliberately worsening circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher banding the application will be placed in Bronze band. For an applicant to have deliberately worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation..

Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

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Bronze Adequately Housed

Applicants who are currently housed in a property that is appropriate for their needs in terms of size and facilities.

Deliberately worsening circumstances

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher banding the application will be placed in Bronze band. For an applicant to have deliberately worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation.

Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

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Appendix 3: Grounds for veto of an application

Landlord reasons for rejecting an applicant

The Landlord may need to refuse an applicant for one of the following reasons. In that case, it is Landlord's responsibility to inform applicant of the reasons. The applicant may appeal to the Stourton Parish Council if it feels the rejection is unfair and not in accordance with this policy.

Area unsuitable/Anti-social behaviour

Where there is evidence that an applicant might endanger the health and safety or well being of neighbouring residents, the Landlord may refuse the right to offer them accommodation in that particular area.

Property unsuitable – Health and Safety

Where there is reasonable evidence to suggest a property is unsuitable for the applicant due to health and safety concerns.

For example, where the applicant has mobility needs that cannot be met without making considerable adaptations to the property.

Suspected fraudulent application

Where there is reasonable evidence that an applicant has provided false information in their application for housing, the Landlord reserves the right not to offer accommodation.

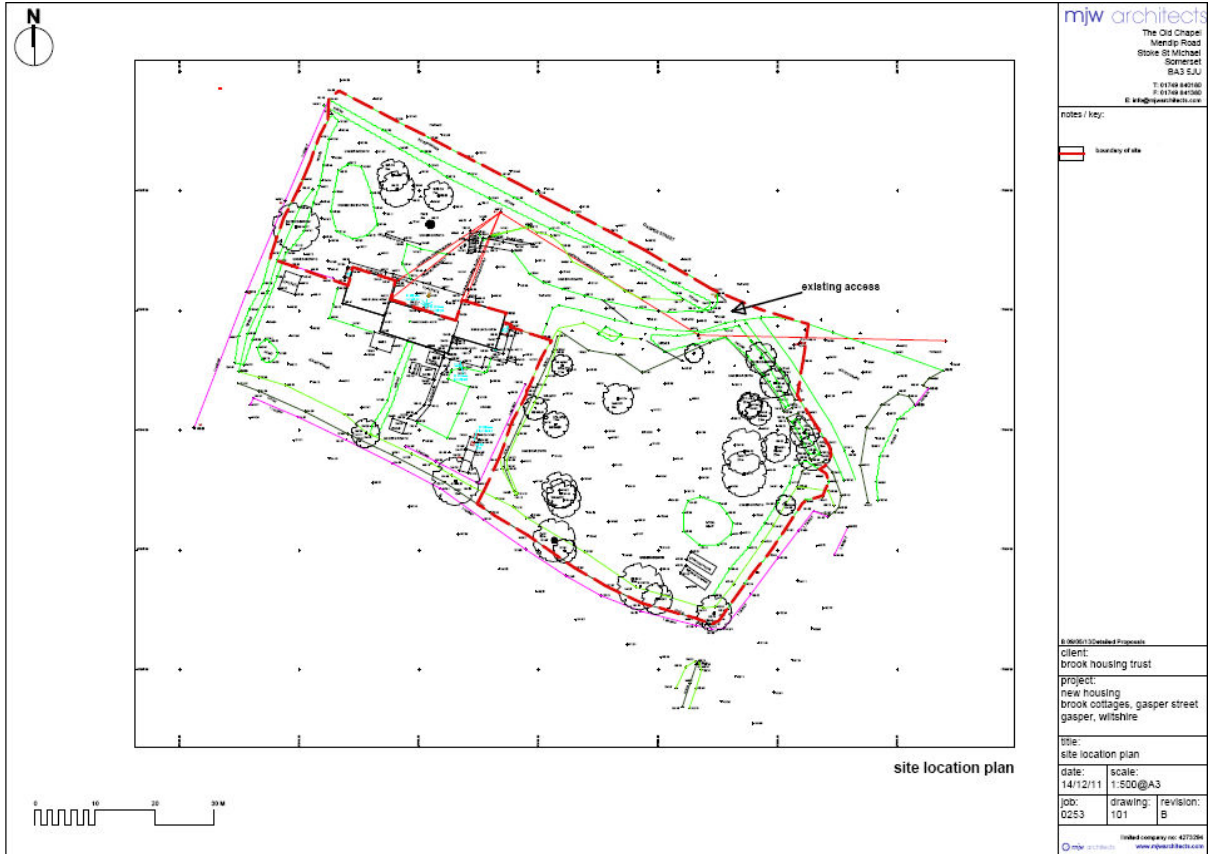
Rent arrears

Where the applicant has a history of uncleared rent arrears with any landlord, the Landlord may refuse the applicant.

No vacant possession guarantee

Where the Landlord has advertised a property which has since become unavailable.

Appendix 1: Plan



The common seal of WILTSHIRE COUNCIL
was affixed to this document in the
presence of:

Authorised signatory

Signed as a Deed by STOURTON WITH
GASPER PARISH COUNCIL acting by its
Chairman HARRY PARKER in the
presence of:

.....
Signature of Chairman

WITNESS SIGNATURE

WITNESS NAME

WITNESS ADDRESS

WITNESS OCCUPATION

SIGNED AS A DEED BY

NICHOLAS COLT HOARE Signature of Owner

IN THE PRESENCE OF:

SIGNATURE OF WITNESS

WITNESS NAME

WITNESS ADDRESS

WITNESS OCCUPATION

Appendix C

Draft 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 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 delivery of plant, equipment, materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 0800 & 1800 Monday to Friday and 0800 & 1300 on Saturdays.

Reason: In the interests of residential amenity.

4. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

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

5. 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:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;

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

6. 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 buildings 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.

7. The development hereby permitted shall not be first occupied 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.

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

Reason: In the interests of highway safety.

9. No work shall be undertaken which would result in the removal or long term degradation of the vegetated boundaries to the application site.

Reason: In the interests of ecology.

10. No part of the development hereby permitted shall be first occupied until the parking provision has been completed in accordance with the details shown on the approved plans. The parking provision shall be maintained for the purpose of parking at all times thereafter.

Reason: In the interests of highway safety.

11. No development shall commence on site until a scheme for the discharge of surface water from the site incorporating sustainable drainage details, to prevent surface water discharge onto the highway, 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.

12. The development shall be carried out in complete accordance with the following drawings:

Drawing reference: 109 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 15/05/2013

Drawing reference: 110 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 15/05/2013

Drawing reference: 110 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 15/05/2013

Drawing reference: 111 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 15/05/2013

Drawing reference: 113 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 15/05/2013

Drawing reference: 105 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 15/05/2013

Drawing reference: 106 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 15/05/2013

Drawing reference: 103 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 22/05/2013

Drawing reference: 104 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 22/05/2013

Drawing reference: 123 Revision B Date drawn: 14/12/11 Date received by Wiltshire Council: 22/05/2013

Reason: For the avoidance of doubt.

Informatives:

1. Ecology

The applicant should note that under the terms of the Wildlife and Countryside act 1981 (as amended) and the Habitats Regulations 2010, it is an offence to disturb or harm any protected species or to disturb or damage their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect protected species (e.g. through site clearance, tree felling and removal of dead wood) you should seek the advice of a suitable qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

2. Water supply and waste water connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at www.wessexwater.co.uk/developerservices

Please note that all sewer connections serving more than a single dwelling require a single adoption agreement with Wessex Water before the connection can be made.

Further information can be obtained from Wessex Water's New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.



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Report To The Area Planning Committee

Report No. 2

Date of Meeting	27 th November 2014
Application Number	14/06858/FUL
Site Address	Land to the north of Hampton Park Phase 2 Development, Sycamore Drive, Bishopdown, SP1 3GZ (Hampton Park II)
Proposal	New primary school to include a school hall, eight classrooms, playgrounds, school pitch, parking, a new ASD unit and other associated facilities
Applicant	Mrs. J Bennett, Greentrees Primary School
Town/Parish Council	Laverstock & Ford
Ward	Laverstock & Ford and Old Sarum
Grid Ref	415059 132440
Type of application	Full Planning
Case Officer	Becky Jones

Reason for the application being considered by Committee

Wiltshire Council is the client for this project. The Council's Scheme of Delegation for planning applications states that where there has been at least one objection to an application made by the Council, then it must be determined by a Planning Committee. As there have been a number of comments and concerns expressed by third parties, this is the reason for this application being referred.

1. Purpose of Report

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

2. Report Summary

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

- Site History and Principle of the Hampton Park Development
- Scale, design and impact on the character of the area, the setting of Old Sarum Scheduled Ancient Monument/Old Sarum Aerodrome Conservation Areas.
- Neighbouring amenities
- Highway safety
- Drainage and Esso pipeline
- Archaeology and ecology

11 letters raising concerns. PC support subject to conditions.

3. Site Description

The site is located to the east of Old Sarum Conservation Area, south of Old Sarum Aerodrome CA, and north of existing residential properties accessed from Pearce Way and Sycamore Drive, which form part of the established Bishopdown Farm/ Hampton Park housing areas.

The site is also in an Area of Special Archaeological Significance and Water Source Catchment Area. An ESSO pipeline runs to the south of the application site. The adjacent land is currently being developed in relation to a housing scheme, and the land for the proposed school was secured via the associated legal agreement relating to S/2009/1943.

4. Planning History

S/2009/1943 Erection of 500 dwellings, 4 new vehicular accesses off Pearce Way, associated landscaping, public open space and the creation of a country park with associated parking, infrastructure and facilities. **Approved on appeal with conditions and subject to Section 106 Agreement.**

5. The Proposal

The Section 106 Agreement related to S/2009/1943 made provision for a new single form entry primary school and access (sections 4 and 5 of the Agreement). The accompanying plans for the 2009 application indicated the proposed site for the school. The school would be site about 0.5 miles north west of the existing Greentrees school, within the area highlighted for the school in the 2009 application, and adjacent to the proposed Country Park. The new school would operate a split site linked by existing pedestrian footways.

The proposed buildings are primarily single storey, with the exception being the school hall and multi use library and IT space. The arrangement of the buildings is designed to emulate a cluster of farm buildings. Timber boarding is the predominant cladding material, with contrasting dark flint coloured weatherboarding and blue/grey roofing materials,

There are also several landscape features including a playing field, multi use games court, allotment space, habitat areas, a pond, and car park with tarmac access. The main soft and hard playground would sit within the U shaped courtyard. The Multi Use Games Court (MUGA) occupies the lower level and would be fenced. There is also an external ramp to link the levels and provide seating. A seating area in coloured asphalt would be sited to the east to give views across the valley. The west of the site predominantly consists of grassed areas and the playing field. The perimeter of the site is intended as a habitat area and would enable a nature walk around the site. To the north of the site is an area allocated for allotments for the school.

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).

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.

NPPG – National Planning Policy Guidance. This supplements the NPPF, providing additional specific guidance on certain types of development and development assessment.

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

D1 Design, G2 General Principles for Development, PS5 Education, C7 Landscape Setting of Salisbury and Wilton, G5 Water services, C12 Protected species, CN11 Views into and out of Conservation Areas, CN20 Scheduled Ancient Monuments and settings, CN21 Archaeology, R5 Protection of outdoor recreation facilities, TR11 off street parking spaces.

South Wiltshire Core Strategy: CP2 Hampton Park – The site is specifically allocated via the Development Template in that document, appendix A.

Emerging Wiltshire Core Strategy – The above allocation within the SWCS is to be repeated

The Conservation of Habitats and Species Regulations 2010, EC Habitats Directive when as prescribed by Regulation 3(4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Circular 06/2005

7. Consultations

WC Highways – No objection subject to conditions (see report below)

Wessex Water – Transfer Main crosses site and a 6 metre easement is required. Points of connection for water supply and foul drainage to be agreed. SUDS condition required for surface water drainage.

Sports England – support in principle and conditions for standards of construction recommended. Object to lack of intended general public use of MUGA.

Rights of Way – no impact on nearby formal/definitive rights of way, no objection.

WC Drainage – Support, site is within Flood Zone 1, subject to conditions.

WC Open Space – no objection – would not affect Country Park provision.

Environment Agency – no objection subject to condition relating to surface water drainage and informatives.

Esso – no objection subject to safety guidelines being adhered to

WC Ecology – no objection subject to informative.

WC Public Protection – no objection subject to conditions

WC Archaeology – no objection subject to conditions

Laverstock and Ford Parish Council – Support subject to acceptable travel plan

Winterbourne Parish Council – No objection

8. Publicity

11 site notices were posted, and neighbours immediately abutting the site were sent a letter (see plan). **6 letters of objection on the following grounds:**

- Tryhorn Drive would become a potential rat run, with pedestrians using gate at top of Neal's Close.
- Congestion, hamper access to driveways and on road parking for residents. Take steps to prevent use of cul de sac as drop off point for school run.
- How will traffic be managed, where can cars stop, drop off, park or manoeuvre without disrupting households?
- Request fence between Tryhorn Drive is strengthened properly and remove gate to prevent its use as a short cut. *(Officer note: according to records, these paths are not definitive rights of way, so are not owned or managed by Wiltshire Council)*
- No solar panels proposed. No school travel plan and only 20 cycle spaces.
- No clear link between access points and new housing. Where are the suggested walking routes to link the schools? How will increase in traffic be minimised? Need to ban school run vehicles to avoid jams. Too close to property, will ruin quiet area of Bishopdown Farm/Hampton Park. Lacks strategic planning.
- Marketing suites have incorrectly represented the site and school is proposed as an adjunct to the site *(officer note – please refer to the 2009 Barratt Homes masterplan showing proposed site for the school precisely in the currently proposed location. All the 2009 application documents are available on the website.)*.

- Has additional accommodation on the Greentrees site been considered? Does not preserve Salisbury's skyline to the north, built too high. Impact on the countryside. Loss of privacy and noise disturbance, nuisance.
- Why were residents not consulted? The location and effect of a large site outside the housing development has not been considered or consulted upon
- Contrary to H23, C2. Impact on strategic fuel pipeline. Should place the school closer to Pearce Way in the middle of the development.
- Exacerbate congestion on London Road.

9. Planning Considerations

9.1 Site History and Principle of the Hampton Park Development

The application 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). 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 South Wiltshire Core Strategy (adopted Feb 2012) supercedes or replaces the policies of the Salisbury District local Plan in respect of this site. Policy CP2 makes provision for 500 homes at Hampton Park, including delivery of essential infrastructure including a one form entry primary school and contributions towards secondary education. Under the Salisbury District Local Plan, the site was designated as countryside within the Landscape Setting of Salisbury and Wilton, outside the housing policy boundary. However, the SWCS replaces the policies contained in the Salisbury District Local Plan when considering the Hampton Park site.

The principle and location/site for the primary school development was also established (before adoption of the SWCS) by application S/2009/1943. Planning permission was granted for 500 houses at appeal and required a legal agreement under Section 106 of the Act to be attached to the planning permission. The Section 106 Agreement made provision for a new single form entry primary school and access (sections 4 and 5 of the Agreement). The accompanying plans for the 2009 application indicated the proposed site for the school, which *precisely* form the basis for the current application.

The school will operate together with the existing Greentrees school located on the existing Hampton Park estate. It is understood that it is not possible to provide the required accommodation on the existing restricted Greentrees site, and hence the decision was made some years ago to provide additional accommodation on a separate site. Whilst some third parties have queried by a new school is not more centrally located within the

new development, it would be very difficult to refuse this proposal at this stage, given that the location, requirements and need for the accommodation has been established since 2009.

The proposal would therefore comply with the aims of Policy CP2 of the South Wiltshire Core Strategy and the requirements in the legal agreement for S/2009/1943 and is therefore acceptable in principle.

9.2 Scale, design and impact on the character of the area, the setting of Old Sarum Scheduled Ancient Monument and Conservation Areas.

The principle for the development has been established in the South Wiltshire Core Strategy and by planning permission S/2009/1943. Therefore, the principle for the Hampton Park development (including the new primary school) in the countryside and the Landscape Setting of Salisbury and Wilton has been established. The school would be sited about 0.5 miles north west of the existing Greentrees school, within the area highlighted for the school in the 2009 application, and adjacent to the proposed Country Park. The new school would operate a split site linked by existing pedestrian footways.

Policy D1 sets out the design criteria for extensive development:

New development will be permitted where the proposals are compatible with or improve their surroundings in terms of the following criteria:

- (i) the layout and form of existing and the proposed development, and where appropriate the historic pattern of the layout;*
- (ii) any features or open spaces, buildings and/or structures of character on or adjoining the site;*
- (iii) the scale and character of the existing townscape in terms of building heights, building line, plot size, density, elevational design and materials ;*
- (iv) the scale and use of spaces between buildings;*
- (v) views/vistas afforded from within, over and out of the site; and*
- (vi) any existing important landscape features and the nature and scope of new landscaping proposed within and around the edges of the site; and*
- (vii) the roofscape/skyline long or medium distance views.*

The site extends to about 1.2 hectares in total, on land that rises towards the north with a level change of about 2.5 metres from south to north. Once complete, the school building for 240 pupils will be sited close to a row of planned new dwellings to the south, and about 30 metres from the nearest property. It would be elevated above them by about 1.5m, as a result of the natural gradient of the site. To the north of the site is an existing hedge with mature trees running parallel to the Roman road extending north east to the country park. There is a single barn structure located to the south west of the site. The wider landscape mainly comprises scattered dwellings and farm structures. It is intended that a boundary of hedges and trees, once matured, would separate the school from the proposed country

park. Views towards hills to the south of the city are also a landscape feature of the site.

The proposed design for the building aims to balance a contrast between materials, add texture and provide colour to appeal to pupils, help identify classrooms, and sit comfortably within the landscape. The proposed buildings are primarily single storey, with the exception being the school hall and multi use library and IT space. These elements have been sited within the lower level of the split level school, to minimise their visual impact. The classrooms would have asymmetric low pitched roofs to minimise the height and scale of the block. The arrangement of the buildings is designed to emulate a cluster of farm buildings. Timber boarding is the predominant cladding material, with contrasting dark flint coloured weatherboarding and blue/grey roofing materials, These materials are intended to help the building blend into the landscape and appear neutral from distant views. Coloured panels and glazing are proposed to provide accent colours and ensure the building feels appropriate as a school.

There are also several landscape features including a playing field, multi use games court, allotment space, habitat areas, a pond, and car park with tarmac access. The main soft and hard playground would sit within the U shaped courtyard. The Multi Use Games Court (MUGA) occupies the lower level and would be fenced. There is also an external ramp to link the levels and provide seating. A seating area in coloured asphalt would be sited to the east to give views across the valley. The west of the site predominantly consists of grassed areas and the playing field. The perimeter of the site is intended as a habitat area and would enable a nature walk around the site. To the north of the site is an area allocated for allotments for the school.

The proposed school and associated outdoor features and facilities are considered to respect the existing character and form of the surrounding landscape. The existing agricultural character of the landscape and the proposed country park would not be harmed by the development, which is sympathetic in scale, design and layout to the form and appearance of the site and its surroundings. The plot size, density of the layout and scale are all considered to be acceptable. When viewed from the distance, the buildings are likely to appear sympathetic with their surroundings, given the proposed use of timber cladding and weatherboarding, and the blue/grey roof colouring.

As part of the original allocation for the housing site, the impact of any development on the Old Sarum Ancient Monument Conservation Area some distance to the west of the site was fully considered. As the land to the west edge of the housing development rises, it was considered that this would be the best location for any proposed school, given that such buildings are usually of a restricted height compared to dwellings. The design and massing of the proposed school adheres to the general requirements set out in the original design and access statement, and it is not considered that the school building would be visible from the west and hence, that views from or to Old Sarum Conservation Area or the SAM would be adversely affected by this development.

Similarly, the Old Sarum Airfield Conservation Area lies to the north, across undulating land. Whilst there is a possibility that this development may be visible from parts of this CA, the Airfield CA was allocated due to the historic nature of the airfield and not its attractive visual appearance. Hence, whilst somewhat distant development may or may not be visible from the Airfield CA itself, such development does not tend to detract from the character of the CA. The school itself is of a simple design and relatively modest scale, and in officers opinion, is unlikely to have any visual impact on the wider area.

The Conservation officer has made no comment about the proposals.

The proposed edges of the site would be used to provide habitat areas, and nature walks for pupils. This would help to provide soft edges to the site, to help it to further blend into the landscape. In summary, the proposal is considered to comply with Policy D1, CN20 and CN11 of the Salisbury District Local Plan, which are listed in Appendix C of the South Wiltshire Core Strategy. The setting of the Old Sarum SAM and its surrounding Conservation Areas would be preserved.

9.3. Neighbouring Amenities

A number of concerns have been expressed by third parties/neighbours of the development, which are summarised elsewhere in this report.

Firstly, it is not unusual that schools are located within, or on the edges of housing developments. To locate such uses elsewhere, in distant unsustainable locations, would be against local and national planning policies. The general need and requirement for a school in the proposed location and associated with the emerging housing development was clearly evident as part of application S/2009/1943 in 2009, which secured the land and the required monies for this development. This financial contribution and provision of the land was also agreed by the Planning Inspector and the Secretary of State.

However, as with all schools, it is accepted that there are likely to be some well understood impacts on any adjacent residential properties, and those along the route of access to such a school, namely traffic congestion and parking issues at drop off and collection times, together with some general noise and disturbance. Whilst it is accepted that the planned school may be likely to lead to similar impacts, given the modest scale of the school and the age of the likely pupils, it seems unlikely that any such impacts will be so harmful as to warrant the refusal of this much needed community facility.

The proposed school building is sufficiently distant from the closest neighbouring dwellings (about 30 metres to the south) for the occupiers not to be unduly disturbed by the development in terms of overlooking, overshadowing or dominance. Other properties that are located further away from the development are not considered to be unduly disturbed under the terms of Policy G2. The proposed parking areas

would be separated from the neighbouring gardens by the approved access road, and this would reduce the potential for disturbance to occupiers from manoeuvring cars close to garden boundaries.

Other concerns have been expressed related to potential parking in the existing Bishopdown Farm/Hampton Park estate in relation to accessing the proposed school, particularly in relation to cul-de-sacs adjacent to the school site which currently have access gates from the residential areas leading to a footpath around the estate. Such concerns are understood, and in part covered in the highways section of this report. However, in general terms, it seems likely that most children/parents will either choose to walk/cycle to school, or when using cars, will choose the most direct and obvious route, rather than park in restricted cul de sacs and attempt to walk through to the school, as this does not appear to be an obvious way of accessing the school site in any event.

The proposed Air Source Heat Pump has been deleted from the scheme and it has been confirmed that the MUGA would have a solid rebound surface to the perimeter and a mesh fence, to minimise noise disturbance. The public protection officer considers that the use of the MUGA should be restricted to the school, to prevent disturbance to local residents. Public protection also state:

No details have been provided to specify whether artificial lighting will be operated on site. If the pitch and MUGA will be artificially lit then we would recommend a condition is attached to provide further details to prevent light pollution. The applicant will need to demonstrate that the lighting scheme will satisfactorily control light pollution and glare. We recommend they do this by submitting information which demonstrates scheme will comply with the recommendations of the Institute of Lighting Engineers "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" for Zone E3.

No details have been provided with regards to odour control and extraction from the kitchen, therefore I recommend a condition is attached to any permission to submit further details.

With regards to the construction stages I would recommend the following conditions are attached; Hours of work 'No construction work shall take place on Sundays or Public Holidays or outside the hours of 07.30 to 18.00 on weekdays and 08.00 to 13.00 on Saturdays'

Given the above, and notwithstanding some of the concerns expressed by third parties, it is considered that the proposal is unlikely to be so harmful to amenities as to warrant refusal of this much needed community facility. The proposal would therefore comply with Policy G2.

9.4 Highway Safety and impact on highway system

As previously indicated in this report, the provision of a school in this location was envisaged and secured as part of the previous planning permission S/2009/1943. The general highway impacts of a school on the approved highway systems around the site were therefore considered previously in general terms.

The Highways officer has commented as follows:

The proposed Greentrees Primary School will provide an extension of the existing school located within the adjacent housing development Hampton Park I. The proposed school will accommodate the educational needs of the increasing population of the second phase of the Hampton Park residential development. The school has been included in the master planning for Hampton Park and the principle of a school in the location shown is accepted.

I note the concerns from local residents regarding the potential impact on the surrounding road network. It is acknowledged that some on-street parking is inevitable around the two peak times, morning drop off and afternoon pick up. Parking restrictions are generally avoided as this tends to push the problem to other unrestricted residential streets. The school will mostly serve the local residential development and sustainable travel will be encouraged. I have had discussions with the School Travel Plan Adviser, and I note that a Travel Plan is in progress. I have applied the Travel Plan informative (see below) to ensure an ongoing commitment to the requirements of the Travel Plan.

To further encourage sustainable travel, adequate cycle parking should be provided in line with the current guidance. For a school in this location, the required cycle parking is as follows: 1 covered space per 10 staff, 1 visitor space per 45 pupils and 1 covered space per 5 pupils (years 1-6). This equates to cycle parking for 56 cycles. The scheme will need to be amended to meet this need and I have suggested the condition below.

The parking standards are given in Wiltshire Local Transport Plan 2011-2026, Car Parking Strategy. Whilst it is accepted that they are maximum parking standards the proposed parking falls below the parking standard which includes parking for staff and parents. I note, however, that an additional parking area is located close to the school entrance and I understand that this parking will be available for use by parents i.e. short term parking, rather than by staff. This will help to alleviate the potential parking concerns and address the parking shortfall.

The Design and Access statement suggests that pupils will be able to walk between the two school sites and whilst there are footpaths surrounding the school site, it is understood that the most direct route will be along the local roads. The route is served by adequate footways and the (supervised) short walk along predominantly residential streets is therefore considered acceptable.

I strongly recommend that a 2m footway is provided across the site frontage. It is noted that this length of road will be shared surface (unadopted) which generally do not have separate footways. However, should parents choose to park on this road there is nowhere for children to step out onto, it will also provide a safer route for children walking to school from the east of the housing development.

Based on the comments of the highways officer, and given the modest scale of the school, it is considered that the proposed development will not detrimentally affect highway safety and therefore, no objection is raised to it. Subject to conditions, the proposal would comply with Policy G2.

9.5 Drainage and Esso Pipeline

The drainage officer has considered the proposal, which lies within Flood Zone 1. Conditions requiring details of means of disposal of foul and surface water (sustainable) are recommended.

Wessex Water have identified a transfer main which crosses the site. A 6 metre easement would be required. The agent has confirmed that the transfer main and Esso pipeline lie outside the site area, and a plan has been submitted to confirm this. Esso have raised no objection, subject to safety guidelines being adhered to. Wessex Water have requested that points of connection for water supply and foul drainage are agreed with them in the usual way.

The Environment Agency has considered the site, which lies in Flood Zone 1. The intention to utilise SuDS features and soakaways is acceptable in principle providing ground conditions permit and percolation tests demonstrate that they are appropriate – the EA note that infiltration testing has not yet been carried out, and a conservative rate is used in the preliminary design calculations (paragraph 4.1.5 of the FRA). A SUDS condition and four informatives are requested.

9.6 Archaeology and Ecology

These matters were considered previously as part of application S/2009/1943, for which a detailed EIA was undertaken and considered by the Planning Inspector and the Secretary of State. The intention is that the proposed Country Park will act as suitable mitigation for the ecological impacts of the development.

Archaeology: The archaeologist has provided updated comments as follows:

The applicant has undertaken the field evaluation for this site and archaeological remains have been shown to be present. Rather than wait for the evaluation report, it has been agreed that they will undertake an archaeological strip, map and record. This is because the archaeological remains are at risk whether the planning permission for the school is granted or not, due to the works taking place in the area.

The NPPF 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.

It is therefore recommended that a programme of archaeological works, in the form of an archaeological excavation, is carried out in advance of construction.

Therefore in line with the NPPF (2012), PPS5 (2010) and the earlier Planning Policy Guidance Note 16: Archaeology and Planning (DoE 1990) a condition is recommended.

The proposal would therefore comply with Policy CN21.

Ecology: Policy C12 of the Local Plan states that development affecting species protected by law will not be permitted unless it can be subject to conditions which would prevent damaging impacts, either direct or indirect. Although protected species are not specifically mentioned in the NPPF, the NPPG sets out guidance and the ODPM circular 06/2005 still applies and is listed under current policy and guidance on the planning portal. Paragraph 99 states “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances....However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted”.

The ecologist has stated: I note the details of the accompanying Ecological Appraisal (AWT Ecological Consultancy, August 2014) which identifies relatively limited ecological risks due to the ongoing construction of Hampton Park II. No protected species were noted and the potential for badgers, reptiles and breeding birds was considered to be low while construction continues. I suggest that an informative is added to any permission to bring the potential risks to the applicant’s attention since these species could colonise the site if there is a delay in construction.

Several arable weeds were recorded on the site. As a group these species are declining nationally due to intensive farming management practices. The rarest plant

was rough poppy which is nationally scarce and confined to arable and waste ground on chalk soils with south east Wiltshire being a known hotspot. This and other arable weeds can be expected to show up wherever chalk soils are exposed. The plants will not thrive where land is treated with fertilizer or herbicide or where a grassland or shrub sward develops – they need open soils which are regularly turned. The Country Park offers the best opportunity to cater for such plants especially if the River Bourne Community Farm takes the park on, as seems likely at this stage. It would be impractical to expect the new school to set up its own arable plant area since it will only be successful if teachers at the school have a particular interest and commitment to maintain it. The allotments may or may not develop an arable flora depending on the topsoil treatment. In conclusion, I do not consider it practical or necessary to apply conditions regarding conservation measures for arable weeds for this application. Mitigation for the school was considered as part of the appeal for the wider Hampton Park II site and I consider that the mitigation (i.e. 51 ha Country Park) to be more than adequate to cater for the effects of the current primary school application.

As a result of the above, it is considered that the proposed school would not result in any significant ecological impacts.

10. Conclusion

The development seeks to provide a primary school, to serve new and existing residential development in the Hampton Park area of Salisbury. The development has been accepted in principle under S/2009/1943 and Policy CP2 of the South Wiltshire Core Strategy. The proposal is considered to be acceptable in design terms, and the public protection and highway officers are satisfied that subject to conditions and updating the existing Travel Plan for Greentrees school, the development would not unduly disturb the amenities of neighbouring properties. The proposal is considered to be acceptable in terms of its impact on drainage, flooding, ecology, archaeology and the approved Country Park.

The proposal is therefore in accordance with saved policies G2, G5 and D1, CN11 & CN20/CN21 of the Salisbury District Local Plan, and accords with the various policies within the South Wiltshire Core Strategy and the National Planning Policy Guidance which seek to provide and protect suitable community facilities and create sustainable vibrant communities and places to live. The setting of the adjacent Old Sarum SAM and the Old Sarum Aerodrome Conservation Areas are also preserved and protected, in accordance with local and national policy as specified by the NPPF.

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. The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule. (WM14)

Site Location Plan 130970P(0)100 A 28/3/14 received 31/7/14
Proposed Site Sections 130970P(0)109 B 2/5/14 received 4/8/14
Proposed Site Plan 130970P(0)101 B 25/3/14 received 31/7/14
Proposed Lower Ground Floor 130970P(0)102 A 22/4/14 received 31/7/14
Proposed Upper Ground Floor 130970P(0)103 A 22/4/14 received 31/7/14
Proposed Roof Plan (1) 130970P(0)104 A 5/6/14 received 31/7/14
Proposed Roof Plan (2) 130970P(0)105 A 5/6/14 received 31/7/14
Proposed Elevations 130970P(0)106 B 19/5/14 received 4/8/14
Proposed Elevations 130970P(0)106 B 19/5/14 received 4/8/14
Proposed Sections (1) 130970P(0)107 A 2/5/14 received 4/8/14
Proposed Sections (2) 130970P(0)108 B 2/5/14 received 4/8/14
Ecological Appraisal Revision 1 dated August 2014,
Design and Access Statement received 30/10/14
Flood Risk Assessment, WSP 30/7/14, received 31/7/14
Planting Schedule SLR 1 August 2014, received 4/8/14
Hard Landscaping Proposals Drawing 1 July 2014, received 4/8/14
Soft Landscaping Proposals Drawing 2 July 2014, received 4/8/14
Outline Drainage Strategy WSP-DDN-009, 11/7/13 received 15/7/14
Sustainable Design Statement Revision 1, Ridge July 2014, received 15/7/14
Written Scheme of Investigation, Wessex Archaeology June 2014, received 15/7/14

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

3. The development hereby approved shall not be brought into use until covered cycle parking for 56 cycles has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. This facility shall be provided in accordance with the approved details and made available for use prior to the first occupation and shall be retained for use at all times thereafter.

REASON: In pursuit of sustainable transport objectives.

4. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

5. No development shall commence on site until details of a 2m wide footway across the site frontage have been submitted to and approved in writing by

the Local Planning Authority. The development shall not be first brought into use until the footway has been constructed in accordance with the approved detail.

REASON: In the interest of highway safety

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), incorporating sustainable drainage details and an assessment of the hydrological and hydrogeological context of the development, in accordance with the Flood Risk Assessment (WSP dated 30/07/2014), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage

7. 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.

8. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "*Guidance Notes for the Reduction of Obtrusive Light*" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed. The approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved details'

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

9. There shall be no occupation of the development until a scheme of works for the control and dispersal of atmospheric emissions and in particular odours

(from the kitchen) and suitable noise insulation for any extraction equipment has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the school kitchen is first brought into use and shall be maintained in effective working condition at all times thereafter.'

Reason: In the interests of neighbouring amenities, to prevent disturbance from noise and odours.

10. No construction work shall take place on Sundays or Public Holidays or outside the hours of 07.30 to 18.00 on weekdays and 08.00 to 13.00 on Saturdays'

Reason: In the interests of neighbouring amenities.

11. The school development hereby permitted shall not be occupied until the approved sewage disposal drainage works proposed and connection to the mains sewer have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

12. 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.

13. The Multi Use Games Court and sports pitch (Plan ref 130970P90)101B) shall be for use by the Greentrees school for outdoor sports only.

REASON: To prevent undue disturbance to local residents.

14. 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.

Informatives:

1. The surface water drainage scheme for the proposed development must meet the following criteria:

- a. Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.
- b. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
- c. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.
- d. The adoption and maintenance of the drainage system must be addressed and clearly stated.

2. Pollution Prevention During Construction: Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

3. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. The protected species groups most likely to occur at this application site are reptiles, badgers and breeding birds. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural

England prior to commencing works. Please see Natural England's website for further information on protected species.

4. The developer's attention is drawn to the document Special Requirements for Safe Working and any covenants contained in the Deed of Grant, regarding the Esso pipeline.

5. With reference to Condition 8, the applicant will need to demonstrate that the lighting scheme will satisfactorily control light pollution and glare. We recommend they do this by submitting information which demonstrates scheme will comply with the recommendations of the Institute of Lighting Engineers "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" for Zone E3.

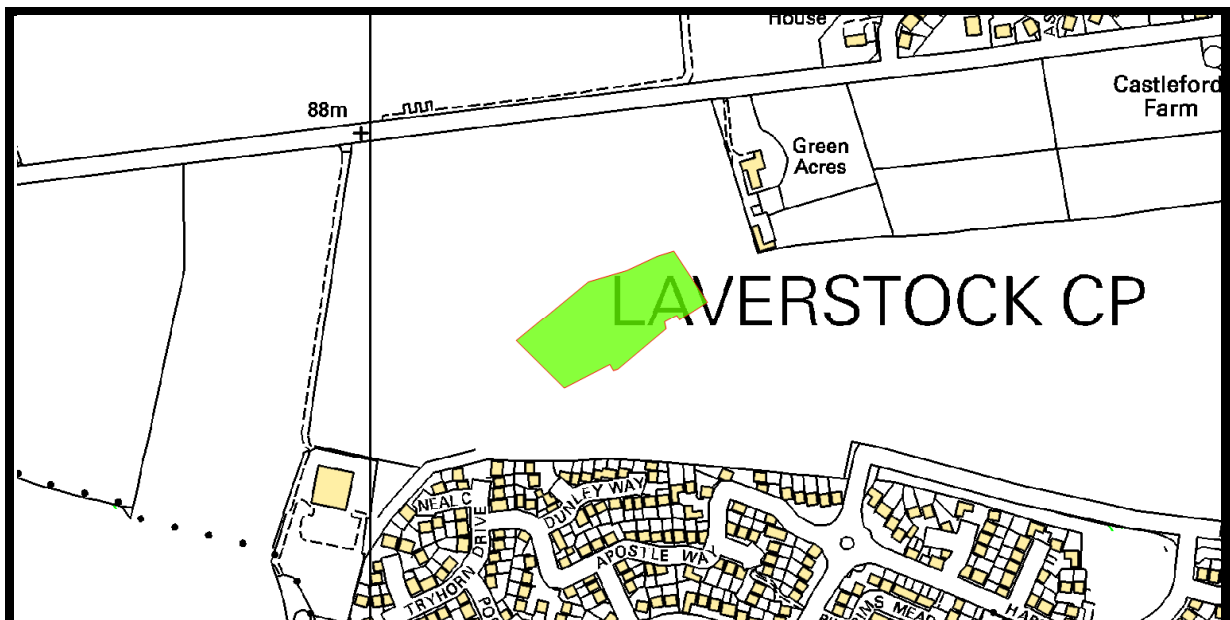
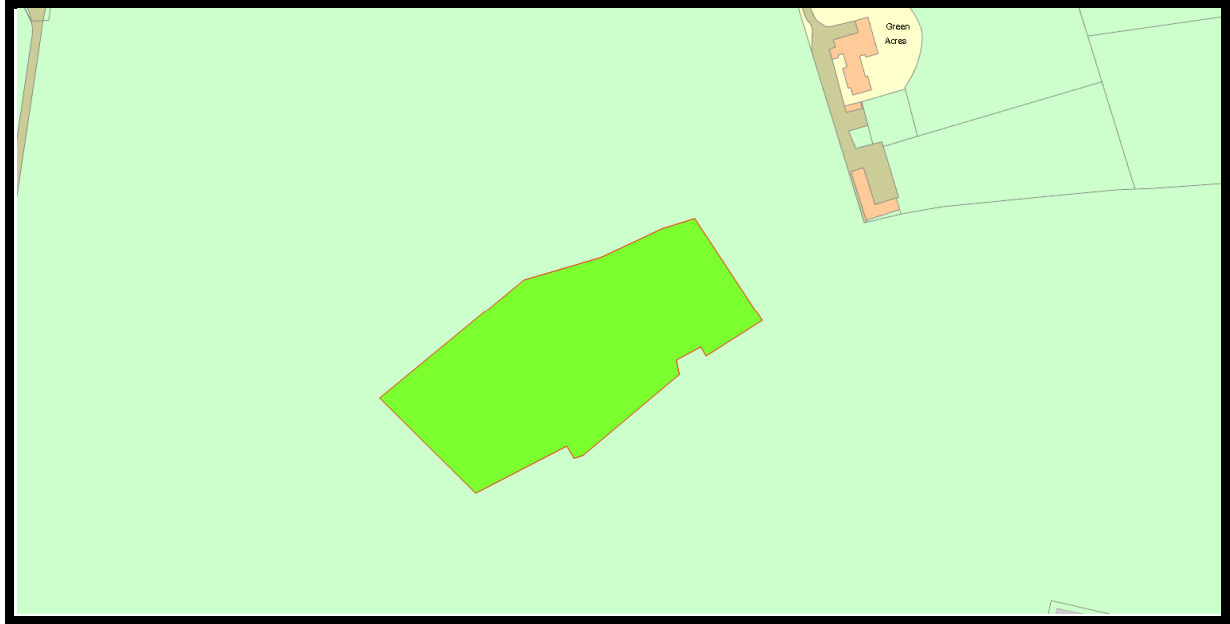
6. There is a School Travel Plan in place for the Greentrees School which requires updating to reflect the proposed extension to the school. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. Please contact Ruth Durrant School Travel Plan Adviser on 01225 713483 for further advice on this matter.

7. In respect of archaeology and Condition 12, work should be conducted by a professionally recognised archaeological contractor in accordance with the written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

8. In discharging condition 9, the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We would recommend the applicant consults the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA 2005)

9. The developer's attention is drawn to the guidelines and standards set out in the letter from Sport England dated 28/8/14

**14/06858/FUL – New Primary School, Land to the north of Hampton Park Phase 2
Development**



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