

Date of Meeting	31 st January 2019
Application Number	18/08304/FUL
Site Address	Garage site adjacent 22 Saxon Rise, Collingbourne Ducis SN8 3HQ
Proposal	Demolition of garages and erection of two dwellings and associated works.
Applicant	Aster Group
Town/Parish Council	COLLINGBOURNE DUCIS
Electoral Division	COLLINGBOURNE DUCIS – Councillor Blair-Pilling
Grid Ref	424520 154199
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the application being considered by Committee

This application is brought to committee at the request of Councillor Blair-Pilling for the following reasons:

- Car parking; and
- Loss of green/amenity space

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

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

- Principle
- Character & Design
- Neighbouring Amenities
- Highways
- Public Open Space
- Trees
- S106/CIL

The application has generated an Objection from Collingbourne Ducis Parish Council and 17 letters of objection.

3. Site Description

The site is situated within the main built-up area of the village of Collingbourne Ducis, which is defined as a Large Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). It is surrounded to the east and south by other residential properties and their associated gardens/parking provision. These are set out in a 1970s style housing estate layout which has been extended more recently with a modern housing estate to the east creating Riverbourne Road. To the west some sort of ditch/open space separates the site from further residential development that extends into the main centre of the village. To the north the site abuts open countryside. The settlement boundary line identifying the extent of the Large Village of Collingbourne Ducis extends along the immediate western and northern boundary of the site. The Collingbourne Ducis Conservation Area boundary extends up to the adjacent ditch/open space to the west but does not extend into this housing estate or site. The whole site is however within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

The site is provided in 3 parts and currently consists of a surfaced parking area and a row of garages serving the estate. A total of 6 garages are provided in this area. The surface parking area extends from the garage block and along the western edge of the residential estate. A grass verge defines the western edge of the site and an equipped children's play area is situated within this grassed area but is fenced off from the adjacent parking provision and remains outside of the site. The rest of the verge does however extend inside the red edge. The children's playground, along with the grassed verges to the north and south of the playground (which are within the application site) are identified in the Saved Kennet Local Plan (KLP) policy TR17 as an Existing Outdoor Sport and Recreation Site. A further parking area situated on Saxon Rise to the south/east of the garages is also identified as being within the site.



PLAN 1: Location Plan & Constraints

4. Planning History

Application Ref	Proposal	Decision
15/11936/FUL	Demolition of garages and erection of four dwellings and associated works	Refused – 27.01.2016
18/0305/OUT	Erection of a detached dwelling and detached garage (Outline application in relation to access). Land North of 7 West Farm Close	Pending

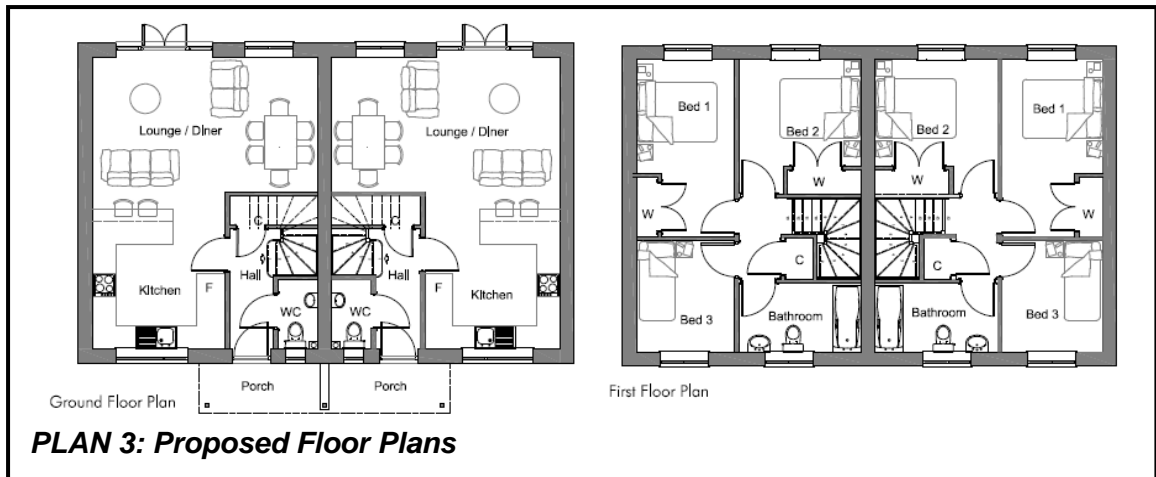
The previous scheme on this site involving the erection of 4 dwellings in place of the garages was refused on three grounds which were as follows:

- 1. The proposals involve the redevelopment of an existing block of garages and parking provision serving the local area and would therefore result in the loss of on-site vehicle parking facilities. Insufficient replacement parking has been identified to mitigate for this significant loss. The proposals are therefore likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point. The scheme is therefore considered to be contrary to the provisions of Wiltshire Core Strategy policies CP57 (Ensuring High Quality Design & Space Shaping), CP61 (Transport & Development) and CP64 (Demand Management).*
- 2. The development would result in the loss of a locally valued, local plan allocated public recreation space. No justification has been provided to justify the loss of this facility and no alternative recreation provision has been proposed to mitigate the loss of open space. The proposals are therefore considered to be contrary to the provisions of Saved Kennet Local Plan policy TR17; and Wiltshire Core Strategy policy CP52 (Green Infrastructure).*
- 3. Insufficient information has been submitted with the application to demonstrate that the proposals would not cause detrimental impact or removal of onsite trees and would not therefore result in a detrimental impact for the character of the area or North Wessex Downs Area of Outstanding Natural Beauty. The proposals are therefore considered to be contrary to Wiltshire Core Strategy policies CP51 (Landscape) and CP57 (Ensuring High Quality Design & Space Shaping).*

Application 18/0305/OUT is included in the history for this site because its access involves some of the car parking land to which this application relates.

5. The Proposal

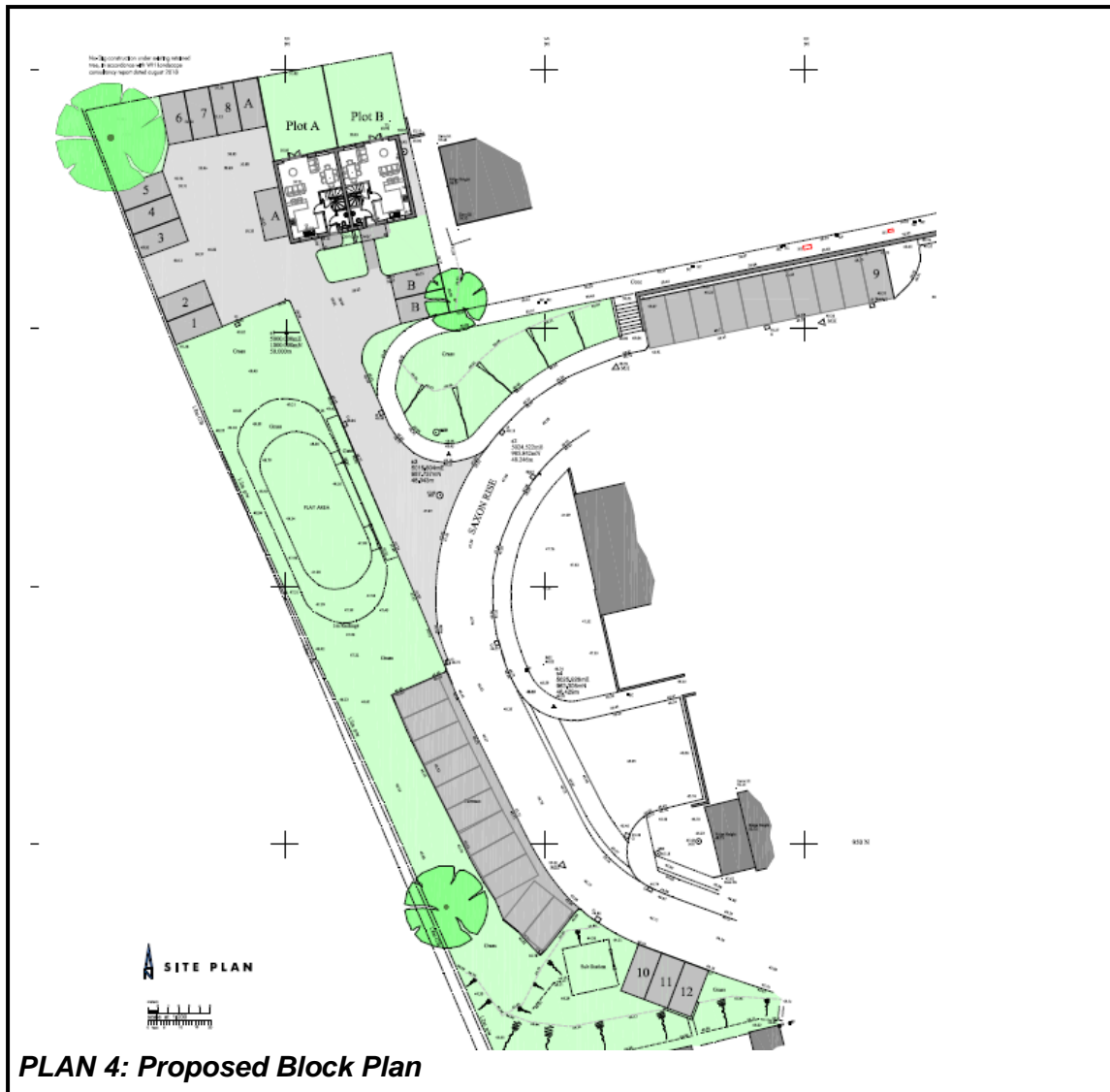
This is a full application proposing the demolition of the existing garage block and the redevelopment of the northern part of the site with a pair of semi-detached properties and their associated gardens. Each dwelling is to be two storeys in height and provide 3 bedrooms of accommodation. The dwellings are to be positioned adjacent to an existing pair of semi-detached properties known as 21 and 22 Saxon Rise.



The western half of the site is to be all be resurfaced (including the existing area of grass verge) to create an enlarged parking court to serve both this and the existing housing estate. The existing parking area to the front of the existing dwellings is also to be extended and an area further down Saxon Rise will be hard surfaced to provide an additional 3 parking spaces. The scheme therefore proposes a total of 16 parking spaces in these three areas (4 of which are to be provided for the new dwellings) as identified in the proposed Block Plan provided in PLAN 4 below.

It is confirmed that only 3 of the 6 current garages are in use/rented out to local residents and that the existing parking court provides 13 spaces (16 spaces in total). The three garage tenants are to be accommodated in other garage development nearby. The proposals therefore represent the overall loss of 1 parking space serving the wider housing estate.

During the course of the application, amended plans have been submitted to properly detail what parking provision is proposed. The application is accompanied by a Planning Statement.



6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Kennet Local Plan policies (Saved by Wiltshire Core Strategy) (KLP):

- TR17 - Existing Outdoor Sport and Recreation Site

Wiltshire Core Strategy (WCS):

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)
- CP26 (Tidworth Community Area)
- CP43 (Providing Affordable Housing)
- CP45 (Meeting Wiltshire's Housing Needs)
- CP50 (Biodiversity and Geodiversity)
- CP51 (Landscape)
- CP52 (Green Infrastructure)
- CP57 (Ensuring High Quality Design & Space Shaping)
- CP61 (Transport & Development)

- CP62 (Development Impacts on the Transport Network)
- CP64 (Demand Management)

Supplementary Planning Documents:

- Creating Places Design Guide SPG (April 2006)
- Achieving Sustainable Development SPG (April 2005)
- Collingbourne Ducis Village Design Statement (VDS)
- North Wessex Downs AONB Management Plan 2009-2014
- Affordable Housing SPG (Adopted September 2004) Affordable Housing SPG (Adopted September 2004)
- Wiltshire Open Spaces Study (draft)

7. Summary of consultation responses

Collingbourne Ducis Parish Council – Objection

- Do not object to housing in principle but taking the application as a whole, the Council has voted to object
- 22 residents of Saxon Rise & Riverbourne Road attended an Extraordinary Meeting of the Parish Council (EMPC) to voice their opinions which shows the strength of feeling
- One of the main reasons that the application to develop the garage area in this area of Saxon Rise was refused in January 2016 (15/11936/FUL) was related to parking.
- Parking is at a premium in the area and the wish of the council, would be - at minimum - to maintain the status quo in terms of number of spaces.
- While it is accepted that the application changes the configuration of parking spaces, there is opportunity to add a further two in a gap showing on the plans.
- It is understood that this 'gap' is related to a linked outline application (18/08305/OUT), wherein further development is proposed behind West Farm Close. Failure to mitigate the loss of parking through this application will contribute to additional parking on the public highway (Cadley Road).
- Loss of green space was another main reason for refusal of the previous plans (15/11936/FUL).
- It is alleged by Aster that the current green spaces around the play area host anti-social behavior and litter but this was strongly refuted by the attendees of the meeting.
- Linked to the number of parking spaces and loss of green space around the play area, it was felt that the new configuration would leave the play area isolated with an increased danger to children when crossing the road and walking through so many cars to get there.
- The likelihood of increased parking on the corners of Saxon Rise, on the grass verge and on Cadley Road itself all prejudice the safety of road users, both cars and pedestrians.
- The residents of Riverbourne Rise did not receive letters from Wiltshire Council informing them of the plans.
- Similarly, individuals who rented garages were not informed

Highways – No Objection subject to conditions

- I can confirm that based on my previous comments and the revised drawing showing the
- Proposed parking layout I am willing to raise no highway objection subject to the parking being conditioned as shown and maintained for the purpose of parking in perpetuity.

- The access is currently being used for the garages and the parking areas and the introduction of two houses will not lead to an increase in vehicle movements.
- the proposed parking for this application leaves a gap between the parking spaces for access to the residential property being considered under 18/08305/FUL
- I am satisfied that there is enough width to accommodate a vehicle and the dimensions are acceptable for the adjacent site.
- The vehicle access track and parking area used as access is private and the applicant will need to demonstrate that they have right of access over it to reach their parking area.
- There is an obvious potential for people to park in front of the adjacent residential access, however as the parking court is private there is no opportunity for any restrictions such as Double Yellow Lines or “no parking” signs to be officially erected by the Council therefore the onus will be with the applicant (with Aster’s agreement) to erect private signage.

Public Open Space– No Objections subject to S106 Contributions

- An offsite contribution to off-set the loss of recreational facilities protected under TR17 allocation would be calculated on the cost of replacing the m² being lost.
- I would consider the grassed areas to be casual POS which we cost at £34.87 per m² based on SPONS rates.
- The total area was 165m² of that 75m² is currently the parking spaces so clearly not POS; as such the agent’s calculation of 90m² POS being lost is what needs to be compensated.
- The obvious target site for such contributions would be improvement of the play area that also forms part of the TR17 allocation.
- Should this be agreed I would not hold an objection to these applications as this would be accepted as provision for the improvement or replacement of facilities nearby.

Wessex Water – No Objection subject to conditions

- The applicant has indicated that foul sewerage will be disposed of via the main sewer.
- Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding.
- The applicant has indicated in the current application that rainwater (also referred to as “surface water”) will be disposed of via soakaway.
- If your proposals require new connections to the public foul sewer and public water mains
- According to our records there are no recorded public sewers or water mains within the red line boundary of the development site.
- The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgoo valves must be used to prevent restricted toilet use during these prevailing conditions.
- One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.
- You have indicated that surface water will be disposed of via soakaway. The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

- The planning authority will need to be satisfied that soakaways will work and arrangements are clear for any shared obligations.
- Soakaways will be subject to Building Regulations
- The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection.
- There must be no surface water connections to the foul sewer network.

8. Publicity

This application was advertised through the use of site notices and letters of consultation.

Letters – 17 letters of objection received from the residents of 1, 4, 7, 10, 15, 18, 20, 21 Saxon Rise; and 22, 24 Riverbourne Road. The following comments made:

- I rent two of the six garages which Aster wish to knock down. Aster have not bothered to contact me to tell me off their application or intentions.
- Having a rented garage and know that there are non available within Saxon Rise, this will be taking away a facility already in use/being paid for.
- Parking in this area is already at breaking point with vehicles regularly being parked on kerbs and grass.
- Taking away parking spaces and adding houses is only going to compound the situation.
- The photos on the application are severely out of date and do not portray an accurate representation of the situation.
- Will the space lost for storing vehicles be compensated within the new build area?
- It will make it hard for emergency services to have access to Saxon Rise
- There has already been damage done to cars and vans due to tight spaces.
- I feel that Saxon Rise is at capacity for car parking and cannot take any more.
- Digging up the grass and taking away green spaces is not in keeping with the village location
- This would take away 10 car parking spaces
- There will be car parking on either side of the park which will make it unsafe for children.
- The parking facilities to the left of the garages were all secured/required by the planning permission granted for the Riverbourne development
- Removing the garage, and the further spaces 5 in front of the garages, results instantly in 20 vehicles with nowhere to park.
- Currently Riverbourne has 1.5 spaces allocated per house, but some residents have 4 cars per household as the children get older and cars are needed to get to and from work in rural locations and with a lack of public transport.
- Garages: prices have been increased recently in an attempt to become too expensive to rent and therefore meaning they are not required.
- Taking away some of the precious little green space we have will leave the growing number of children less safe areas to play
- The green area is used by the children as a football pitch and is not an antisocial site.
- The play area in question was created as a condition of the Riverbourne Development and now serves some 2 dozen children and grandchildren of residents who regularly use both the playground and the adjoining open areas.
- The preservation of green space is something mentioned in Wiltshire's Core Strategy and which within our community is already limited.

- With the village recreational ground being across a busy main road it is not possible for the children living here to visit frequently, therefore the green space we have, no matter how small currently, is of huge importance.
- The quality and value of this space has been played down somewhat within the developer's proposal in an endeavour to meet their own needs.
- This is the second time an application for houses has been put forward and got rejected thankfully
- Application 15/11936/FUL listed loss of on-site vehicle parking as a reason for Refusal.
- This is a second attempt to achieve planning permission in a totally unsuitable place with little or no regard to the impact on existing home owners and tenants.
- It is shoehorning in houses here there and everywhere with little thought to the future needs of an area or the quality of life here and now.
- Impact on schools. The local school is already full to maximum capacity and therefore bringing more families into the area will put even more strain on them
- No additional provision has been made to increase Doctors surgeries
- Fearful of the impact that this will have on nature, as the back of the existing garages and the proposed houses is on a conservation area.
- The garages form part of my garden wall, how will this be replaced?
- The location plan incorrectly indicates land owned by 4 Saxon Rise as belonging to the applicant.
- Having read the design document I am disappointed by the number of unsubstantiated claims relating to parking, play areas etc.
- Aster are making claims of land ownership where they are not the land owner and they are also using photos that are at least 3 years old
- The decision date for this application is far in the past
- Wouldn't it be nice if a developer could take the time and put in a little effort to work with a community for the benefit of all
- Aster tenants and residents at Riverbourne Road were not consulted despite us being affected by the planning

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of development

The site is situated within the defined built up area of the village of Collingbourne Ducis. WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area) define the village as a Large Village where policy CP2 (Delivery Strategy) confirms that '*Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages*'. Furthermore, policy CP26 (Tidworth Community Area) confirms that '*Over the plan period (2006 to 2026), approximately 1,920 new homes will be provided*' in the Tidworth Community Area (within which Collingbourne Ducis falls). Given that the proposals involve the erection of two additional dwellings within the defined extent of the settlement boundary for the village of Collingbourne Ducis, in line with the above policies, the proposed development is therefore considered to be acceptable in principle.

However the overall acceptability of the proposals is subject to the detail. It should also be noted that a previous scheme involving 4 dwellings on this plot was refused on 3 grounds in 2016 (under ref: 15/11936/FUL). These concerned parking provision; loss of public open space; and potential impact for trees. An assessment of these issues and whether they have been addressed by the current scheme therefore needs to be made. The scheme will also be dependent on how well the proposals integrate into their setting and respond to the character of the area/AONB; design; and neighbouring amenities. These matters will therefore be addressed in more detail below.

9.2 Character & Design:

The area, as is identified above, is predominantly residential in character and has been laid out in a 1970s style housing estate with a highway dominated layout and existing dwellings predominantly being laid out in blocks of terraces/semi-detached properties with small back gardens. The existing dwellings are of uniform design and generally extend in terraces of four, although on this particular part of the estate there are a small cluster of semi-detached properties. A fairly modern extension to this estate has recently occurred however creating the development known as Riverbourne Road. These houses have a different design and character but flow from the original turning head off the original Saxon Rise development.

The application site is situated within the original Saxon Rise development. It currently provides a detached garage block of 6 garages and areas of surface parking around a children's equipped play park. The redevelopment of the site with a pair of two semi-detached properties would be appropriate and in keeping with the strong, uniform character of the existing dwellings in this part of the estate and would therefore effectively integrate into the character of the street scene.

The design of the dwellings has been kept simple. No architectural details, such as chimneys and traditional porch features (as found on the properties in the more modern Riverbourne Road development), have been incorporated into the design and instead the design follows the linear, more simplistic design and proportion of the dwellings in the older part of the estate in which this site sits. Whilst the resultant development will not be particularly exciting in design terms, it is considered that it will be appropriate on this site and would reflect the existing character and design of the other dwellings in the immediate vicinity. The proposals are therefore considered to be acceptable in terms of their implications for the character of the area and will have limited implications for the character of the wider AONB.

9.3 Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this therefore needs to be carefully considered accordingly.

The site is situated on the edge of the existing residential estate. The orientation and position of the proposed dwellings in relation to the existing residential properties mean that it is unlikely to result in any particular issue for neighbouring residents in terms of overlooking or loss of light.

The proposed pair of semi-detached properties are to be situated to the west of the neighbouring semi-detached properties known as 21 and 22 Saxon Rise. The front and rear elevations of the new dwellings are to roughly be in line with the front and rear elevations of the existing properties and no windows are proposed on the flank wall of the development. The site is otherwise off set from the properties that exist opposite the site and so no direct line of sight will be created. In any event the intervening area of parking and the main access road through the estate, will provide sufficient separation between the proposed and existing dwellings to ensure minimal impact in this regard.

The proposed gardens for the dwellings are fairly small but are also considered to accord with the existing level of provision for each dwelling found elsewhere in this estate. They are therefore considered to be sufficient for the needs of the future occupants.

9.4 Highway Safety:

The proposals involve 2 x 3 bed dwellings which therefore require a provision of 4 new parking spaces to serve the development. These have been identified on the plans immediately outside of the properties to the front and side. This arrangement is considered to be acceptable and therefore satisfies the parking requirements for the two new dwellings.

The previous scheme, albeit proposing 4 new dwellings, was however refused because replacement parking provision accounting for the loss of 6 garages and a large area of surface parking area serving the existing estate could not be adequately reprovided. This current scheme however has halved the amount of development proposed and has therefore reduced the amount of parking provision that is to be redeveloped for other purposes. It is confirmed that 3 of the 6 garages are currently unoccupied and the remaining parking court and other areas of hardstanding have been extended/rearranged or created to provide a total of 12 spaces to serve existing residents. It is also confirmed that the 3 garage tenants will be offered garaging elsewhere but nearby. Overall the proposals therefore represent a loss of 1 parking space serving the estate.

Much local representation has been received that suggests that there is currently a shortfall of parking and that *any* loss of parking provision is unacceptable. However the extension to Saxon Rise (Riverbourne Road development) was granted based on the parking standards of the time (1.5 spaces per dwelling) and the current proposals identify enough parking to serve the new dwellings that meets the current standards (2 spaces per 3 bedroom dwelling). It is not reasonable to expect the developer of this site to provide for a possible parking deficiency on an adjacent scheme that was in any event previously of an acceptable standard.

In addition, the current proposals represent a significant improvement to the previously refused scheme which would have resulted in an unworkable/insufficient parking layout and thus a net loss of 17 car parking spaces. The highway authority has also confirmed that a net loss of 1 parking space is acceptable in this instance and would no longer justify a robust reason for refusal. No highway objection has therefore been received and it is considered that the previous reason for refusal has been addressed.

It should also be noted that the proposed site/parking layout has left a gap to enable access to a further development off site that is being considered for land north of 7 West Farm Close (under ref: 18/08304/OUT). Whilst this application is being considered separately and has not yet been determined, the highway authority has

considered both applications in tandem and has confirmed that both applications can proceed without implications for the other in highway terms.

9.5 Public Open Space:

A further reason for refusal for the previous scheme involved the loss of public open space that would have resulted from the redeveloped parking court and loss of green verges necessary to provide replacement parking provision.

As is identified above, part of the site is within an allocated area of outdoor recreation and public open space. The applicant previously argued that the allocation is incorrect as it should only extend around the existing equipped children's play area (which is outside of the application site) rather than include the grassed areas to the north and south of this facility (and thus part of this site). However the extent of the public open space is identified in Saved KLP policy TR17. This is an adopted policy that has been saved by the adopted WCS. The allocation is clearly identified on the adopted proposals plan and includes the children's play area as well as the land both to the north and south of the play area (to the extent that is identified on PLAN 1 above). The policy also makes it clear that the allocated areas are required for both children and adult open space and that '*the overall recreational value of the open space available to local residents must be maintained*'.

WCS policy CP52 (Green Infrastructure) confirms that '*Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained*'. Saved KLP policy TR17 further confirms that:

Development of existing outdoor sport and recreational space for other uses within the Limits of Development of towns and villages, as identified on the Inset Maps, will only be permitted where it can be demonstrated that:-

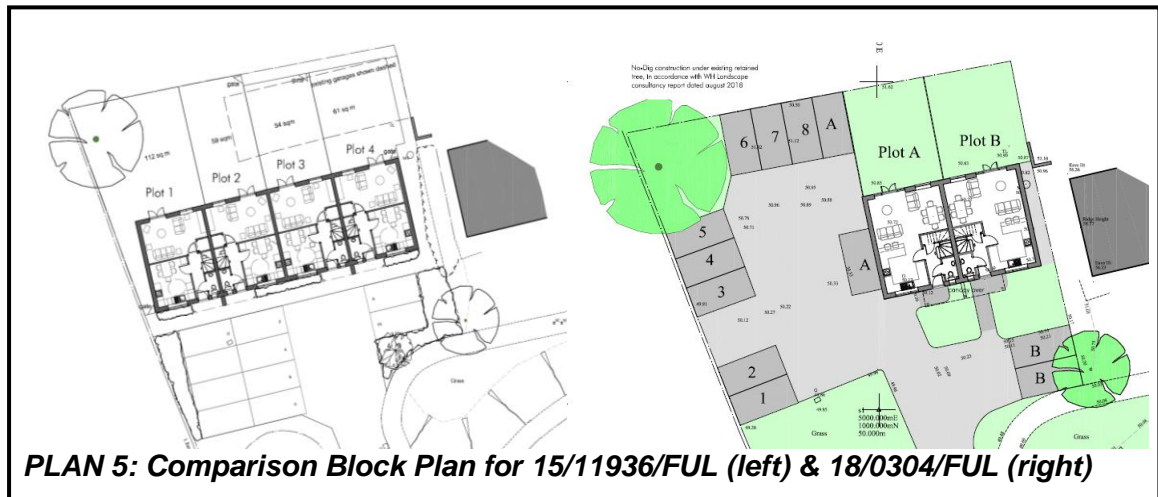
- a) The development of a small part of the existing facility provides improvements to the remaining facilities and provides for their greater use; or*
- b) A suitable alternative site, of comparable size and facilities, is provided in an acceptable location; or*
- c) The proposal is for an alternative recreational or community use of benefit to local residents. In this case the overall recreational value of the open space available to local residents must be maintained.*

As is identified above, the current scheme has significantly reduced the scope of development proposed and thus the extent that this area of POS is affected is also reduced. It does however still result in the loss of approximately 90 square metres of the existing allocation. The Council's Public Open Space Team has confirmed that subject to an off site contribution for the improvement of the adjacent equipped children's play area being secured; they would raise no objection to the proposals. It is considered that this would represent a significant community benefit as the existing grassed verge area that is concerned is currently over hung by cars and does not represent a very attractive or safe form of public open space provision. Therefore improvements to the more formal area of open space are encouraged. This recommendation is therefore made on the basis that a Section 106 agreement (S106) is completed to secure these contributions before the decision is issued.

9.6 Trees:

Previously, the final reason for refusal was based on the fact that an attractive tree that is situated in the north western corner of the existing parking court would be affected by the proposed development and may ultimately be damaged resulting in implications

for this soft edge of the wider estate and for the wider AONB. However, as is shown by the comparison plans below (PLAN 5), the scheme has significantly altered since the previously refused scheme, not least because the number of dwellings proposed has been reduced. The tree in question is now to be maintained within the proposed parking court and is adequately considered in both the parking layout and proposed surface of this area. It is therefore considered that this matter has also been adequately addressed, especially given that this tree is not subject to any formal protection by Tree Preservation Order (TPO).



PLAN 5: Comparison Block Plan for 15/11936/FUL (left) & 18/0304/FUL (right)

9.7 S106/CIL:

As the proposals involve a net gain of 2 dwellings in the area, WCS policy CP43 (Providing Affordable Housing) is not triggered and no affordable housing is required as part of the scheme. However as is addressed above, the scheme directly results in the loss of public open space provision and therefore this recommendation is made subject to a S106 being completed to secure contributions towards the improvement of the adjacent children's play area (equating to a contribution of £3,138.30).

In addition, local concern has been raised about the implications of the development for local schools and doctor's surgeries etc. However the scheme only involves the provision of 2 dwellings which is not considered to be significant or a level to which contributions towards such off site infrastructure could reasonably be secured, in line with WCS policy CP3 (Infrastructure Requirements) and the government guidance set out in the NPPF which confirms that such infrastructure can only be secured from proposals involving 10 dwellings or more.

However, as of May 2015 the Council adopted its Community Infrastructure Levy (CIL) which applies and is sought from any additional dwellings in the area. A note is therefore attached to the recommendation to bring this to the applicant's attention accordingly.

10. CONCLUSION:

It is considered that significant alterations have now been made to the scheme which has resulted in a development that makes an effective use of underused land whilst maintaining the character and appearance of the estate; is acceptable in terms of highway safety and residential amenities; and will secure improvements to the off site children's play area. It is therefore considered that the proposals have addressed the previous reasons for refusal for this site and are recommended for permission accordingly.

10. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions and the completion of a S106 legal agreement to secure off site public open space contributions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Application Form & Certificate

Ref: Location_1775 planning.dwg – Location Plan. Received – 30.08.2018

Ref: Location Plan. Received - 15.01.2019

Ref: P1_1775 planning A.dwg – Proposed Scheme. Received – 16.10.2018

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

3. No development above slab level shall continue 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: In the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five

years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

6. No dwelling hereby approved shall be first occupied until the parking spaces together with the turning provision and access thereto, have been provided in accordance with the approved plans. These areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

8. No development shall commence on site until a scheme for the discharge of foul drainage from the site including details of how it will be implemented to ensure it results in a sealed system, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul drainage system has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained and that no groundwater enters the foul water drainage system within the site..

9. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

11. INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and

Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

12. INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

13. INFORMATIVE TO APPLICANT:

The applicant's attention is drawn to the comments received from Wessex Water with regard this application in their letter dated 17.09.2018.