

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

Date of Meeting	14 th November 2019
Application Number	19/04863/FUL
Site Address	Land at Ringwood Avenue, Amesbury, SP4 7PZ
Proposal	Erection of 19 affordable dwellings, creation of access, landscaping, parking and associated works.
Applicant	Blue Leaf Projects
Town/Parish Council	AMESBURY
Electoral Division	Amesbury East – Cllr Yuill
Grid Ref	416219 141084
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 Yuill, for the following reasons:

- Scale of development;
- Visual impact on surrounding area;
- Relationship to adjoining properties;
- Environmental or highway impact; and
- Car Parking

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 should be approved.

2. Report Summary

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

- Principle
- Site History
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- Archaeology
- Drainage/Flooding
- S106/CIL

The application has generated an Objection from Amesbury Town Council; and 32 letters of objection from third parties.

3. Site Description

The 0.53 hectare site is situated within the defined parameters of the Market Town of Amesbury, as determined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). It is surrounded on all sides by a residential housing estate that was built in the 1950s by the MoD. The estate consists of a mix of detached, semi-detached and terraced development and is predominantly 2 storeys in form. The existing estate is, typical of its age; fairly highway led with wide grass verges and areas of green interspersed throughout the development and between plots.

The site currently comprises an area of undeveloped grassland which is used informally for recreational purposes. The site is enclosed by residential properties which back on to the site whilst fronting onto Lyndhurst Road on three boundaries. Residential garage blocks accessed off Ringwood Avenue define the eastern boundary. There is an existing vehicular access into the site, shared with the garage blocks, located in the south-eastern corner of the site.

There is also a pedestrian access onto Ringwood Avenue at the north-eastern corner of the site. Many of the surrounding properties benefit from informal rear pedestrian accesses into the land but the site history confirms that previous claims that the land is a Village Green or has public right of access across it have not been upheld or successful and the land therefore remains in private ownership.

There are level changes across the site and the land falls in a westerly direction – the vehicular access being some 3 metres higher than the western portion of the site. The ground also continues to fall away within the rear gardens of properties in Lyndhurst Road to the west. This makes this a particularly sensitive part of the site.

The site is also within 0.5 kilometres of the River Avon Special Area for Conservation (SAC) and Site of Special Scientific interest (SSSI) and within 3 kilometres of the Salisbury Plain Special Protection Area (SPA) and within 7 kilometres of the Porton Down SPA.

Planning History

Application Ref	Proposal	Decision
S/2009/0843	Residential development comprising 20x2 and 3 bed detached, semi-detached and terrace dwellings with associated access, garaging and landscaping.	Refused – 07.09.2009. Appeal Dismissed – 01.07.2010
S/2006/2611	Residential development comprising 20 two and three bed dwellings with related access, garaging and landscaping.	Refused – 05.10.2007 Appeal Dismissed – 13.06.2008
S/2001/2290	Erection of 16 houses with estate road and alteration to access.	Refused – 04.03.2002. Appeal Dismissed – 05.08.2002
S/2001/1887	Erection of 16 houses with estate road and alteration to access.	Refused – 19.11.2001

4. The Proposal

This is a full application proposing the redevelopment of the site with 19 dwellings and their associated amenity/parking provision, which is to be served from Ringwood Avenue. The submitted plans confirm that the dwellings will be of a mix of brick, render and brick and render design. The houses are to have hipped roofs and are to be served off a new cul de sac road linking to the existing estate from the existing vehicular access point onto Ringwood Avenue. All properties will be semi-detached or detached and predominantly of 2 storey scale, with some bungalow development proposed on the western edge (lowest part) of the site.



PLAN A: Proposed Site Plan

It is confirmed that 100% of the units are to be provided as affordable rented tenure consisting of 4x2 bed bungalows; 6x2 bed houses; and 9x3 bed houses. Each property is to benefit from at least 10 metre long gardens and a total of 38 car parking spaces (2 per dwelling) and 5 additional visitor spaces have been provided across the site.

During the course of the application a number of amended plans have been received in order to address some of the comments raised by consultees and third parties. These have made tweaks to the layout (but not the number, type of dwellings or number of parking spaces proposed across the site). They have also altered the pedestrian access to the site (with the removal of one of the previously proposed footpath links in the north eastern corner); and the main access into the site off Ringwood Avenue, to enable a better relationship between both vehicles and pedestrians at this point. Some of the design features have also been changed on the dwellings with windows altered and chimneys added to the scheme. An air quality assessment has also been submitted.



PLAN B: Cross Sections Through The Site

During the course of the application it was also established that the red line identifying the application site was slightly wrong as it incorrectly included the western block of garages which are in third party ownership. While the area in front/in between the two garage blocks is still within the redline, the two garage blocks are now both excluded from the site. As the red line was reduced (rather than increased) it was considered that this error has not prejudiced anybody and a reconsultation was undertaken.

The application is accompanied by a Planning Statement; a Design & Access Statement; a Transport Statement; a Phase I Ecological Survey; a Reptile Survey; and Drainage Infiltration & Geotechnical Details.

5. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):

D8 – Public Art

R2 – Public Open Space Provision

PS5 – Education Facilities

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP4 (Amesbury Community Area)

CP43 (Providing Affordable Housing)

CP45 (Meeting Wiltshire's Housing Needs)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring High Quality Design & Space Shaping)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP67 (Flood Risk)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Wiltshire Local Transport Plan – Car Parking Strategy

Waste Storage and Collection: Guidance for Developer

Affordable Housing SPG (Adopted September 2004)

Wiltshire Planning Obligations Supplementary Planning Document (SPD)

6. Summary of consultation responses

Amesbury Town Council – Objection

- Overlooking issues into current back gardens
- Parking for visitors issue due to narrow road and insufficient spaces allocated
- Overdevelopment of the site
- Health and safety issues.
- No footpath at entrance/exit to Ringwood Avenue
- Restricted views at entrance/exit.
- The alterations to the original plan have resulted in the road being narrowed at a critical bend, creating visibility issues on the corner of the exit/entrance by house no. 19.

Housing – No Objection

- I have had some discussions with Sovereign Housing Association in relation to development.
- I confirm that I accept their bed size mix, i.e. 4 x 2 bed bungalows; 6 x 2 bed houses; and 9 x 3 bed houses

Highways – No Objection

- The revised layout is now generally acceptable to me.
- You will recall the concern regarding the restricted visibility across the right angled bend in the vicinity of Plot 19.
- The applicants response to this included the following which is acceptable to me:
- *Manual for Streets design guidance identifies reductions in forward visibility can be used to calm driving speeds, citing that 'There will be situations where it is desirable to reduce forward visibility to control traffic speed' and that 'carriageways with tight, enclosed corners makes a better junctions than cutback corners with a sweeping curve. This might involve bringing buildings forward to the corner.' In such circumstance's drivers negotiate carriageway bends with a greater caution. The relationship between forward visibility and vehicle speeds is detailed in section Figure 7.16 of MfS.*

Urban Designer – No Objection

- The 'amended plans' have satisfactorily addressed each of my reasons for objection in my previous response
- Happy that boundaries now changed to provide 1.8m overall height brick plinth/pier wall with fence panels boundaries, for all public areas across the site which addresses my concern in this regard
- There is a discrepancy in the 'Indicative street scenes' which still shows boundary fences where brick plinth pier/fence walls have been incorporated through the amendments
- North path connection/continuation into development has been deleted and appropriately secured off with 1.8m high brick wall from plot 11 rear garden.
- House 19 no longer has any windows on its south side elevation satisfactorily addressing the matter of overlooking and privacy.

- The applicant has appropriately reduced the roof pitch of all houses from 35 to 30 degrees.

Crime Prevention Design Advisor – No Objection

- The NPPF defines three fundamental objectives to achieving a sustainable development: economic, social and environmental (NPPF, page 5, para 8).
- Crime has a direct impact on all three objectives.
- This has been reinforced throughout the NPPF where the government makes it clear that *'planning policies and decisions should aim to achieve healthy, inclusive and safe places which....are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'*.
- Furthermore, section 8, para 95 states *'Planning policies and decisions should promote public safety and take into account wider security and defenceThis includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security'*.
- Similarly the NPPF Para 124, states *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*
- paragraph 127 (f) states that *'planning policies and decisions should aim to ensure that developments create places that are safe, inclusive and accessible... where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*
- This is reiterated in the accompanying NPPG where it states *'planning should address crime prevention – designing out crime and designing in community safety should be central to the planning and delivery of new development'*.
- WCS policy CP57 (Ensuring High Quality Design & Space Shaping) also states *'A high standard of design is required in all new developments.... (viii) - Incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area'*.
- With the exception of the footpath, I find the layout to be good in terms of crime prevention, having parking either in curtilage or immediately in the view of the associated home. The boundary treatments are good, and all plots are shown gated. All homes have been provided with defensible space.
- But I am pleased to see the footpath access has now been removed by the amended plans. I have no further comments to make

Archaeology – Support subject to conditions

- The proposed development area was subject to evaluation in 2001.
- At that time, Roman pottery and a large ditch thought to be of Bronze Age date were found in the trial trenches.
- There is demonstrable potential for further archaeological features, deposits and artefacts to be present on the site;
- Meanwhile, the wider area around the proposed development includes later prehistoric and Romano-British settlement, as well as burials.
- For these reasons we recommend that the full archaeological condition be attached to any permission that is granted.

Education – No Objection subject to S106 contributions

- Standard 30% AH discount applied to all 19 units = a reduction by 6 units. 13 units are therefore considered for assessment
- the development generates a need for 4 additional primary (nominally Amesbury CofE Primary); and 3 additional secondary school (nominally Stonehenge School) places

- No early year's contribution is required due to the size of the development.
- There is currently no spare capacity at nominal or nearby primary schools to accommodate the needs of this development
- The three existing town schools cannot be expanded further on their existing sites.
- Land for a new primary school is secured against phase 3 of the Kings Gate development, and a new primary school is currently being built. Contributions towards its funding are therefore being sought from applications coming forward in the Amesbury town area.
- A developer contribution of £75,032 (subject to indexation) is therefore required from this development towards providing the 4 primary places needed by this development, at the new Amesbury primary school.
- There is one other pooled project contributing towards this school.
- There are currently no spare spaces at Stonehenge Secondary school to accommodate the needs of this development.
- An expansion project providing additional places to meet demand generated by new housing, is currently underway at Stonehenge School.
- A developer contribution of £68,820 (subject to indexation) is therefore required from this development towards providing the 3 secondary places required by this development at Stonehenge School.
- There are 3 other pooled projects contributing towards this school.
- I note however, that the applicant's revised Planning Statement continues to make the following inaccurate assertion regarding education infrastructure:
- "Given Wiltshire is a CIL authority it is not considered that any site specific contributions are required to make this proposal acceptable in planning terms, thereby meeting the required tests of any s106 contributions."
- CIL does not apply to the education contributions required here and as detailed in our consultation response

Public Open Space – No Objection subject to S106 contributions

- As there is no on-site provision there would be a requirement from this development of 19 units for an off-site contribution of £52,295.10 to upgrade facilities at Harvard Park.
- Saved policy R2 does not appear to make an exception for affordable housing, however were the contributions to impact on the viability of the development we would consider the evidence

Ecology – No Objection subject to conditions and Natural England's agreement of an Appropriate Assessment

- The application site lies within the catchment of the River Avon Special Area of Conservation (SAC).
- The River Avon SAC/River Avon System Site of Special Scientific Interest (SSSI) is located approximately 485m to the southwest of the application site.
- The application site is located approximately 2.68km south of the Salisbury Plain Special Protection Area (SPA) and SAC at its nearest point.
- Porton Down SPA is situated approximately 6.94km southeast of the application site at its closest point.
- Both of the submitted ecology reports are based on previous plans of the site and proposals to build 21 houses rather than 19 but this doesn't constitute a major issue.
- The site has *Low potential for foraging and commuting bats*
- The site has a *Low – Moderate potential for reptiles*.

- *The main habitats on site can be considered to be of value only at the local level (i.e. isolated improved grassland, scrub and scattered trees).'*
- Although the presence of trees is identified in the assessment the report does not consider or discuss the loss of, or impact upon these trees.
- The impacts on the boundary trees is not assessed, or even discussed, within the assessment and the application has not been accompanied by a Tree Removals Plan clearly depicting which, if any, of the trees are planned for removal.
- Furthermore, the application has not been supported by a Tree Protection Plan showing intended root protection areas (RPAs) either. Therefore, at present it is very unclear whether the trees are planned for removal or retention, and as such this will need to be addressed by means of a planning condition.
- A number of ecological mitigation and enhancement measures have been recommended within the assessment.
- This mitigation measures identified are welcomed, nonetheless, the documents and plans submitted in support of the application, including the Site Layout drawing, do not provide details of the location of proposed lighting columns, specification and details of luminaires, and details of any mitigation to be implemented to reduce light spill such as louvres, cowls and back shields.
- However, given the relatively low level of impact this application will likely have on bats, I am satisfied that details with respect of the proposed external artificial lighting can be secured by means of the planning condition.
- The assessment recommends planting of native fruiting trees which is welcomed but again these do not appear on the submitted plans but these can also be secured by condition
- The proposed enhancement measures for hedgehogs, birds and bats are welcomed. But again none of the submitted plans, including the Site Layout drawing, incorporate the ecological enhancement features within the scheme layout and built design. again these matters will need to be conditioned
- a reptile survey was undertaken and the results are presented in the *Reptile Presence/Likely Absence Survey* (Ecosupport, 24th June 2019) which accompanies the application.
- however these surveys were undertaken at a sub optimal time of year and at sub optimal times of the day (given that most reptiles are nocturnal).The survey method is not in line with best practice survey guidelines
- The report does not provide a rationale for the sub-optimal survey timings, or acknowledgement or discussion regarding whether this could have affected the results and interpretation of results within
- The Council cannot have confidence in the interpretation of survey results presented in the report.
- Taking into account the sub-optimal survey method and concerns regarding the reliability of the survey results, coupled with the fact that the PEA identified suitable reptile habitat and the potential risk, albeit low, for individuals to be killed and/or injuring during the proposed development works, a reptile sensitive vegetation/site clearance method should be implemented. This should be secured by condition
- I raise no objection in principle to the development proposals but advise that the application automatically triggers the requirement for appropriate assessment (AA) under the Habitats Regulations 2017 because the application site lies within the catchment of the River Avon SAC, and lies within 6.4km of the Salisbury Plain SPA.

- The proximity of the application site to these Natura 2000 sites necessitates AA as any new residential dwellings within the catchment of the River Avon SAC could result in additional phosphate loading of the river thereby affecting the integrity of the SAC.
- In terms of the Salisbury Plain SPA, it has been identified that recreational pressure upon the SPA can adversely affect its qualifying species, notably breeding Stone-curlew, and that the majority of visitors originate from a 6.4km buffer around the SPA.
- The AA will need to be approved by Natural England (NE) before the application can be lawfully permitted.

Public Protection – No Objection subject to conditions

- Air quality pressures in Wiltshire necessitate that a development proposal such as this, should be accompanied by an Air Quality Assessment (AQA) which looks at the potential impacts of all vehicles associated with the use.
- Alternatively, it may be demonstrated through a screening assessment that an AQA is not required.
- This is however required upfront before the application can be determined.
- Otherwise no objection is made to the scheme

Drainage – No Objections subject to conditions

- The additional clarification provided by the applicant is all noted and has resolved my objections to the proposals.
- Informational – the road will not be able to be adopted for permeable sub-base construction.
- Wiltshire Council custom and practice is to seek FRA for all major developments, even if it's a one page report noting that there is no risk.
- Following further analysis of this application due to recent resubmissions the drainage team has noted some missing information within the application and as such would suggest a condition be imposed on the permission.
- Whilst the drainage team still support the application the additional condition will ensure the site can be drained adequately in line with how the drainage strategy intends.

Waste – No Objection subject to S106 contributions

- The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit.
- A total of £1,729 is required for this purpose which should be secured by S106
- This contribution is directly related to the development and is specifically related to the scale of the development, as it is based upon the number of residential units on site.
- Policy support for seeking developer contributions towards the provision of waste management facilities is provided by WCS policy CP3 (Infrastructure Requirements), Wiltshire and Swindon Waste Core Strategy and the Wiltshire Planning Obligations Supplementary Planning Document,
- As a site-specific infrastructure requirement, the provision is sought through section 106 contributions rather than through the Community Infrastructure Levy (CIL).
- To meet the requirements of the Written Ministerial Statement on small-scale developers, contributions are not sought for developments which include 10 residential units or fewer.

- Wiltshire Council retains control of procuring containers that are issued to occupiers of residential properties. The reasons for this are to ensure that the containers are compatible with lifting equipment and that branding – which is essential for ensuring that residents know what materials are designated for each container – meets the required standard.
- WCS policy CP3 (Infrastructure Requirements) states that it is “important that all new development proposals build safeguards into schemes to protect and enhance appropriate services and facilities, including...waste collection and management services”.
- These safeguards can be achieved by allowing suitable space for waste storage and collection operations in accordance with the council’s draft waste SPD at the outset of the application process.
- I can see this application has vehicle tracking that is good.
- The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.
- The required arrangements are set out in section 5.8 of the Draft SPD
- Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property

Public Art – No Comment

- This is a small site and the Arts Service would not expect the integration of public art on this occasion

Wessex Water – Comments

- If the proposals require new connections to the public foul sewer and public water mains, the applicant will need to apply
- Wessex Water will not permit the build over of public shared sewers by multiple new properties.
- the contractor must undertake private survey to determine the precise location of the existing
- public foul sewer which crosses the site.
- Easements are usually 3 metres either side of public sewers,
- Subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. We understand that a section of the public foul sewer will be diverted to achieve 3 metres easement either side of the pipe, this is subject to agreement with our Development Engineers.

7. Publicity

This application was advertised through the use of site notices; an advert in the local press; and letters of consultation. The application has also been subject to amended plans which have also been renotified.

Letters – 32 letters of objection received from the residents of 22, 24, 26, 28, 30, 31, 32, 36, 38, 45, 48, 50, 52, 53, 57, 58, 62, 64, 66, 68, 72 & 74 (x4) Lyndhurst Road; 12 & 15 Ringwood Avenue; 1 Chambers Avenue; and 42 Beaulieu Road; The following comments made:

- No policy for this and no need for this number of houses.
- The Kings Gate development has ample space for affordable rented and shared ownership opportunities without the need to fill in all pieces of land
- Already lots of dwellings that are for sale in area and have been for some time.
- Amesbury is fast becoming a developers paradise with every plot of land being bought and developed, this has to stop

- Contrary to H16
- The Government has stated that infill should be on 'Brown Field Sites' and not on 'Green Field sites'
- The proposed amount of dwellings would result in over-crowding
- 19 houses on a very restricted site with poor access, will be detrimental to the area and have little contribution
- This site has had 4 previous planning applications denied on grounds of overcrowding, inappropriate site access, and many more reasons which are still relevant to this day.
- There is virtually no land left for our children to enjoy.
- Playing fields, allotments and farm land are just being taken by new builds
- We opt to live in the country but our countryside is being turned into mini cities.
- The proposed site has been a safe haven for children and families for 60+ years to play safely and away from the roads,
- since the heras fencing has been erected preventing access to this site there have been several near misses with children and vehicles
- The NPPF says housing is needed but it also says consideration should be given to protection and provision of open space.
- It has been scientifically proven that green areas increase the sense of wellbeing & quality of life. A concrete jungle causes nothing but stress & misery
- This is a windfall site and therefore not required for "Affordable Housing".
- Pickets Piece, Andover (900 Houses). Long Hedge Village, Salisbury (675 Houses), development in Wilton. All these sites have allocations for Affordable housing and are less than 10 miles from Amesbury. There is no need for more
- Developments which segregate social and private housing have higher rates of negative feelings and division
- concerned about the impact of troubled families moving into this area
- Object to the affordable housing units being rent tenures. Residents are likely to change quite frequently and such properties are never maintained and cared for
- the proposed look bears no resemblance to the existing development
- It would be a total eyesore
- contrary to Planning Policy Statement 3 (Nov 06)
- Brick/Render is not used anywhere else and brick colour doesn't match existing
- This development is more in keeping with an inner city site.
- Houses are substantially taller and to the south causing considerable loss of light
- Tree planting to prevent overlooking will cause loss of light
- Concerned about loss of privacy into my rear garden, bedrooms, living rooms
- I have a 4ft fence at the end of my garden to maintain light.
- Putting a 1.8m fence followed by an 8-10m 2 story property will reduce natural light and cause loss of privacy.
- Although bungalows are proposed at this western end, the 2 storey houses behind will still be able to see directly into my garden.
- Inspector stated in his report "I consider that the potential for material overlooking would exist at all the proposed houses which would back onto the existing dwellings" and "the living conditions of the neighbouring occupiers would be materially compromised due to the significant overlooking and diminished privacy as a consequence of this proposed development."
- Due to level changes, the top of the proposed 1.8 m fence would be 3.64 m above the ground level of my residence
- Given the gradient of the site the four bungalows would still be visible above the fence and obscure even more daylight.
- My boundary is an open chain link fence to maximise sun for my vegetables
- Existing residents will soon be boxed in, with gardens overlooked

- The view will change from grassland to un/sheltered bins
- the housing layout is disgraceful and will overlook existing houses
- uncomfortably close to existing residents
- Concerned about traffic flow along Ringwood Ave
- The entrance/exit to the site comes onto Ringwood Ave where the road is quite narrow and there is a sharp bend,
- currently two cars going opposite directions cannot navigate the bend at the same time
- This proposal will add a potential further 43+ vehicles to the mix.
- There is no footpath on this part of the road and it is used by school children, additional traffic will only increase the potential for a tragic accident.
- Not suitable for emergency vehicles
- I doubt if the refuse vehicle can get around the first 'tight' bend
- The transport plan is not adequate and didn't monitor the surrounding roads
- The desktop survey did not take into account those that start work at 0800hrs.
- People park on the side of road and navigation is difficult.
- A virtual footpath by the garages is unacceptable
- The area where they claim that vehicles will turn around in is not big enough.
- When people can't park on the proposed development, they will then spill over onto the existing estate roads which are already bad for parking.
- The footpath in NE corner would not be suitable for children or after dark.
- The visitor spaces are poorly located and won't be used
- This new build project will bring an unprecedented number of large commercial vehicles onto an estate where the current roadways barely cope at present.
- How and where are the additional utilities coming from?
- The access plans have incorporated Mrs Surgeys private land at the left hand side, at the end of her garden, This makes the entrance even less accessible
- The revision to the footpath from Ringwood Avenue now requires pedestrians to walk over the vehicle movement area between the garages
- The present green areas absorb and act as a soak a way for rain water, but even then, after very heavy rain the area does become waterlogged
- Building on this green space will cause the rain water to run off onto the properties on Lyndhurst Road and cause flooding.
- Despite drainage works that have been undertaken, the drains still flood
- The existing drains are a health hazard giving off noxious smells, and without drastic improvement appears incapable of taking more sewerage
- The location of waste collection bins next to the boundary of the surrounding properties, will create disturbance and a source of smells.
- The existing sewerage system is old and has had next to no maintenance
- I would reject any sewerage pipe passing over my property
- The scheme involves about 80% hard surfaces, where is all the rain going to go?
- No Roadside drainage proposed
- The soakaway for bungalow on plot 2 is very close to the boundary fence and given the disparity in levels, concerned that the water will flow into my garden
- Plans incorrectly show route of sewers
- the effluent from bungalows on plot 3 and 4 appear to need to flow uphill
- Noise pollution and traffic during construction.
- Increase the light pollution on the estate
- I have seen no 'lighting' plan except just ONE Lamp on the north east
- We will lose what little wildlife there is in the area.
- We might not have Newt, but the field is full of wildlife and fauna
- It supports Shrews, Field mice, Harvest Mice, Rats, birds

- They all feed on the field, so, where will they all go to feed with this lost area?
- There have been archaeological burials found in the vicinity. Has the correct archaeological reports been conducted?
- Amesbury town medical and educational services are already struggling to cope with the increase of population from all the other developments around the town
- If you take into consideration the military building work taking place in surrounding areas for returning troops and families, the town simply cannot cope
- Lack of supporting documentation confirms that this is ill thought out
- Residents were told that objecting was a waste of time because it is for social housing.
- The site notice was not put on a thoroughfare through the estate
- Garages do not currently have light and want to insert windows. These windows will look directly into the proposed gardens of plot 11
- How will you tie the boundary walls to the garages without the owner's consent?
- The development would cause me to lose the shorter route to my garage
- I have enjoyed freedom of access over this site unchallenged via my garden gate which was put in place as an entry and exit to the rear of my property in the 50s
- My property has been extended and there is no access from front to back without having to go through the house. This development will block off a fire escape.
- Neighbour's back steps extend into the field
- Plans appear to block access to an electricity substation
- Use of the garages will be affected/blocked by more vehicles/changes to the access
- When we purchased our property from the MOD, we were informed by our solicitor that there was a covenant on this field.
- The field is "in private ownership" but since the MOD relinquished the ownership there has been no maintenance of the field. For the past 30 year we have paid to maintain the field
- It is getting increasingly more difficult to exercise one's dog. As I am also disabled the loss of this facility would be an extra burden to me.
- I feel that my Human Rights are being denied in accordance with Article 8 of The Human Rights Act 1998
- I am concerned about the impact on property prices.
- Anomalies between plans in supporting documents and proposed plans
- The air ambulance has used this grassland to land on in an emergency
- Amesbury Town Council have objected so why are we debating this as they should have the control of their land

Salisbury & Wilton Swifts – No Objection subject to conditions

- Concerned with the lack of provision for wildlife in the built environment, in particular for swifts.
- Swifts are now an 'amber-listed' species on the UK list of Birds of Conservation Concern having declined by 51% between 1995 – 2014, and it is expected that in 2021, when the next official list is released, they will be classified as a 'red-listed' species.
- We note that no ecology report has been submitted with this application and request that one is considered.
- We believe that due to the age and type of the surrounding houses there is a strong possibility of swift colonies in the area.
- We recommend that 14 integral swift bricks are installed, one in the side elevation of house nos. 05-12 and 14-19 (house no.13 is not suitable as there is insufficient flight clearance space on its side elevation).

- We ask Wiltshire Council to condition the installation of 14 swift nest bricks in this development.
- Provision of integral swift bricks in this application would comply with WCS policy CP50 (Biodiversity and Geodiversity) and meet the requirements of the 2019 National Planning Policy Framework para. 170 (d), that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on biodiversity and providing net gains in biodiversity....'
- By conditioning swift bricks in this new development the actual buildings themselves will provide a habitat that previously didn't exist thereby contributing towards a net gain in biodiversity.

8. 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

As is discussed above, the site is situated within the defined parameters of the Market Town of Amesbury, as identified by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). Wiltshire Core Strategy CP1 (Settlement Strategy) defines Market Towns as '*...settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities*' and therefore that such settlements '*...have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities*'. WCS CP2 (Delivery Strategy) further confirms that in such settlements '*...there is a presumption in favour of sustainable development*', whilst WCS policy CP4 (Amesbury Community Area) confirms that there is a need in the community area between 2006 and 2026 for approximately 2,785 new homes, 2,440 of which should occur in Amesbury (including Bulford and Durrington). The principle of the site's redevelopment for housing is therefore considered to be acceptable.

Local representation has suggested that this is public open space and government policy seeks to protect public open space. However, the land has never formally been identified as public open space and it is actually privately owned with no official public right of access over it. Previous applications to secure it as a village green have failed and it is not therefore appropriate to reopen this matter at the planning application stage as it is instead governed by its own legislation and process. The fact remains that in planning terms, the site is undeveloped privately owned grassland within the principle settlement boundary and has to be considered as such accordingly.

As is also identified above, there is significant planning history at this site and a number of different schemes have been refused and in some cases dismissed at appeal. The previous reasons for refusal will therefore need to be considered and addressed by this scheme in order to be considered favourably. However it should also be noted that the scheme has never been refused on the matter of principle.

Furthermore, the Council is not currently able to demonstrate a 5 year supply of deliverable housing sites in the southern part of the County and therefore paragraph 11d of the NPPF is engaged. This confirms that planning permission should be granted for new housing schemes unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.*

The lack of a demonstrable 5 year supply of housing land is a material consideration for the determination of any application involving additional dwellings in this housing area, but particularly those consisting of major development (10 dwellings or more) such as this.

This principle acceptability of the scheme is therefore subject to the detail and the other material considerations identified above. An assessment of how this scheme has addressed previous reasons for refusal (where they are still relevant within the current policy context); and how the current scheme relates to the character of the area; design; highway safety; and neighbouring amenities will all therefore need to be undertaken. This is all therefore assessed in more detail below.

9.2 Site History:

As is identified above, the site has been subject to significant planning history to date, which is summarised as follows:

S/2001/2290

This application involved a redevelopment of the site with 16 houses. It was refused by the Council because:

- 1) Loss of public open space and no provision/contribution for any replacement public open space
- 2) The road network and drainage system serving the site was in poor condition
- 3) The use of the site for residential purposes would be out of character with the surrounding area
- 4) Flooding
- 5) Road safety and lack of any pedestrian footways

The subsequent appeal was dismissed. However in dismissing the appeal, the Inspector made the following points:

- 1) It was found that the land in question is private with no public access over it and therefore it would be unreasonable to withhold planning permission for housing on this basis. It was however deemed to be appropriate to secure off site contributions to provide for an identified deficit in public open space in the area.
- 2) The road network and drainage system serving the site was poor and whilst there was a current planning application for the upgrading of these facilities it had not been determined and there was no guarantee that it would be upgraded in a reasonable time to serve the further 16 households.
- 3) The site was in a housing policy boundary and was an unusual feature in the existing layout. Its development with housing would not be out of character with the surrounding area and government guidance at the time encouraged efficient use of land and so the density was appropriate too.
- 4) It was not accepted that there was a flooding issue on the site/in the area.
- 5) Safe pedestrian access to the site had not been demonstrated and the road network serving the site was poor.

S/2006/2611

This application involved the redevelopment of the site with 20 dwellings and was refused by the Council for the following reasons:

- 1) Loss of public open space and no provision/contribution for any replacement public open space
- 2) The road network and drainage system serving the site was in poor condition
- 3) Out of character with the surrounding area
- 4) Poor design
- 5) Impact for residential amenities.

The subsequent appeal was also dismissed. However in dismissing the appeal, the Inspector made the following points:

- 1) The land in question is private with no public access over it; a recent application for Village Green status had failed; and the land was not identified in the Council's Public Open Space strategy. The land could therefore be developed for alternative purposes but S106 contributions would be appropriate for off site public open space provision.
- 2) The road network and drainage system had been upgraded and was now suitable to serve the development so this matter was not upheld.
- 3) The site was in a housing policy boundary and its development with housing would not be out of character with the surrounding area. A density at 38 dwellings per hectare (20 dwellings on this site) was also considered to be appropriate
- 4) The design of the scheme copied the surrounding 'uninspiring' 1950s vernacular and therefore the developer had missed an opportunity to achieve a higher design quality
- 5) Levels had not been properly considered in the proposed layout and thus a number of the plots would create direct overlooking for surrounding residents despite sufficient back to back distances.

The Inspector also confirmed that the site access arrangements to serve the 20 dwellings was acceptable and flooding was not a significant issue that could be upheld.

S/2009/0843

The most recent decision on this site was refused in 2009 and was subsequently dismissed at appeal in 2010. This also involved the development of the site with 20 dwellings and was refused by the Council for the following reason:

- 1) *The development by reason of its design, appearance and density is considered to be a cramped form of development out of keeping in its architectural style and layout with surrounding properties and as such will detract from the visual amenities of properties in Lyndhurst Road contrary to policy D1 (i) m (iii), (iv) of the saved policies of the adopted local plan.*

The matters of principle, access, infrastructure, loss of open space were not used as a reason for refusal. The matters for refusal, which were upheld at appeal for this most recent scheme were the reasons concerning detail and layout which were deemed to result in an overall scheme that would be cramped and dominated by hardstanding and thus was considered to represent an over development of the site.



PLAN C: 2009 Layout

It is against this background that the current application must therefore be assessed. It should however be noted that significant changes have occurred in policy since this 2009/10 decision was made. Namely the NPPF has been produced (in 2012 and revised in 2017 and 2018 and 2019) at national level which superseded all of the previous Planning Policy Statements and Guidance Notes that had existed at the time of the previous decisions on this site, and effectively puts a greater emphasis and presumption in favour of sustainable residential development. The WCS has also been adopted (in 2015) since the previous decisions were made which sets out the local context for planning policy and which confirms that this site is in a sustainable location and that there is a local need for housing. Finally, as has been highlighted above, the Council is not currently able to demonstrate a five year supply of deliverable housing sites and therefore the 'tilted' balance in favour of sustainable housing schemes has also been engaged.

9.3 Character & Design:

As is identified above the site is situated in the middle of an established, 1950s, residential housing estate that was originally built by the MoD but has since been sold off to the individual homeowners. Previous Inspectors have confirmed that the surrounding dwellings are of their time and their design is not particularly inspiring. However it is considered that there is uniformity to the existing development and whilst it is highway dominated the existing estate does have a spacious and verdant character afforded by the grass verges, front gardens and spaces between properties.

The proposals involve the redevelopment of this left over parcel of land with 19 dwellings comprising a mix of 2 storey houses and single storey bungalows, all of which are to be semi-detached or detached and comprising of 2 and 3 bedrooms of accommodation. The development is to wrap around a new access road that is to culminate in a cul de sac arrangement and each dwelling is to be served by at least 10 metre long gardens and the required level of parking as set out in the Council's adopted parking standards. In addition, the proposals involve 100% affordable housing thus providing a particular stock of housing that will go some way to reducing the identified housing need in the area. All of these factors are encouraged and welcomed and certainly result in an improvement to the previous schemes on this site.

During their assessment of the previous scheme in 2009, which involved a development of 20 units on this site, the Planning Inspector made the following comments:

'In short I consider that the space between the houses would appear as a mean and poor quality one giving the impression of an unduly high density of development. This impression is exacerbated by the proximity of parking spaces to habitable room windows and the way the access road wraps round the house on plot 2 at very close range together with the limited gaps between houses, especially on the south side...I understand that this number of houses, or something close to it, has been accepted in principle in the past but that does not remove the need to ensure that it is translated into a scheme that is of high quality.'

It is considered that the design of the current scheme has made significant improvements to resolve these previous concerns. The number of units has been reduced to 19, which does not seem to be a significant reduction on the face of it but has served to free up some space across the site thus improving the previously cramped and hard landscaped layout. The reduction in the number of units, when coupled with the omission of terraced housing; and the commitment of at least 10 metre long private gardens, have all created a layout that will feel far more spacious than the previous scheme. Instead of parking being provided in shared parking courts, such parking spaces are now generally provided on driveways to the side of/between properties or immediately in front of their respective plots. As a result of the semi-detached and detached nature of all of the properties, gaps are also afforded between properties; front gardens are identified; and meaningful planting is now possible. The level of hardstanding proposed across the site has been significantly reduced meaning that the development will feel more spacious and result in a more verdant development than previous schemes. It is also considered that the rhythm and grain of the development better reflects that of the surrounding residential estate.

Local concern has been raised that the proposals do not reflect the design or material finishes of the surrounding estate. Design is however a very subjective matter and the Local Planning Authority is not able to dictate the design of what should be built on a site. The appeal history is also unhelpful in this regard as both a scheme that served to directly replicate the surrounding vernacular; as well as one that was a modern move away from the 1950s architecture and design have both been criticised and dismissed on design grounds. The current proposals reach a compromise by not pushing the architecture too far forward but by also moving away from a direct replica of the existing development and improving the design and quality of the overall appearance and character of the development. The proposals consist of predominantly semi-detached development which is akin to the surrounding development, but includes a mix of render, brick and brick and render so as to break up the uniformity and add interest to the proposals. Architectural features such as porches; window details and chimneys have also been added to help break up this massing; add interest; and also give a nod to the adjacent vernacular. Both the Council's Crime Prevention Design Advisor and Urban Designer are satisfied that the proposals are an acceptable, modern interpretation of the adjacent development and will create a safe development that will settle into the existing pattern and character of development. No objection has been raised by the consultees in this regard accordingly.

9.4 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.

It has been confirmed that at least 10 metre long gardens are proposed to serve each dwelling and that a back to back separation of at least 20 metres to surrounding properties would therefore be provided. It is also suggested that the dwellings on the western portion of the site will be of bungalow scale rather than 2 storey, further reducing the potential for harm. Amended plans have also been provided during the course of the application that have altered room layouts/window placement and confirmed potential solutions to previously identified amenity issues and potential for overlooking.

Local concern has been raised about the back to back distances and thus impact for neighbouring properties, particularly in terms of their outlook, which will be significantly reduced by the development of this site in such a way. I have sympathy with the neighbouring residents and the fact that they are to lose an area of land that they have both benefited from in terms of view/outlook but also used on an adhoc basis as additional open space/garden land. However, the Village Green status application for the land failed some time ago and this site is privately owned. It is not Council land or publically or formally available for public open space provision. Neither has the Council any reasonable ability to secure its use for this purpose in perpetuity. It therefore represents left over land within an existing and established residential estate; within the settlement boundary; in a sustainable location that is appropriate for additional residential development. The Local Planning Authority therefore has a duty to consider it for such purposes and to encourage the effective use of land.

In addition, there are no adopted standards for garden lengths or levels of separation between back to back properties in either the adopted Development Plan or any subsequent Design Guides. However a national guideline that is commonly applied is that of 10 metres long gardens and 20 metre back to back distances between facing windows. This is a guide only and as is confirmed above, it is not supported by adopted policies. However, in this instance, the gardens of the new properties are at least 10 metres in length, with the surrounding residential properties also benefitting from gardens of at least 10 metres in length. This therefore provides sufficient back to back separation in line with national guidance and therefore whilst I acknowledge the local concern about the proximity of the new development to their properties, these concerns cannot be upheld or warrant a justifiable reason for refusal of the scheme.

It is noted that a previous Inspector commented that the 20 metre back to back separation was not enough to overcome the amenity impact, on the western part of the site given that level changes make this area particularly sensitive and higher than adjacent properties. However this scheme now proposes bungalows on this lower section of the site (plots 1-4), which thus reduces the potential dominance and/or issue of overlooking on these western neighbours. This reduced massing when coupled with the separation distance identified is therefore considered to address previous concerns in this regard.

Further local concerns have been raised about loss of light that would be generated by proposed landscaping/boundary treatment; the removal of an easy access to adjacent garages; removal of rear steps/gates into this area; the proposed storage of bins adjacent to shared boundaries; and the removal of a means of escape should a fire occur. However, 1.8 metre high boundary treatment is an accepted form of boundary for properties that is prevalent in residential estates and indeed across this estate. No high hedgerows are proposed and landscaping is proposed in the form of one off trees and incidental gardens/shrubs. It is considered that this will serve to soften the impact of the development as well as provide dappled additional screening between properties which will also be of benefit for both current and future residents. In any event the planting of trees is not development and even if they were not included in this scheme, could be planted by future occupants without the need for planning permission in the future.

With regard bin storage, the Local Planning Authority cannot control where future residents store their bins on their own property. The only controllable requirement is that provision is made for safe access to rear gardens from the front of the plot thereby providing options for bin and bike storage. All plots are provided with such access and whilst bin storage locations within these gardens have been identified on the submitted plans, it is not possible to insist that they either are or are not stored in this area. If however anti-social instances of smell, odours, rats...etc are created, this would be a civil matter between the residents; and/or a matter for the landlord/Council's Public Protection Team. This matter would not therefore warrant a reason for refusal of the scheme in planning terms.

With regard the loss of access across the site to nearby garages; fire escape; and removal of gates/steps into the site, as has been addressed above, the site is in private ownership. These accesses are not formalised and there are no public rights of access across the site. Whilst the proposed changes to this historic situation is obviously not welcomed by the existing residents who have benefited from this informal arrangement, it is not a matter that can be resolved by the planning system and is within the site owner's right. Likewise regardless of the outcome of this application, the applicant could erect up to 2 metre high fences around the entire boundaries of the site, blocking off accesses, without the need for planning permission.

In planning terms it is considered that what is now proposed on this site is unlikely to result in any significant implications for neighbouring amenities and it is considered that the previously identified concerns have thus been overcome and addressed in this regard.

9.5 Highway Safety:

As part of the consideration of the previous appeal schemes identified above the suitability of the adjacent estate roads and infrastructure to serve the site were questioned but these issues were resolved and not carried forward into reasons for refusal. The previous Inspector/s considered that the access to the site was appropriate and the existing highway network could accommodate the additional development (in that case of 20 houses). The Highway Authority has therefore confirmed that the principle of the development of this site, and in particular 19 houses being served off the existing access off Ringwood Avenue that the site shares with the adjacent garage block, would be acceptable from a highway safety point of view.

Local concern has been raised about the level of parking that has been provided across the site. However the Council's adopted parking standards require that 2 car parking spaces per 2 or 3 bedroom properties should be provided with an addition of 0.2 visitor spaces per dwelling (unallocated). In this instance the plans identify a total

of 38 dedicated parking spaces for the 19 units, each to be provided adjacent to the plot it is to serve. The scheme also identifies a further 5 visitor spaces across the site (instead of the 3.8 visitor spaces required by the standards). It is therefore considered that the proposals satisfy the requirements of the site and meet the Council's adopted policies.

Further concern has been raised about the access to the site and in particular the pedestrian access to the site. The scheme originally proposed a vehicular access with informal pedestrian facilities to the site from Ringwood Avenue in the south eastern corner of the site as well as a footpath link to a further pedestrian access currently serving the adjacent garage block, from the north eastern corner of the site. Whilst lighting was proposed to serve this latter footpath access, it was considered from a crime and design point of view that this footpath was inappropriate and would result in anti-social behaviour; safety issues for users of the path; and impact for the proposed neighbour to this path (on plot 11). Whilst the Highway Authority would prefer to see this secondary pedestrian access retained, it is considered that for the reasons identified this footpath should be omitted from the scheme meaning that the only access into the site for both vehicles and pedestrians would be from the south eastern corner.

During the course of the application amended plans have been received to identify the removal of the pedestrian footpath in the north eastern corner; and alterations to the existing site access to improve the relationship between pedestrians and vehicles accessing the site from this point. This has been achieved by the provision of a pavement/footpath on the northern edge of this access track which continues through into the development wrapping around the off site garages. This pavement also provides a safe link (through the garaging) to the remainder of the existing north eastern footpath link to the shops which is undoubtedly likely to be a desire line for future occupants. The Highway Authority (and Crime Prevention Design Advisor and Urban Designer) are all now satisfied that the site can be safely accessed for all road users.

Local concern has also been raised about the ability of the site to be served by emergency vehicles and refuse vehicles. However the applicant has submitted tracking diagrams that have satisfactorily demonstrated that such access and manoeuvre is possible both into and around the site. The Highway Authority is also satisfied that the tight bend that has been provided to navigate the development around the existing garage block is acceptable and will create a natural traffic calming measure reducing traffic speeds entering and leaving the site. The Highway Authority has therefore confirmed that the proposed development will be served by a safe access for all users of the highway and is unlikely to result in any implications for highway safety. No objections have been raised in this regard accordingly.

9.6 Ecology:

Local residents have identified that the existing grassland provides a habitat for a variety of wildlife and biodiversity. The application is accompanied by a Phase I ecological survey and further reptile survey which has assessed the site and identified that the proposals may have a low risk for reptiles; badgers; bats; nesting birds and because of its proximity to the Salisbury Plain SPA/SAC/SSSI, and its Stone Curlews. A number of mitigation strategies are therefore identified and it is suggested that a contribution towards the monitoring of Stone Curlews on the Salisbury Plain should be paid.

There are a number of deficiencies in the survey work that has been undertaken and the detailed mitigation measures that identified on the plans. However the Council's Ecologist is satisfied that the site represents a low potential for reptiles, bats and nesting birds and that the mitigation strategy identified is sufficient but needs to be properly secured. No objection has therefore been raised in this regard subject to a number of conditions being imposed on the decision to ensure that the identified mitigation strategy is fully secured and implemented into the scheme.

In addition however, whilst the Council's Ecologist has raised no objection in principle, the application automatically triggers the requirement for an appropriate assessment (AA) under the Habitats Regulations 2017 because the application site lies within the catchment of the River Avon SAC, and lies within 3km of the Salisbury Plain SPA. The proximity of the application site to these Natura 2000 sites necessitates AA as any new residential dwellings within the catchment of the River Avon SAC could result in additional phosphate loading of the river thereby affecting the integrity of the SAC. In terms of the Salisbury Plain SPA, it has been identified that recreational pressure upon the SPA can adversely affect its qualifying species, notably breeding Stone-curlew, and that the majority of visitors originate from a 6.4km buffer around the SPA. Therefore, any new residential development within this buffer must be subject to AA.

The Council's Ecologist has undertaken the AA but this needs to be agreed by Natural England before a development can be lawfully permitted. This recommendation is therefore made subject to Natural England agreeing the Council's AA before the decision is issued.

9.7 Archaeology:

The proposed development area was subject to evaluation in 2001. At that time, Roman pottery and a large ditch thought to be of Bronze Age date were found in the trial trenches. Subsequent archaeological discoveries that have been made in this area in the intervening years confirm that there is demonstrable potential for further archaeological features, deposits and artefacts to be present on the site. The Council's Archaeologist has therefore requested that further archaeological investigation work to be undertaken at the site prior to development commencing on site. A condition is applied to the recommendation accordingly.

9.8 Drainage & Flooding:

The site is situated in Flood Zone 1 and is at low risk of surface water flooding. The site area is also below the threshold where the Environment Agency advises a Flood Risk Assessment (FRA) would be required. The Council's Drainage Officer originally requested an FRA in this instance but has since accepted that it is not necessary and thus the application is not supported by any such assessment.

The application form confirms that the site is to be linked up to the Mains Sewers with regard foul drainage disposal; and is to use soakaways with regard surface water drainage. The Council's Drainage Officer originally raised doubts about the use of soakaways on this site as the area is historically known for high levels of groundwater. However the application has been accompanied by a detailed assessment of the site and further clarification has been provided during the course of the application about the surface water proposals. The Council's Drainage Officer is therefore satisfied that soakaways are likely to be achieved on the site. A condition is however applied to the recommendation to seek further details in this regard.

Wessex Water has also commented on the application, identifying a public sewer that crosses the site. Details of easement and potential diversion have been provided but these matters are covered by other legislation and will need to be addressed/agreed separately outside of the planning system directly with the Water Authority. An informative is attached to the recommendation accordingly to bring this to the applicant's attention.

9.9 Other Matters

Much local concern has been raised about covenants, house prices, loss of view and ownership, however these matters are not material planning matters and cannot therefore be used to refuse the scheme. That said however, the granting of planning permission does not override any legal right or covenant that may exist on the site which will need to be satisfied separately and outside of the planning system. Another informative is attached to the decision to that affect.

10. CIL & S106 contributions

As of May 2015, the Council adopted its Community Infrastructure Levy. Any scheme involving a net gain in the number of dwellings in the area, could therefore be subject to CIL. An informative is attached to the recommendation to highlight this to the applicant accordingly.

In addition, any successful scheme involving a net gain of 10 houses on this site is also subject to S106 contributions and provisions in line with various policies in the adopted WCS including CP3 (Infrastructure Requirements); CP43 (Providing Affordable Housing); and Saved SDLP policies D8, R2 and PS5 and in order to mitigate the direct impact of the specific development on surrounding facilities/services. Those that are relevant in this instance are discussed below but confirm that as well as providing 19 units of affordable housing, the scheme will secure contributions totalling £197,876.10 towards off site community infrastructure and benefits, which is also welcomed.

Affordable Housing Provision:

Local concern has been raised about the fact that the development is for 100% affordable rented units as it is questioned if this is even needed in the area given the recent development and provision at Kings Gate. However, WCS policy CP43 requires 30% on-site Affordable Housing provision within the 30% Housing Zone, on all sites of 10 or more dwellings. There is therefore a policy requirement to provide at least 5.7 (rounded up to 6) of the 19 units identified in this scheme as affordable units. There are however no adopted policies that suggest that this provision should be restricted or that the 30% requirement is a maximum provision. It is also entirely up to the applicant should they wish to provide a greater provision of affordable units than is required by the policy.

The Council's Housing Team welcomes the provision of 100% of the units as affordable units and it has confirmed that the proposals would assist in addressing an identified need for affordable housing in Amesbury where there is a high level of demand for Affordable Housing. The fact that the tenure is also to be provided as 100% Affordable Rented housing is also supported.

WCS policy CP45 (Meeting Wiltshire's Housing Needs) further states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. The Council's Housing Team has confirmed that the proposed mix identified (of 2 and 3 bed units) would meet the need on the Housing Register and is therefore also supported by the Council.

The Housing Team has also confirmed that there is a demonstrable need for adapted housing and ground floor housing in Amesbury. The provision of 4 wheelchair adapted bungalows is therefore also welcomed. This provision and tenure will therefore need to be secured by a Section 106 agreement between the parties and this recommendation is therefore made on the basis that such a legal agreement is completed prior to a decision being issued.

Education

The Education Authority has confirmed that a scheme involving 19 dwellings on this site would generate a demand for no additional early year's places; but would generate a need for 4 primary spaces and 3 secondary school places. The existing schools in the vicinity of the site do not currently have capacity to accommodate this extra provision. The Education Authority has however confirmed that a new primary school is currently being developed at the nearby Kings Gate development which could provide for this additional primary need. It is also confirmed that the extensions to Stonehenge School (secondary) that are underway could provide the secondary need generated by this development. Relative contributions are therefore sought from this development towards these two new schools/provision equating to a total of £75,032 towards primary provision and £68,820 towards secondary provision. This too will be secured by the required S106 agreement.

Public Open Space:

As is identified above, the site in question, whilst currently used as ad hoc informal recreation, is in private ownership and does not form part of the Council's public open space strategy. It is also not reasonably possible to insist that the land is retained for such a purpose. This stance was also accepted by the Inspector's during the consideration of previous appeal decisions.

However whilst no onsite provision is proposed or required, the future occupants will generate a need for further off site provision. The Council's Public Open Space Officer has therefore confirmed that a contribution of £52,295.10 will also be required from this development to upgrade facilities at the nearby Harvard Park, in line with Saved SDLP policy R2. This will also be secured by the required S106 Agreement.

Waste Management:

In line with WCS policy CP3 (Infrastructure Requirements) and the Council's Waste Storage; and Collection: Guidance for Developers SPD, contributions will also be required from any scheme on this site towards the provision of waste and recycling containers for each residential unit. The contribution equates to a total of £1,729. This too would therefore need to be secured by the S106 agreement.

Public Art:

The Council's Public Art Officer has confirmed that the size of the site/scheme does not warrant the need for any on site public art and thus no contributions are to be secured for this purpose by the required S106.

Stone Curlews:

The supporting Ecological reports have confirmed that contributions towards the monitoring and protection of Stone Curlews from the development would be appropriate. However this contribution now forms part of the Council's 123 Regulations and is therefore secured as part of the CIL contribution. No additional S106 contribution is therefore required in this regard.

11. Conclusion

It is considered that sufficient changes have been made to the scheme to overcome previous, historical concerns raised, which now make the scheme acceptable. It is considered that the proposal to redevelop the site with 19 affordable dwellings will meet an identified housing need; contribute towards the Council's deficit in demonstrable and deliverable housing land supply; and will result in an attractive development that is sustainable; in keeping with the character of the area; and will not result in any implications for highway safety; drainage; or neighbouring amenities. It will also secure a total of £197,876.10 towards local infrastructure and community facilities/services as well as additional affordable housing stock. The application is therefore recommended for permission subject to the required S106 agreement being completed to secure these community and infrastructure benefits, prior to the decision being issued; and subject to Natural England agreeing the Council's AA.

12. RECOMMENDATION

APPROVE subject to a S106 Legal Agreement being completed to secure 100% of the units as affordable housing; and contribution towards primary school provision, secondary school provision, off site public open space provision and waste management; subject to Natural England agreeing the Council's Appropriate Assessment; and then subject to the following conditions and notes

1. **WA1** 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. **WM13** The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form & Certificate

Ref: 18082-PL-2-01 Rev A – Location Plan. Received – 16.10.2019

Ref: 18082-PL-2-02 Rev C – Site Layout. Received – 17.09.2019

Ref: 18082-PL-2-03 Rev C – Tenure. Received – 17.09.2019

Ref: 18082-PL-2-04 Rev C – Building Heights. Received – 17.09.2019

Ref: 18082-PL-2-05 Rev C – Building Materials. Received – 17.09.2019

Ref: 18082-PL-2-06 Rev C – Bedrooms. Received – 17.09.2019

Ref: 18082-PL-2-07 Rev C – Boundary Materials. Received – 17.09.2019

Ref: 18082-PL-2-08 Rev D – Parking/Bins. Received – 17.09.2019

Ref: 18082-PL-3-01 – 2 Bed Bungalow (2BB). Received – 02.09.2019

Ref: 18082-PL-3-02 Rev A – 2 Bed House (2BH) – Bricks+Render. Received – 02.09.2019

Ref: 18082-PL-3-03 Rev A – 2 Bed House (2BH) – Brick. Received – 02.09.2019

Ref: 18082-PL-3-04 Rev A – 2 Bed House (2BH) - Render. Received – 02.09.2019

Ref: 18082-PL-3-05 Rev A – 3 Bed House A (3BA) - Render. Received – 02.09.2019

Ref: 18082-PL-3-06 Rev A – 3 Bed House A (3BA) - Brick. Received – 02.09.2019

Ref: 18082-PL-3-07 Rev A – 3 Bed House B (3BB) – Bricks+Render. Received – 02.09.2019

Ref: 18082-PL-3-08 Rev A – 3 Bed House C (3BC) - Plans. Received – 02.09.2019

Ref: 18082-PL-3-09 Rev A – 3 Bed House (2BC) - Elevations. Received – 02.09.2019

Ref: 18082-PL-5-01 – Indicative Street Scene. Received – 02.09.2019

Ref: 2019-6093-001 Rev G – Access Visibility Splays. Received – 26.09.2019

Ref: 01 – Soft Landscaping Planting Plan. Received – 21.10.2019

Ref: 02 – Soft Landscaping Planting Plan. Received – 21.10.2019

Ref: 03 – Soft Landscaping Planting Plan. Received – 21.10.2019

Ref: 04 – Root Barrier General Arrangement. Received – 21.10.2019

Ref: 05 – Soft Landscaping Specification. Received – 21.10.2019

Ref: 06 – Soft Landscaping Tree Pit Details. Received – 21.10.2019

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

3. **WB1** No development shall commence above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission 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, in the interests of visual amenity and the character and appearance of the area.

4. **WC1** 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:
- 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. **WC2** 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. Prior to the commencement of development works on site including vegetation clearance, site clearance and boundary treatment works, final details regarding the proposed removal and/or retention of trees will be provided to the Council for approval in writing. The proposed tree removal and/or retention shall be illustrated on an accompanying Tree Removals Plan and/or Proposed Tree Protection Plan (where applicable) showing root protection areas.

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 the Council is provided with accurate and up to date information regarding which trees are to be retained and protected within the scheme layout and, those that are to be felled as this information was not provided prior to determination

7. **WE 1** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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

8. **WE4** 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 on the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

9. **WE12** Before the development hereby permitted is first occupied, the windows in the north elevation of Plot 2; southern elevation of Plot 3; and the first floor windows on the southern and western elevation of Plot 14, shall be glazed with obscure glass only to an obscurity level of no less than level 5, and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

10. No development shall commence within the area indicated (proposed development site) until:
- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - The approved programme of archaeological work has been carried out in accordance with the approved detail

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

11. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details and measures to be taken to protect the residential amenities of the occupiers of dwellings directly adjacent to the proposed works during construction. It will also provide measures that will be taken to reduce and manage the emission of noise and dust during the construction phase of the development and shall specifically address the following:
- i. The movement of construction vehicles
 - ii. Wheel washing and vehicle wash down facilities
 - iii. The storage, transport and management of waste materials and building materials.
 - iv. The recycling of waste materials
 - v. The loading and unloading of plant and materials
 - vi. The location and use of generators and temporary site accommodation.

The development shall be carried out in strict accordance with the plan agreed.

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, in the interests of neighbouring amenities

12. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the measures that will be implemented during the construction phase and shall include but not necessarily be limited to, such measures as the following:
- a) Pollution prevention measures to ensure contaminated/sediment loaded surface water runoff does not enter the River Avon;
 - b) Identification of tree root protection areas/buffer zones;
 - c) The location and timing of works that need to be scheduled and undertaken in such a way as to avoid/reduce potential harm to ecological receptors such as nesting birds;
 - d) Details of precautionary works methods;
 - e) Responsible persons and lines of communication; and
 - f) Location of type of protective fences, exclusion barriers where applicable.

Development shall be carried out in full accordance with the approved CEMP.

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 adequate protection and mitigation for ecological receptors and implementation of best practice working methods.

13. Prior to the commencement of any works on site, including vegetation clearance, site clearance, and boundary treatment works, an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and agreed in writing by the local planning authority. The EMES shall include and expand upon all the recommendations stipulated in Section 6 of the Preliminary Ecological Appraisal (Ecosupport, February 2019). The EMES shall include comprehensive details of all avoidance, mitigation, compensation and enhancement measures to be implemented to avoid/minimise and compensate for direct and indirect effects on

protected and priority species and habitats both within the application site. The EMES shall include a reptile sensitive site clearance working method. It shall include a finalised site plan illustrating the proposed location of all the ecological enhancement features, including bat roosting and bird nesting provision with the built design. Thereafter, development shall be carried out in strict accordance with the approved strategy and with supervision and input from a suitably qualified and experienced professional ecological consultant.

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 compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and Section 41 of the NERC Act (2006); and to ensure full details of all ecological avoidance, mitigation and ecological enhancements, are provided and implemented in accordance with Paragraph 118 of the NPPF, Section 40 of the NERC Act (2006) and CP50 of the Wiltshire Core Strategy (Adopted January 2015).

- 14 Prior to the commencement of development works on site including vegetation clearance, site clearance and boundary treatment works, a finalised wildlife sensitive lighting strategy shall be submitted to the local planning authority for approval in writing. The strategy shall include a site lighting plan which illustrates the location, height of lighting columns and specification of proposed luminaires. Details of mitigating fixtures to be used, such as cowls, louvres, baffles and backshields shall also be included. All external lighting shall be installed in accordance with the approved lighting strategy and no other external lighting shall be installed without prior written consent from the local planning authority.

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 minimise light spillage onto any retained vegetative boundary features and compensation habitats including proposed tree and hedgerow planting, and to maintain dark corridors for wildlife, particularly commuting and foraging bats.

15. The development shall be undertaken in strict accordance with Section 6 of the Preliminary Ecological Appraisal (Ecosupport, February 2019), the Ecological Mitigation and Enhancement Strategy, Construction Environmental Management Plan, wildlife sensitive lighting strategy, Tree Protection Plan (where applicable), and landscaping plans once submitted to, and approved in writing by the local planning authority. The development shall also be undertaken with liaison with, and supervision by a suitably qualified, experienced and licensed professional ecological consultant where applicable.

REASON: To ensure that appropriate and adequate protection, mitigation and compensation for ecological receptors including protected and priority species and their habitats, is implemented and that ecological enhancement measures are delivered in accordance with the NPPF 2019 and CP50 of the Wiltshire Core Strategy (Adopted January 2015), and to ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and Section 41 of the NERC Act (2006).

16. The dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation (SAC).

17. No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in accordance with the agreed details and shall be maintained in effective working order at all times thereafter.

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, in the interests of neighbouring amenities

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

REASON: In the interests of neighbouring amenities

19. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of neighbouring amenities

20. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

(i) An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

- (ii) If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.
- (iii) The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 21. No development shall commence on site, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with [Wiltshire Council's Surface Water Soakaway Guidance](#) has been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

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 without increasing flood risk to others during the construction phase.

22. **WD12** No part of the development hereby approved shall be first occupied until the estate road, pavements, parking and turning areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. The areas shall be maintained for those purposes at all times thereafter.

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

INFORMATIVES

- 1) 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.
- 2) To satisfy condition 9, the work should take the form of strip, and record. It should be conducted by a suitably experienced, professionally recognised archaeological contractor, in accordance with a Written Scheme of Investigation approved by this office and in line with the Standards and Guidance of the Chartered Institute for Archaeologists. There will be a financial implication for the applicant.
- 3) The applicant is reminded that the granting of planning permission does not override any legal right of way or covenant that may exist on the site. If such legal obligations exist at the site, then these will need to be addressed separately and outside of the planning system.
- 4) The applicant's attention is drawn to the comments made by Wessex Water (dated 03.10.2019) to this application. Please note if any changes are required to the layout/development hereby approved, a fresh planning application may be required which will be considered on its own merits accordingly.
- 5) **WP8** This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated
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