

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

Date of Meeting	3 rd November 2016
Application Number	16/04126/OUT
Site Address	Land at Hilltop Way, Salisbury, SP1 3QX
Proposal	Outline application for the proposed erection of 10 semi detached bungalows, new footpath link, and creation of public open space (resubmission of 15/11350/OUT) incorporating 20 off street parking spaces and 5x laybys to Hilltop Way.
Applicant	Mr. D.J. Pearce
Town/Parish Council	Salisbury City Council
Electoral Division	ST FRANCIS & STRATFORD – Cllr. Mary Douglas
Grid Ref	414555 132146
Type of application	Outline, with approval sought for access and layout as reserved matters
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee:

Cllr. Douglas has called the application to committee to be determined on the grounds of local concern relating particularly to the visual impact on the local area, highway and environmental impact and car parking.

1. Purpose of Report

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

2. Report Summary

The main planning issues to consider are:

1. Principle of the development
2. Other material considerations
 - i) Previous refusal reasons and Appeal Inspector's decision.
 - ii) Affordable Housing Provision
 - iii) The draft Open Spaces Study and Public Open Space
3. Design and impact on the wider landscape
4. Ecology and Archaeology
5. Drainage
6. Highway safety and public rights of way
7. Neighbouring amenity and public protection
8. Community Infrastructure Levy
9. Waste and Recycling & Energy Efficiency
10. Conclusion: The Planning Balance

The application has generated 1 letter of support (subject to conditions) from Salisbury City Council, 1 letter of no comment from Laverstock and Ford Parish Council, 2 letters of support and 22 letters of objection.

3. Site Description and Proposal

The site lies in an elevated position between Hilltop Way and the southern side of Castle Hill. The immediate neighbourhood comprises estate housing from the post war period. This is mostly semi detached dwellings with front and rear gardens, set back behind wide roadside verges. Dwellings to the east on Paul's Dene Way are bungalows. The land at Hilltop Way comprises a parcel of scrubby grassland, enclosed to the south by residential development and to the north, by open countryside. The north boundary of the site is formed by public footpath (the Golden Way) and to the north and east is the Hampton Park Country Park (currently the subject of 16/00048/FUL). The site is within the applicant's ownership.

The applicant is proposing to:

- Erect 10 single storey (up to 5.5m height) dwellings (4x1 bed, 4x2 bed and 2x3 bed units)
- 100% affordable housing
- Provide paired driveway accesses from Hilltop Way. Provide landscape planting to the north and north west boundaries. Dwellings set back from pavement.
- On street laybys for 10 vehicles to park. Removal of street trees.
- 2 off street parking spaces per dwelling (no garages are proposed).
- Provide a new right of way between the existing bungalows and the proposed units.
- Regrading of ground levels to ensure building levels are just slightly above Hilltop Way level.
- Retention of open space to the rear of Paul's Dene bungalows as informal amenity/recreational open space.

Suggested materials include:

- Multi stock brick for walls and natural or substitute slate for roofs.
- Low front walls of brick or stone or painted low picket fences
- Rear/side boundary walls of brick
- Open space boundaries with retention of existing trees and hedges and parkland style fencing and gates.

The following documents have been submitted:

- Planning, Design and Access Statements
- Ecological Appraisal and Reptile Mitigation Strategy
- Waste Statement
- Statement of Community Involvement
- Archaeological Desk Based Assessment
- Utility Statement
- Preliminary Geo-Environmental Risk Assessment (contamination)
- Surface Water Drainage Strategy
- Transport Statement

4. Planning History

S/1986/687 O/L application for 10 dwellings – refused

S/1986/1102 Erection of 10 dwellings – refused and dismissed at appeal

S/1989/755 O/L - layout of 1.45 acres of open space & erection of 6 bungalows with garages & construction of access - refused

S/1997/1952 Erection of 9 bungalows – refused and dismissed at appeal (see Inspector's report extracts)

15/11350/OUT Erection of 10 semi-detached bungalows (for over-55s), create new footpath link from Hilltop Way to existing bridleway to the rear of site, and creation of public open space. - Withdrawn

Related (Nos 33-51)

85/838 O/L - for construction of 10 bungalows, garages, drives & associated landscaping, construction of vehicular access AC 21.11.85

The current site area was earmarked in this application as “Potential Open Space” on the outline application plans. However, no conditions were attached to the decision to secure this.

5. Local Planning Policy

National Planning Policy Framework (NPPF) and NPPG

Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 3: Infrastructure
Core Policy 20: Spatial Strategy for the Salisbury Community Area
Core Policy 41: Sustainable Construction
Core Policy 43: Affordable Homes
Core Policy 44: Rural Exceptions Sites
Core Policy 45: Meeting Wiltshire’s Housing Needs
Core Policy 50: Biodiversity and Geodiversity
Core policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and Development

Saved policies R2 and R3 Open Space Provision, R5 Protection of Existing Outdoor Facilities

Wiltshire and Swindon Waste Core strategy 2006-2026 adopted 2009

Policy WCS6

The Community Infrastructure Levy Regulations 2010 (as amended)

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

6. Summary of consultation responses

Spatial Policy – objection: *The site lies outside the defined limits for development and in accordance with Core Polices 1 and 2, the proposal should be refused unless there are other material considerations which merit making an exception to adopted planning policy in this case. Although the site is under consideration as part of the Site Allocation process, no*

decisions have been taken on the likely site choices, and therefore no conclusions can be drawn on the likelihood of this sites designation. Therefore it would be premature to cite this as justification for allowing development contrary to the Core Strategy. By virtue of its scale and nature, the proposal cannot be considered to meet any of the criteria for exceptional development as set out in the Core Strategy. In the lack of any further justification it is the opinion of the Spatial Planning Team that there are no reasons to make an exception to adopted policy in this case, unless there are other material reasons for doing so.

Housing – Support principle of provision of affordable housing, subject to a legal agreement to secure details.

Drainage – Support subject to conditions

Wessex Water – no objection in principle, connections and SuDS details to be agreed.

Ecology – Support subject to conditions

Archaeology – no objection

Public Protection – no objection subject to conditions

Design Officer - no objection

Public Open Space – no objection in principle as Wiltshire Open Spaces Study is still draft. £8,060 Section 106 Agreement contribution required towards Country Park provision under Policy R2.

Education – no contributions are being sought on this application.

Highways – No objection to the scheme in principle although the visitor's parking is excessive and could be reduced.

7. Publicity

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

22 letters of objection and concern were received, on the following grounds:

- Road is too narrow and in poor condition – needs repair, straightening and widening with more passing places. Restricted visibility due to bend. Vehicles block sight lines. reversing cars will add to danger.
- On street parking will increase, causing accidents, congestion, risks to children playing, traffic to back up and mount kerbs. Disputes and conflict over parking spaces likely. Properties opposite do not have driveways and use on street parking.
- Laybys are out of character with the estate and likely to be used for parking for Country Park users etc. Laybys on the wrong side of the road.
- Cramped layout is out of keeping with Hilltop Way
- Diminished access for emergency vehicles, including for Old Sarum Airfield incidents.
- Damage views of Salisbury skyline from Amesbury Road and footpath. Existing Hilltop Way properties are sited below the skyline, to suit local topography.
- Land is dormant open space and should be left so for all users. Important green space within the estate and part of its character. Does not benefit the community.
- Impact on wildlife
- Impact during construction on amenity, access and parking.
- Traffic assessment seems to have been taken from straighter part of the road
- There are not infrequent heavy plant movements to and from Wessex Water reservoir

- Site notices should have been more widely dispersed and not put in the same locations as previously.
- Overdevelopment coupled with Longhedge, Bishopdown, Bishopdown Farm, Hampton Park, Riverdown and Portway developments. Too dense.
- Play park should have been provided – site was allocated for open space following development of adjacent site for bungalows. Why has status changed?
- Visual impact of development and associated cars
- Previous applications have been refused and local opposition remains strong. Reasons are still valid.
- Backs onto footpath and bridleway – likely to become cluttered with fences/hedges and detracting from local area. Front gardens should be open plan.
- Outside settlement boundary for Salisbury and should be part of the Country Park
- Wait until Country Park is open to the public. Hilltop Way would provide access to Country Park – where is parking provision?
- Development of the site is encouraging car use.
- Site allocated in DPD and review needs to be completed so avoid piecemeal approach due to exceptional circumstances. Local community does not support this development.
- Hilltop Way was built to accommodate access to 14 bungalows only, hence its narrowness and unsuitability for additional development.
- Requires new access to give direct access to Castle Road.

2 letters of support:

- COGS would like to see the proposed new footpath link from the development to bridleway and cycle route SALS1 made wide enough for shared pedestrian/cycle use. Further comments on this aspect of the plans were made on the original application by Wiltshire Council Sustainable Transport. We would support and welcome these improvements to the surface of bridleway SALS1 and greater width of proposed links to allow shared use.
- Parking concerns have been addressed by this revised application

8. Planning Considerations

Planning permission is required for the development. The applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework. (Paragraph 215 at Annex 1).

8.1 Principle of development

Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Salisbury is listed as a principle settlement within the Salisbury Community Area. Core Policy 2 addresses the issue of development outside of settlement boundaries. Under Core Policy 2, development will not be permitted

outside the limits of development; the site in question is outside the settlement boundary but it is immediately adjacent to residential development. Core Policy 2 also states that development proposals outside of defined settlement edges will be strictly limited and only acceptable in certain circumstances:

“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.”

As it currently stands, the site is located outside the defined housing/settlement boundary, and is thus technically in the open countryside. At this time an application submission on this site would be contrary to national and local policy.

However, this site has been included within the early stages of consultation for the Housing Sites DPD document and is still in consideration for allocation. The plan preparation timeframe states that the finalised sites will be included in the Draft Plan which would then go out to public consultation.

Another document which is instrumental to the process is the ‘Settlement Boundary’ Review which underwent consultation in September 2014. Maps have been drawn up to identify the proposed settlement boundary for Salisbury which encompasses the new Hampton Park extension and Country Park. From these maps the Hilltop Way site has been included within the new proposed Settlement Boundary for Salisbury.

At this stage of the process the Housing Sites DPD document has not reached an advanced stage and is yet to identify the final allocations. This means that if this proposal is to be granted planning permission at this stage, it will be required to prove that it can meet the requirements through the ‘exceptions policy’. The Core Strategy allows for different types of development outside of the defined settlement boundaries, providing that they have a good case for being exempt from policy restrictions. The Rural Exceptions Policy CP44 allows housing for local need to be permitted, solely for affordable housing, subject to criteria:

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

However, this policy specifically **excludes** the principal settlements, including Salisbury and therefore, the site cannot be considered as a “rural” exceptions site under CP44. The WCS does not contain an “urban” exceptions site policy and this may be to discourage the incremental erosion of the urban edge to the principal settlements and prevent sprawl over time. It is also relevant to note that a 5 year housing land supply can be demonstrated for Salisbury and South Wiltshire and affordable housing provision would be expected to come forward under CP43 on acceptable identified and windfall sites.

In conclusion, the site lies outside the defined limits for development. In accordance with Core Policies 1 and 2, the proposal should be refused unless there are other material considerations which merit making an exception to adopted planning policy in this case.

Although the site is under consideration as part of the Site Allocation process, no decisions have been taken on the likely site choices, and therefore, notwithstanding the site's history, no conclusions can be drawn on the likelihood of this site's designation. Therefore it would be premature to cite this as justification for allowing development contrary to the Core Strategy. The proposal is not considered to meet any of the criteria for exceptional development as set out in the Core Strategy. In the absence of any further justification it is the opinion of the Spatial Planning Team that there are no reasons to make an exception to adopted policy in this case, *unless* there are other material reasons for doing so.

8.2 Other material considerations

The NPPF clearly indicates (at para 12) that development which conflicts with development plan policies should be refused unless material considerations indicate otherwise.

The scheme could be refused in accordance with development plan policies and the general national presumption in favour of conserving and enhancing the natural environment. However, there are a number of material considerations which must also be considered in determining the application. These are discussed below:

i) Previous refusal reasons and Appeal Inspector's decision.

S/1997/1952 sought permission to erect **9 bungalows** on the site. The proposed layout was very similar to the current application. This was refused on three grounds, relating to development outside the settlement boundary, impact on the Landscape Setting of Salisbury and Wilton, and impact of the loss of an open area on the visual amenity and character of the Paul's Dene area. This is considered in further detail under section 8.3.

ii) Affordable Housing Provision

The Housing Team has provided the following guidance:

We note the application is proposing 100% affordable housing which we would support. Just to confirm I have not spoken to any affordable housing providers in detail regarding this site. Two providers have approached the Council to ask a question about the site but I have not had any further contact with them.

In summary we are supportive of the development on the basis it is delivering 100% affordable housing but the tenure mix which is supported will vary dependent on which core policy is applied to this development site. Other details set out within our consultation responses also remain applicable. In relation to the tenure mix we would need to take in account the policy under which the site is potentially brought forward. As set out in our consultation response dated 22 August 2016, we do not feel this site is a rural exceptions site under the criteria set out in core policy 44. However we also recognise that the site is not within the principal settlement of Salisbury and is therefore contrary to core policy 43.

Should the site be brought forward under core policy 43 there is a requirement for 40% affordable housing provision and as the site is proposing 100% affordable housing we would

welcome this extra affordable housing. In our previous consultation responses we have advised there is information to indicate a need for 1-3 bedroom bungalows in the Salisbury area and set out the proposed mix, expected tenure (60% affordable rent and 40% shared ownership) alongside design details. The final proposed mix of properties would need to be agreed with the affordable housing team as demonstrable need would need to be met.

Although we have stated we feel the site does not meet the criteria of a rural exception site, should it be brought forward under core policy 44, we would support the application on the basis that it is delivering 100% affordable housing. In our consultation response dated 22 August 2016 (see Appendix 2) we recognised that the site would need to deliver 100% affordable housing in perpetuity. Therefore should the applicant wish to include a percentage of shared ownership properties (the percentage level yet to be agreed with the affordable housing team) these would need to be modelled in such a way that they remain as affordable housing in perpetuity (for example restrictions in the percentage that an applicant could staircase their ownership level to). We would recommend the applicant discusses this with potential affordable housing providers to ascertain their interest in shared ownership properties that must remain affordable housing in perpetuity.

We also note that as well as delivering the site for 100% affordable housing, the applicant is proposing to build these units to Lifetime Home standards (LTHS) as set out in our consultation response dated 22 August 2016 which we support. We would also support the approach not to restrict these units within an age restriction. We have also referred to core policies 45 and 46 in our consultation response which remain applicable.

Members will therefore need to consider whether this material consideration would indicate that the application should be approved, despite the conflict with Core Policy CP2 and the appeal decision regarding the character of the area. In this case, the application would need to be approved by Members, subject to it being delegated back to officers to secure the Section 106 Agreement for the affordable housing provisions recommended by the Housing Team. However, should the site subsequently be included within the settlement boundary and/or be confirmed as a preferred housing site, then it may be difficult in future to retain the restrictions on the development as affordable housing and applications for open market housing could follow.

iii) The draft Wiltshire Open Space Study 2015 – 2026 and Public Open Space

The site has also been identified in Part II (Community Area Profiles) of the draft Open Spaces Study as amenity space. The public consultation stage for Part II has now closed. The audit represents up to date evidence for the Open Spaces study and the site has been mapped as open space. Once adopted, a new open spaces policy would replace the current saved district plan policy R5, as part of the partial review of the Wiltshire Core Strategy. The Environmental Services team have commented on the application as follows:

Onsite recreation provision could be sought under Planning Policy R3. However, given the site's proximity to the approved Country Park onsite POS provision would not be requested in this instance. Adequate access to the Country Park for the residents would be required.

Planning Policy R2 states that new residential development will be required to make provision for recreational open space (comprising facilities for communal outdoor sport and children's play) in accordance with a standard of 2.43 hectares per 1000 population.

However, given the proximity of the Country Park, it may be more appropriate for this requirement to be satisfied offsite. 20 people x £403 (R2 figure for R2 adult recreation) = **£8,060**. This contribution would be used to fund the ongoing development of the country park.

Currently the Wiltshire Open Spaces Study has not been adopted, so there is no in principle objection to the development. This status may change, depending on when the Partial Core Strategy Review is adopted.

Given the recent provision of the 51ha Hampton Park country park adjacent to the site and the lack of any objection to the application from the Environment Services team, there is considered to be an excess of public open space in the area and as such the proposals would not be contrary to saved policy R5.

8.3 Design and impact on the wider landscape and loss of open space

Core Policy 57 sets out the design criteria for new development and states:

A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire...

Core Policy 51 states that *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.*



In landscape terms, the site would be closely related to the existing built areas of Salisbury and the Bishopdown Farm development. It would not be directly visible from Old Sarum, but as some objectors have noted, it would be visible from the north approach to the city from Amesbury and the A345. The design officer has commented:

Strictly from a design point of view, I have no objections (subject to conditions WB1, WB17, WC1 and WC2).

In terms of character, the proposed bungalows are in keeping with the surrounding setting, especially if they continue the form and style of the existing properties immediately to the east, as suggested. According to the information submitted the properties would also be set back from the street, which would be consistent with local character. The proposed rear and front garden sizes are also adequate and off parking would be consistent with the local approach.

From a landscape point of view this site might serve a strategic purpose in screening development from the Country Park but those considerations will have to be addressed by the Council's Landscape officer.

In terms of the impact of the development on the landscape character of the area *beyond* the estate, no landscape objection is raised under CP51. However, Members may also wish to consider these comments alongside the appeal Inspector's comments relating to the contribution of the site to the wider character of the estate.

S/1997/1952 sought permission to erect 9 **bungalows** on the site. The proposed layout was very similar to the current application. This was refused on three grounds, relating to development outside the settlement boundary, impact on the Landscape Setting of Salisbury and Wilton, and impact of the loss of an open area on the visual amenity and character of the Paul's Dene area. In dismissing the appeal, and with reference to the loss of open space, the Inspector concluded:

11. I recognise that there have been changes in planning policy since that time and that, in particular, national policy is placing continually greater emphasis on making the best use of urban land for housing purposes. However, the appeal site is not urban land for the purpose of the Council's planning policies and, in any event, national policy (PPG3) does not expect its overall objective to be achieved at an unacceptable cost to the character of established residential areas. There is also no overriding reason to treat the land as an appropriate windfall site because, on the evidence, the Council expects to be able to satisfy the housing allocations of both the existing and emerging Local Plans from sites within the settlement boundary.

Members will note that PPG has been superseded by the NPPF and the Landscape Setting for Salisbury and Wilton (Local Plan Policy C9) has not been saved by the Wiltshire Core Strategy. This was a highly restrictive policy in its wording, and sought to prevent most forms of built development within its designation. The site is no longer within this designation and general landscape principles apply. Furthermore, the Council is still able to demonstrate a 5 year housing land supply for this part of Wiltshire and so the site still does not need to constitute a windfall. However, the Inspector did comment on the subject of the impact of the development on the existing open character of the immediate area. He said:

9. On the other hand, I do not consider that the value of the site is limited by the functional nature of its relationship with that countryside. Despite its unkempt appearance, I believe that, together with the adjoining landscaped area, it makes a positive contribution to the character of this part of the Pauls Dene Estate by creating an appropriate introduction to the spaciousness of the open countryside beyond and a degree of transition between the urban and rural landscapes. In terms of Policy G1(ix), I regard it as an important open area which it is desirable to retain.

10. I also note that, in dismissing an appeal relating to an earlier proposal for the development of the site, that Inspector referred to the same sense of spaciousness and said that the significant closing of the open area would materially detract from the pleasing character of the estate and would reduce the attraction of the adjoining bridleway for those using it. My predecessor's views were expressed in 1986 but, in my opinion, they continue to be valid.

Members might also consider that these views on the impact of the loss of this open space on the character of the area continue to be valid, particularly given that the appeal decision relates to the provision of bungalows with a similar layout to that proposed and the physical circumstances of the area since the appeal have not materially changed.

In conclusion, given the advanced status of the draft Open Spaces study and the appeal Inspector's comments relating to the value of the site as open space and its contribution to the wider character of the estate and the amenity of the bridleway, Members may feel that this is an important material consideration in determining this application and that the provisions of CP57 would apply to the loss of open space and the resultant impact on the local context of the site and the character of the estate.

8.4 Ecology and Archaeology

Ecology

Core Policy 50 states:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

The NPPF para 118 states:

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged

The NPPG also sets out guidance and the ODPM circular 06/2005 still applies and is listed under current policy and guidance on the planning portal. Paragraph 99 states *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances....However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted”*.

The ecologist considers that:

This application is supported by an Ecological Appraisal and Reptile Mitigation Strategy (Ecological Consultancy Services Ltd, Nov 2015). The site supports unmanaged grassland over 0.65 ha with scattered scrub. The site was surveyed in March and August 2015 and was assessed as supporting improved grassland. The species list suggests the site is improved, probably as a result of fertilizer drift while the adjacent land was in arable management. The site itself probably hasn't been managed for many years. Given the underlying chalk bedrock, the site has potential to revert to calcareous grassland if grazing or mowing is reinstated without fertilizer treatments.

A maximum count of 12 slow-worms, including pregnant females, was recorded during reptile surveys. This is a high number for such a small site. The 51 ha Country Park at Hampton Park Country Park has very low numbers of reptiles due to its arable history and this 0.65 ha site will therefore provide an important source of reptiles for recolonisation of the Country Park in due course.

The development will entail permanent loss of approx. 0.43 ha of land and provision of the remaining area (about 0.22 ha) for inclusion within the Country Park. It is proposed that reptiles will be translocated out of the development into the land that will be set aside for the Country Park. While the proposed recommendations for reptile mitigation are acceptable in principle, further details should be provided by condition to demonstrate that there is sufficient enhancement of the receptor site, at least 1 year before translocation, to support the concentration of reptiles from the existing 0.65 ha area to the much smaller receptor site. In addition, it will be necessary for the developer to demonstrate that the mitigation proposals are consistent with Laverstock and Ford Parish Council's wider aims for the Country Park. In this regard I recommend the developer liaises with David Burton, the Ecologist representing the Parish Council.

I would like to see the hedgerow proposed along the northern boundary of the new dwellings included in the landscape proposals. This should be of native species suitable for chalk soil.

I presume that, should the application be approved you would apply a landscape condition and these details would be provided in the reserved matters application.

The ecologist has recommended a S106 Agreement to ensure that the 0.22 ha of land to the south east of the development (in the applicant's ownership) is provided as an extension of the Hampton Park Country Park in lieu of development of the remainder of the site, by a specified time. Conditions relating to a mitigation scheme for the translocation of reptiles and to ensure that the land for the Country Park is not used for the construction works are suggested. A landscaping condition and wildlife informative are also recommended.

In conclusion, no objection is raised to the proposed ecological mitigation, in accordance with Core Policies 48 and 50, the guidance in the NPPG and the ODPM circular 06/2005.

Archaeology:

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. Heritage assets include Listed Buildings and Conservation Areas.

The Archaeologist stated:

The site has had an archaeological evaluation undertaken and the report has been submitted with this application. This identified that the site had been previously stripped, probably during the creation of Hilltop Way. On the evidence available to me at this point, I therefore consider it unlikely that significant heritage assets with an archaeological interest would be affected by this proposal.

No objection is raised under CP58 and the NPPF provisions.

8.5 Drainage

The site lies within Flood Zone 1 and is not considered to be at risk from flooding. As the site is under 1 hectare, (0.7 ha) in area, consultation with the Environment Agency is not required.

The drainage team have concluded:

Wessex Water originally requested that a holding objection be applied due to the absence of confirmed and satisfactory arrangements for drainage matters. This has since been changed to support subject to conditions after discussions between the developer and Wessex Water.

A surface water drainage strategy has been produced. The proposals for the surface water drainage state that the run off will not be increased beyond what it was previous to the development, which would be the greenfield rate. They plan to achieve this using SuDS, a combination of permeable paving and bio-filter retention areas to attenuate the run-off before discharging to the sewers. The sewers connection and the discharge rate will have to be agreed with the undertaker, a provisional rate of 10l/s has been agreed assuming a surface water sewer can be connected to, but a formal connection request should be made showing the proposed connection point and discharge rate.

Infiltration testing has not been undertaken at the site. For the purpose of the Surface Water Drainage Strategy, the underlying ground conditions have been assumed to not be

conducive to infiltration but this is an incorrect assumption given the chalk aquifer underlying the site. Infiltration testing to BRE 365 should be undertaken to confirm the detailed design of a SUDS solution for the proposed development site.

No objection is raised subject to conditions relating to schemes for the discharge of surface and foul water from the site.

8.6 Impact on highway safety and public rights of way

The highways officer stated:

My comments relating to the previous application ref: 15/11350/OUT are still relevant. I have taken into consideration the views of the local residents together with the detail provided in the Transport Statement. On balance, I am of the opinion that the likely vehicle movements associated with the proposed residential development would not be detrimental to highway safety. Hilltop Way and the local roads leading to Hilltop Way are of sufficient width to allow two vehicles to pass, or a vehicle to pass a parked car. It is noted that some on-street parking does occur however this is typical of a residential street. The existing vehicle movements are not significant and vehicle speeds have been recorded as less than 30mph (85th percentile). The proposed residential units are all to be either 1, 2 or 3 beds and on that basis the 2 parking spaces shown per unit meets the requirements of the current parking strategy.

I note that a 2m footway is shown located behind a 2m grass verge presumably to reflect the existing layout on the opposite side of the road. However, the footway will not be located on existing highway land (although the verge will be) and will need to be dedicated as such. I also wish to see details of how this footway will link to the existing footway. The applicant will also need to investigate the need for additional street lighting, perhaps this could be conditioned.

The illustrative layout shows a footpath link to the bridleway and it was suggested that this footpath should be created as a 2.5m (preferably 3m) shared path, (preferably with an appropriate coloured dressing). This is particularly important where we expect elderly people and mobility scooters to be sharing with other pedestrians (as well as with cyclists). I previously mentioned the need for the bridleway Sals1 to be upgraded. I have been unable to find any reference to this in the latest submission. It is still considered to be relevant, as follows:-

Bridleway Sals1 is a key cycle route. It would be helpful to upgrade the surface to tarmac (with an appropriate coloured dressing for aesthetic purposes – it cannot be blacktop in this location) as increased usage would be expected and I would be concerned about elderly people walking on the current surface. Preferably this would be done as part of the development - at least on the section by the housing proposed. We would have to check with ROW that they are happy with this surface.

I note that 5 lay-bys are proposed on Hilltop Way, please can I request details of these lay-bys for further consideration.

Further details were provided by the applicant in response:

- Drawing 4279-SK-005-A specified the laybys.
- Additional street lighting
 “Highways had previously indicated that any street lighting could be conditioned. However, in the applicant’s view there is no requirement for additional street lighting along Hilltop Way; the existing lamp-posts in place would be sufficient. As a point of reference, on Paul’s Dene Crescent nearby, development is on both sides of the road, lighting is only on one side. Equally there is no need to light the new footpath: there are several comparable cut-through paths between Paul’s Dene Estate and the Country Park in the nearby area, and to our knowledge none are lit. New illumination would also unnecessarily contribute to impact of the development in an edge-of-settlement location whilst bringing no material benefit.”
- Details of how the proposed footway will link to the existing footway
 The submitted Illustrative masterplan shows this:



- Paving / upgrades to Bridleway SALS1
 “The applicant does consider it appropriate to tarmac the bridleway to the rear of the development. Over its roughly 1 mile course from Bishopdown Road to Old Sarum, it mainly comprises a gravel surface, consistent with a bridleway status. To introduce a short section of tarmac behind the application site would be an unnecessary anomaly. With regards to the point about elderly people, please note that in this application there would be no over-55 occupancy restriction (as had been the case in the previous application), so this is not directly relevant. We believe an additional 10 dwellings would not introduce significant additional use of the bridleway behind the site; and that contributions would therefore not be warranted, particularly when the new linkage introduced by our proposals would offer gain to the footpath network.”

Highways considered the above submissions and said:

It is still not entirely clear how the new footway will link to the existing footway as the lay-bys need to be accommodated off the existing carriageway with the footway behind. I would not wish for the carriageway to be reduced in width by the lay-bys in this location. The illustrative layout does not show the adjacent existing footway across the existing bungalows.

The lay-bys are now considered to be acceptable in terms of width and length. The work to provide the lay-bys and footway will need to be covered by a S278 legal agreement. The need for additional street lighting can be considered through the S278 procedure when we can seek advice from Atkins Street Lighting.

I accept the point regarding the re-surfacing of the bridleway.

A further updated drawing (SK005B) was provided by the agent to show how the new footway would link to the existing footway. Highways considered the plan and after further consideration, queried the number of lay-by visitor spaces. Highways only require 2 visitor spaces and not the 10 as shown, but it is likely that the laybys were provided over the course of the application in response to local concern about on-street parking, although it is now noted that many neighbours are unhappy with the proposed lay-bys. Members may wish to consider whether the quantity of parking across the frontage of the new dwelling is desirable. The lay-bys would be part of the public highway and not for the sole use of residents opposite who don't have off-street parking. Furthermore, the laybys could end up being used by Country Park visitors and not for their intended purpose.

Ideally, highways suggest that the visitor parking should be reduced. Given that the proposed dwellings have sufficient parking (with some visitor parking), highways have recommended that the development would not have a detrimental impact on the parking on Hilltop Way.

With reference to the new footway, this will be on land that would need to be dedicated as highway. It should measure 2m in width and highways are still not totally clear how the new footway will connect to the existing path. However, if Members approve the application, they could impose a condition seeking further details to be submitted for the proposed footway (and lay-bys). Construction details will be necessary for the S278 Agreement with highways.

In conclusion, the proposed layout is considered to be acceptable and any detail can be conditioned or submitted for the s278 Agreement. The visitors' parking is excessive and could be reduced. On the whole, the proposed development has the highway team's support.

8.7 Impact on neighbouring amenities and public protection

Core Policy 57 states: A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)

The proposed dwellings are described as bungalows, but no elevation details have been provided. The floorplans in the Design and Access Statement show that the proposed accommodation types could each be provided on one level. Therefore, subject to suitable conditions to secure single storey accommodation (no accommodation or windows in the roof) the proposal is not considered to cause harm to neighbouring occupiers in terms of overlooking, overshadowing, dominance or loss of light.

The public protection officer considered:

In August we gave advice at the pre application stage. We recommended a number of conditions to be attached to any planning permission granted to prevent disturbance to nearby residential properties during construction/demolition stages and to ensure an investigation of the history and current condition of the site would be carried out.

We advised the applicant to submit a construction management plan detailing the measures that will be taken to reduce and manage the emission of noise, vibration and dust during construction/demolition stages. I could not find a construction plan on the planning portal. Therefore, we would recommend that the following conditions are attached to any planning permission granted;

In relation to the contaminated land, the applicant has submitted contaminated land reports. The report has identified a very slight risk to the properties from ground gas as a consequence of the underlying geology to the otherwise Greenfield site.

In summary, no objection is raised subject to conditions being attached to any permission requiring a construction management plan and to control hours of construction in the interests of amenity. An assessment of ground gas at the site must also be undertaken, to include any remediation measures.

Therefore, appropriate levels of amenity are achievable within the development and no objection is raised under Policy CP57.

8.8 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. All development containing at least 100 square metres of new build is chargeable. An informative would be placed on any permission to advise the developer regarding CIL.

8.9 Waste and Recycling and Energy Efficiency

The Waste Core Strategy Policy WCS6 states that proposals for 10 houses or more will be required to design and provide facilities for occupiers to recycle and compost waste. A waste audit is also required, to try to minimise waste. A condition should be placed on any permission, requiring a waste audit for the development.

Paragraph 96 of the NPPF indicates that:

96. In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Policy CP41 states that:

New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer. Sustainable construction: New homes (excluding extensions and conversions) will be required to achieve at least Level 4 (in full) of the Code for Sustainable Homes.

A condition should therefore be attached to any permission for the new dwellings on the site to achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes.

9.0 Conclusion: The Planning Balance

The site lies outside the settlement boundary for Salisbury and the Site Allocation process has not been finalised. Therefore, development of this site at this time for residential purposes is premature, and considered contrary to Core Policy 1 and 2.

Although the site does not satisfy any specific affordable housing policy in the WCS, the principle of affordable housing on this site has been supported by the housing team, subject to a Section 106 Agreement to secure the details.

The site has some history of previous applications for bungalows, and past planning inspectors have considered that the site currently makes a positive contribution to the character of the Pauls Dene Estate and marks a degree of transition between the urban and rural landscapes. Inspectors have felt that closing the open area would materially detract from the character of the estate and reduce the attraction of the adjoining bridleway for users.

The site has also been identified in Part II of the draft Open Spaces Study as amenity space. The audit represents up to date evidence for the Open Spaces study and the site has been mapped as open space. Currently the Wiltshire Open Spaces Study has not been adopted, so there is no in principle objection to the development. This status may change, depending on when the Partial Core Strategy Review is adopted. A contribution should be sought towards the Country Park under Policy R2, through a Section 106 Agreement.

There are no in principle objections from other statutory consultees, subject to appropriate conditions and Section 106 provisions. Highways have suggested that the number of laybys could be reduced.

RECOMMENDATION: REFUSE for the following reasons:

1. The site lies outside the defined limits for development and the proposed residential development for affordable housing in this location would be contrary to the Wiltshire Core Strategy Policies 1 and 2 and NPPF para 11, 12, 14 and 49. Although the site is under consideration as part of the Site Allocation process, no decisions have been taken on the likely site choices, and therefore no conclusions can be drawn on the likelihood of this site's designation. Therefore it would be premature to cite this as justification for allowing development contrary to the Core Strategy. By virtue of its scale and nature, the proposal is not considered to meet any of the criteria for exceptional development as set out in the Core Strategy and there are no overriding reasons to treat the land as an appropriate windfall site, because the Council can demonstrate a 5 year housing land supply, which would deliver affordable housing provision under the appropriate policies.
2. The site currently makes a positive contribution to the character of the Pauls Dene Estate and marks a degree of transition between the urban and rural landscapes. The closing of the open area would materially detract from the character of the estate and reduce the attraction of the adjoining bridleway for users, contrary to Core Policy 57 and para 56 of the NPPF.

ctd....

Appendix 1 Housing Team Comments 22/8/2016

Thank you for consulting the Housing Enabling Team in relation to the re-submission of the above application. From the information received I note the application relates to the development of a site at Hilltop Way in Salisbury. This site appears to be an unallocated site in relation to Wiltshire's Core Strategy and lies outside of the principal settlement boundary for Salisbury. The site is not being proposed as a rural exception site and does not appear to meet the criteria for a rural exceptions site.

Core Policy 44 sets out the criteria which an application must meet for a development to be considered as a rural exceptions site. The Wiltshire core strategy states "*As an exception to normal policy therefore, and where it can be demonstrated that a proposed development will meet a particular locally generated need that cannot be accommodated in any other way, the council may permit small scale residential development (10 dwellings or less) outside but adjoining the development limits of Local Service Centres and Large Villages, or adjacent to the existing built area of Small Villages.*" Within Core Policy 1, Salisbury is outlined as a Principal Settlement and not a Local Service Centre, Large Village or Small Village. Neither has the applicant provided information to indicate the locally generated need cannot be not be accommodated in any other way.

A further criteria highlighted under core policy 44 is that "*the affordable housing provided under this policy will always be available for defined local needs, both initially and on subsequent change of occupant*" ie: an CP44 exception site would normally only include affordable housing units (100%) and all units need to be secured 'in perpetuity'. At present the proposals include a proportion of shared ownership tenure as well as affordable rented units. Shared Ownership would not be restricted to in perpetuity and, therefore, we can advise that these proposals do not currently meet the required exception site CP44 policy criteria.

The mix of affordable units proposed on this site of 60% affordable rented and 40% shared ownership tenure would be the mix sought under CP43 and on a site within the settlement boundary based on current demonstrable need and policy approaches. It would, therefore, appear that this site is being proposed under an 'exception to adopted policy' approach ie: to be considered as a site within the settlement boundary under core policy CP43 rather than CP44. We also note that this site had been submitted for consideration under SHLAA/DPD proposals previously.

However, we can advise that, if this site were to be supported for residential dwellings in this location and brought forward under the appropriate planning policy approaches in this way then Wiltshire Core Strategy policies CP43, CP45 and CP46 would apply:

Core Policy 43 sets out when affordable housing will be required and indicates the proportion which will be sought from open market housing development. We can confirm that there is demonstrable need for affordable housing in the Salisbury Community Area and that a 40% on-site affordable housing contribution at nil subsidy should, therefore, be sought from these proposals in line with policy approaches. The affordable housing units should be provided with a tenure mix of 60% of the units affordable rented housing and 40% of the units being provided for shared ownership. Core Policy 45 requires affordable housing to be well designed, ensuring a range and to consist of types, tenures and sizes of homes to meet identified affordable housing need and create mixed and balanced communities. The proposals also set out the housing mix which incorporates a range of sizes. Current data on the council's housing register shows the need for bungalows in the Salisbury area ranges from 1-3 bed needs. The Wiltshire Core Strategy specifies that affordable housing is expected to meet high standards of design, quality and should be visually indistinguishable from open market housing. All affordable homes would need to be built to, at least, meet minimum sizes and minimum eligibility criteria detailed by the Homes & Communities Agency (or any other subsequent design guidance which may supersede).

Wiltshire Council also recommends, as a guide, that all affordable dwellings meet the minimum space standards shown in the table below:-

Number of bedrooms	Number of bed spaces	1 storey dwellings (sq m)	2 storey dwellings (sq m)	3 storey dwellings (sq m)	Built in storage (sq m)
Studio	1p	39			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Preferred sizes are highlighted

The affordable homes do not require garages but do require sufficient parking bays as per current policy guidance - areas ie: 1 x parking space for each 1 bed, 2 x parking spaces to be provided for each 2 or 3 bed affordable house and 3 parking spaces for each 4 bed house - in curtilage/designated parking bays rather than parking courts.

With regard to Wiltshire Core Policy CP46 - where there is a housing need identified for Extra Care, adapted properties for disabled residents or wheelchair adapted accommodation these units would be sought within the mix - built to Lifetime Homes Standards (or equivalent)/Adaptable standards (Building Regulations M4 Category 2: Accessible and adaptable dwellings standards). Adapted/wheelchair accessible affordable properties will be sought wherever there is a demonstrable local need and affordable homes for people with learning disabilities may be sought based on an identified need (as advised by the Council's Adult Care Team).

It has been noted that the proposals set out in the applicants design and access statement refer to the lifetime homes standards and that each unit will meet the following criteria set out in the Lifetime Home (LTH) Revised Criteria published on the 5 July 2010.

- Level or ramped (between 1:15 and 1:20) access at front and rear of properties
- Driveway which allows space at the side for wheelchair transfer
- Rollover thresholds at front and rear doors
- Wheelchair turning space circle of 1500mm diameter, or a turning ellipse of 1700mm x 1400mm in all rooms
- Minimum width of any hallway/landing in a dwelling is 900mm
- Doorways widened to give 900mm clear opening width
- Level access showers

The inclusion of lifetime homes standards as set out above supports core policy 46 of Wiltshire's Core Strategy in helping to meet the needs of Wiltshire's vulnerable and older people. Residential development should seek to deliver and promote independent living and must ensure that layout, form and orientation consider adaptability to change as an integral part of design at the outset. I note that

this application does not place age restrictions in relation to eligibility criteria for the properties and we would welcome this approach to enable the site to accommodate customers with an adapted ground floor need of all ages.

The Design and access statement sets out two different sets of figures relating to the sizes of the units. One set of size standards is listed on page 9 in the layout schedule and refers to 12 units on site. The second set of size standards is detailed on page 12 in the general design principles. We would be grateful if the applicant could confirm the size standards they will be building the units to. I have listed the two different sets of size standards in the table below:

Layout Schedule on page 9	General Design Principles on page 12
1 bedroom, 2 person unit = 53 Sq. m	1 bedroom, 2 person unit = 58 Sq. m
2 bedroom, 3 person unit = 61 Sq. m	2 bedroom, 3 person unit = 70 Sq. m
2 bedroom, 4 person unit = 70 Sq. m	2 bedroom, 4 person unit = 74 Sq. m
3 bedroom, 4 person unit = 74 Sq. m	3 bedroom, 4 person unit = 87 Sq. m

Depending on policy approach to be taken (CP44/CP43) - we can confirm that if the proposals were to meet all the criteria and tenure requirements of CP44 as a rural exception site for 100% affordable housing provision ie with all affordable rented units to be held in perpetuity – it would meet demonstrable need and would therefore be supported. However, the tenure mix currently is not meeting this policy requirement. Under CP43 a policy requirement of a 40% affordable housing on site contribution at nil subsidy would be required (there would not be a policy requirement for 100% affordable housing provision under CP43) - with a tenure split of 60% affordable rent and 40% shared ownership – and scheme proposals on this lines under this policy would be supported as there is a demonstrable need for these units within this Community Area. At present there are 20 households registered on Wiltshire Council’s Homes4wiltshire register with a need for a bungalow and with a preference for a bungalow in the Salisbury region.

When providing affordable housing, developers are advised to engage with a Registered Provider at the earliest opportunity, in order to ensure that the appropriate standards are met at the design stage. The completed affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis and secured via a SI06 Agreement – if applicable, a rent charge/management charge cap will be required for the affordable housing units and the Local Authority will have nomination rights to the affordable dwellings.