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| <b>Date of Meeting</b>     | 25 February 2016   |
| <b>Application Number</b>  | 15/08510/OUT   |
| <b>Site Address</b>        | Scotts House, Salisbury Road, Downton, Salisbury, SP5 3HZ  |
| <b>Proposal</b>            | Outline Planning Application for residential development with all matters reserved except for means of access (17 dwellings) |
| <b>Applicant</b>           | Mr R Hewlett   |
| <b>Town/Parish Council</b> | DOWNTON  |
| <b>Electoral Division</b>  | DOWNTON AND EBBLE VALLEY – JULIAN JOHNSON  |
| <b>Grid Ref</b>            | 416983 121904  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Andrew Guest   |

### REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The Area Development Manager (South) considers that as the application represents a departure from the development plan it is necessary for it to be determined by the Southern Area Planning Committee.

### PURPOSE OF REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be APPROVED subject to Downton Primary School gaining planning approval for its proposed extension and the satisfactory completion of a Section 106 Agreement, and conditions.

### MAIN ISSUES

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

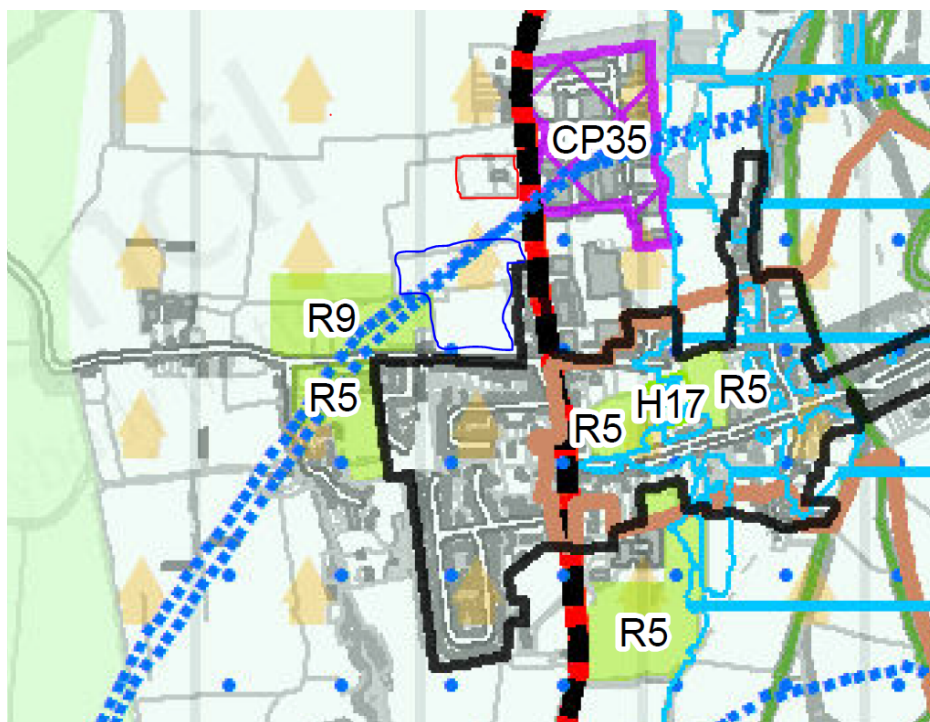
1. Background
2. Principle of development & housing policy
3. Scale, design and layout
4. Landscape and visual impact
5. Highway impact and transportation
6. Drainage & flood risk

7. Education and community facilities
8. Housing mix & affordable housing
9. Ecology and biodiversity
10. Impact on the historic environment
11. Residential amenity
12. Waste & recycling
13. Minerals safeguarding
14. Section 106 requirements / community infrastructure

Downton Parish Council has made a number of qualified comments in response to the application. These cover the 'spatial strategy' for the Southern Wiltshire Area as set out in the Wiltshire Core Strategy, drainage, education and highway safety. Five objections have been received from third parties.

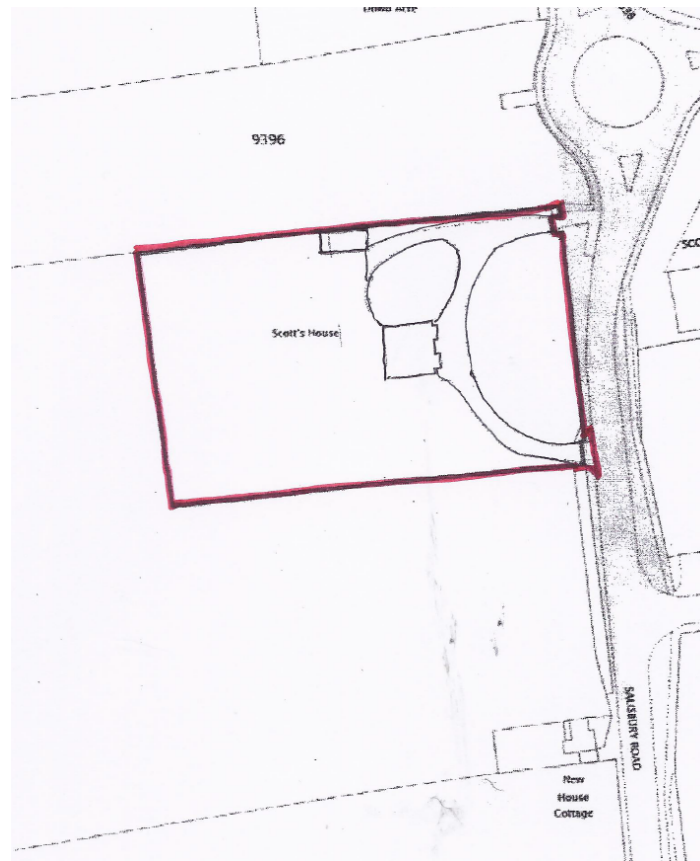
## SITE DESCRIPTION

The site is located on the western side of Salisbury Road (A338) on the north western fringes of the village of Downton. The site is an identified "SHLAA" site (reference number 3442) but is located outside of the current designated Housing Policy Boundary and so in open countryside from a policy perspective. An existing covered bus stop is located immediately outside the site which provides a regular and direct service to Salisbury, and the amenities provided in Downton itself are a short walking distance away.



*Extract from Wiltshire Core Strategy maps – red line: Scott's House; blue line: Charles Church site*

The site extends to an area of approximately 0.79 hectares and is currently occupied by a large detached property, licensed as a 11 person/household 'house in multiple occupation' (HMO), and associated car parking and amenity space.



*Site Plan*

The existing building on the site is a substantial two-storey 'house' that is finished in red brick with a slate tiled roof. The property is fairly centrally located within the site. There is also a detached single storey outbuilding that is located adjacent to the northern boundary of the site. A substantial belt of mature trees and a hedgerow exists to the eastern boundary of the site to Salisbury Road (A338) and the northern boundary, whilst there are also some mature trees to the eastern end of the southern boundary. The remaining boundaries are enclosed with post and rail fencing with open views to the adjacent land. There are currently two vehicular accesses directly from the A338 that are located at either end of the site frontage providing an 'in and out' access arrangement. The northernmost access point is located a short distance to the south of the roundabout junction to the A338. This roundabout provides vehicular access to the industrial estate on the opposite side of the A338.

Immediately adjacent to the site is agricultural land that wraps around the northern, southern and western boundaries. Further to the north is a small cluster of residential dwellings that provides a ribbon form of frontage development to the A338 and represents the furthest extent of built development on the northern edge of the settlement, whilst further to the south there is a small number of residential properties and a petrol filling station that front Salisbury Road (A338). The site is immediately adjoined by Salisbury Road (A338) to the east and on the opposite side of the A338 are industrial/commercial premises within the Batten Road and Downton Industrial Estates.

The site is located within a designated Special Landscape Area and an Area of Special Archaeological Significance. The River Avon that is designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) is located approximately 450m to the east of the site, while the Cranborne Chase and West Wiltshire Downs AONB is located over 500m to the west.

## **RECENT PLANNING HISTORY**

### **Relating to the site -**

14/07898/OUT - Outline planning application for residential development for up to 25 dwellings with all matters reserved except means of access. Refused 30/04/15

### **Relating to land in the vicinity -**

S/2002/1417 - Construction of new roundabout to serve industrial estate. Approved with conditions 25/10/2002

S/2004/0033 - Construction of new roundabout to serve industrial estate, construction of new access to highway. Approved with conditions - 18/02/04

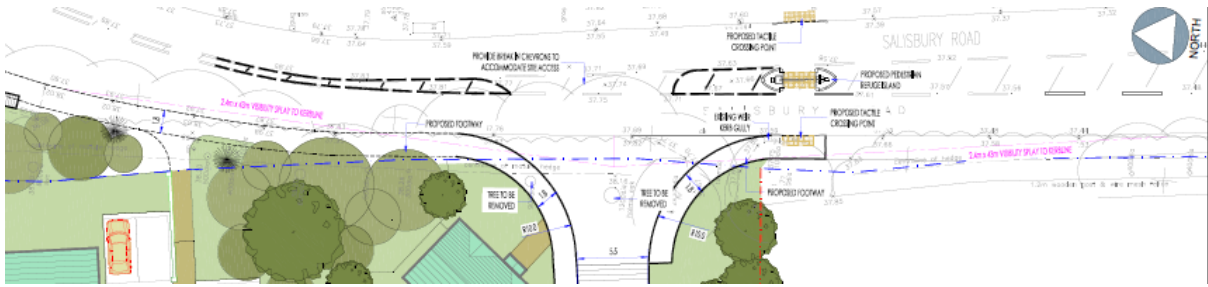
14/06561/FUL - Erect 99 dwellings (83 houses and 16 flats) together with garages, timber pergolas, garden sheds and refuse/cycle stores and associated works - [this 'green field' site is approximately 100m to the South of Scotts House with an intervening field]. Resolution to approve with conditions, subject to primary school gaining permission to expand and S106 - 21/10/2015. S106 is nearing completion.

15/10781/OUT - Erection of 36 residential units, construction of an access road from Breamore Road, and associated works at Land at Rivermead, Braemore Road, Downton – [this 'countryside' site is on the southern side of Downton]. Application is undecided, although has a number of outstanding issues at this time.

## **PROPOSAL**

The proposal is to demolish the existing buildings and erect a residential development of up to 17 dwellings. The application is in outline form with all matters reserved except access. The application is accompanied by a layout drawing, but this is illustrative only.

Vehicular access would be at the southern end of the site from the A338 whilst the existing northern access close to the roundabout junction to the A338 would be stopped up. Off-site highway works would be required on the public highway (A338). These would be to provide a pedestrian refuge crossing point on the A338 at the southern end of the site and a 1.8 m wide footway along the site frontage.



*Proposed new access, pavement and pedestrian refuge*

The illustrative layout plan suggests that the proposed development would comprise a mix of property types and sizes. It shows 3, 4 and 5 bed semi-detached and detached 2 storey houses, in a layout centred around a single internal access road off which two 'home zones' and main turning areas are taken. The layout plan also shows the inclusion of an equipped children's play area. The proposal includes the provision of a new 1.8m footway across the frontage of the site (both sides of the access) which would extend into the site giving pedestrian access to all parts. Notwithstanding the detail in this layout plan, it is illustrative only in the context of an outline planning application.



*Layout – illustrative only*

The application is supported by a Planning, Design and Access Statement, a Landscape and Visual Assessment, a Highways/Transport Statement, an Ecology Appraisal/Survey, a bat report, an Archaeological Geophysical survey report and a Drainage Strategy report.

## **CONSULTATIONS**

### Downton Parish Council

*Downton Parish Council welcomes development in the context of Wiltshire Council's Core Strategy where a **maximum** of 190 new homes are planned for Downton in the period 2006 to 2026.*

*Against the 190 target Wiltshire Council has, so far, approved planning permissions for 76 new homes in Downton. With the impending decision on the Charles Church planning application for 99 dwellings, this total may increase to 175 new homes, leaving just 15 houses to be built to achieve the plan total for Downton through to 2026.*

*The Parish Council is aware of other landowners/option holders/developers with ambition to build in Downton and that a planning application for approximately 40 houses on SHLAA site S195 will soon be submitted [this application has now been submitted]. The Parish Council wishes to point out that, if planning permission is granted for the Scotts House application and the Charles Church application, it will look to Wiltshire Council to exercise considerable restraint on any planning applications which would push the number of additional houses significantly above the 190 limit.*

#### *Drainage, Sewerage Infrastructure*

*Downton Parish Council has welcomed the recent work done, primarily to reduce the potential impact of the Charles Church application, by Wiltshire Council's drainage officers, Wessex Water and the Environment Agency to begin to put in place a groundwater management strategy and an Infiltration Reduction Plan for Downton. Subject to there being no objections submitted by Wessex Water and Wiltshire Council's Drainage Department to this planning application, the Parish Council requests that:*

- The applicant be required by means of a planning condition to install a 'triple sealed' sewerage system within his site, and through to the connection to the main sewer in Wick Lane, so that no ingress of groundwater into Downton's sewerage system can occur as this is already completely overwhelmed by groundwater infiltration in the winter months.*
- The applicant be required by means of a planning condition to appoint a maintenance company to carry out regular maintenance and clearing of the road surface and the soakaways, and monitored by Wiltshire Council, in order to prevent the build-up of sediment which would otherwise prevent infiltration.*

#### *Education*

*In terms of education infrastructure, Downton Parish Council has no objection to this planning application provided approval is given to the Primary School's planning application and to the planning application submitted by the Parish Council for an extension to the Downton Memorial Hall which will enable a relocation of the Downton Community Pre-School to accommodate the additional early years children.*

#### *Exit from the Scotts House Site*

*There has been a significant public response to traffic concerns during the consultations on the Downton Neighbourhood Plan. The Parish Council acknowledges and supports the proposed change on this site from the existing two exits to one exit. However, it continues to be concerned about residents turning right out of the proposed single exit and therefore*

*requests that there should be a left turn only out of the site due to the proximity of the site to the roundabout.*

*If this request is not given approval by Wiltshire Highways, the Parish Council requests that it is provided with a reasoned and evidence based report from the Highways Engineer so that it can ensure that these concerns have not been ignored as well as to include the reasoning in the emerging Downton Neighbourhood Plan for future reference.*

#### *Compliance with Wiltshire Council's policies*

*Downton Parish Council was supportive of Wiltshire Council's reasons for refusing the applicant's previous application for this site. It therefore requests that Wiltshire Council satisfies itself that this application is compliant with policy and that all previous grounds for refusal have been addressed and resolved.*

*Lastly, and with reference to the final draft of the Downton Neighbourhood Plan and clause 1.11 of the application's Design and Access statement, it is important to make clear that a 'high' scoring site does not mean that any planning application will be considered acceptable to the Parish and, similarly, a 'low' scoring site does not mean that the Parish will not support a planning application if the reasons for the low score are mitigated in the application.*

#### Spatial Planning:

The proposal is contrary to core policy 2 of the Wiltshire Core Strategy, as the site is in the countryside. The Council can demonstrate a 5 year land supply, and therefore the site is not needed at this time.

The site has not been identified in the emerging Site Allocations Development Plan Document (SADPD) but it has been identified as a potential site in the emerging Downton Neighbourhood Plan (NP), indicating that it may have potential for residential development in the future. However, at this stage only limited weight can be given to the NP and the appropriateness of the site would need to be tested through the plan led system as advocated by the NPPF.

[Detailed comments on strategic matters are set out in the Planning Considerations section below].

#### WC Highways

No objection subject to conditions.

The Highways Officer made a number of observations about the plans submitted with the previous application which are relevant to this application, and the scheme has been amended accordingly. The amendments include adequate visibility splays, sufficient radii to allow large refuse vehicles to enter and leave the site safely, a footway across the frontage as far as practical and a pedestrian refuge on the A338. The Highways Officer provides the following additional advice to inform the final internal layout (which is a matter for later reserved matters applications):

*1. The parking should be in line with the current parking standards as given in Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy. Garages can only be included in the parking allocation where they are oversized (internal dimension of 3m by 6m).*

*2. A link should be provided to the west of the site to allow the site to be connected to any future adjacent development. If this is not included at this stage, the opportunity will be lost.*

*3. Internal road widths for adoption – the carriageway should measure 5.5m with a 2m service strip and a 0.5m buffer strip.*

#### Wessex Water

No objection.

A foul water connection to the public sewer can be agreed with Wessex Water to serve new properties.

There are no recorded public surface water systems at this location. Surface water proposals allow for disposal to soakaway using design values from site investigation. The planning authority should be satisfied that ground conditions and groundwater levels remain suitable for infiltration measures over a range of seasonal and annual conditions. WW is aware that Downton is vulnerable to groundwater flooding after prolonged rainfall periods.

No surface water connections will be permitted to the public foul sewer.

Wessex Water withdraws previous objections relating to a groundwater management strategy (as Wiltshire Council acting as the Lead Local Flood Authority has now prepared a draft groundwater management strategy).

#### Natural England

The following is a summary of comments from Natural England:

Natural England (NE) refers to site being in close proximity to the River Avon Special Area of Conservation (SAC) and the New Forest Special Protection Area (SPA) and SAC, and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The sites are also notified at a national level as the River Avon System Site of Special Scientific Interest (SSSI) and The New Forest SSSI.

The LPA as a competent authority under the provisions of the Habitats Regulations should have regard for any potential impacts that a plan or project may have.

Regarding the New Forest SPA/SAC, NE advise that to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by WC, it should determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be



ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. NE recommends that to help undertake a Habitats Regulations, the LPA obtains information in respect of the potential for increase in recreational activities that could affect SPA features and how they will be avoided or mitigated.

Regarding protected landscapes, NE advise that the development is in close proximity to the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

There are opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes and that the LPA should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application in accordance with Paragraph 118 of the NPPF.

Additionally, section 40 of the Natural Environment and Rural Communities Act (2006) states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

The LPA should consider the other possible impacts resulting from this proposal on the following when determining this application: local sites (biodiversity and geodiversity); local landscape character; local or national biodiversity priority habitats and species. NE recommends the LPA seeks further information from the appropriate bodies before it determines the application.

[Note: The Council's Ecologist has been consulted on the above matters and has advised in detail – see comments below].

#### WC Ecologist

No objection subject to S106 obligation.

The Council's ecologist initially objected to the application on the grounds that the Habitats Regulations Assessment (HRA) could not be completed in relation to the impacts on the New Forest SPA. However, this objection has been resolved and the ecologist has made further comments which confirm the HRA has been completed and matters to do with the SPA will be satisfactorily dealt with via S106 contributions to offset the impacts of the development.

[Note: further comments regarding the impact on the SPA/SAC/SSSI and protected species are included in the Planning Considerations below].

#### WC Education

Holding objection.

*Downton CE Primary School is full and forecast to remain over-subscribed. We currently have a planning application in to expand the school, and await a decision upon it. There are other issues regarding additional land which are in the process of being resolved. Until we are clear that it is possible, and we have planning consent to expand Downton as proposed, we can only make a holding objection to any planning enquiries/applications that come in.*

In the event that the school gains planning permission to expand, the WC education team would require a financial contribution (via S106) towards the provision of primary education in Downton. The secondary school in Downton, Trafalgar School, has capacity, and as such no secondary education contribution would be required.

[This is explained further in Planning Considerations below].

#### WC Drainage

No objection subject to conditions.

The WC Land Drainage Engineer objected to the previous application in view of (amongst other things) a lack of a drainage strategy for the site itself and the lack of an overall agreed strategy to deal with wider drainage problems in Downton at the time. However, a wider draft strategy for Downton has since been prepared, this resulting in Wessex Water now not objecting to the current application; and the application itself is now supported by a technical report and illustrative drawings which indicates that surface water drainage can be appropriately dealt with and managed on site.

#### WC Archaeology

No objection.

A satisfactory field evaluation has been undertaken, and this has demonstrated that significant archaeological interests are unlikely to be affected.

#### WC New Housing

No objection subject to S106 obligation.

In summary, the Council's New Housing team have no objections subject to the provision of affordable housing in accordance with Core Policy 43 of the Wiltshire Core Strategy. In the D&A Statement the applicant agrees that this can be progressed via S106 agreement, covering the onward delivery of affordable housing through any reserved matters application.

[Details are set out in the Planning considerations section below].

#### WC Waste Services

No objection subject to S106 contribution towards waste / recycling bins.

#### Vehicle access -

The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.

#### Collection points -

Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property. Plans should identify these areas for each dwelling and demonstrate that they do not impact on space available on driveways and that soft landscaping won't prevent or encumber the collection crew when emptying bins.

#### Storage points -

Plans at full application stage should demonstrate that each property has suitable storage space that takes account of the guidance. Showing containers to scale in situ will help to demonstrate compliance.

#### Routes between storage and collection points -

As noted in the 'Vehicle access' section above, residents should not have to carry their waste containers more than 25m from the storage point to the collection point. Plans should demonstrate that this is achievable for each dwelling, preferably with a supplementary table listing the carry distances per dwelling, for ease of reference.

#### WC Public Protection

No objection subject to conditions.

The WC Environmental Health Officer has expressed concern that noise from the road traffic on the A338 and noise from the commercial/industrial businesses surrounding the site could have an adverse impact on future occupants of the proposed properties. The EHO initially advised the applicant to submit a noise impact assessment to demonstrate how noise will be attenuated in the close by properties to ensure amenity levels for future occupants would not be unacceptable.

However, as the application is in outline with detailed designs/layouts of the proposed houses not yet known, it is acknowledged that it would be difficult to specify any required mitigation measures to attenuate noise at this stage. Therefore, the WC EHO recommends a condition to achieve this *and* to so inform the reserved matters in due course. Also further condition recommended for contamination survey.

#### WC Landscape Officer

Objection.

The WC Landscape Officer does not support the application for the following reasons:

1. The submitted information in support of landscape and visual effects of the proposed development is not sufficiently robust to conclude that there will be no residual landscape and visual effects as a result of this development.

2. The inconsistencies between the landscape and visual appraisal and illustrative layout for Scott's House does not demonstrate that enhancement for landscape character and mitigation for visual effects can be achieved.
3. The proposal does not have regard to Core Policy 51, Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment etc.

[This objection in the context of an outline planning application is considered in the Planning Considerations section below].

### Wiltshire Fire & Rescue Service

Informative advice.

In summary the WF& RS refer to Section B5 of Approved Document B of Building Regulations which relates to the provision of reasonable facilities to assist fire fighters within the building and to enable fire appliances to gain access to the building. Requirements relate to Access and Facilities for the Fire Service, Water Supplies for Fire Fighting and Fire Safety Legislation. Recommendations are also made relating to Domestic Sprinkler Protection.

## **REPRESENTATIONS**

The application was publicised by letters posted to near neighbours, site notice and paper advertisement.

Five objections from third parties have been received. Summary of main points raised:

- Scale of development would place strain on Downton's services – schools, doctors, etc.;
- A338 already at capacity. Long queues in morning and evening. Difficult to cross the road. Too many junctions on to A338 (including the agreed Charles Church junction);
- Existing foul drainage systems already have problems with overload from surface water ingress. Existing foul systems need to be upgraded first. Triple sealing drains on site will not help existing system off-site;
- Loss of affordable housing through demolition of Scotts House;
- Noise nuisance to new residents from industrial estate opposite.

## **PLANNING POLICY**

### Wiltshire Core Strategy

The Wiltshire Core Strategy (WCS) sets out the long-term planning and development aims for Wiltshire. The WCS was adopted by the Council in January 2015

Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission and appeals must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.

The following core policies of this document are considered to be of relevance to the proposed development:

Core Policy 1: Settlement Strategy  
Core Policy 2: Delivery Strategy  
Core Policy 3: Infrastructure Requirements  
Core Policy 24: Spatial Strategy: Southern Wiltshire Community Area  
Core Policy 41: Sustainable Construction and Low-Carbon Energy  
Core Policy 43: Providing Affordable Homes  
Core Policy 44: Rural Exceptions Sites  
Core Policy 45: Meeting Wiltshire's Housing Needs  
Core Policy 48: Supporting Rural Life  
Core Policy 50: Biodiversity and Geodiversity  
Core Policy 51: Landscape  
Core Policy 52: Green Infrastructure  
Core Policy 56: Contaminated Land  
Core Policy 57: Ensuring High Quality Design and Place-Shaping  
Core Policy 58: Ensuring the Conservation of the Historic Conservation  
Core Policy 61: Transport and New Development  
Core Policy 62: Development Impacts on the Transport Network  
Core Policy 63: Transport Strategies  
Core Policy 67: Flood risk  
Core Policy 68: Water Resources  
Core Policy 69: Protection of the River Avon SAC

In addition, the following Salisbury District Local Plan policies are saved in the WCS:

Policy D8: Public Art  
Policy C6: Special Landscape Area  
Policy C18: Development Affecting Rivers and River Valleys  
Policy R2: Open Space Provision  
Policy R4: Indoor Community and Leisure Provision

Wiltshire and Swindon Minerals Core Strategy 2006-2026 (Adopted 2009):- Core Policy MCS6

Wiltshire and Swindon Waste Core Strategy 2006-2026 (Adopted 2009): Core Policy WCS6

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (Adopted 2009) – Policy MDC4

Wiltshire Local Transport Plan 2011-2026 - Car Parking Strategy

Supplementary Planning Guidance:-

Council's Adopted Supplementary Planning Guidance 'Creating Places'.

National Planning Policy Framework (NPPF) (March 2012), in particular the following: Paragraphs 11 -16 (presumption in favour of sustainable development); 17 (Core Planning Principles); 18 (Supporting a prosperous rural economy); 29 30, 32, 34, 35, 36, 38, 39 (Promoting sustainable transport); 47, 48, 49, 50, 54, 55 (Delivering a wide choice of high quality homes); 56, 57, 58, 59, 60, 61, 64, 66 (Requiring good design); 69, 70, 72, 73 75 (Promoting healthy communities); 93, 94, 95, 96, 99, 100, 101, 103 (Meeting the challenge of climate change, flooding and coastal change); 109, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 123, 125, (Conserving and enhancing the natural environment); 126, 128, 129, 131,132, 135, 136, 139 (Conserving and enhancing the historic environment); 142, 143, 144, 145 (Facilitating the sustainable use of minerals); 186,187, 188, 189, 190, 191, 192, 193, 196, 197, 203, 204, 205, 206 (Decision taking); 210, 215, 216, (Implementation).

National Planning Practice Guidance (NPPG) (March 2014), in particular the following sections:

Climate Change (ID6), Conserving and enhancing the historic environment (ID18a), Design (ID 26), Determining a planning application (ID21b), Flood risk and coastal change (ID7), Health and wellbeing (ID53), Light and pollution (ID31), Minerals (ID27), Natural Environment (ID8), Housing and economic land availability assessment (ID3), Neighbourhood Planning (ID41), Travel plans transport assessments in decision making (ID42), Noise (ID30).

Other Documents:

Cranborne Chase & West Wiltshire Downs AONB Management Plan (2014)  
Downton Village Design Statement (January 2002)  
Waste Collection Guidance for New Development (Wiltshire Council)

## **PLANNING CONSIDERATIONS**

### **9.1 Background**

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations. The site is over the 0.5ha threshold under Schedule 2.10 (b) of the Regulations where screening is required. The site is not within a 'sensitive area' as defined in the Regulations. It has been determined that the proposed development would not require an EIA when considered under Schedule 3 criteria. That is not to say there would be no environmental impact and, indeed, pre-application advice identified the need to undertake and submit a number of assessments with any application submitted.

### **9.2 Policy matters**

Paragraphs 11 and 12 of the NPPF confirm that applications must be determined in accordance with the development plan and that proposals which conflict with the

development plan should be refused unless material considerations indicate otherwise. For the purposes of this application the main policy documents of the development plan comprise the Wiltshire Core Strategy (adopted January 2015) and the Wiltshire and Swindon Minerals and Waste Core Strategies 2006-2026 (adopted 2009). The Wiltshire Core Strategy sets out a Settlement Strategy for the county, and a Delivery Strategy for the delivery of new development within the settlements as defined in the Settlement Strategy.

In relation to the Settlement Strategy, the WCS categorises Downton as a Local Service Centre (Core Policy 1) the role of which is to provide certain key services for the rural hinterland and smaller settlements, whilst accommodating less development than at the larger Principal Settlements and Market Towns. Modest developments at Local Service Centres are to provide for local employment opportunities, improved community facilities and/or affordable housing provision, in order to safeguard the role of these settlements and support the more rural communities of Wiltshire.

In relation to the Delivery Strategy, Core Policy 2 states the following:

**Within the defined limits of development -**

**Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.**

**Outside the defined limits of development -**

**Other than in circumstances as permitted by other policies within this Plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.**

In this case the application site lies outside of the housing policy boundary of the Downton Local Service Centre, and so within the countryside. In policy terms there is a presumption against new residential development in the countryside except in limited circumstances not applicable here. The WCS does not propose any strategic housing allocations in Downton, and it envisages that any non-strategic housing sites will come forward either through the Neighbourhood Planning process or through the emerging Housing Sites Allocations DPD. These are considered below.

Core Policy 24 of the WCS sets out a series of indicative housing numbers across broad locations in Southern Wiltshire over the plan period (the 'Southern Wiltshire Area Strategy'), designed to guide an even distribution of housing delivery. The policy states that 190 houses should be provided at Downton. Having regard to the characteristics of Downton and the manner in which its settlement boundary is presently drawn, it is inevitable that a good proportion of these required houses will have to be delivered outside (or rather, on the outer edges) of the settlement. According to Housing Land Availability reports, 175 of these dwellings have already been completed or are subject to planning permissions / committee resolutions (including 99 units on the 'Charles Church' greenfield site to the south), leaving

15 units yet to be identified for delivery over the remainder of the plan period. The application scheme could deliver the outstanding requirement.

Work has commenced on a Housing Sites Allocations DPD (HSADPD), and it is relevant that land immediately adjoining the application site to its south and west sides *had* been defined as an 'option site' in the initial informal consultations. Following the resolution to grant planning permission for 99 houses on the 'Charles Church' site it is unlikely that specific housing site allocations will now be made in Downton via the HSADPD. As part of an earlier informal consultation with Parish and Town Councils as part of a review of the legacy settlement boundaries (the Settlement Boundary Review (SBR)), a draft revised boundary for Downton has been prepared with the 'line' shown to be tightly drawn around Scotts House. Both the HSADPD and the SBR documents are at an early stage of preparation.

Separately a Neighbourhood Plan (NP) for Downton is in preparation. It has reached the formal consultation stage (ending 25 February 2016), this preceding examination and then referendum. It follows that it is at an advanced stage. In considering potential sites for housing development in Downton the NP has undertaken a 'site preference exercise'. The NP states:

*To establish the Downton community's site preferences, the Neighbourhood Plan team identified a set of criteria against which to measure potential development sites. For parity, all sites in the Parish submitted as part of the Strategic Housing Land Availability Assessment (SHLAA), undertaken by Wiltshire Council some years ago, were subject to analysis. Where possible the owners or developers have taken part in discussions to provide facts about the sites but these have also been verified by independent scorers. ...*

Each site was 'scored' and then all were placed in 'bands' (upper, middle and lower) depending on the scores; sites in the upper band are preferable to those in the middle or lower bands. The application site scores highly, and so is in the upper band. The NP continues:

*None of the sites considered in this analysis is felt to represent a flawless site; on the other hand, none can be said to be totally unqualified for development. It is recognised that developers can propose actions in their planning application that would mitigate the impact of negative elements or enhance those elements that score positively. However, the significance of some features is such that there is little that can be done to overcome the reasons for their low or medium score; for example a large development of 50 or more homes with no stated intention to reduce this number, which impacts significantly on traffic congestion because it accesses via a single track road or on to the traffic on the A338 and which has open fields around it would not be recommended as complying with the intentions of this Neighbourhood Plan. Similarly, in the current circumstances, any development of more than 16 homes would not be compliant with Neighbourhood Plan intentions.*

And ....

*In conclusion, the Neighbourhood Plan has resulted in the following site preferences:*



**A. Under the current Core Strategy where housing allocation does not exceed 190 dwellings.**

*Small scale development where separate applications are submitted to reach only the total of the remaining 16 housing allocation numbers, with preference given to high band sites or those identifying sound mitigating reasons to raise their scores from lower to higher bands.*

**B. In the future, and only where greater numbers may be allocated by changes in Core Strategy or other policies.**

*Preference to high band sites remaining undeveloped under category A. Some, or all, of remaining undeveloped sites S200b, S2008 [the application site] and S3442 to submit a combined application to meet new housing allocation numbers, so that development is planned and sustainable to satisfy Neighbourhood Plan policies. For greater numbers to be approved, (i.e. above 25 dwellings) developers would need to identify the means to mitigate reasons for their lower scores in the site analysis to achieve a score in the upper band. In this option, phasing would be preferred and it would be strongly preferable for sites to share access routes using the Batten Road roundabout to minimise routes on to the A338.*



*Downton SHLAA sites which were subject to preference scoring in the NP process*

Regarding housing land supply in general, paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The WCS has only recently been adopted, is up to date, and the Council is able to demonstrate a five year supply of housing land.

So, in relation to the policy considerations it is evident that the application site lies in the countryside, outside of the Downton Settlement boundary. It is further evident that the Council's 'in preparation' HSADPD and review of settlement boundaries is probably unlikely to materially change this position, this as a consequence of the recent decision on the

'Charles Church' site planning application and the fact that there is an emerging Downton Neighbourhood Plan. This means that the proposal is, on face value, contrary to the development plan at this time. However, a 'lifeline' is provided to a certain extent by the emerging NP. The NP 'scores' the application site highly as a preferred site to meet the outstanding need for housing in Downton during the lifetime of the Core Strategy. This high score must be read in the context of the NP's conclusions set out above. The advanced stage of the NP means that it is a material consideration in this case.

Material considerations -

As stated above, the NPPF confirms that applications must be determined in accordance with the development plan and that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise. In this case there are several material considerations to be factored in.

Firstly, the emerging Neighbourhood Plan as referred to above. The NP 'scores' the application site highly, and concludes that under the current Core Strategy .... *small scale development where separate applications are submitted to reach only the total of the remaining 16 housing allocation numbers, with preference given to high band sites or those identifying sound mitigating reasons to raise their scores from lower to higher bands ....* will be preferred for development.

Ultimately the WCS requires 190 houses to be provided at Downton and the application would fulfil this requirement, in accordance with this broad principle of the Strategy and the general preferences of the emerging Neighbourhood Plan. It is inevitable that delivery of the South Wiltshire Area Strategy will involve housing development on suitable sites outside of the settlement boundaries.

Secondly, the application would deliver infrastructure made necessary by the development, including open space, affordable housing, highway safety works, and finance for education provision.

And thirdly, the application has received little in the way of objection from the existing community, including from the Parish Council. The Parish Council in its qualified response has acknowledged the '190 houses' requirement for Downton set out in the Core Strategy. The emerging NP provides a pragmatic solution to providing for the outstanding numbers.

So overall it is considered that the material considerations can in this case outweigh the evolving policy position. The proposal does not accord with Policy CP2 (the overarching 'Delivery Strategy'), but it will deliver the housing required in Downton by Policy CP42 (the 'South Wiltshire Area Strategy'), and it is broadly in accordance with the outcomes of the emerging Downton Neighbourhood Plan. The NP can be given reasonable weight now at its advanced stage in the 'making' process. Through its evolved, and evolving, design the site should be able to deliver its housing without aggravating matters of local concern – including drainage, education provision and highway safety. Additionally the proposal would deliver affordable housing. The proposal could achieve this without causing harm to matters of acknowledged importance, as demonstrated in the following sections of this report. It is

considered that these material considerations can be considered to 'tip the balance' in favour of the proposal at this time.

Although there are some conflicts with the detailed preferences of the emerging NP, these are not considered to be sufficient to justify refusal of the application. In this regard, the proposal fractionally exceeds the preferred limit on the number of units beyond the 190 required by the core strategy, and the preference for access to the land in this area via the roundabout. However, as the proposed access has been demonstrated to be adequate on its own merits, and as the 190 houses figure is not necessarily set in stone then it would be difficult to insist on these.

The detailed considerations relating to site specific matters and infrastructure issues are set out in the following sections.

The other 'live' planning application –

As is evident from the Planning History section, there is another 'live' planning application for residential development in Downton. This other application is for 36 units at Land at Riverside, in 'countryside' adjacent to the south-west boundary of the settlement (SHLAA site S195). It is not considered that this other application should delay determination of the Scott's House application. The Scott's House application is 'ready' for determination at this time whereas the Riverside application is not; and the Riverside proposal is for a higher number of units, so significantly exceeding the Core Strategy housing requirement for Downton as endorsed by the emerging Neighbourhood Plan. Separately the higher number of units at Riverside raise potential issues with the Habitats Regulations Assessment which are unresolved at this time; the Scott's House proposal does not raise these issues.

### 9.3 Design/Place Shaping

Core Policy 57 (ensuring high quality design and place shaping) requires a high standard of design. New development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality, and applications for new development must be accompanied by appropriate information to demonstrate how the proposal would make a positive contribution to the character of Wiltshire. Development is expected to meet a number of place-shaping and design criteria set out in the policy.

It is considered that development of this site in the broad manner, and at the scale, envisaged would be in-keeping with the character and appearance of established development in the locality. It is of note that there is already a small cluster of properties to the north of the site and on the western side of Salisbury Road beyond Wick Lane. Whilst this is isolated and fairly sporadic / low density, it is not considered that new development on the application site would necessarily conflict with its established form, even having regard to the 'in-depth' form. A similar 'in-depth' approach has been agreed at the nearby 'Charles Church' site.

It is acknowledged that there are shortcomings with the illustrative plan accompanying the application – notably, insufficient space at some of the edges to soften with landscaping the impact on the adjacent countryside (and, in particular, the impact on the distant AONB), and

some of the units have insufficient amenity space and/or are too close to trees. However, as this layout is illustrative only, and as there is scope to address these problems at the later reserved matters stage by changing the numbers and/or mix (the proposal is effectively for 'up to' 17 units and not necessarily actually 17 units), this is not considered a sound reason to refuse the application at this time.

Regarding housing mix, as the layout plan is indicative this would also be a matter for later approval too. The final mix, and the final number of units, should be informed by affordable housing needs, the design considerations referred to above, and other requirements arising from the noise impact assessment and drainage strategies. An informative is recommended to bring this to the applicant's attention.

#### 9.4 Landscape Impact

The application site is not located in a sensitive landscape and although Downton does not lie within a nationally important designated landscape, it is within the setting of Cranborne Chase and West Wiltshire Downs AONB (which is situated approx 500m to the west) and the New Forest National Park (located to the south). Downton also lies within a Special Landscape Area, a local designation for the conservation of the natural beauty of the landscape, where the impact of development upon this should be considered very carefully. Whilst this is not a restrictive designation, where development is acceptable, the siting, design and scale of proposals should be sympathetic with the landscape in accordance with saved SDLP Policy C2.

Downton lies within the narrow River Avon valley and is surrounded by rolling chalk downland with ridgelines that reduce the visual influence of the settlement (first views are generally within 1km). It is a nucleated settlement bridging either side of the River Avon and the proposed development would represent built envelope on the north western fringe of the settlement. The application site contains a large property towards the front of the site, with substantial existing tree belt / screening to the site frontage and to the front part of the side (north and south) boundaries, whereas the rear (western) part of the site is more open and visible.

The proposed access and associated works and footpath to the site frontage would involve the removal of at least one of the more substantial trees along the site frontage, which will open up views into the site from the A338 at this point. Details of landscaping (reserved matters) are not submitted / sought for approval in the application but significant and satisfactory new tree / landscape planting is likely to be required to mitigate this impact, and in terms of biodiversity. The proposal would inevitably alter the existing character of the application site and its appearance in the immediate local landscape context. As the site interfaces with the open countryside to the north and west and south there will be open views from the adjacent agricultural land into significant parts of the site. The proposal includes no tree survey or tree impact assessment. It is indicated in the supporting landscape assessment that existing boundary trees / hedging can be retained and a significant boundary treatment can be provided along the western boundary towards the AONB to provide further mitigation. The Council's Landscape Officer has raised concerns regarding the robustness of the submitted landscape and visual assessment to conclude that there would be no residual landscape and visual effects and in considering how those effects

might be mitigated, referring to WCS Core Policy 51. The indicative plan shows perimeter dwellings sited close to the boundaries and does not reflect the suggestions regarding tree retention and boundary treatment. Whilst the layout plan is indicative only, this close juxtaposition would clearly give rise to a conflict in providing the proposed mitigation due to tree impact and residential amenity issues. It is likely to require revisions to both the layout, mix and/or quantum of development achievable with an appropriate level of mitigation.

As stated above, these shortcomings in the illustrative plan can be brought to the applicant's attention at this stage by an informative. An improved layout, with potentially fewer units and/or a different mix, would be necessary compared to that presented now in illustrative form only. It is considered that a satisfactory development is achievable; an unsatisfactory layout would be refused at the reserved matters stage as, and if, necessary.

### 9.5 Highway impact and transportation

The proposed access to the site has been the subject of negotiations with WC's Highway Officer, and is sought for approval as part of this outline application. The site currently has two access points with an informal 'in' / 'out' arrangement. A transport statement has been submitted with the application with a detailed access plan. The proposal is for a new single access point towards the southern end of the site frontage. It has been designed to serve a development of 17 dwellings.

Following comments from the Highways Officer regarding the previous application, the plans have been revised slightly to move the access a little further north away from the southern site boundary with a revised access splay / radii. A footway is proposed to the site frontage to the northern end of the site and for a short distance to the southern side of the access. In addition, at the request of the Highways officer, a proposed pedestrian crossing is now included across the A338 at the southern end of the site which links to the proposed footway at this end.

The Highways Officer considers that a right hand turn lane is not required and that a break in the chevrons in the A338 is adequate. As the internal housing layout is indicative only, the approval sought for the access is being considered only in respect of the access point into the site and not the internal road layout as shown on the indicative site layout plan. In highway terms, there are no highways objections subject to a series of conditions associated with the access and proposed development, including securing visibility splays, footways across the site frontage, the pedestrian refuge, parking provision and full details of the estate roads, etc. Some of these matters will require entering separate agreements with the Highways Authority (S278 /S38/ S106).

### 9.6 Drainage & Flood Risk

The exceptionally wet winter of 2013 / 2014 and associated flooding have highlighted problems with drainage in Downton, also noted in a number of the letters of representation and raised by the Parish Council. Planning policy and guidance on flood risk can be found in the NPPF, PPG and development plan, and guidance / advice provided by the Environment Agency. The site is located in Flood Zone 1, which is the sequentially preferable location in the context of local and national planning policy. FRAs in Flood Zone 1 are normally

focused on the management of surface water run-off. Core Policy 67 of the WCS includes the following:

“...All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable”.

Wiltshire Council is the Lead Local Flood Authority and so is responsible for developing, maintaining, applying and monitoring a strategy for local flood risk management in its area including consideration of groundwater and surface water run-off flooding. The Council has prepared a draft Groundwater Management Strategy for Downton to a position where Wessex Water has lifted its earlier objections. Wessex Water has confirmed that the foul flows from 17 dwellings can be accommodated in their existing system.

There are no recorded public surface water systems in the locality. This means that a specific and separate system for surface water drainage is required. The Drainage Strategy Report accompanying the planning application states that soil infiltration rates are “average to good” and so should be sufficient to design an infiltration system to meet statutory requirements. The report states:

*Groundwater monitoring reports for the surrounding area have been studied in order to establish at what depth the water table below the existing ground level is, and what impact this may have on the development proposals. Based on results from a long term Environment Agency borehole in ground nearby it has been determined that the minimum depth of ground water level was 1.96m. The high water table will have to be taken into account during the design of surface water systems.*

*Due to the nature of the site and the high water table, the [WC Drainage Engineers] would require that a separation zone be kept between the base of any infiltration feature and the top of the ground water level, this zone anticipated to be a depth of 1m. This of course limits the design depth of any surface water drainage system.*

*The following strategies are proposed to accommodate the surface water drainage:*

- *Trafficked areas, this includes access roads, communal parking areas and private drives/parking spaces - .... Permeable block paving and soakaway crates. Permeable block paving allows surface water to percolate through the paving and into the ground before it runs off, thus avoiding concentration of flows. The construction depth can be limited to stay above the separation zone required by the [WC Drainage Engineers]. The use of permeable paving is an approved SUDS technique and recommended by the Environment Agency as sustainable drainage solution for trafficked areas. .... Areas constructed with permeable paving will not be adoptable highway, and therefore will be privately maintained by the residents.*
- *Roof Drainage – As the site does not have an existing surface water drainage system in place it is proposed that surface water runoff from roofs will be discharged into cellular soakaways strategically located in rear gardens. The soakaways will be designed using the infiltration rate of the soil and a 1 in 100 year storm return period with additional storage volume provided to account for climate change. Downpipes will be sealed at ground level to protect against possible pollution. In locations where it is not possible to*

*route rain water down pipes at the front of dwellings to the soakaways, the roof run off will be discharged via a piped system directly onto an open graded crushed rock drainage media on the adjacent private drive / communal parking court. ....*

A similar surface water SUDS system is to be used at the nearby Charles Church site. The Charles Church scheme was fully designed-up in view of it being a full planning application. As the Scott's House application is outline it is not possible to fully design its scheme at this stage. The WC Drainage Engineer accepts this, and so instead requires conditions for a survey to confirm the depth of the water table here and to provide details of the drainage scheme planned for the final layout. As with the Charles Church scheme, it is probable there will be some raising of ground levels on the site to achieve the required minimum separation between the water table and the planned soakaways. The level changes are unlikely to be significant and, as with the Charles Church scheme, are likely to be achieved using material excavated from the site as part of the road and house foundations construction.

### 9.7 Ecology

#### River Avon SAC -

Since the previous application was submitted, further progress has been made with resolving drainage issues in the Downton area, in particular the draft Groundwater Management Strategy Plan referred to already. This has allowed Wessex Water to remove its 'in principle' objection to development in Downton. The current application also provides to demonstrate that the proposed development would not lead to a significantly increased risk of flooding through the use of SUDS. Taking this and the Wessex Water Infiltration Reduction Plan into account, it is considered that the proposed surface water drainage arrangements are unlikely to lead to significant effects on water quality in the River Avon SAC.

Since the last application for Scotts House was made the Nutrient Management Plan for the River Avon SAC has been published (River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus, April 2015). The plan identifies measures required to reduce phosphates down to legally binding targets. Initially this will be by reducing diffuse sources (e.g. from farming) but if these are demonstrated to be insufficiently effective, a scheme of developer funded reductions will be introduced, which may include further phosphate stripping at sewage works. The currently agreed position of the Council, Natural England and the Environment Agency is that the NMP is a reliable mechanism to deliver the quantum and distribution of development required by the Wiltshire Core Strategy without adversely affecting the River Avon SAC through the associated uplift in phosphate from sewage works. This position relies on the NMP being able to deliver sufficient reductions in diffuse sources of phosphate to achieve its targets for each sub-catchment. Sewage treatment works can therefore be allowed to accept further connections without the need for an appropriate assessment, where permit headroom remains and where development will not compromise deliverability of the NMP.

In order to carry out the Habitats Regulations Assessment for this application, it is necessary to consider all planned (extant permissions or allocations) or pending (extant applications) development in-combination. In total there are permitted planning applications with a total of

79 dwellings. In addition there is the Charles Church site now effectively approved for 99 dwellings. This and the current application would bring the total number of permissions for Downton to 195 which exceeds the 190 dwellings allocated in the Core Strategy. However, Scott's House is in multiple occupation (an HMO) for up to 11 persons or 11 households which would be equivalent to 5 dwellings at an occupancy rate of 2.2 people per dwelling. Both applications can therefore be permitted without leading to 'likely significant effects' and triggering a full appropriate assessment.

#### New Forest SPA -

The Wiltshire Core Strategy commits the Council (with input from the National Park Authority) to developing a Recreation Management Strategy in order to mitigate and offset recreational impacts from new residential development. The Strategy will comprise a combination of measures to reduce pressure on key sensitive areas and others aimed at deflecting visitors from the Park / SPA by improving opportunities for walking / dog walking elsewhere outside its boundaries. The Strategy is still at an early stage, and so development proposals coming forward in advance of it must provide for bespoke schemes to achieve the same end.

An Appropriate Assessment by the WC Ecologist has calculated the number of visits that are reasonably likely to occur as a result of 12 new dwellings being built at Downton which lies within 3-4km from the New Forest SPA. It has demonstrated these visits can be offset by measures aimed at reducing impacts where visits continue to be made to the European site. Due to the uncertainty over the effects of visitors on sensitive ground and near ground nesting birds, the development must also contribute towards monitoring and research which is required to inform future schemes. It would be possible to secure these measures by S106 agreement between Wiltshire Council and the applicant. The total contribution would be £5,311 for 17 dwellings, adjusted if the number of dwellings is altered at the reserved matters stage, which would be transferred under separate agreement to the New Forest National Park Authority to deliver specific access and visitor management and monitoring projects.

On this basis it can be concluded that there would be no likely significant effect on the New Forest SPA from the development either alone or in combination with other plans and projects.

#### Protected species -

A Preliminary Ecological Appraisal Survey report (Wessex Ecology Ltd, dated August 2015, but revised Sept 2015) demonstrates the following:

- Badgers – No evidence of badgers on site but there is a possibility that badgers will take up residence if works are delayed.
- Reptiles – no surveys undertaken. The amount of suitable habitat on site is relatively small possibly as a consequence of scrub clearance in the last few years. A residual population may remain.



- Breeding birds – if further scrub clearance is required, there is a risk breeding birds could be directly affected.
- Invasive non-native species – Japanese Knotweed has been treated but further treatments may be required to ensure that this plant has been completely eradicated before earthmoving operations commence.
- Bats – The stable building appears to have limited risk of supporting bats due to the absence of a roof lining or loft space. Bats may roost occasionally under loose tiles. The loft space of the main house seems not to have been used by bats due to it being heavily cobwebbed. As with the stables there are loose tiles which would provide access for small numbers of bats or possibly larger numbers if the roof is lined. If the latter is present (i.e. a larger, regularly used roost of crevice dwelling species), a licence would be forthcoming provided that mitigation was adequately considered in the development design. To this end emergence bat surveys will be required with the first reserved matters application so that this matter is resolved before housing layouts and designs are approved.

Apart from the bats, other potential ecological issues can be accommodated by including a condition for submission of a construction method statement (or CEMP extended to include ecological issues).

Loss of trees -

One or two trees would be removed to achieve the new access into the site. The remainder of the layout is reserved. The illustrative layout under-estimates the size of the mature trees making it appear that they would be largely unaffected. If mature trees are to be retained as part of the development, buildings would need to be outside the rooting zone and far enough from new houses so as not to cause shading and resulting pressure from occupants for felling. This potential issue can be raised via informative – for consideration at the reserved matters stage.

## 9.8 Heritage Impact

Core Policy 58 (conservation of the historic environment) seeks to ensure that development should protect, conserve and where possible enhance the historic environment. The WC Archaeologist has confirmed that the site is of archaeological interest. Part of the site falls within an area of Romano British settlement, part of which has been previously evaluated. The evaluation took place to the north of the proposed development site in 1990 in advance of a then proposed bypass. Although the works undertaken were very small, they identified very significant settlement remains, including possible houses, pits and a clay lined oven. The evaluation did not include the proposed development site, but aerial photography suggests that the settlement continues into the site. In addition, burial grounds for sites of this period are usually located just outside the edges of the settlement. The National Planning and Policy Framework (NPPF) states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and

no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The WC Archaeologist has previously advised (pre-application advice) that a desk based assessment and a field evaluation would be appropriate in order to ascertain the existence, location and level of survival of any archaeological features which may be present and considers that a field evaluation to be necessary as the site has a high potential for significant heritage assets with an archaeological interest which should reveal the impact of the proposed development on any buried archaeology.

In the light of the above, since buried archaeology could potentially affect constraints to development on this site, for example in terms of quantum, layout and siting, a site evaluation in the form of trenching has been carried out. The WC archaeologist has confirmed that the results of the evaluation are satisfactory and has revised her original holding objection to no objection. Therefore, it is considered that the proposal would not conflict with WCS policy and the NPPF for this reason.

The existing building proposed to be demolished can be considered to represent a non-designated heritage asset by reason of its character and appearance. Whilst the building can be said to contribute to the character of the area, the conservation officer has not opposed its demolition and on the basis that the site is not within a Conservation Area and the building is not listed, this aspect of the proposal is considered to be acceptable.

#### 9.9 Infrastructure and affordable housing

Core Policy 3 (Infrastructure requirements) requires all new development to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and / or through an appropriate financial contribution prior to, or in conjunction with, new development.

Regarding secondary education needs, there is sufficient capacity at Trafalgar School and there is therefore no case for a developer contribution towards the expansion of secondary school infrastructure at this time. Regarding primary education, the Downton CE Primary School is now at capacity and as such a developer contribution is necessary to enable its expansion.

The cost of education infrastructure expansions made necessary by new development are normally met through financial contributions, based on the number of spaces required and current cost multipliers. The contributions are put towards the cost of necessary facilities at the school. However, in the case of Downton, the current primary school site is too restricted to allow any further expansion. Therefore, the primary education need that is generated by the proposed development cannot be met in the usual way by the payment of

a standard financial contribution but would require a different solution including to address abnormal costs.

There is currently a standalone planning application by WC Education for the expansion of the school under consideration. This application has a resolution to approve subject to the Environment Agency removing a holding objection. In view of this WC Education have raised a holding objection to the Scott's House application; this objection will be removed when the school gains its planning permission. The recommendation is drafted with regard to this.

All things being equal, the applicant has agreed to enter into a S106 agreement with the Council to provide the education contribution proportionate to the proposal. This would be triggered at the reserved matters stage when the additional demand based on the house numbers and mix is known.

It is also considered appropriate to seek a contribution towards the provision of indoor community facilities in accordance with saved Local plan Policy R4. The existing Memorial Hall serves as the Community Facility Provision for the Parish of Downton. Again, the contribution would be related to the number of dwellings.

The provision of on-site public recreational open space is a requirement. WC Environmental Services have commented that the level of on-site public open space (play area and casual / informal open space) shown is inadequate based on the indicative layout plan and number of dwellings shown. Detailed approval for the layout is not sought at this stage but the provision and maintenance of on-site POS could be secured through planning conditions and/ or a S106 Agreement, and would need to be further detailed at the reserved matters stage. A financial contribution towards the provision of off-site youth / adult recreational facilities can also be secured through a S106 Agreement, if required.

A scheme for the provision of affordable housing on site in accordance with Core Policy 43 (in this case for 5 dwellings based on 17 units) would normally be secured through a S106 Agreement. As the application is in outline, final details would be agreed in the normal way at reserved matters stage. The applicant's supporting statement acknowledges there will be a need to provide the required affordable housing and the applicant is willing to progress this via a S106 agreement.

A contribution towards the cost of waste and recycling bins is required under CP3 – calculated to be £1,547 for 17 units.

Community Infrastructure Levy CIL -

The Council's has adopted CIL and has agreed a list of priorities to be covered by CIL in its published '123 list'.

#### 9.10 Residential Amenity

The nearest existing residential properties are separated from the site by open agricultural land and the development on the east side of the A338 is in commercial use. There would

be some noise and disturbance, dust, fumes etc. associated with construction activities on the site but subject to conditions (e.g. a Construction Environment Management Plan) it is likely that any impact could be managed without harm being caused. There are also unlikely to be any significant amenity issues regarding overlooking / loss of privacy because of the separation distances to the nearest residential properties.

The WC Environmental Health Officer has raised concerns regarding the impact of noise from nearby commercial premises on the future occupiers of the properties. The EHO requires additional information to assess the impact that noise has on this site from the Salisbury Road and commercial premises opposite the site. This matter is a material consideration and could potentially affect layout, siting, orientation and the design of the proposed dwellings.

However, as the application is in outline seeking the principle of development and access, it is considered that in this case, a noise survey and any mitigation measures required could be conditioned and so inform the further details to be provided at the reserved matters stage, such as design, layout, siting, landscaping and boundary treatment. This approach is not unusual and is considered to be appropriate in these circumstances.

#### 9.11 Waste & Recycling / Contamination

Due to the scale of the proposal a Waste Audit Plan is required to set out how waste will be dealt with during the construction process to minimise waste production and at the operational stage, in accordance with Policy WCS6 (Wiltshire and Swindon Waste Core Strategy:2006-2026). Whilst such a report has not been submitted, as the application is in outline, with the scale not set, it is considered that this could still be secured through a condition, linked to further details at the reserved matters stage.

In terms of waste collection and re-cycling, adequate facilities will need to be provided in a detailed scheme and the layout and roads designed to ensure refuse lorries, etc. can access the collection points. It is noted in comments from the WC Waste Service's Team that there are concerns in respect of refuse collection in connection with the indicative layout shown, and so changes would be required in the final scheme. This can be brought to the applicant's attention via informatives. A financial contribution towards the provision of waste collection and recycling bins is required based on the number of dwellings (Waste Collection Guidance for New Development), to be secured through the Section 106 Agreement.

It is understood that from historic maps that quarrying of sand and clay has taken place in the area to the west of the site. In view of this the WC EHO requires a contamination survey to be undertaken, with mitigation as and if necessary. A condition is recommended accordingly.

#### 9.12 Minerals Safeguarding

The application site and a very large area of land surrounding it lies within a Minerals Safeguarding Area as defined in the Wiltshire and Swindon Minerals Core Strategy 2006-2026 (Adopted 2009). Mineral Safeguarding Areas represent a constraint in terms of the potential sterilisation of mineral resources. Core Policy MCS6 of the W&SMCS and Policy

MDC4 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (Adopted 2009) and supporting text are relevant and requires an assessment in relation to non-minerals development to establish its significance. The MSA, which covers a broad area along the River Avon corridor (sand and gravel) and includes built up land as well as open countryside. This was, in fact, identified as a potential constraint in the SHLA exercise, as part of the Wiltshire Core Strategy process. The site is, of course, closely related to existing housing development and this is also a constraint to the development of this land for minerals extraction. The Spatial Planning Team confirmed when considering the previous application that it would not wish to raise an objection on Minerals Safeguarding grounds. This has not changed in relation to this application.

## **CONCLUSION**

The proposal would result in the development of a site which is located outside of the current development boundary for Downton as defined in the Wiltshire Core Strategy, and so which is technically unsustainable. However, it is nonetheless 'preferred' in the emerging Downton Neighbourhood Plan – in fact, it is the second highest scoring site – and it has the potential to deliver the outstanding requirement for housing in Downton as set out in the Core Strategy's 'Area Strategy' for South Wiltshire. It is also located immediately adjacent to the main through road (the A338) and is within close proximity to all local facilities, services and public transport links. Additionally, the proposal would deliver all infrastructure made necessary by it. These are important material considerations to be considered against the policy position.

A range of site specific information has been submitted in order to assess and ensure that surface water from the site can be managed sustainably and in order to assess the impact on the new Forest SPA, River Avon SAC / SSSI and protected species. Further controls and detailed design requirements can be controlled via planning conditions.

Whilst it can be said that this development is contrary to the letter of policy and conflicts with the settlement strategy and planned delivery of housing in the Wiltshire Core Strategy, the site is available for development now and would provide a range of market and affordable houses for the area.

It is considered that on balance, for the reasons set out in this report, the location of the site and its preference in the emerging Neighbourhood Plan, in combination with the significant package of benefits to the local community that it would bring, this is an acceptable proposal as an exception to the Core Strategy normal presumption against such developments.

## **RECOMMENDATION**

**That the Area Development Manager (South) be given delegated authority to grant planning permission provided –**

- 1) Planning application no. 14/11642/DP3 (Downton CE Primary School) first gains planning permission; and**

**2) All interested parties enter into a 'Section 106 agreement' under the Town and Country Planning Act 1990 to deliver the following –**

- **30% affordable housing provision on-site in accordance with demonstrated size/mix requirements;**
- **A financial contribution towards the provision of primary education facilities at Downton CE Primary School;**
- **A financial contribution towards 'Early Years' education facilities in Downton;**
- **A financial contribution towards community facilities in Downton;**
- **A financial contribution towards refuse/recycling collection 'bins';**
- **A financial contribution towards measures to safeguard the New Forest Special Protection Area;**
- **A financial contribution towards off-site adult and youth recreation facilities;**
- **A financial contribution towards the provision and maintenance of on-site open space / play equipment, if necessary.**

**And subject to the following planning conditions –**

- 1        The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a)     The scale of the development;
- (b)     The layout of the development;
- (c)     The external appearance of the development;
- (d)     The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3        An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 The 'layout' shall make provision for open space in accordance with saved Policy R2 of the Salisbury District Local Plan and its associated 'Standards for the Provision of Public Open Space in Association with New Residential Development' and no more than 17 dwellings.

REASON: To clarify the terms of the planning permission and to accord with saved Policy R2 of the Salisbury District Local Plan which seeks adequate infrastructure in new developments.

- 5 Prior to the commencement of the development hereby approved a programme for the delivery of the highways works (comprising the vehicular and pedestrian accesses to the site, the frontage 'footway' (pavement) and the pedestrian refuge island, and the stopping-up of the existing northern access to Scott's House) (all as shown on drawing no. 020.0111.100-P5 dated 21/08/15) shall be submitted to the local planning authority for approval in writing. The highways works shall be completed in accordance with the approved programme.

REASON: To ensure the highways works are completed in accordance with the approved 'access' details.

- 6 No dwelling hereby approved shall be occupied until the visibility splays shown on the approved plan no. 020.0111.100-P5 dated 21/08/15 have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 7 No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of vehicles in accordance with adopted standards together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

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

- 8 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

- 9 No development shall commence on site until the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

- 10 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.

- 11 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and ...

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years].



REASON: To safeguard the amenities of the area.

- 12 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities
  - b) Identification of 'biodiversity protection zones'
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - d) The location and timing of sensitive works to avoid harm to biodiversity features
  - e) The times during construction when specialists ecologists need to be present on site to oversee works
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 13 No development shall commence until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
- i. The movement of construction vehicles;
  - ii. The cutting or other processing of building materials on site;

- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of residential amenity.

- 14 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: The application contained insufficient information to enable this matter to be considered at this stage.

- 15 Prior to commencement of the development hereby approved a surface water 'drainage strategy' shall be submitted to the local planning authority for approval in writing. The drainage strategy shall provide details of the depth of the water table beneath the site based on site specific survey data. The drainage strategy shall

additionally provide a detailed scheme for the drainage of surface water, informed by the water table data and ensuring a separation of at least 1m between the water table at its highest level and any soakaway systems proposed in the scheme. The drainage strategy will specify ground level changes made necessary to accommodate the scheme. The development shall be carried out strictly in accordance with the approved scheme and shall be completed prior to the first occupation of any dwelling on the site or in accordance with a programme to be first approved in writing by the local planning authority.

REASON: To ensure satisfactory surface water drainage from the site.

- 16 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and drainage.

- 17 There shall be no surface water drainage connections to the existing foul water drainage system.

REASON: To avoid overloading of the foul water drainage system in an area where flooding and surcharging has previously occurred.

- 18 No development shall commence on site until a scheme for the discharge of foul water from the site, including any improvements on or off site required to provide capacity in the public sewerage system to enable the site to be served, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme, including any required improvements to the public system.

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

- 19 No development shall commence on site until a scheme for protecting the future occupants at the proposed houses against noise from road traffic and the nearby commercial/industrial businesses has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the any house is first occupied and maintained at all times thereafter.

REASON: In the interests of residential amenity.

INFORMATIVE: In discharging this condition the applicant should engage an acoustic consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233:2014 and BS4142:2014. They should then demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L<sub>Amax</sub> between the hours of 23.00 and 07.00. For the BS4142:2014 assessment the rating level should not exceed the existing background levels. The applicant should then specify what construction/glazing/ventilation requirements will be needed to achieve the appropriate levels. Additionally, the noise impact assessment should demonstrate

- that appropriate noise levels can be achieved for external amenity spaces. The noise assessment should inform the design of the layout and houses.
- 20 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- REASON: In the interests of residential amenity.
- 21 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.
- REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.
- 22 The development shall be carried out strictly in accordance with the discussions and recommendations set out in the Preliminary Ecological Appraisal Survey Report (August 2015) and Bat Survey Report (September 2015) by Wessex Ecology.
- REASONS: To ensure wildlife is safeguarded.
- 23 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Red-edged site plan;
- Drawing no. 020.0111.100-P5 dated 21/08/15.
- REASON: For the avoidance of doubt and in the interests of proper planning.
- 23 INFORMATIVE: The application is accompanied by an illustrative layout plan which shows an unacceptable layout. This is because it presents in some areas houses too close to the boundaries of the site, too close to mature trees and with substandard gardens. It also presents a play area of inadequate size. In preparing a final layout the applicant is advised to have regard to these points; the applicant is also advised to ensure the final layout is informed by the drainage strategy and noise impact assessment required by conditions set out above.
- 24 INFORMATIVE: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

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

