

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 21 October 2015
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

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

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

Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	Wednesday 21.10.2015	9.30am	Council Chamber, County Hall

Membership:

Cllr Andrew Davis (Chairman)	Cllr Charles Howard
Cllr Tony Trotman (Vice Chairman)	Cllr David Jenkins
Cllr Glenis Ansell	Cllr Bill Moss
Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Fred Westmoreland
Cllr Stewart Dobson	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway
Cllr Brian Dalton	Cllr James Sheppard
Cllr Bill Douglas	Cllr Ian West
Cllr Mary Douglas	Cllr Jerry Wickham
Cllr Dennis Drewett	Cllr Graham Wright
Cllr George Jeans	Cllr Magnus Macdonald

RECORDING AND BROADCASTING NOTIFICATION

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on the Council's website along with this agenda and available on request.

If you have any queries please contact Democratic Services using the contact details above.

PART I

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

1 Apologies for Absence

To receive any apologies or substitutions for the meeting.

2 Minutes of the Previous Meeting (*Pages 5 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 23 September 2015.

3 Declarations of Interest

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

4 Chairman's Announcements

To receive any announcements through the Chair.

5 Public Participation and Councillors' Questions

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 10.20am on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate Director) no later than 5pm on **Wednesday 14 October 2015**. Please contact the officer named on the front of this agenda for further advice. Questions may

be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

- 6 **14/11642/DP3 - Downton C of E Primary School, Gravel Close, Downton, SP5 3LZ - Change of use of Memorial Gardens to provide an enlarged playground area, incorporating a hard games court area. Bridge over The Bunney, proposed 2 storey classroom extension and extension to main hall. (Pages 17 - 36)**

A report by the Case Officer is attached.

- 7 **14/06561/FUL - Land to the west of Salisbury Road, Salisbury Road, Downton - Erect 99 dwellings (83 houses and 16 flats) together with garages, timber pergolas, garden sheds and refuse/cycle stores and associated works (Pages 37 - 116)**

A report by the Case Officer is attached.

- 8 **Date of the Next Meeting**

To note that the next meeting of the Committee is due to be held on Wednesday 11 November 2015, at County Hall, Trowbridge, starting at 10.30am.

- 9 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be considered as a matter of urgency.

PART II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 23 SEPTEMBER 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Trevor Carbin, Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Bill Moss, Cllr Jerry Wickham (Substitute) and Cllr Magnus Macdonald (Substitute)

Also Present:

Cllr Ian Thorn

60 Apologies for Absence

Apologies for absence were received from Cllr Tony Trotman (who was substituted by Cllr Jerry Wickham), Cllr Glenis Ansell (who was substituted by Cllr Magnus Macdonald), Cllr Christopher Newbury and Cllr Fred Westmoreland.

61 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 15 July 2015.

62 Declarations of Interest

Cllr Jerry Wickham declared a non-pecuniary interest in the following application as he held the position of Portfolio Holder for Waste:

14/12003/WCM – Stephenson Road, Northacre Trading Estate, Westbury, BA13 4WD – Advanced thermal treatment facility

63 Chairman's Announcements

The Chairman announced that the following application had been withdrawn from the agenda as the Officers had not yet received, as promised, a communication from the Environment Agency formally withdrawing its objection:

14/11642/DP3 - Downton C of E Primary School, Gravel Close, Downton, SP5 3LZ - Change of use of Memorial Gardens to provide an enlarged playground area, incorporating a hard games court area. Bridge over The Bunney, proposed 2 storey classroom extension and extension to main hall. (See Minute No 65 below)

64 **Public Participation and Councillors' Questions**

There were no questions received from members of the Council.

Members of the public addressed the Committee as set out in Minute Nos. 66, 67 & 68 below.

65 **14/11642/DP3 - Downton C of E Primary School, Gravel Close, Downton, SP5 3LZ - Change of use of Memorial Gardens to provide an enlarged playground area, incorporating a hard games court area. Bridge over The Bunney, proposed 2 storey classroom extension and extension to main hall.**

This item had been withdrawn from the agenda. (See Minute No. 63 above.)

66 **14/11295/REM - Former George Ward School, Shurnhold, Melksham, SN12 8GQ - Reserved Matters application pursuant to outline permission W11/02312/ FUL for the erection of 261 dwellings relating to access, appearance, landscaping, layout and scale**

The following people spoke against the application

Mr Frith, a local resident

Cllr Paul Carter, representing Melksham Without Parish Council

The Committee received a presentation from the Case Officer which set out the main issues in respect of the application with a recommendation that planning permission be granted subject to conditions and the prior completion of a legal agreement to secure 40% affordable housing, 1.5 acres employment land, public open space, an education contribution, ecological mitigation, a Management Company for the public open space and ecology features, off-site highway improvements and a highway contribution of £6,000 for a potential traffic regulation order.

Members had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

After discussion,

Resolved:

To approve the reserved matters, subject to the following conditions:-

- 1 The development hereby permitted shall begin no later than two years from the date of the reserved matters hereby approved.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

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

858-PL00 Rev A	Location Plan
858-PL01-1 Rev E	Planning Layout 1 of 2
858-PL01-2 Rev F	Planning Layout 2 of 2
858-PL02 Rev D	Materials Plan
858-PL03 Rev D	Storey Heights Plan
858-PL04-01 Rev B	Street Scenes
858-PL04-02 Rev B	Street Scenes
858-PL05 Rev C	POS Area Plan
858	Parking Schedule
P700/10 Rev F (Sheet 1 of 2)	Refuse Vehicle Swept Analysis North Section
P700/11 Rev G (Sheet 2 of 2)	Refuse Vehicle Swept Analysis South Section
P700/13 Rev F	Proposed Finished Floor Levels (Sheet 1 of 2)
P700/14 Rev F	Proposed Finished Floor Levels (Sheet 2 of 2)
P700/15 Rev F (Sheet 1 of 2)	Visibility Splays and Indicative Street Lighting
P700/16 Rev E (Sheet 2 of 2)	Visibility Splays and Indicative Street Lighting
PERW 19598 10D	Landscape Masterplan
858-PL110-1 Rev A	Housing Type Plans and Elevations
858-PL110-2 Rev A	Housing Type Plans and Elevations
858-PL110-3 Rev A	Housing Type Plans and Elevations
858-PL111-1 Rev A	Housing Type Plans and Elevations
858-PL112-1 Rev A	Housing Type Plans and Elevations
858-PL112-2 Rev A	Housing Type Plans and Elevations
858-PL113-1 Rev A	Housing Type Plans and Elevations
858-PL113-2 Rev A	Housing Type Plans and Elevations
858-PL114-1 Rev A	Housing Type Plans and Elevations
858-PL115-1 Rev A	Housing Type Plans and Elevations
858-PL115-2 Rev A	Housing Type Plans and Elevations
858-PL116-1 Rev A	Housing Type Plans and Elevations
858-PL116-2 Rev A	Housing Type Plans and Elevations

858-PL117-1 Rev A	Housing Type Plans and Elevations
858-PL118-1 Rev A	Housing Type Plans and Elevations
858-PL119-1 Rev A	Housing Type Plans and Elevations
858-PL119-2 Rev A	Housing Type Plans and Elevations
858-PL122-1 Rev A	Housing Type Plans and Elevations
858-PL122-2 Rev A	Housing Type Plans and Elevations
858-PL122-3 Rev A	Housing Type Plans and Elevations
858-PL123-1 Rev A	Housing Type Plans and Elevations
858-PL123-2 Rev A	Housing Type Plans and Elevations
858-PL123-3 Rev A	Housing Type Plans and Elevations
858-PL124-1 Rev A	Housing Type Plans and Elevations
858-PL124-2 Rev A	Housing Type Plans and Elevations
858-PL125-1 Rev A	Housing Type Plans and Elevations
858-PL125-2 Rev A	Housing Type Plans and Elevations
858-PL128-1 Rev B	Housing Type Plans and Elevations
858-PL128-2 Rev B	Housing Type Plans and Elevations
858-PL129-1 Rev A	Housing Type Plans and Elevations
858-PL129-2 Rev A	Housing Type Plans and Elevations
858-PL130-1 Rev A	Housing Type Plans and Elevations
858-PL131-1 Rev A	Housing Type Plans and Elevations
858-PL132-1 Rev B	Housing Type Plans and Elevations
858-PL133-1	Housing Type Plans and Elevations
858-PL134-1	Housing Type Plans and Elevations
858-PL134-2	Housing Type Plans and Elevations
858-PL134-3	Housing Type Plans and Elevations

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

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 5 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced

footpath and carriageway to at least base course level between the dwelling and existing highway.

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

- 6 No development shall commence on site until full details of the construction of the estate roads, footways, footpaths, verges and junctions, and full details of street lighting, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions and street lighting, have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 7 No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

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

- 8 Prior to development commencing on the site details/plans of the temporary access for construction traffic and sales office access on to/from the Bath Road shall be submitted to and approved in writing by the Local Planning Authority; this should also include any signage scheme associated with the temporary access that would need to be installed and a timetable for the restoration of the hedgerow which should include the species of the replacement planting. The access and signage shall be completed in accordance with the approved details.

The temporary access together with any associated equipment permitted shall be removed and the hedgerow reinstated in accordance with the approved timetable.

REASON: In the interests of highway safety and visual amenity

- 9 No dwelling on plots 66 - 70, 79 - 84 and plots 115 - 117 as indicated on the planning layout (Plan number 858-PL01-2 Rev F) shall be first occupied until:

(a) A scheme for the laying out and equipping of the NEAP/POS (Neighbourhood equipped area for play/Public Open space) shown on the submitted plan, to include landscaping, boundary treatment and for future maintenance and safety checks of the equipment has been submitted and approved in writing by the Local Planning Authority

and;

(b) The play area has been laid out and equipped in accordance with the approved scheme.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 10 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

location and current canopy spread of all existing trees and hedgerows on the land;
full details of any to be retained, together with measures for their protection in the course of development;
a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
finished levels and contours;
means of enclosure;
boundary treatments;
pedestrian access links onto Bath Road and Dunch Lane
car park layouts;
other vehicle and pedestrian access and circulation areas;
all hard and soft surfacing materials;
minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 11 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.

- 12 **The window serving toilets and bathrooms, as shown on the submitted plans, shall be obscure glazed and shall be installed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.**

REASON: In the interests of amenity and privacy

- 13 **No works shall be undertaken on site until such time as a full schedule of tree planting root protection measures has first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details.**

REASON: To ensure that tree roots do not affect the structural integrity of buildings and structures in the future

- 14 **INFORMATIVE:** At this stage of the planning application Wiltshire Fire & Rescue Service is required to make comment relating to section B5 of Approved Document B. Essentially, this relates to the provision of reasonable facilities to assist fire fighters within the building and to enable fire appliances to gain access to the building.

Complying with these requirements, in advance of the formal Building Regulations consultation process, will assist during that process and are made without prejudice to it.

Approved Document B can be found on

www.planningportal.gov.uk/buildingregulations/approveddocuments/partb.

Access and Facilities for the Fire Service

Consideration is to be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development.

Water Supplies for Fire Fighting

Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants.

- 15 **INFORMATIVE:** Your attention is drawn to the fact that, whilst the details have been approved in relation to this reserved matters application for 261 dwellings, there are other conditions attached to the outline planning permission W/11/02312/FUL which relate to the site which will need to be discharged prior to the commencement of works as well as requirements contained within the associated legal agreement which will need to be met.

- 16 **INFORMATIVE:** Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

(Note: Cllr Terry Chivers requested that his vote against the Motion be recorded.)

- 67 **14/07689/OUT - Land north of Holt Road and Cemetery Lane, Bradford on Avon - Erection of up to 60 dwellings (including affordable dwellings), up to 3,000 sq.m. of B1 employment floor space, informal and formal public open space, allotments, drainage, landscaping , engineering (ground levelling) and other associated works. Outline application to determine access.**

The following people spoke against the proposal:

Cllr Gwen Allison, Chairman of the Planning Committee, Bradford on Avon Town Council

Mr Zac Tullett, representing the Friends of Woolley

Mr David Moss, Chairman of Bradford on Avon Preservation Trust

Mr Martin Newman, a local resident

The following people spoke in support of the proposal:

Mr Guy Wakefield, the agent

Mr Tony Best, ABD Company

The Committee received a presentation from the Senior Planning Officer which set out the main issues in respect of the application with a recommendation that outline planning permission be granted, subject to the prior completion of a legal agreement to secure 40% affordable housing, 1.5 acres of employment land, public open space, an education contribution, ecological mitigation, a Management Company for the public open space and ecology features, off-site highway improvements and a contribution of £6,000 for a potential traffic regulation order.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Cllr Ian Thorn, on behalf of Cllr Rosemary Brown, the local Member, spoke against the application on the grounds that the emerging Neighbourhood Plan was not being taken into account. The Area Development Manager explained that the Neighbourhood Plan was still being developed and its current status did not amount to a material consideration in determining this application. He also explained that the application was in broad accordance with the aims of the Wiltshire Core Strategy in relation to employment and would meet the majority of the housing requirement for the town identified in the Core Strategy. Although the site lay adjacent to but outside the Limits of the Development of the town, there were sound reasons for considering the application favourably.

After discussion,

Resolved:

To refuse planning permission for the following reason:

The proposal by reason of the siting of housing development outside of the limits of development defined for Bradford on Avon in the Wiltshire Core Strategy would conflict with policy CP2 of the Wiltshire Core Strategy which only allows residential development beyond these limits through a plan led-process of either a Site Allocations Development Plan or Neighbourhood Plan. The proposal has not been brought forward through either of these means and therefore conflicts with the delivery strategy of the development plan.

68 14/12003/WCM - Stephenson Road, Northacre Trading Estate, Westbury, BA13 4WD - Advanced thermal treatment facility

The following person spoke against the proposal:

Mr Francis Morland, a local resident

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application with a recommendation that planning permission be granted, subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding the planning application.

After discussion,

Resolved:

To grant planning permission, subject to the following conditions:-

- 1. The development hereby permitted shall begin no later than five years from the date of this permission.**

Reason: In accordance with Section 51(1) of the Planning and Compulsory Purchase Act 2004.

- 2. Unless otherwise required by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with Drawing Numbers:**

040_A05 Revision B – Site Plan, Dated 24.11.2014

040_A07 Revision C, Sheet 1 of 4 – Site Elevations, dated 02.12.14
040_A07 Revision C, Sheet 2 of 4 – Site Elevations, dated 02.12.14
040_A07 Revision C, Sheet 3 of 4 – Site Elevations, dated 02.12.14
040_A07 Revision C, Sheet 4 of 4 – Site Elevations, dated 02.12.14
040_A08 Revision B - Proposed Floor Plan, dated 10.12.14
040_A09 Revision B – Site Section Levels, dated 02.12.14
040_A10 Revision B – Site Traffic Route Plan, dated 09.12.14
NOR-LP01REVA – Landscape Plan

Reason: To secure what was proposed and in the interests of proper planning.

3. The external surfaces of the building hereby approved shall be finished using the following colour specifications:

Southwest elevation – Wedgwood Blue (BS5252: 18C37)
All other elevations – Mushroom (BS5252: 10B19)
Roof surfaces – Svelte Grey (BS5252: 10B23)

Reason: In the interests of visual amenity.

4. No waste other than those waste materials defined in the application and environmental statement shall enter the site.

Reason: Other waste materials raise environmental and amenity issues that would require consideration afresh and to ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

5. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Waste Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved Construction Method Statement.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

6. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Waste Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

69 **Date of the Next Meeting**

Resolved:

To note that the next scheduled meeting of the Committee was due to be held on Wednesday 21 October 2015, at County Hall, Trowbridge, starting at 10.30am.

70 **Urgent Items**

There were no urgent items of business.

(Duration of meeting: 10.30 am - 1.15 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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

This page is intentionally left blank

STRATEGIC PLANNING COMMITTEE

Date of Meeting	21 October 2015
Application Number	14/11642/DP3
Site Address	Downton C of E Primary School, Gravel Close, Downton, SP5 3LZ
Proposal	Change of use of Memorial Gardens to provide an enlarged playground area, incorporating a hard games court area. Bridge over The Bunney, proposed 2 storey classroom extension, and extension to main hall.
Applicant	Mr Richard Pearce
Town/Parish Council	DOWNTON
Ward	DOWNTON AND EBBLE VALLEY
Grid Ref	417424 121569
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by the Strategic Planning Committee:

The application is made by Wiltshire Council and the Area Development Manager considers it to have strategic (i.e. wider than local) significance insofar as the proposed enlargement in the capacity of Downton Primary School is intrinsically linked to achieving managed growth in accordance with Core Policy 24 of the Wiltshire Core Strategy, whereby over the plan period (2006–2026) approximately 615 new homes are to be provided within the Southern Wiltshire Community Area, of which 190 should occur at Downton.

The application was deferred from the last Strategic Committee meeting (23.09.15) at the Chairman's request, to allow addition time for a revised response from the Environment Agency.

1. Purpose of Report

To consider the application and, subject to the Environment Agency lifting their objection, to recommend to Members of the Strategic Planning Committee that the application should be APPROVED, subject to Conditions.

2. Report Summary

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

- I. Principle of the proposed development
- II. Scale, design & materials
- III. Impact on listed buildings and the surrounding conservation area
- IV. Impact on amenity
- V. Flood risk
- VI. Loss of trees

- VII. Archaeology
- VIII. Ecology

The application has generated a total of 41 representations from the third parties, however the majority of the representations received (which included petitions supporting and opposing the proposed development) referred to earlier version(s) of the proposed scheme (which included a community use MUGA, a swale within the Memorial Gardens, a different arrangement for bridging The Bunney and different roof form for the extension). Revised plans (representing the current scheme) were deposited with the local planning authority on 14.08.15 and all neighbours, consultees and other third parties who had previously expressed an interest were re-consulted. The revised scheme has resulted in third party representations being received as follows:

- Two representations objecting on grounds including inappropriate design and materials for the extension, adverse impact on listed buildings and the wider conservation area and insufficient car parking provision
- One representation making other comments including the need for adequate noise mitigation for nearby residents, need to control the hours of use of the extended play area, need for adequate landscaping and flood risk mitigation for the proposed development
- The Downton Society support the revised application in principle, but still objects to the scale, design and materials for the proposed extension, still has concerns in respect of drainage and The Bunney, and stresses the importance of an appropriate scheme of planting and landscaping

Downton Parish Council raises no objection to the revised proposal, with comments in respect of noise mitigation, fence lines, materials and landscaping.

3. Site Description

The application relates to Downton Primary School and part of the eastern side of the adjacent Memorial Gardens, located fairly centrally within the settlement of Downton, a Local Service Centre as defined by Core Policy 24 of the adopted WCS. Running between the school site and the Memorial Gardens is a watercourse called The Bunney.

The application site is within the designated Downton conservation area and the main school building is grade II listed. There are dwellings to the immediate north and south of the school, and to the east on the opposite side of Gravel Close. To the immediate north of the school is the grade II listed Rose Cottage, and to the south are the grade II listed terrace of properties at 39, 41 & 43 The Borough.

The site is within Flood Zone 2 and parts are within Flood Zone 3 – there are Environment Agency Flood Defence structures along both sides of The Bunney (forming the western boundary of the existing school site) and continuing northwards along the southern and western boundary of the neighbouring house known as Aleppo.



4. Planning History

S/1997/0827	Construction of new nursery unit following demolition of existing outbuilding
S/1997/0828	Demolition of existing outbuildings
S/1994/0869	L/B APPLICATION - PROVISION OF NEW LOWER CEILING TO CLASS ROOMS
S/1995/0894	Lower ceilings to classrooms
S/2011/0975	A new 25sqm entrance extension and internal alterations
S/2011/0977	Reduce height of boundary wall
S/2011/0974	A new 25sqm entrance extension and internal alterations
S/1994/1095	L/B APPLICATION - SINGLE STOREY EXTENSION TO REAR OF SCHOOL TO FORM NEW STORE/TELEVISION ROOM
S/1994/1094	SINGLE STOREY EXTENSION
S/1995/1112	Erection of 3.5m and 2.5m high chain link sports fence to boundary of small playing field

S/1996/1233	Tree surgery to a flower cherry and a goat willow tree
S/2004/1520	TWO STOREY SIDE EXTENSION
S/2002/1783	REPLACEMENT OF EXTERNAL TIMBER WINDOWS
S/1997/1778	SINGLE STOREY EXTENSION
S/1997/1777	SINGLE STOREY EXTENSION
S/2008/2033	REPLACEMENT OF SECTION OF FENCING & GATES. LOWERING SECTIONS OF WALL WITHIN PLAYGROUND TO CREATE SEATING
S/2008/2034	REPLACEMENT OF SECTION OF FENCING & GATES. LOWERING SECTIONS OF WALL WITHIN PLAYGROUND TO CREATE SEATING
S/2000/2179	REPLACEMENT OF EXISTING TEMPORARY CLASSROOMS WITH NEW PERMANENT ACCOMMODATION AND THE REMOVAL OF REDUNDANT MOBILE CLASSROOMS AND PRATTEN HALL ON COMPLETION
S/2000/2180	REPLACEMENT OF EXISTING TEMPORARY CLASSROOMS WITH NEW PERMANENT ACCOMMODATION AND REMOVAL OF TEMPORARY ACCOMMODATION ON COMPLETION
S/2002/2207	PROVISION OF A NEW FLOOD DEFENCE SCHEME CONSISTING OF FLOOD BANKS, FLOOD WALLS, WATER COURSE IMPROVEMENTS, DRAINAGE IMPROVEMENTS INCLUDING PUMPING STATION AND ASSOCIATED WORKS
S/2004/2320	PROPOSED DISABLED TOILET
S/2004/2321	PROPOSED DISABLED TOILET
14/03569/FUL	Alterations to existing Reception classrooms within listed building and extension to form new enclosed 40 sqm external classroom space.
14/03725/LBC	Alterations to existing Reception classrooms within listed building and extension to form new enclosed 40 sqm external classroom space.
14/11658/LBC	Proposed 2 storey classroom extension and extension to main hall with amended extension height

5. The Proposal

It is proposed to erect a part two storey / part single storey extension to the school to enlarge the hall and provide additional classrooms (to increase the pupil capacity by 60). As the extensions would be over part of the existing playground, it is also proposed to provide a replacement play area on part of the Memorial Gardens with a bridge over a section of The Bunney for access. The new play area would incorporate a hard games court.

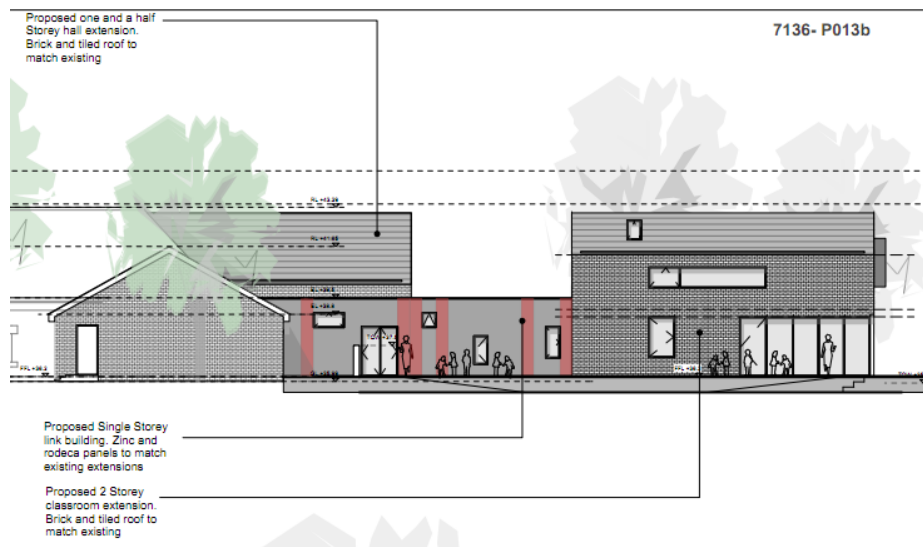
Proposed site plan:



Proposed west elevation:



Proposed north elevation:



Proposed south elevation:



Proposed South Elevation 1 : 2 0 0

The proposed development is required to accommodate the anticipated numbers of new children coming to live in the Downton area as a consequence of the planned housing growth for the Southern Wiltshire Community Area set out in the Wiltshire Core Strategy. Specifically, Core Policy 24 of the Core Strategy states that over the plan period approximately 615 new homes are to be provided within the Community Area, of which 190 will be at Downton. Presently the school does not have capacity to accommodate these numbers.

6. Local Planning Policy

Wiltshire Core Strategy Core Policies CP1, CP2, CP3, CP24, CP50, CP51, CP57, CP58, CP60 & CP61

Saved local plan policies R5 & PS5 (as saved within Appendix D of the adopted WCS)

Downton Village Design Statement

NPPF & NPPG

7. Summary of consultation responses

Downton Parish Council – Comments in full:

I am writing again on behalf of the members of Downton Parish Council to provide their final response to Downton Primary School's planning application. There is one relatively minor issue to resolve, that being the alignment of fencing on the northern boundary of the extended playground which requires a site visit by representatives of all three parties (the school, the Parish Council and Wiltshire Council) within the next week. I will submit a supplementary response on this immediately after the meeting.

Since my last letter, the Parish Council acknowledges the work done by the School's Architects in lowering the height of the classroom block and the confirmation from Sport England, which has been endorsed by the Governing Body of the Primary School, that there is no requirement for public access to the extended playground. I can therefore confirm that the Parish Council lifts its objections on these two issues.

The Parish Council's further comments on the revised plans are as follows:

- *Revised Plans: It has no objection to the revised plans for the extended playground except for the additional land on the north-eastern boundary adjacent to Mrs Jenny Saxby's property. The tarmaced bridge from the existing rear gate of the school onto the Memorial Gardens across The Bunny will remain within the ownership of the Parish Council.*

Downton Parish Council is supportive of leasing the land in the Memorial Gardens, the terms for which are yet to be agreed between the parties, to achieve the jointly-held objective of enabling all the children from the parish to attend the Primary School. In addition, and at this current time, the Parish Council will ensure the lease reflects the boundaries as shown and agreed at the public consultation in 2013. These will remain until such time as Wiltshire Council Education has demonstrated through technical evidence that the upstream solution to enable the piping of The Bunny water channel is not achievable. The Parish Council and Primary School jointly acknowledge that this is the optimal solution and the Parish Council considers that this opportunity should not be lost.

- *Rodeca Cladding: The Parish Council expresses concern regarding the potentially inappropriate Rodeca cladding on the south elevation of the two storey classroom block, which will be able to be seen from The Borough and Downton Conservation Area. It supports the concerns raised by the Conservation Officer and requests that the determination of its appropriateness be addressed by a planning condition so that materials are agreed prior to installation and any subsequent changes are covered by a variation.*
- *Landscaping Scheme: As owners of the Memorial Gardens, the Parish Council requests that the landscaping scheme for the Memorial Gardens be addressed by a planning condition so that members can give it consideration and approval before being implemented.*
- *Acoustic Barriers: In response to the recommendations made in the Noise Report commissioned by Wiltshire Council Education, the Parish Council requests that a further planning condition be placed on the decision notice which will ensure that appropriate acoustic barriers are placed on the School's boundaries and any internal fencing, as appropriate, to mitigate against any increased noise generated from the additional children and school activities.*

In view of the clear flaws in the Noise Report with regard to its reference to the numbers and average height of the children, it would also request that the report be updated and validated by Wiltshire Council's Public Protection Department and any proposed acoustic barriers be given approval by officers prior to their installation.

Lastly, and in order to reduce any confusion or frustration amongst unitary councillors and residents attending when the application is discussed at the Southern Area Planning Committee, the Parish Council requests that Wiltshire Council Education provides the most accurate and up-to-date plans as possible taking account of the comments contained in this letter.

WC Highways – No objection

WC Archaeology – No objection

WC Ecologist – No objection

WC Conservation Officer – No objection subject to Conditions

WC Tree Officer – Objects to the removal of certain trees, TPO put in place

WC Public Protection Officer – No objection, subject to Condition

WC Public Open Space Officer – No response received (revised scheme)

WC Drainage Officer – No objection subject to Condition & Informative (EA)

Historic England – Do not wish to offer any comments, refer to local conservation advice

Sport England – No objection

English Nature – No objection

Environment Agency – Objection on grounds of insufficient FRA

Wessex Water – No response received

Wiltshire Fire & Rescue Service – Standard letter of advice

8. Publicity

The application was publicised by press notice, site notice, neighbour notification letters and on the Councils website.

The application has generated a total of 41 representations from the third parties, however the majority of the representations received (which included petitions supporting and opposing the proposed development) referred to earlier version(s) of the proposed scheme (which included a community use MUGA, a swale within the Memorial

Gardens, a different arrangement for bridging The Bunney and different roof form for the extension). Revised plans (representing the current scheme) were deposited with the local planning authority on 14.08.15 and all neighbours, consultees and other third parties who had previously expressed an interest were re-consulted. The revised scheme has resulted in third party representations being received as follows:

- Two representations objecting on grounds including inappropriate design and materials for the extension, adverse impact on listed buildings and the wider conservation area and insufficient car parking provision
- One representation making other comments including the need for adequate noise mitigation for nearby residents, need to control the hours of use of the extended play area, need for adequate landscaping and flood risk mitigation for the proposed development
- The Downton Society support the revised application in principle, but still objects to the scale, design and materials for the proposed extension, still has concerns in respect of drainage and The Bunney, and stresses the importance of an appropriate scheme of planting and landscaping

9. Planning Considerations

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

9.1 Principle of the proposed school development and changes to existing open space areas

Alterations and improvements to school facilities are supported by WCS saved policy PS5, and by national planning guidance in the NPPF. The NPPF outlines that the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and states '*Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education*'. Local Planning Authorities should give great weight to the need to create, expand or alter schools, (NPPF para.72).

Extension and alterations to the school buildings

The application site is located within the defined limits of development of Downton (a Local Service Centre as defined by Core Policy 24 of the adopted WCS). The proposal to extend and increase the capacity of the school is considered acceptable in principle, subject to there being no undue material impacts in planning terms – these are considered below.

Extension of the playground area

The existing school playground and the adjacent Memorial Gardens are protected by saved policy R5 of the WCS. The policy reflects national playing space policies within the NPPF, in that it protects open space areas, unless certain criteria are met relating to the need for the facility or its replacement elsewhere.

By reason of the additional space taken up by the footprint of the proposed school extension, and to account for the additional numbers of pupils, it is necessary to increase the current area of playground space for the school. The school site is constrained on the north, east and south sides by neighbouring properties and the road to the east, therefore the only available option for increasing playground space is by creating a wide

'bridge' over The Bunney (which forms the western boundary of the site) and using part of the Memorial Gardens.

As a consequence of this the proposal would result in the loss from general community use of an area of the Memorial Gardens. This area would be fenced off from the remainder of the gardens and would become part of the outdoor play space for the school. Sport England initially objected to the loss of this area of the gardens which it considered constituted part of a community playing field. However, Sport England has revised its response and removed the objection on the grounds that the precise area does not, in fact, include a sports pitch and that the remaining larger part of the Memorial Gardens would still be able to accommodate a pitch for community use in any event.

The loss of a relatively small part of the existing Memorial Gardens to school use is, therefore, considered acceptable, particularly when the wider strategic benefits of creating an enlarged school within the Downton settlement to accommodate children generated by housing growth already agreed in the Core Strategy is factored in.

9.2 Scale, design & materials

The application proposes a two storey classroom extension and an extension to the main hall of the school. During the course of the application, much consideration has been given to the form, scale, design and materials of the proposed extensions, and the initially proposed design for the two storey element has been revised to reduce the height, and so impact, of the roof.

Taking into consideration the reduced impact of the revised design, and considering the advice provided in consultee responses from Historic England and the WC conservation officer (as well as that offered by third parties), the proposed extensions are considered compatible in terms of their scale, form and design to the existing school buildings and other buildings in the vicinity.

The final selection and approval of external materials can be controlled by condition to ensure they are appropriate in terms of their effects on the character and setting of the school building and the surrounding conservation area.

9.3 Impact on listed buildings and the surrounding conservation area

The main school building is grade II listed, and has already been the subject of modern, sympathetic extensions. The application site is within the designated conservation area and there are dwellings to the immediate north and south of the school, and to the east on the opposite side of Gravel Close. To the immediate north of the school is the grade II listed Rose Cottage, and to the south is the grade II listed terrace of properties at 39, 41 & 43 The Borough.

Taking into consideration the revised roof form for the proposed two storey element, and the appropriate scale, and design of the scheme in totality, together with the location of the development at the back (west) of the existing main school buildings (attached to a later addition), it is considered no 'harm' (in terms of the NPPF) would be caused to the character, appearance and setting of the original school building (or those of neighbouring listed buildings), and the character and appearance of the conservation area would continue to be preserved. Even if there was harm caused by the development, this would be less than substantial and outweighed by the public benefit arising from enlargement of the school to accommodate local children.

Views from the Memorial Gardens to the west can be adequately softened and mitigated by an appropriate scheme of planting and landscaping.

9.4 Impact on amenity

The site is located in close proximity to a number of residential dwellings. Several comments have been received regards the impact of the works on residential amenity, and these have been fully considered.

In particular, much consideration has been given to the impact of the proposed development on the amenity of neighbouring residents adjoining the application site to the north. Now that the proposal omits the originally proposed shared school / community use Multi Use Games Area (MUGA), the proposed playground extension area is only for use by the school (i.e. to be used by primary age pupils of the school and only used during normal school hours, as is currently the case with the existing playground area), the impact of the extended playground area on the amenity of those neighbours has been reduced to an acceptable level.

The proposed extensions are located approximately centrally within the school site, at the rear of the main school buildings. By reason of the use of the extensions as part of the existing primary school, and by reason of the scale and location of the proposed extensions and their orientation and general relationship with neighbouring dwellings, they would not have a detrimental impact on residential amenity.

In respect of noise and disturbance from construction works, a standard planning Condition restricting working hours and days during the construction period can be imposed as recommended by the public protection officer.

Subject to the controls and safeguards set out above (to be imposed by conditions), it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

9.5 Flood risk

The site is within Flood Zone 2 and parts are within Flood Zone 3 – there are Environment Agency Flood Defence structures along both sides of The Bunney (forming the western boundary of the existing school site) and continuing northwards along the southern and western boundary of the neighbouring house known as Aleppo.

At the time of writing this report, the Environment Agency (EA) is maintaining an objection to the proposed development on the grounds that the submitted Flood Risk Assessment (FRA) is inadequate.

The applicant is currently in the process of completing and submitting a revised and enhanced FRA which includes the modelling requested by the EA, and it is anticipated that this will enable the EA to remove its objection. The Committee will be provided with an update at the meeting.

9.6 Loss of trees

The proposal will require removal of a number of trees from the eastern boundary of the Memorial Gardens, as set out below.

As existing:



As proposed:



The amenity value of these trees within the Memorial Gardens and the wider conservation area is recognised, as is the objection to their loss by the WC tree officer, who has made a group Tree Preservation Order (TPO) in response to the application.

However, the school site is constrained on its north, east and south sides by dwellings, roads and other buildings, leaving no other feasible location for expansion other than in this area, bridging The Bunney to the Memorial Gardens. Balancing the loss of the trees against the strategic and community benefits the school expansion would bring, and taking into account the opportunity to provide new landscaping in any event, it is considered that on this occasion the loss of the existing trees is outweighed by the provision of the new school facilities.

9.7 Archaeology

The applicant has undertaken archaeological field evaluation within the site area and has submitted an Archaeological Evaluation Assessment Report, to the satisfaction of the WC Assistant County Archaeologist.

On the basis of the investigation undertaken and the submitted report the Assistant County Archaeologist has no observations in respect of the application.

9.8 Ecology

The Council's Senior Ecologist has assessed the proposal and has inspected the application site. The Senior Ecologist considers the proposed development would not adversely affect protected species or other nature conservation interests and raises no objection.

9.9 Highways considerations

The Council's Highways officer has assessed the proposal. On the basis that there is no longer any community use of the outdoor play area, the Highways officer raises no Highway objection.

10 S106 contributions and CIL

No S.106 contributions are required in respect of the proposed development. The proposed development is zero rated for CIL (Community Infrastructure Levy).

11 Conclusion

The application proposes extensions and the change of use of adjoining land to facilitate the expansion of Downton Primary School which is intrinsically linked to achieving managed growth in the settlement of Downton in accordance with Core Policy 24 of the Wiltshire Core Strategy. This requires over the plan period (2006–2026) approximately 615 new homes to be provided within the Southern Wiltshire Community Area, with 190 at Downton. The proposed extensions to the school building and enlargement of the existing play area are required to accommodate the anticipated numbers of new children coming to live in the Downton area as a consequence of the agreed housing growth over the plan period.

On its merits the proposal is considered acceptable both in principle and in terms of its impacts on all relevant considerations. In policy terms the proposal complies with the Development Plan, and in particular Core Policies CP1, CP2, CP3, CP24, CP50, CP51, CP57, CP58, CP60 & CP61 of the Wiltshire Core Strategy, and saved local plan policies R5 & PS5 (listed in Appendix D, of the adopted Wiltshire Core Strategy), and the aims and objectives of the National Planning Policy Framework and National Planning Policy Guidance.

RECOMMENDATION

That, subject to the Environment Agency removing its objection to the application, planning permission be granted subject to the conditions set out below and subject to any additional conditions requested by the Environment Agency

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

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

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

Drawing number P008a Revision A dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P014b Revision B dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P004 Revision C dated July 15, as deposited with the local planning authority on 14.08.15, and

Drawing number P006 Revision A dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P002 Revision C dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P007 dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P003 dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P005b Revision B dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P015c Revision C dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P013b Revision B dated Nov 2014, as deposited with the local planning authority on 14.08.15, and

Drawing number P016c Revision C dated Nov 2014, as deposited with the local planning authority on 14.08.15.

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

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

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

4. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

(a) indications of all existing trees and hedgerows on the land;

(b) details of any to be retained, together with measures for their protection in the course of development;

(c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

(d) finished levels and contours;

(e) means of enclosure;

(f) car park layouts;

(g) other vehicle and pedestrian access and circulation areas;

(h) hard surfacing materials;

(i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

(j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the 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.

7. No development shall commence on site until a scheme of works/mitigation measures for noise attenuation along the northern boundary of the playground area (existing and

proposed) has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the extended playground area being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

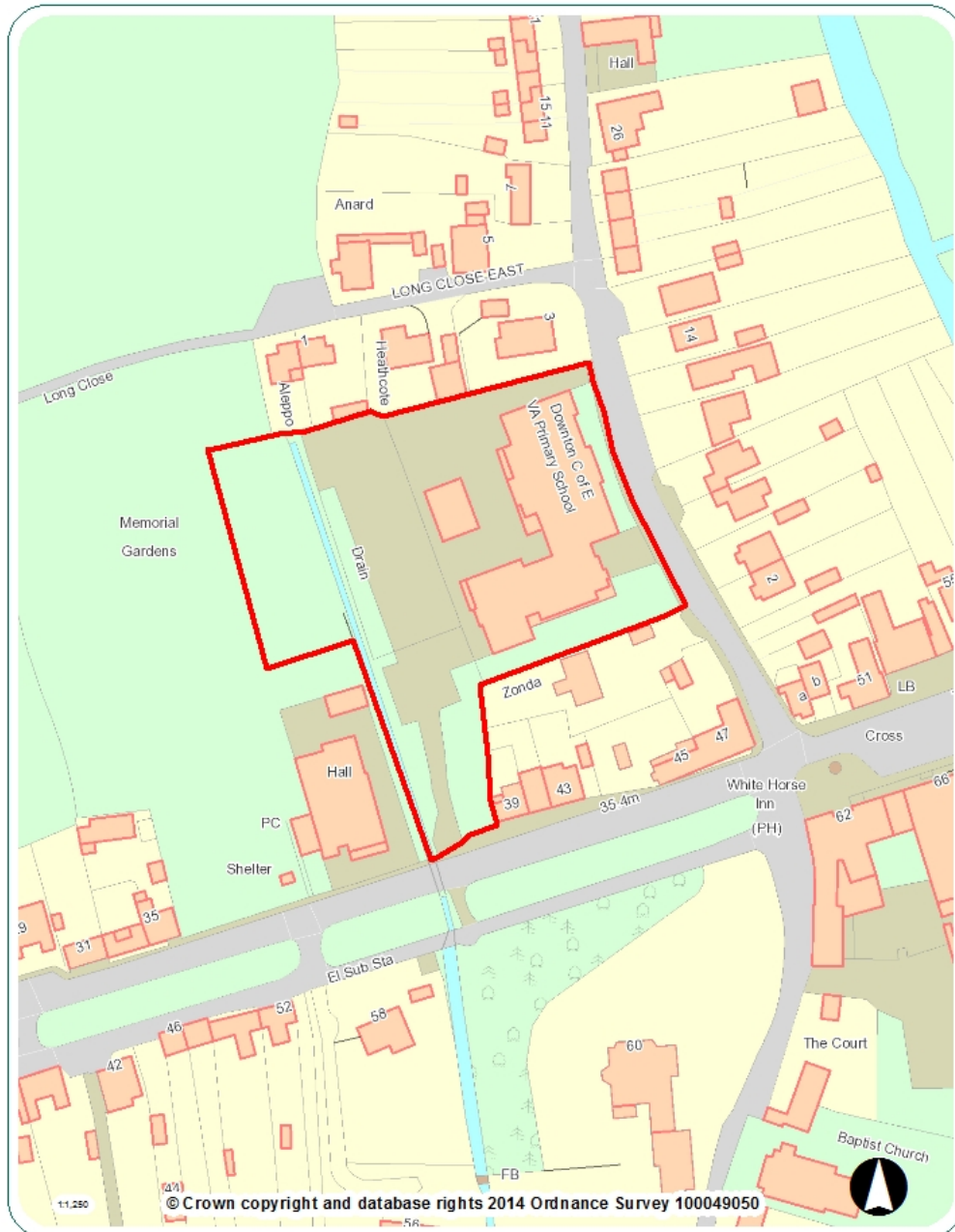
REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

8. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. No burning of waste shall take place on the site during the construction phase of the development.

REASON: In the interests of neighbouring amenities



This page is intentionally left blank



This page is intentionally left blank

STRATEGIC PLANNING COMMITTEE

Date of Meeting	21 October 2015
Application Number	14/06561/FUL
Site Address	Land to the West of Salisbury Road, Salisbury Road, Downton, Wiltshire
Proposal	Erect 99 dwellings (83 houses and 16 flats) together with garages, timber pergolas, garden sheds and refuse/cycle stores and associated works
Applicant	Charles Church Developments Limited South Coast
Town/Parish Council	DOWNTON
Electoral Division	DOWNTON AND EBBLE VALLEY – Cllr Julian Johnson
Grid Ref	417051 121577
Type of application	Full Planning
Case Officer	Tim Pizzey

1. **REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE**

Cllr Julian Johnson has requested that this application be considered by committee in view of the following main issues:

- Drainage. The existing sewage & drainage infrastructure is insufficient to support current housing.
- Education. As yet no agreed solution on how primary school children from new development could be accommodated at Downton Primary School without excluding potential pupils already residing in the more established areas in the village. Access also required for pre-school children to local pre-school facilities.
- Highways. Solution required for vehicles from new development accessing the already-congested A338.
- Planning policy. Spatial Planning comments that development now is contrary to policy and should not be approved unless there are significant reasons for making an exception; such reasons not yet forthcoming.

2. **PURPOSE OF REPORT**

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

3. **SUMMARY OF REPORT**

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

1. Background
2. Principle of development & housing policy
3. Scale, design and layout
4. Landscape and visual impact
5. Highway impact and transportation
6. Drainage & flood risk
7. Education and community facilities
8. Housing mix & affordable housing
9. Ecology and biodiversity
10. Impact on the historic environment
11. Residential amenity
12. Waste & recycling
13. Minerals safeguarding
14. Section 106 requirements / community infrastructure

The application has generated a total of 46 representations from third parties (this includes the Downton Society, Downton Green Group and South Wiltshire CPRE) raising a variety of concerns and issues, mostly relating to matters associated with further housing in the village and policy, layout / design, infrastructure issues (including education), drainage/flooding and highway/traffic issues.

The application has been the subject of pre-application advice from officers, and the applicant has engaged the Parish Council in local consultation exercises prior to submission of the application, the outcomes of which are set out in the applicant's Statement of Community Involvement, including how this has influenced the submitted scheme. Since submitted, the application has been the subject of some further revisions and additional information from the applicant, seeking to address issues raised during the application process, particularly as a result of consultation responses. Due to recent flooding problems in the village, drainage has been a particularly difficult matter to address.

Downton Parish Council initially objected to the application on a number of infrastructure and technical issues. In response to revisions, the Parish Council's response is now moderated but with detailed comments and recommendations made under a number of headings, reproduced in full in the report. Within these comments the Parish Council maintains its objection until approvals are given to the Primary School's planning application and a separate application by the Parish Council for an extension to the Downton Memorial Hall.

4. SITE DESCRIPTION

The application site extends to an area of approximately 3.4 hectares of open land last in agricultural use, with a few minor associated structures on it.

The application site also includes an existing red brick / slate detached house (New House Cottage) in the extreme north east corner of the site, fronting the A338. This house (which is shown to be retained) is currently boarded up and vacant. The site is situated on the north western fringes of the village of Downton, being located immediately adjacent to, but outside, of the limits of development as defined on the Wiltshire Core Strategy Policies Map.



Aerial Photograph

The site is located to the north of Wick Lane and immediately to the west (rear) of residential properties and a petrol filling station that fronts Salisbury Road (A338) to the north of the junction with Wick Lane.

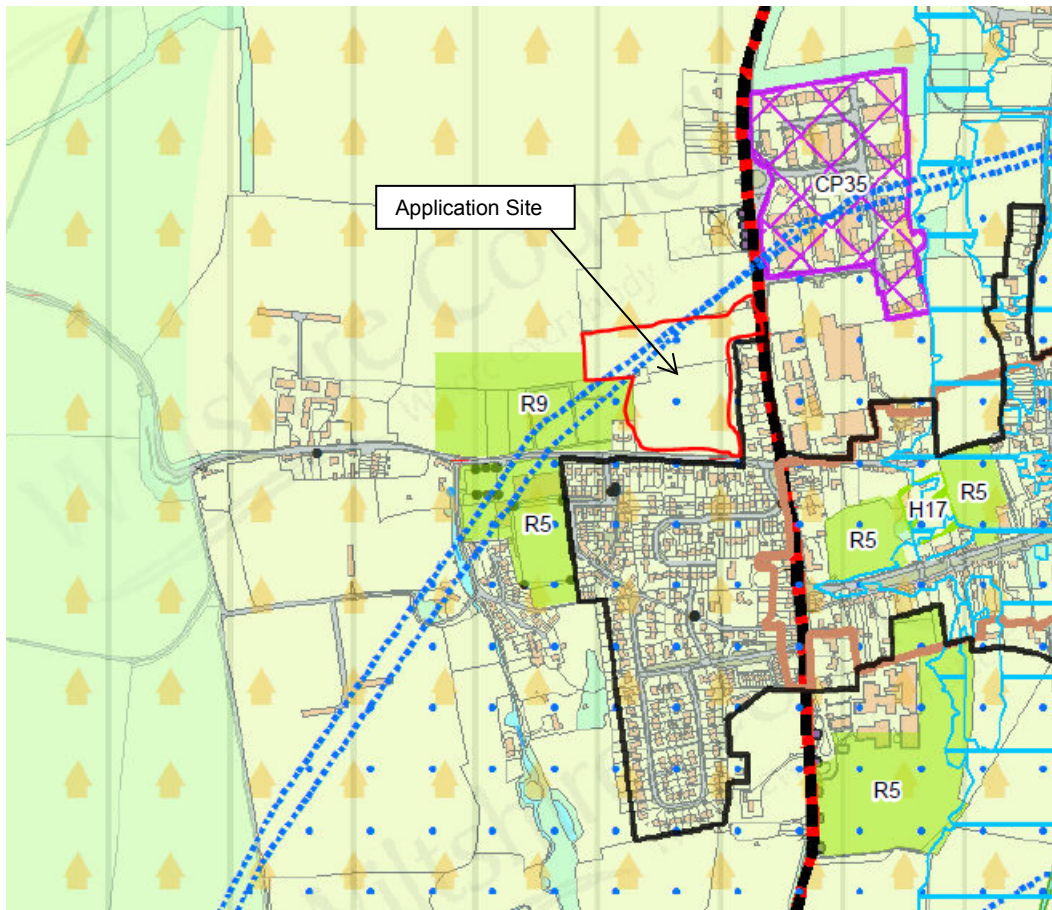
Immediately to the west of the site are a pair of semi-detached dwellings (Nos. 17 and 18 Wick Lane) and an area of allotment gardens, as well as further agricultural land. Agricultural land is also located immediately to the north of the site, while further to the north on the west side of the A338 is Scott's House and a small cluster of residential properties that forms 'ribbon' development along the A338 and represents the furthest extent of the built form of Downton to the north.

Immediately opposite the site to the south are a number of detached and semi-detached residential properties that front the south side of Wick Lane, beyond which is further residential development situated within the existing settlement boundary. Further to the west of the southern side of Wick Lane are Downton Football Club, the Leisure Centre and a more recently constructed residential development (West Wick / Clearbury View).

To the east and north east of the site, on the opposite side of Salisbury Road (A338), are industrial/commercial premises of Batten Road and Downton Industrial Estates, including a '3663' depot. The built form and settlement boundary of the village of Downton extends a considerable distance to the east and south east of the site.

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

There is a public foul sewer crossing the east part of the site, which influences the proposed layout.



Extract from Wiltshire Core Strategy policy maps

5. RELEVANT PLANNING HISTORY

There have been no previous planning applications on this site for residential development. The current application has been the subject of pre-application advice by officers.

The site was submitted in relation to the Strategic Housing Land Availability Assessment (SHLAA) process during a call for sites exercise. As a result, the site has been identified as one of a number of potential sites for development that were put forward as part of this process.

6. PROPOSAL

The application seeks full planning permission for the erection of 99 dwellings comprising 79 houses, 16 flats and 4 maisonettes, with garages, timber pergolas,

garden sheds and refuse /cycle stores and associated works. Access is proposed from Salisbury Road (A338) between a petrol filling station and New House Cottage, with associated local highways works, including a right hand turn lane, footway provision and uncontrolled pedestrian crossing / island. An emergency vehicular access and combined cycle / pedestrian access route and a further pedestrian access route is proposed off Wick Lane at the south east and south west corners of the site. An off-site new pedestrian 'puffin' crossing is proposed, just south of the junction of Wick lane with Salisbury Road. The proposed layout includes New Hope Cottage, with access to this dwelling being taken from the north side of the new access road, off the A338.

The application and plans have been accompanied by the following supporting documents / assessments:

- Planning Statement
- Design and Access Statement
- Noise Assessment
- Flood Risk Assessment
- Sustainability Statement
- Drainage Strategy Report
- Statement of Community Involvement
- Transport Assessment
- Residential Travel Plan
- Waste Audit & Construction Environmental Management Plan
- Landscape & Visual Assessment
- Historic Environmental Assessment
- Ecological Appraisal

During the course of the application, a number of revisions / updates have been submitted to some of the above documents and where relevant are referred to in this report. Further details of the proposed layout and design are included under the Planning Considerations section.

7. CONSULTATIONS

Unless specifically quoted in full, the consultation responses reported below are generally the officer's summary of more extensive comments, copies of which may be viewed in full on the Council's web site.

Downton Parish Council

Downton Parish Council initially objected to the application on the following main grounds (taken from its response):

- 1) *That the existing sewerage and drainage infrastructure is already insufficient to support the current housing and facilities. This is evidenced by the catalogue of photographs, emails and reports from residents submitted both to the Parish Council and to the Public Exhibitions in July 2013 and 2014 and that the design of the drainage system within the site is based on data that significantly understates the size of the drainage problem.*
- 2) *That there is currently no agreed solution with Wiltshire Council on:*
 - a. *How primary school aged children from the new development can be accommodated at Downton Primary School without preventing the*

exclusion of other potential pupils from the more established parts of Downton.

- b. How pre-school aged children from the new development can be given access to a Pre-School in the village.*
- 3) That the design of the junction onto the A338 will result in accidents and further congestion on the A338.*

In addition the Parish Council has made a number of comments in response to information in the various Consultants' reports and has submitted its more detailed appraisal of the issues. It concludes its response with the following:

"...The most recent version of Wiltshire Council's emerging South Wiltshire Core Strategy changed the housing target for Downton from "at least 190" to (just) "190" houses. Downton Parish Council fully supports this change as it regards it as essential that this maximum limit be imposed. The serious deficiencies in the infrastructure in the village, as highlighted in this response, along with the other significant issues identified by residents at the various consultations, such as the traffic and parking problems in The Borough and the additional pressures placed on the GP Surgery in the village, which already experiences high demand for appointments, underpins its position on this point. Although Downton Parish Council welcomes development in the context of Wiltshire Council's emerging Wiltshire Core Strategy it is unable to support the current Charles Church planning application whilst the fundamental issues of essential infrastructure improvements and beneficial community facilities remain outstanding..."

In response to revised plans and further information, Downton Parish Council's response is set out below in full:

"... Downton Parish Council's comments are as follows under the following headings:

1. Introduction

Subject to the provision of beneficial community facilities, Downton Parish Council welcomes development in the context of Wiltshire Council's emerging Wiltshire Core Strategy where, as set out in the latest version of this document, a maximum of 190 new homes are planned for Downton in the period 2006 to 2026. Against the 190 target Wiltshire Council have, so far, approved planning permissions for 76 new homes in Downton. Should planning permission be granted to the Charles Church development this total will increase to 175 new homes, leaving just 15 houses to be built to achieve the plan total for Downton through to 2026. The Parish Council are aware of other landowners/option holders developers with ambition to build in Downton and that a planning application for approximately 40 houses on SHLAA site S195 and a revised Outline Application for some 18 homes on land at Scotts House, Salisbury Road is about to or will soon be submitted. The Parish Council wishes to point out that, if planning permission is granted to this Charles Church application, it will look to Wiltshire Council to exercise considerable restraint on any planning applications that would push the number of additional houses above the 190 limit.

2. Drainage, Sewerage Infrastructure

Downton Parish Council has welcomed the work done by Wiltshire Council's

Drainage officers, Wessex Water and the Environment Agency to begin to put in place a groundwater management strategy and an Infiltration Reduction Plan for

Downton. Subject to the removal of Wessex Water and Wiltshire Council Drainage objections to the Charles Church planning application, the Parish Council requests that:

- Charles Church be required by means of a planning condition to install a 'triple sealed' sewerage system within their site, and through to their connection to main sewer in Wick Lane, so that no ingress of groundwater into Downton's sewerage system can occur. The proposed sewerage system on the site will have at least 200 sealing joints at which the system will be joined to the dwellings. These will provide 200 additional locations for potential ingress of groundwater into an existing sewerage that is already completely overwhelmed by groundwater infiltration in the winter months.*
- Charles Church be required by means of a planning condition to appoint a maintenance company to carry out regular maintenance and clearing of the road surface and the soakaways, and monitored by Wiltshire Council, in order to prevent the build up of sediment which would otherwise prevent infiltration*
- With regard to the drainage system on the site, that the level of the soakaways across the site be maintained at 37.50 metres above ordnance datum, that the level of the roadways are above 37.15 metres above ordnance datum and that officers carry out regular checks during construction to verify the correct levels.*

3. Education

Downton Parish Council continues to maintain its objection until approvals are given to the Primary School's planning application and to the planning application submitted by the Parish Council for an extension to the Downton Memorial Hall.

4. Access & Movement in relation to the A338

Exit from the Charles Church Site:

The Parish Council is disappointed that its request for a 'left turn only' out of the site has been rejected. There has been a significant public response to traffic concerns during the consultations on the Charles Church planning application and on the Downton Neighbourhood Plan. The Parish Council therefore requests to receive a reasoned and evidence based report from Wiltshire Highways so that it can ensure that these concerns have not been ignored as well as to include the reasoning in the emerging Downton Neighbourhood Plan for future reference.

Puffin Crossing:

The Parish Council requests that a planning condition be added to the decision

notice for the installation of a working Puffin Crossing beside the Post Office in the Headlands before any houses are occupied and that a yellow box junction between Wick Lane and Long Close be created in order to keep stationary traffic out of this space and thereby enable traffic to exit from these roads.

5. Consultants' Reports

As previously indicated, the Planning Noise Assessment states that noise from the 3663 Depot and the A338 is an issue and needs to be mitigated. However, the remedy proposed is contradicted by the statements made in the Sustainability

Assessment and no amendments have been made to either document as follows:

- *Planning Noise Assessment p.27 7.3.1
“Due to the need to ensure suitable sound insulation for habitable rooms exposed to noise from road traffic and the 3663 Depot activities, windows will need to remain closed even when the desired ventilation rates are relatively high. Discussions have therefore been had with the client and the current proposal is to install a system 3 compliant mechanical ventilation system in all properties need to provide a minimum degree of façade insulation.”*
- *Sustainability Assessment p.6 2.11
“It is not intended to provide any form of mechanical cooling within the proposed development. Passive measures will be taken to ensure that the risk of summer overheating is limited. Openable windows will be installed in all dwellings to encourage natural ventilation.”*

Downton Parish Council asks again for clarification on this point in particular and, more generally, on which of the many other recommendations and proposals in the various consultant's reports (Planning Noise Assessment, Sustainability Assessment, Flood Risk Assessment, Landscape & Visual Assessment Reports, Transport Assessment, Travel Plan) have been adopted by Charles Church and therefore form part of its proposals for this planning application and which have been rejected and so do not form part of its proposals.

6. Emergency Exit in Wick Lane

Downton Parish Council asks again for clarification on whether the size of the

Emergency Entrance and Exit to the site in Wick Lane is sufficient to allow for the turning and access of emergency vehicles, particularly in view of the current and potential parking of cars along Wick Lane beside the entrance.

7. Construction Traffic

The Parish Council requests that Charles Church be required by means of a planning condition to adhere to the following:

- *the Traffic Order concerning the local 7.5 ton zone, as the Charles Church site is located outside of this zone, and that construction traffic is not permitted to use The Borough, other than for access within the 7.5 ton zone;*
- *all deliveries to the site are made by A roads only and not via the B3080 through the village (or through the New Forest) or via Wick Lane;*
- *construction traffic is not permitted to use Wick Lane;*
- *on site provision is made for the parking of all vehicles, plant and materials associated with the construction...”*

WC Spatial Planning

The Spatial Planning Team's original response to the application (pre-Wiltshire Core Strategy) concluded with the following recommendation:

"At this point in time the application does not support a plan led approach to the delivery of housing in Southern Wiltshire which is intended to be provided for within forthcoming Neighbourhood Plans or the Housing Sites Allocations DPD. Therefore this proposal is contrary to policy and should not be approved unless the case officer considers that there are significant material reasons to make an exception to policy in this case".

Since then, the Wiltshire Core Strategy (WCS) has been adopted and there have been various developments in relation to site specific matters, infrastructure issues and emerging development plan documents. WCS policy considerations are discussed in the report below.

New Forest National Park Authority

The National Park Authority does not wish to make any detailed comments on the application. They advise that this is informal advice made without the benefit of a site visit or consideration to any third party comments, and is offered without prejudice to the determination of any subsequent planning application.

In response to revised plans, the NPA remind Wiltshire Council of its legal obligation to raise the cross boundary impacts on the Natura 2000 sites within the National Park when considering the application. More specifically, the NPA refer to the Wiltshire Core Strategy:

"...the New Forest National Park is an important resource and so protecting the natural environment is a priority. The Core Strategy sets a policy framework to prevent detrimental impacts on the national park from neighbouring development. Development that would increase recreational pressures must not adversely affect Natura 2000 designations of the New Forest and must contribute to the implementation of the Recreation Management Strategy..." – para. 5.126.

Environment Agency

The EA raise no objection to the proposed development subject to conditions and informatives being included in any planning permission granted. The EA make the following comments:

Flood Risk

The site lies outside of the fluvial (river) flood zones and the 'flood map for surface water' does not highlight the site to be at particular risk from surface water up to the 1 in 100 year design event. As such we can have no objection under our planning remit.

We are however aware of strong concerns raised over last winter's extreme wet weather conditions causing high groundwater levels resulting in ground water flooding and consequent sewer flooding in the surrounding areas. We understand the concerns raised by the Parish Council and Wessex Water however we wish to highlight that we are not the risk management authority for ground water or surface water flooding.

The Lead Local Flood Authority (Wiltshire Council) under the Flood and Water Management Act 2010 is responsible for developing and maintaining local flood risk management strategies in its area, and developing ground water and surface water management plans, although these plans are not yet in place. The Local Council may wish to consult with their Technical Services Engineers for advice where there are ground water and surface water flooding issues.

Although the FRA shows that ground investigations were undertaken across the site in 2011/2012, showing high permeability and ground water levels 2m below ground level, this testing was undertaken during one of the driest weather periods on record. During the most recent very wet winter of 2013/14 widespread high groundwater levels and ground water flooding were experienced across the Avon Valley. Local records taken during this time highlight the huge variability in the ground conditions in these chalk valleys. Since this may have an impact on soakaway operation it may be necessary to undertake supplementary ground investigations following a prolonged wet weather period. The developer may ultimately need to seek alternative solutions to meet the surface water management requirements set out under the National Planning Policy Framework.

Should the concerns over groundwater and surface water flooding be resolved and the Local Planning Authority be minded to grant planning permission, we would ask that the following planning condition (and informative) be attached to any planning application granted:

The EA go on to recommend conditions in relation to details of a surface water run off management scheme, water efficiency and an Construction Environmental Management Plan, together with associated Informatives.

In response to revised plans including a revised surface water drainage scheme, the EA do not wish to make any further comments but the EA has subsequently clarified that since April 2015, the responsibility for major surface water drainage is now the Lead Local Flood Authority (i.e. Wiltshire Council) and that the EA would no longer require surface water drainage condition, provided the LLFA have reviewed the surface water drainage information and are satisfied with the proposals.

(Officer Note: In respect of the last point the WC Drainage team's comments are included below).

WC Drainage

The Council's Land Drainage Engineers did not support the proposals as originally submitted due to issues with surface water flooding and commented as follows:

"...This site has history with pre-app discussions and meetings (2013) as we, Environment Agency and Wessex Water have issues relating to the high ground water level in Downton.

It is understood comments from above included:

- Believed that water table is often higher than the level given in the site investigation report (2010/2011)*
- A minimum of 1m between top of water table and underside of any sustainable drainage installation – submitted drainage drawing indicates a minimum of 750mm clearance (for crate system in road) – no detail for private systems serving properties other than to indicate a need to locate in positions to comply with building regulations away from foundations*

- *Developer informed that any crate system could not be located in adoptable highway or public open space – drg shows crates in roads*
- *Use of permeable paving would be a maintenance issue – plan/equipment required to maintain (developer to provide?)*

The application does not appear to have resolved the issues raised at pre application stage thus we cannot support the application at this stage regarding the storm drainage strategy.

Foul drainage proposals:

- *Existing foul sewer crossing the site will be located within property gardens – Wessex Water may have concerns over future access to maintain/replace.*
- *Proposals indicate an intention to up-size existing public sewer (immediately downstream of site) to take flows from site – it is known that Wessex Water currently have issues with their foul system. Any up-sizing will need their approval...”*

However, in response to the a revised surface water drainage scheme submitted by the applicant and discussion with the Council Land Drainage Team, no objections are raised to the revised scheme subject to the implementation of the scheme to be conditioned.

(Officer Note: The above has been the subject of discussion between the applicant and Council's Drainage Team and is discussed further under the planning considerations below).

Wessex Water

In summary, Wessex Water originally objected to the application, commenting, inter alia, that the strategic flood risk assessment required updating following the most recent periods of extreme weather and rainfall conditions experienced over the winter periods of 2012–2014 which led to significant periods of groundwater flooding affecting a range of local communities and settlements in the Wiltshire chalk valleys. Flooding incidents were so severe and prolonged that emergency measures were necessary to support residents and homes affected. Private drains and public sewer systems were overwhelmed in Downton during these periods with detriment to public health and the environment. Wessex Water point out that Lead Local Flood Authorities are responsible for developing, maintaining, applying and monitoring a strategy for local flood risk management in its area, including consideration of groundwater and surface water run-off flooding (paragraph 9 of the Flood and Water Management Act 2010). Wessex Water commented that they were aware that some progress has been made on this matter but no strategy was in place at the time of writing. As such Wessex confirmed their objection to the development commented that as a material consideration robust measures should be considered by the LLFA (in partnership with private drain owners, Wessex Water as sewerage undertaker and the Environment Agency), to establish a groundwater management strategy in this location. Wessex Water concluded by requesting that Wiltshire Council acting as the local planning authority withhold any planning consent until this matter has been resolved.

In its most recent response, Wessex Water state:

“....We refer to the above application and our previous response made on the 22 July 2014, where we made a formal objection to development proposals. This

objection related to groundwater induced sewer flooding and the absence of a flood risk strategy to manage this flooding.

Wiltshire Council acting as the Lead Local Flood Authority has now prepared a draft groundwater management strategy in consultation with the designated risk management bodies. We believe this strategy will provide a framework for all stakeholders to participate and implement the necessary actions and measures to reduce the risk of groundwater induced sewer flooding and improve the resilience of existing communities.

On the assumption that the groundwater management strategy will be satisfactorily completed and all relevant parties will play their part in the delivery of the strategy, Wessex Water withdraws its objection and will continue to work with the applicant on water supply and sewer adoptions....”.

Sembcorp Bournemouth Water

In summary, regarding water supply the water authority comment that it appears that the existing distribution water mains in the vicinity of the above site have sufficient capacity to supply the proposed development without the necessity of offsite reinforcement works being undertaken subject to receipt of a formal application and site layout plans. The water authority refers to a number of procedural / operational requirements and obligations associated with the works.

Natural England

The following is a summary of the detailed comments received from Natural England:

Natural England (NE) refer to the site being within or in close proximity to a European designated site (also commonly referred to as Natura 2000 site), and therefore has the potential to affect its interest features. NA advise that the LPA as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

Regarding the New Forest SPA / SAC, NE advise that to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, the LPA should determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. NE recommends that to help undertake a Habitats Regulations Assessment (HRA), the LPA obtains information in respect of the potential for increase in recreational activities that could affect SPA features and how they will be avoided or mitigated.

Regarding the River Avon Special Area of Conservation (SAC), NE are concerned about potential impacts as a result of the proposed development, referring to the phosphate concentrations in the River Avon which exceed the targets set out in the conservation objectives for the site to address eutrophication pressure on the interest features. Additional development in the catchment that would add to the discharge of wastewater to the river has the potential to increase the existing eutrophication pressure and hence risk to the integrity of the SAC. EN advises that the Council should take into consideration a letter of intent dated 23 January 2013 from the Environment Agency to the Council on the matter of development and nutrient management in the Avon catchment.

Regarding the Sites of Special Scientific Interest, NE advise that the New Forest and the River Avon System SSSIs are contiguous with the above European sites but provided that their advice is followed on the European sites, it can be assumed that there would be no objection in relation to potential impacts on the SSSIs.

Regarding protected landscapes (Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty), NE considers it unlikely that the proposal will compromise the purposes of designation of the AONB but comment that the site has not been visited and the AONB could be impacted. Therefore NE advises that weight is given to the views of the AONB Unit who have local knowledge of the landscape and how the proposal might affect it.

Regarding protected species, NE advise that they have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species, which is a material consideration. NE advise that the Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

EN welcomes the inclusion of measures to deliver biodiversity enhancements at the site. Given the reasonably low ecological value of the site itself, it should be possible to deliver a net gain for biodiversity.

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

In response to revised plans, NE comments:

“...This amended scheme has been considered by Natural England and we note the proposed scheme is outside the settlement boundary and prior to completion of the Downtown Neighbourhood Plan, which is currently subject to Strategic Environment Assessment. The neighbourhood plan seeks to strongly protect and enhance its environmental, built and cultural heritage whilst proposing limited development on small housing sites which is in accordance with Core Policy 23 (Southern Wiltshire Community Area Strategy) of the Wiltshire Core Strategy. This site is identified as S200a in the Neighbourhood Plan. The development is also with the Special Landscape Area that acts as a buffer of 0.5km proximity to the AONB to reduce impact on the landscape character and visual impacts between the existing settlement of Downton and the protected landscape, so this should also be a material consideration in your overall planning balance. In addition, we have asked for information on a Landscape Sensitivity Study, as example of strategic good practice, for your decision and future decisions for development at Downton...”

NE also comment that regarding the New Forest SPA/SAC and River Avon SAC further information required as the consultation documents provided do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. the consultation does not include a Habitats Regulations Assessment. NE advises on the information necessary and the steps relating to the Habitat Regulations Assessment.

In respect of impact on Designated Landscapes (Cranbourne Chase and West Wiltshire Downs AONB) NE raise no objection but advise to seek advice from the AONB team, as previously advised and refer to the importance of AONB landscapes and NPPF policy.

NE reiterates advice previously given regarding protected species and NE's standing advice as a material consideration. Note that the Ecology Appraisal correctly advises on the need for mitigation and enhancement measures for species and notes that planning conditions will need to be secured with advice from the WC Ecologist in order to be effective, together with any compensation measures. NE additionally comment on Green Infrastructure and biodiversity enhancement potential and considers the site could benefit from enhanced green infrastructure (GI) provision. NE encourages the incorporation of GI into this development. NE comments that the application provides for an extensive green infrastructure and that the LPA should review the proposed green infrastructure carefully to ensure that it can be established and provide the required level of mitigation, planting design, species mix and other aspects of the scheme are appropriate to their landscape setting and that appropriate management of the green infrastructure is properly provided for in terms of funding and a long term management plan.

Finally NE expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application in relation to local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species and refers to relevant advice, national policy guidance and legislation.

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

WC Ecology

The Council's ecology officer recommends that the application should not be determined until the Habitats Regulations Assessment (HRA) is completed for the New Forest SPA and the River Avon SAC and at the time of writing, objects until further information is submitted and clarification is provided on specified matters. Once these matters are resolved, the Ecology Officer would support the application subject to conditions to secure ecological protection and enhancement. The latest comments of the Council's ecologist can be summarised as follows:

New Forest SPA.

The Ecological Appraisal identifies that the scheme may lead to recreational impacts on the SPA in combination with other developments in the region. Considers that the provision of open space in the Southern and Northern Greens (on site) unlikely to replace any visits that would have otherwise been made to the New Forest and a circular walk around the new estate visiting these areas would be well below the 2.5 km recommended by Natural England for walking routes. The open space provided within the development cannot therefore be considered as part of the mitigation required for the SPA. Regarding the proposed enhancement of the Millennium Green, this is managed by volunteers and the Ecological Appraisal suggests it is currently underused and could be enhanced for dog walkers with better parking, interpretation, and a contribution towards annual management. The Planning Statement Addendum offers £20,000 towards such a mitigation scheme. However, at present insufficient information has been provided to demonstrate the proposals will be effective at avoiding recreational disturbance on the SPA and therefore conclude that the scheme may lead to likely significant impacts in

combination with other plans and projects. The Council's Ecologist concludes that the scheme will need to be carried forward to an appropriate assessment and raises a number of issues which require being considered with the applicant as part of this assessment.

River Avon SAC.

The Council's ecologist has taken into account further information submitted in connection with the risk of increased amounts of untreated sewage reaching the river if the development led to increased risks of ground water flooding and notes that the Council's Drainage Team and Wessex water have withdrawn their objections. This includes a revised surface water drainage strategy, which allows for adequate surface water storage through the use of:

- permeable paving for all access roads with a minimum clearance of 1m from the top of the agreed maximum height of the water table to the formation level for the carriageway; and
- private cellular soakaways to take roof drainage, minimum 1m separation zone from water table.

And in relation to foul water:

- a critical section of sewer immediately downstream of the site will be replaced and upsized from 150mm to 225mm diameter to accommodate increased sewerage flows and the need for storage in times of flood; and
- an enhanced construction specification will be used for the foul water sewer system being offered for adoption in order to reduce the potential for ground water ingress in this high water table area.

In addition, Wiltshire Council has prepared a draft Groundwater Management Strategy Plan which has allowed Wessex Water to remove its in-principle objection to the development since, once finalised, the Plan will provide a framework to resolve the groundwater flooding issues in the Downton area. Also, Wessex Water has prepared an Infiltration Reduction Plan for Downton and is working with the EA to formalise the discharge arrangements at the sewage works during periods of flooding. Together these Plans demonstrate that risks to the SAC will be reduced in the long term as the plans are implemented in the future.

The Ecologist advises that measures should be secured through conditioning the Drainage Strategy Plan and Drainage Strategy Report. Comments that ultimately Wessex Water is responsible for implementing its Infiltration Reduction Plan which has been agreed with the EA and the measures above contribute to the aims of that plan. Any over pumping undertaken as part of the plan will be accompanied by water quality sampling up and down stream of the sewage works and previous experience at other sites has demonstrated that the water being over pumped is of a higher quality than that discharged from the works under non-flood conditions.

The Council's Ecologist comments that the Nutrient Management Plan for the River Avon SAC has been published, which identifies those measures required to reduce phosphates initially down to ambition targets and in the longer term down to more onerous conservation targets. The currently agreed position of the Council, NE and EA is that the NMP is a reliable mechanism to ensure that development proposed in the Wiltshire Core Strategy can be delivered without adversely affecting the River Avon SAC and that for the time being the council can conclude that new development would not lead to likely significant effects provided it is within the quantum allocated in the core strategy for the River Avon catchment. It is noted that

the Planning Statement Addendum demonstrates that at this point in time the 99 dwellings would be within the 190 dwellings proposed in the core strategy for Downton. The development will not therefore compromise the delivery of the NMP and therefore the integrity of the River Avon SAC.

A Construction Environmental Management Plan (CEMP) has been submitted to demonstrate the measures that would be in place to avoid pollution during the construction phase. The Council's ecologist recommends that this should be secured by condition.

The Council's ecologist concludes that the proposed development would not lead to likely significant effects on the River Avon since it would not increase the risk of flooding and therefore there would be no increase in the risk of uncontrolled raw sewage entering the river. Moreover, even if the above measures were not implemented, the small increase in sewage that would have reached the river directly as a result of the development would have had no perceptible effect on river water quality, given the huge increase in river volume during flood conditions.

Protected Species

The Council's ecologist comments that the submitted Ecological Appraisal (Lindsay Carrington Ecological Services Ltd, April 2014) has been updated (May 2015) to include results of a breeding bird survey conducted in spring 2015 but does not include an impact assessment and therefore it is difficult to assess whether the scheme has adequately addressed the impacts. The Ecologist notes however that all of the measures included under the section on Ecological Enhancement are now to be provided as compensation for loss of habitat. Overall the Council's ecologist considers that the report remains weak in relation to its justification of mitigation. The Ecologist further notes efforts to reinforce the perimeter hedgerows to provide considerable mitigation which is welcomed but remains unclear about their future ownership and how they will be protected and managed in the long term. The Ecologist advises that this information should be provided before determination. She also recommends a condition requiring the submission of the tree / hedgerow protection plan for the construction period as an extra precaution to ensure paragraph 2.47 of the CEMP is implemented. It will also be necessary to obtain details of how the hedgerows / trees will be managed for the duration of the development and recommends a Landscape Environmental Management Plan (LEMP).

The Council's ecologist has identified confusion between the Soft Landscape Strategy Plan, the Ecological Appraisal and Landscape Plan 3 of 3 about how the existing hedgerow along Wick Lane will be treated. The latter document demonstrates that significant portions of existing hedge will be removed and replanted but neither of the other two documents makes reference to this. Also there is disparity between Landscape Plan 3 of 3 and the Soft Landscape Strategy Plan in respect of the composition of grassland within the southern green. One demonstrates grassland will comprise amenity grassland / garden lawn grassland, the other states it will comprise frequently cut grassland and areas of meadow that will be left uncut during the summer. Treatment of hedgerow and grassland areas should be made consistent on the plans.

Notes that the Environment Agency requested further information about how wheel washing will be controlled. This information should be supplied as a condition of planning.

The Ecologist comments that direct harm to breeding birds is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Ecological Appraisal recommends avoidance measures. She notes that the amount of scrub clearance will be low but there is also a risk of ground nesting birds using the site and, therefore recommend that a condition is used to control vegetation clearance.

(Officer Note: The report below provides update of the outstanding matters raised by the Council's ecologist)

Cranborne Chase & West Wiltshire Downs AONB Unit

The AONB team raise a number of comments and concerns:

In summary their comments relate to the setting of the AONB and a general lack of assessment regarding the context with the AONB and views into / out of the AONB which is some 500 metres from the proposed development roughly following the break of slope between the valley terrace and the downland which rises fairly rapidly from around 40 metres AOD to over 100 metres in a little over a kilometre. There are tracks, roads, and Public Rights of Way that afford views over the Avon Valley and the site from within the AONB. The AONB Officer refers to the AONB Management Plan as a material consideration and policy in the NPPF regarding the protection of valued landscapes and conserving the landscape and natural beauty in AONBs and that the 'presumption in favour of sustainable development' does not automatically apply. Whilst the reduction to two storey height, the AONB team strongly advises the analysis of the orientation of the gables to avoid gable ends facing west and south west where they will reflect the sun and draw attention to the development. Comments that planting within the site appears to be a fairly random scattering of individual trees with little coherent structure and strongly recommends some strong north to south strategic structure planting of semi-mature trees with under planting of smaller specimens, which would act as veils or light screens in views from the north west, west, and south west, from the higher ground, and thereby significantly screen the potential development from high ground views. The north south alignment would also permit sunlight to reach most parts of the site.

There is no mention of the AONB Management Plan in the submitted material despite the fact that it is a material consideration. Policy VRC4 of the Plan supports the provision of affordable housing in the towns and villages on the edge of the AONB. No reference to use of renewable energy. Any lighting associated with this proposal should, therefore, comply with the AONB Position Statement on Light Pollution. To conclude, there appear to be policy reasons to reject this green field proposal. If it does cross the policy hurdles then there are a significant number of detailed issues that require attention before an approval can be considered.

In response to revised plans and further information, the AONB team state:

"...I can confirm that since the AONB provided you with comments on the initial proposal neither the applicants nor their agents have been in touch with the AONB to investigate how the AONB's concerns can be met, or to set out their case to overcome policy objections.

A key document within the amended material is the 'Planning Statement Addendum'. Reference is made within that document to various comments made on the original application. Unfortunately the reference to the submission by the AONB Partnership miss key issues. In relation to those issues they are set out in my original letter. Nevertheless, the landscape treatment of the planned site does not, contrary to the indication in the Planning Statement Addendum, provide the

substantial planting recommended. In addition I have not found any reference to the utilisation of renewable energy, and that seems to be a continuing weakness in the proposals.

The AONB initially expressed concern that this appeared to be a green field proposal that was not part of a strategic allocation within the emerging Core Strategy. The Wiltshire Core Strategy has now been adopted and it appears that the proposal is contrary to that newly adopted Strategy. Details of that seem to be more than adequately explained by your Spatial Planning colleagues. Nevertheless, if a case is to be sustained in favour of the development there are other policy matters that need to be addressed. As you will be aware, policy CS51 applies in this situation which is within the setting of this AONB. The applicants should, therefore, demonstrate explicitly how the proposal complies with the objectives, policies and actions of the AONB Management Plan 2014 to 2019...”

WC Landscape Officer:

The Council's Landscape Officer has commented as follows:

“...Downton does not lie in a nationally designated landscape although it is located within the setting of Cranborne Chase & West Wiltshire Downs AONB and the New Forest National Park. Downton lies within a Special Landscape Area, a local designation for the conservation of the natural beauty of the landscape, where the impact of development upon this should be considered very carefully. It is not a restrictive designation and where development is acceptable, the siting, design and scale of proposals should be sympathetic with the landscape.

The LVIA has demonstrated that there will be limited and localised change in views & character views, and because of the relationship with the existing settlement there is no harmful effects on the setting of the AONB or National Park.

The recommendations of the Salisbury District Settlement Setting Study 2009 for Downton provide a set of principles which should be incorporated into the design:

- ☐ *Ensure that any new development respects the scale, setting and form of the existing settlement and appropriate design and mitigation measures are put in place to accommodate new development without significant adverse effects on key views to the chalk escarpment;*
- ☐ *Ensure that any new development does not detract from or disrupt key views to Downton;*
- ☐ *Potential to soften visually harsh and abrupt settlement edges in this area through additional tree and shrub planting.*

This has largely been addressed through the soft Landscape Strategy Plan. Where the site interfaces with the open countryside to the north and west a buffer strip of native tree and hedgerow species is proposed although on the plan the northern edge looks rather gappy (89-99). It would not be unreasonable to condition a planting plan that details the boundary planting with full specification including species, size and density. I would also recommend that the planting mix demonstrates a varied age structure to create a more naturalistic appearance and more immediate screening/filtering effect...”

In response to amended plans / further information, the Council's Landscape officer comments:

“...Further to my earlier comments the applicant has now submitted full landscape planting plans and specification. The plans show that there is a varied age structure

to the perimeter planting and I am satisfied that it will provide sufficient soft infrastructure to filter views of the development from the open countryside, avoiding a harsh urban edge. The plant selection is an appropriate mix of native and ornamental species...”.

WC Highways

In response to the original plans the Council's Highways Officer made the following comments:

“The Transport Assessment has been examined and I am in agreement with its conclusions. The proposed access junction will provide adequate capacity to serve the development and can provide for all turning movements.

The car parking provision complies with our standards, including the provision of visitor parking.

My concern is over the road widths. The main road into the site should have a width of 5.5m wherever there is frontage access. The indicated “carriageway” area on the shared surfaces is too narrow being insufficient for two vehicles to pass. I assume that this is “architect’s licence” as the overall width is adequate. I would not wish to see any reduction in this overall width.

The three parking courts are not overlooked and may be perceived to be a security risk, leading to on street parking. If the layout cannot be amended to provide overlooking lighting should be provided within these areas to provide greater security”.

Following the submission of revised plans the Highways officer comments:

“...I confirm that I am now happy with the internal layout and parking provision. As the internal roads do not comply with our adoption requirements, a condition will be required to ensure that a regime for future maintenance is put in place.

I note the request from the Parish Council to ban the right turn out of the site. Whilst I acknowledge that at peak times there may be difficulties in turning right out of the site the Transport Assessment demonstrates that there is adequate capacity for this movement. The detour via the roundabout to the north adds about 450m to the journey length and the time to travel this distance (about 1 minute) far outweighs the predicted additional waiting time for right turning vehicles (35 secs v. 11 secs). Traffic flows are lower during off peak times and the delays to emerging vehicles will be lower, further increasing the time disadvantage of turning left and “U” turning at the roundabout, irrespective of the extra distance involved. I have checked the accident records for this length of the A338 and in the past five years there have been no record injury accidents involving vehicles turning right out of side roads. In view of this I do not see any justification for banning the right turn out of the site.

I have checked the emergency access and am satisfied that it is adequate for emergency vehicles to access the site, even if there are parked vehicles on Wick Lane. It is unlikely that the emergency link will ever be used as it will only be required if the first 80 metres of the access road were to be totally blocked. However both the emergency access, which also acts as a footpath/cycleway and the pedestrian path at the eastern end of the site join directly on to the carriageway of Wick Lane and the submitted plans indicate a new hedge up to the carriageway edge. This raises two issues. Firstly visibility splays must be provided at both locations to ensure that pedestrians and cyclists can see, and be seen by,

oncoming traffic. Secondly our highway records indicate that there is a highway verge on the north side of Wick Lane varying in width from just over 1m at the eastern end to about 3m at the western end of the site. The proposed hedge must be set back behind the highway boundary and also sufficiently to provide visibility splays of 2.0m by 43m from the centreline of the paths within the site limits. The best solution would be to set the proposed hedge back so that it does not extend less than 2.0m from the edge of the carriageway. A suitable condition is suggested in respect of this.

The provision and timing of the off site works, namely the puffin crossing, the new footway on the west side of A338 and the site access junction, can either be covered by means of a S106 Agreement or with a negative condition. A condition will also be required to secure the provision of a construction method statement to ensure that construction vehicles do not use unsuitable roads and to ensure that site operatives do not park and cause obstruction on the surrounding roads...”

The Highways officer concludes by stating that subject to the receipt of amended plans to address the visibility splays on Wick Lane there is no highway objection to this application subject to conditions relating to visibility splays to Wick Lane, provision of roads, footpaths, turning areas, parking spaces future maintenance of the roads and a CMS, in addition to those recommended above.

WC Archaeology

The Council's Archaeological Officer originally advised that an archaeological evaluation was required for this site. This has been undertaken previously as part of an earlier application. No significant archaeological remains were identified based upon this and earlier evaluation works, and so the Officer advises that the proposed development is unlikely to impact upon significant archaeological remains. Therefore she has no further comments to make with regard to this application.

WC New Housing

The Council's New Housing Team comment that the scheme meets the Councils affordable housing policies: -

“...The affordable housing is providing 30% affordable housing, with a mix of flats and houses to meet the housing needs of Downton Community Area. The proposal also provides lifetime homes and adapted properties to meet the housing needs of households requiring an adapted home now or in the future. The units are to be secured via a s106 agreement, transferred to a registered provider at nil public subsidy and built to Homes and Communities Agency Scheme Development Standards...”

In response to revised plans the New Housing Team comment that the only apparent alteration to the Affordable Housing layout to that of the previous scheme is that one block of 4 x 1 Bed Flats that were located on the Southern end of the scheme, which have now been moved to the North East adjacent to the Vehicular Entrance and confirms no objection to this alteration and remains CP43 compliant. The Affordable Housing Mix is noted as being as follows:

- 12 x 1 bed Affordable Rented Flats
- 7 x 2 bed Affordable Rented Houses
- 6 x 3 bed Affordable Rented Houses
- 5 x 2 bed Shared Ownership Houses

On checking the need statistics and current Affordable Housing Stock for Downton and its surrounding area, the New Housing Team note that the mix still largely reflects the need and affordable housing stock levels and it is noted that 2 of the 2 bed houses and 1 of the 1 bed ground floor flats will remain to be provided to LTH standard. It is confirmed that the distribution of the Affordable units is acceptable.

The new Housing team go on to detail the minimum size and design standards. It is also pointed out that there is a requirement for affordable dwellings to be transferred to a Registered Provider approved by the Council, on a nil subsidy basis. New Housing strongly recommend that the applicant makes contact with a number of the Registered Providers as soon as possible in order to discuss the best option for the affordable dwellings, and in order to establish an approximate price which they would pay for the affordable dwellings. The Local Authority would have nomination rights to the affordable dwellings, secured through a Nominations Agreement, which would be signed by the Council and Registered Provider.

WC Education

Holding Objection.

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

So, should it prove possible to expand the school, our assessment of this application is as follows:

- Based upon 99 units : 69 open market less 4 x 1 beds = 65, and 30 affordables less 12 x 1 beds = 18 to which our standard 30% discount applies = less 5 more units = 13.
- So there are 78 qualifying properties in total.
- They generate a need for 24 primary and 17 secondary places.
- The designated area schools are Downton CE Primary and at secondary level, The Trafalgar School.
- Primary - Downton CE has a capacity of 211 places, all in permanent accommodation. As at the January 2015 official headcount there were 208 pupils on roll.
- Latest forecasts indicate that the school is effectively full.
- So subject to the holding objection detailed above, we would require a full developer contribution towards expansion by the 24 places that the development would need, and in addition, a proportionate contribution towards any abnormal costs that may apply in connection with that project.
- This is our position on applications coming forward in this school's designated area.
- The 2015/16 capital cost multiplier for primary places is £16,979 per place, so we require $24 \times £16,979 = £407,496$ (index linked).
- I am advised that the relevant figure for the proportion of the abnormal costs payable by this development is a further £130,000.
- As this requirement is both site specific and directly attributable to the development as proposed, then we expect it to be secured by S106 rather than via CIL.

- Secondary - The Trafalgar School has a recently increased Years 7 -11 PAN capacity in permanent accommodation of 675 places. As at the January 2015 official headcount there were 546 such pupils on roll.
- Latest forecasts indicate that Trafalgar will peak at 612 Years 7 - 11 pupils in 2022.
- However, there is clearly sufficient space here to accommodate the pupil product of this application within current forecasts and capacity.
- There is therefore, no case for a developer contribution towards the expansion of secondary school infrastructure at this time.

Standard caveats - apply to assessments, i.e. they are specific to the site location, housing number and mix supplied, and any changes to any of these would necessitate a new assessment. Assessments use the pupil data, forecasts, capacities and details of other known housing in a designated area as at the time they are made, so were an application to be revised/replaced, this could affect the outcome of our assessment at the later time. Allocation of spare places available at a school is based upon priority of date of registration of planning applications.

Capital cost multipliers are updated annually, and so those quoted are valid for agreements signed and completed in 2015/16 only, as per our standard S106 Methodology.

WC Environmental Services (POS)

The following is a summary of the POS officer comments:

Open Space

It is calculated that in accordance with the standards for the provision of Public Open Space in Association with New Residential developments (as set out in Clause 2 of the Adopted Local Plan – Appendix IV) the following is required in respect of the provision of POS:

On site Children's Use:

Population	Calculation	Required
346	Equipped Children's Play Grounds	0.1038ha
346	Casual or Informal Play Space 0.5	0.1730ha

The POS officer notes that it is proposed to provide provision of 0.0600ha of onsite Equipped Children's Playgrounds, made up of 1 no single LAP and a LEAP/LAP within the development site, and that there is a proposed offsite Equipped Play Space under provision of 0.0438ha. Environmental Services will accept the proposed on-site level of Equipped Play Space, with the on-site deficit to be made up by means of an offsite Equipped Play Space financial contribution of **£68,879** in lieu of the on-site deficit. The financial contribution will be sought towards the upgrading of existing Equipped Play Space which is directly related to the development. Consultation with Downton Parish Council is underway to detail the scheme for the contribution to be sought towards.

Regarding the Casual Play Space it has been estimated that there is approximately 0.2400ha of Casual Play Space on the proposed development, and therefore the Provision Level for Casual/Informal Play Space is adequate for the development.

Youth and Adult Use:

Populati	Calculation	Required
346	Youth and Adult Use 1.8 hectares x	0.6228ha

It has been noted that the proposed development does not provide on-site Youth and Adult Open Space. With the Planning Statement in mind it has been proposed that a financial contribution is made in lieu of any onsite Youth and Adult provision. Therefore the off-site contribution to be sought in lieu of any onsite provision is **£85,436**, and is to be sought towards a Youth and Adult Off-site Open Space scheme/schemes that is/are directly related to the development. Consultation with Downton Parish Council is underway to detail the scheme/schemes for the contribution to be sought towards.

In summary in order to make the development acceptable in planning terms, the above provision of Public Open Space provision levels are necessary.

Community Facilities

The Environment Services team have also commented on the provision towards Indoor Community Facilities as follows:

"It has been confirmed that the existing Memorial Hall serves as the Community Facility Provision for the Parish of Downton.

In order to make the development acceptable in planning terms, in accordance with policy R4 of the adopted local plan, an Indoor Community and Leisure contribution will be sought.

Policy R4 details development in a settlement may generate substantial new demand on this type of facility, and those presently available may be incapable of accommodating this demand due to, for example the size of the building or its quality. In such instances the Local Planning Authority will seek developers to provide land and the facility (or a contribution towards it) within the development site, or alternatively, a contribution towards improving the present facilities. Whichever is more appropriate, relevant to the demand generated by the proposed development.

Previously, the Council has commissioned Fordham Research to investigate developer contributions regarding Community Facilities. The research suggested a standard 0.7sqm of Indoor Community Facilities per household. This standard has been applied to other developments within Salisbury..."

In summary, the POS Officer has undertaken calculations based on the above requirement and calculates that 69sqm of Indoor Community Space is required using this method and this would equate to approximately £79,023.95) (£798.22 per dwelling, equivalent to that of approximately £1,145.27 sqm) as a reasonable contribution to be sought per dwelling towards the existing Indoor Community Facilities. He further states that the contribution is to be sought towards the scheme detailed in the applicants Planning Statement for the Parish Councils project to extend the Memorial Hall, this project is directly related to the development located 410m from the development site.

WC Waste Services

The Council's Waste Team indicate that there are some areas where a 26 tonne rcv would struggle without going over pavements. They indicate that private roads would need to be signed off for rcv's to go on. Access to some bin stores looks tight

near the flats. Advise that contributions (as over 10 dwellings) would be sought under a section 106 agreement in line with the standards set out in the WC document.

Waste Storage and Collection: Guidance for New Developments', which has been calculated as follows:

property type	contribution per property	quantity	total
Houses	£121	83	£10,043
Flats	£91	16	£1,456
Total	-	99	£11,499

WC Public Protection

The Council's Environmental Health Officer initially raised concerns regarding the impact of noise from adjacent commercial premises on the amenities of the future occupiers of some of the proposed dwellings close to Salisbury Road (A338). In summary, the EHO has sought clarification regarding the proposed acoustic insulation proposals in the noise assessment, which is not clear. He has requested that further assessment be carried out in relation to other plant / machinery on the petrol filling station.

Separately the EHO recommends that conditions be attached in respect of - the submission and approval of an investigation in respect of any contamination on the site and if identified any remedial measures required; the control over the hours on demolition and construction on the site; and the submission and approval of a construction management plan.

Following submission of a revised Noise Report by the applicant and revised plans, the EHO comments as follows:

"...Following correspondence from this department further noise surveys were carried out in January 2015 to assess the impact of the jet wash at the garage and new plant at the 3663 depot. These further surveys and assessments have confirmed that the noise from road traffic noise from the 3663 depot and jetwash are valid concerns and have an impact on the development site. Schedules 12/66220/SH2 and 12/66220/SCH3 make recommendations for acoustic glazing and ventilation and construction of specific facades of properties shown in Figure 12/6220/FL1-2. Figure 12/6220/FL1-2 also shows the 1.8m high acoustic screen running along the eastern boundary of the site. As described in the acoustic assessment this screen must have a density of no less than 10kg/m². These matters must be required through appropriate conditions.

In addition to this, because the acoustic treatment described in 12/66220/SH2 and 12/66220/SCH3 is required to mitigate noise from 3663 and the jet wash, as well as road traffic, the acoustically treated windows on the north, east, or south facades of the dwellings most affected by noise from 3663 and the jetwash should be sealed and there should be a condition attached to ensure they remain so. Without the windows being sealed occupants would open them and the acoustic treatment would no longer be effective. Considering the evidence supplied there is a

significant risk this may lead to complaints about noise and an investigation as describes in Peter McMillan's response.

Without the windows described above being sealed we would have to recommend refusal of the application as it is likely noise from 3663 could be considered as having a serious adverse impact at a number of the proposed dwellings.

The EHO requests the applicant confirm whether the ventilation described in 12/66220/SCH2 and 12/66220/SCH3 is sufficient considering the requirement for sealed windows. On receipt of this information conditions requiring the matters described above to be drafted and agreed between development control and public protection....".

On receipt of further information, the EHO comments:

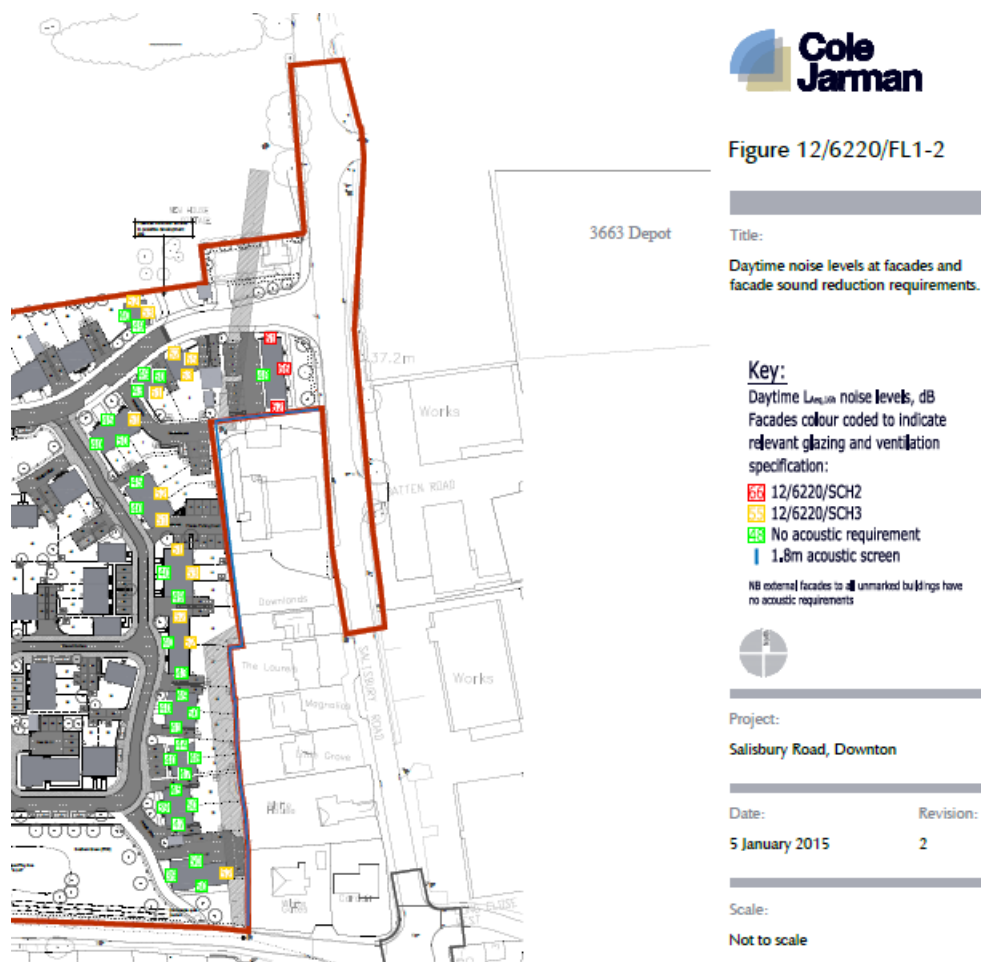
"...The addition to the acoustic report does not result in any need to this departments comments to be altered, however the additions do help to form suitable conditions.

Plots 1-4

The glazing and ventilation requirements set out in Schedule 12/6220/SCH2 are required for plots 1-4 so that internal noise levels recommended in BS8233 can be met. The levels recommended in BS8233 are for anonymous noise sources such as road traffic not for specific sources such as businesses which people are more sensitive to. It can be seen from the unattended overnight monitoring results that there were a number of peaks in noise which may be attributed to road traffic but may also be attributed to activities at 3663. Indeed it was the experience of my ex colleague Peter McMillian when he carried out some overnight monitoring.

This department considers that noise from 3663 may have an adverse effect in living rooms of these properties during the daytime (07:00 – 23:00) particularly at weekends or late in the evening when there is less traffic. Should residents open their windows, which they would be perfectly entitled to do, and then be disturbed noise from 3663 to the point where they feel they need to complain to the council, this department would then have a duty to investigate under the provisions of the Environmental Protection Act 1990. Should a statutory noise nuisance be found to exist this department would have a duty to take action to ensure it is abated. However, 3663 may have a best practical means defence that may result in the noise continuing to cause a nuisance and the residents having to put up with it. The acoustic glazing will provide an effective level of attenuation to noise on this façade but this will be lost if the windows are opened.

We therefore recommend that, Plots 1-4 the windows of the eastern and northern facades are sealed closed and conditioned to remain that way. The living rooms are open plan so they will have an operable window on the protected western façade..."



Extract from Planning Noise Assessment showing properties affected (Figure 12/6220/FL1-2)

The EHO goes on to recommend that a number of conditions be attached to any planning permission granted to ensure the proposed noise mitigation measures in the Acoustic report are implemented and maintained, including N and E facing windows in plots 1-4 are sealed shut; an acoustic 1.8 m fence to the boundary to the south of plots 1-4 (adjacent the PFS); a condition relating to land contamination investigation and a construction management plan.

WC Urban Design

The Council's Urban Design Officer states that proposed development forming this application has satisfactorily responded to the concerns raised in pre-application advice to the applicant apart from a number of matters regarding the site layout and the proposed elevations of certain dwellings which represent a poor quality of design with regard to the street scene. Satisfactorily addressing the detailed points below would make a significant improvement to the appearance of the development without fundamentally altering the proposed design and layout. These matters relate principally to: the treatment of elevation to dwellings where they 'turn the corner'; rigidly placed dwellings in one location rather than reflecting the curvature of the street and the visually poor expanse and dominance of hardstanding to the street margins creating an uncharacteristic urban appearance not reflective of the village vernacular referenced; questions the width of the shared surface areas in some

locations and which may also encourage informal overspill parking onto the pavement margin and across the end of the car bays to the visual detriment of the street scene and amenity of users. Has made some suggestions to improve these matters.

(Officer's Note: following the above, the layout and design has been the subject of negotiation and revisions and is discussed further below).

WC Energy Policy Officer / Sustainable Construction

Following submission of additional material on sustainable construction, the Council's energy policy officer supports the proposal, commenting:

"...Following discussions between the case officer and the energy policy officer, the applicants have submitted a Sustainable Energy Strategy (SES) in accordance with the requirements of Core Policy 41 along with a pre assessment document committing to Code for Sustainable Homes level 4. The SES commits to exceptionally stringent insulation to comply, which is to be applauded (although a typo on page 6/2.14 should be amended to "5". (An improvement of design air permeability rate from 10m3/hm2 to less than 55m3/hm2 will further reduce space heating requirements).

If the fabric suggested in 2.2 (Low-E Glazing with a u-value of 1.4, Wall u-values to be improved to 0.18, Ground floor u-values will be improved to 0.11, Roof u-values will be improved to 0.08) is to be applied, the development will be exemplar..."

A condition is recommended to achieve Level 4 of the Code for Sustainable Homes.

WC Public Art

The Council's Arts Development Officer has commented that for a site of this size and nature, they would expect the applicant to contribute to art and design in to this site, in line with Salisbury's saved policy regarding public art, Salisbury Local Plan: Creating Places Design Guide SPG and guidance note which is being developed for a more cohesive countywide approach to art and design in the public realm (or public art). Public art is also referenced in Core Policies 3 (Infrastructure Requirements) and 57 (Ensuring high quality design and place shaping) of the draft Wiltshire Core Strategy. In the event of planning permission being awarded an indicative figure for a public art contribution of a site of this size would be £300 per dwelling has been advised, which for 99 dwellings would be £29,700 commuted to the Council's arts service to manage the art and design process and programme.

WC Arboricultural Officer:

The Council's tree officer considers that if important trees are to be retained an Impact Assessment and Tree Protection Plan will be required.

Wiltshire Fire & Rescue Service

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

(Officer Note: It is recommended that these are separate regulatory matters / requirements can be added as an Informative to a decision notice)

Wiltshire Constabulary

Do not wish to formerly object to this application. Comment on the rear boundary treatment for the properties 70- 87. These properties are shown with a 1.5m rear fence. The Design and Access statement (p30) states that the development will incorporate Secure By Design (SBD) principles. One of these is physical protection and the guide produced by SBD requires fencing of minimum 1.8m for rear boundaries. Whilst it is understood that there is a 1.8m fence to the site boundary, this would be 3m from the rear boundary of these plots and would, therefore, not be sufficient. Anticipates that, as the intention has been stated to incorporate SBD principles in relation to the physical security of the properties, this would mean that all doors would conform to PAS24:2012 and windows would conform to PAS24:2012 or equivalent.

Wiltshire & Swindon Biological Records Centre

Note that bat species recorded - various dates to 2005.

8. PUBLICITY

On submission, the application was publicised by way of local press advertisement, site notices and neighbour notification.

42 letters of representation were received to the application and a further 4 letters in response to revised plans (total 46). Summary of main points raised (arranged under main headings):

Drainage:

- Object until drainage issues completely and satisfactorily resolved.
- Foul drainage system infrastructure poor / fragile over capacity.
- Foul water system becomes infiltrated / ingressed by surface / ground water.
- Foul system cannot take additional load from development.
- As good will, developers could replace sewers form village whilst they widen their pipes.
- Sewage leakage / overflow.
- Addiotnal development will only exacerbate existing problems.
- Flooding of sewage is a significant health hazard.
- Winter of 2013/14 particularly bad for overflow
- A lake of sewage overflow from a manhole in Wick lane extended to Leisure Centre.
- Lack of clarity what causes the sewage overflow - no published comprehensive analysis of the problem.
- When Wick Lane flooded, when a vehicle passes, any pedestrian passing gets saturated in contaminated water.
- Toilets were unusable in several locations near site when sewage flooded in pats two winters.
- Portable toilets had to be used at Trafalgar School when sewers overflowed.
- Wessex Water and Parish Council have written to the Council requesting a Groundwater Management Strategy is put in place before any further development is permitted.
- Local school and industrial estate have to be pumped out regularly (sewage).

- Swales should be used in rural location not an urbanised drainage strategy
- A strategic solution in partnership with Wessex Water and WC required
- Use of pumps by water authority in times of extreme need and sewage contaminated water released into river totally unacceptable.
- Will result in increase surface water flooding.
- Run off from development will not be able to soakaway and will be tipped westward ending up in Mesh Pond.
- Numerous natural springs on site and run off to Wick Lane.
- Proposed drainage system for site will not work.
- Site became saturated last year and flooded
- Flooding detrimental to flora and fauna high water table
- Roofs, roads patios and pavements will increase run off and could contribute to flash floods.
- Not acceptable for Wessex Water to say not their problem. They should demonstrate size of sewer needed for current and future load and identify parts of system that can be retained, leak proofed and necessary upgrading.
- Development should not proceed until a comprehensive design for an effective sewage system for Downton is agreed, funded and implemented.
- Developers should work with Wessex water to resolve the problems.
- Trafalgar School has complained to Wessex Water who has paid compensation for failure of the service infrastructure; 4 tankers a day required to stabilise the situation and avoid school closure and had to deploy temporary toilets to avoid flooding sewage within the school buildings.
- There should be grey water recycling, not just soakaways.

Education:

- Object until agreement is reached on plans how the school can meet future high demand for places.
- Opposed to bussing local children out of village to outlying areas – would be unpopular, divisive, inefficient and represent poor value for money; contrary to policies of Wiltshire Safeguarding Children Board – should be ruled out.
- Oppose scenario where children from new housing would, at the expense children from more established but more distant area of the village, be able to secure places at the Primary School because of their proximity.
- Primary school does not have capacity.
- School needs an extension.
- Should only be approved with appropriate funding for health and education purposes.
- Simple standard contribution unlikely to be sufficient for extension to school.
- Governing Body of Primary School has been working with the Parish Council and Wiltshire Council for almost two years to determine how school can react to future demand for school places from new housing developments.
- School on restricted site and piecemeal growth of primary school putting increasing pressure on limited space for play and outdoor learning.
- With additional land offered by the Parish Council, at most school could be expended to accommodate 1.5 form entry (max 7 year groups of 45 children) – would necessitate further three classrooms but will be dependent on additional land to compensate for loss of external play provision.
- In longer term, off-site school expansion should also be considered recommend early years provision at a new site.
- School cannot be expanded on Memorial Gardens as held in a Trust / desecration of a war memorial/ loss of Yew trees.

- Almost no progress on the feasibility study on what is possible made by WC.
- Will there be sufficient funds for a school extension
- Developer should make extra contributions for primary school and it ring fenced
- Pre-school requires needs own purpose built facility - developer should make contributions for pre-school (extension to Memorial Hall).
- Good to see provisions for pre-school in plans.
- Has consideration been given to use of existing school buildings (e.g. roof space) to avoid too much extra building?
- Plans for extension to primary school not enough – developers might contribute to a new primary school - proposals short term fix.

Highways /Traffic Transportation:

- Oppose another side road onto heavy traffic flow.
- A338 busy at peak times -traffic congestion / long queues on A338, significantly towards Salisbury.
- Additional and standing vehicles will add to air pollution.
- Suggest replacing proposed pedestrian crossing with a footbridge.
- Turning out to A338 can be time consuming and dangerous.
- Proposed Pelican crossing on A338 too close to bus stop and traffic lights – conflict with vehicles, pedestrians and cyclists.
- Suggest Pelican crossing moved further north – less hazardous.
- Where pedestrian crossing proposed, there is a potential dangerous conflict due to proximity of bus layby and junction of Wick Lane – north bound vehicles could be blind from seeing left traffic light by bus in layby and complex junction arrangements with Wick and Gravel Close.
- Crossing should be moved north after junction with Wick Lane or overhead traffic lights.
- Design of new junction should be left turn to A338 only – roundabout only short distance away and would save time and danger.
- Should create a slip land for vehicles turning off A338 left into the B3038
- Have access to development served off roundabout north of Scotts House.
- Cuts t X3 bus route – will it now be adequate?
- Can there be a relief road?
- Will a puffin crossing be adequate?
- Should there be access to Wick lane?
- Lack of parking in village for additional cars – residents will drive to village facilities e.g. school, shops, doctor's surgery.
- Construction traffic should not use Wick Lane.
- Car parking for work force in Wick Lane should be discourage during construction

Design / layout:

- Design is typical standard types - could be anywhere in the country.
- Design does not reflect character / streetscape of Downton and local distinctiveness. Poor elevations, proportions, materials, layout,
- Lack of long terraces.
- Glades development should have set a precedent – same architects.
- Roof form largely uniform and no dormers.
- Does not meet the requirements of the Village Design Statement / not taken into consideration.

- VDS sates to avoid large single sites grafted onto the outside of the village.
- Not an attractive rural development.
- Off the shelf solution.
- Pergolas – nobody plants these and garages should be used.
- Layout is poor.
- Car dominated.
- The Glades is example of how shared surfaced should be designed.
- No details of lighting – should be traditional, hung off buildings, not galvinsed light columns.
- Roof insulation should be to rafters, not on ceiling.
- More insulation should be put into walls.
- LPA should be insisting on Code level 3 or 4 & 10% renewable e.g. solar hot water panels.
- Not in line with aims of The Renewable Energy Action Plan for Wiltshire in respect of reducing carbon emissions
- Is there adequate green space, trees bushes, hedges?
- Should use renewable energy sources - solar panels, heat source pumps.
- Every effort should be made to encourage cycling, walking and use of public transport; bus stops need to be properly maintained.
- Good that cycle stores being provided but creation of a proper cycle path along A338 to Salisbury would be of enormous benefit; can funding be requested form developer for improvements.
- Proposed footpath exiting adjacent drive of No. 17 Wick Lane very dangerous; road is in effect single lane.
- Play area should be relocated to northern edge of site so it joins up with possible future development on land to the north.
- Gap / loss of line trees at end of car park for proposed flats adjacent 17 Wick Lane; what would replace them?

General / Policy / Other:

- Outside of HPB.
- Whilst no objection in principle to new development in Downton, there is a policy presumption at local and national level, including the VDS that previously developed land should be considered prior to any Greenfield release.
- No survey / assessment / evidence regarding the suggested lack of brownfield sites
- No identified shortfall in 5 year land supply.
- A large development of circa 100 dwellings cannot be justified without a previously developed land survey is not justified.
- Should be refused as contrary to Core Policy 1 of Core Strategy and protection of countryside policies of Local Plan.
- Whilst a SHLAA site, development has not mitigated successfully against impact.
- Would set a precedent for a level of further development for Downton to change form a village to a town.
- Neighbourhood Plan in process of being prepared due for completion by end of 2015
- No further development should be permitted until Neighbourhood Plan is agreed.
- Development too large; will lose its village feel
- Loss of green meadows

- Insufficient / lack of infrastructure for the development.
- Will a further doctor's surgery be required?
- May need another shop
- Will a police station be needed?
- Leisure facilities need makeover – only have a basic sports centre.
- Who benefits from cash incentives to Councils who welcome new homes.
- Doctor's surgery over busy / overloaded.
- Surgery needs expanding.
- Only one shop of any size in village.
- More creativity injection to village - local cinema / smallish hall/ creative arts centre /coffee shop?
- Too many unknowns to allow at present.
- Memorial Hall is in need of refurbishment and additional meeting space to accommodate additional residents.
- Unsustainable development in terms of the local environment and infrastructure.
- Could act positively on village businesses, especially catering and retail.
- Need for first time buyers / affordable housing.
- Suitable previously developed land should be considered prior to green field release of land
- Call for sites has been undertaken and informal consultation but no draft housing site allocations document has been placed on formal consultation yet.
- One of objectives of the Neighbourhood Plan is to encourage sustainable small scale development over large scale mass housing.
- Neighbourhood Plan states it prefers development on brown field sites in clusters of 15 units with larger developments of 50 or more homes built in phases.
- Neighbourhood Plans states that to consider the need for and implications of new development beyond the existing allocation will require detailed work assisted by the updated Strategic Housing Market Assessment, due early 2016 and provides the local community with reasonable period to review the NP and consider implications for additional housing and its likely impact without adversely affecting supply of deliverable housing.
- Key driver in VDS for future development is wherever possible to use brownfield land over Greenfield land.
- Fails to comply with local and national guidance on presumption in favour of previously developed land
- Site not identified in a site allocations DPD
- Does not fulfil criteria in Neighbourhood Plan as it is large scale development in one location
- Need for such large scale development to deliver infrastructure must be reduced due to recent adoption of CIL

The above includes representation by the Downton Society the Downton Green Group and South Wiltshire CPRE.

9. PLANNING POLICY

The Wiltshire Core Strategy (WCS) sets out the long-term planning and development aims for Wiltshire. Following an examination in public and Inspector's final report, the WCS was adopted by Wiltshire Council in January 2015.

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

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

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 3: Infrastructure Requirements
- Core Policy 23: Spatial Strategy: Southern Wiltshire Community Area
- Core Policy 41: Sustainable Construction and Low-Carbon Energy
- Core Policy 43: Providing Affordable Homes
- Core Policy 44: Rural Exceptions Sites
- Core Policy 45: Meeting Wiltshire's Housing Needs
- Core Policy 48: Supporting Rural Life
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 56: Contaminated Land
- Core Policy 57: Ensuring High Quality Design and Place-Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Conservation
- Core Policy 61: Transport and New Development
- Core Policy 62: Development Impacts on the Transport Network
- Core Policy 63: Transport Strategies
- Core Policy 68: Water Resources
- Core Policy 69: Protection of the River Avon SAC

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

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

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

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

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

Wiltshire Local Transport Plan 2011-2026 - Car Parking Strategy

Supplementary Planning Guidance:-

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

National Planning Policy Framework (NPPF) (2012), in particular the following:

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

National Planning Practice Guidance (NPPG) (2014), in particular the following sections: Climate Change (ID6) Conserving and enhancing the historic environment (ID18a), Design (ID 26), Determining a planning application (ID21b), Flood risk and coastal change (ID7), Health and wellbeing (ID53), Light and pollution (ID31), Minerals (ID27), Natural Environment (ID8), Housing and economic land availability assessment (ID3), Neighbourhood Planning (ID41), Travel plans transport assessments in decision making (ID42), Noise (ID30).

Section 66 Planning (Listed Building and Conservation Areas) Act 1990

Other Documents:

Cranborne Chase & West Wiltshire Downs AONB Management Plan (2014)

Downton Village Design Statement (January 2002)

Emerging / Draft Downton Neighbourhood Plan

10. PLANNING CONSIDERATIONS

10.1 Background

The applicant sought pre-application advice in respect of the proposed development, which was eventually revised to the extent of the current application. A number of relevant planning issues were raised, which the applicant was advised to address. Informal advice at the pre-application stage was provided on a range of planning considerations applicable to the site but, regarding the principle of the development, Officer's advice was that such a proposal would be contrary to the then relevant adopted South Wiltshire Core Strategy (SWCS) and emerging Wiltshire Core Strategy (WCS), in advance of the production of a community-led planning policy document, and advised that the applicant would need to demonstrate other material consideration that would outweigh this conflict with development plan policy.

As part of the process in the preparation of the WCS, the site was promoted for housing and was submitted in relation to the Strategic Housing Land Availability Assessment (SHLAA) process during a call for sites exercise. As a result, the site has been identified as a potential site for development in Downton as part of this process. However, it should be noted that the SHLAA states that *"The inclusion of sites within this study should not be taken to imply that the Council would automatically consider planning applications favourably"*.

Preparation of a Neighbourhood Plan for Downton has commenced with local consultation and production of a draft plan. However, this is at an early stage and

has not yet become a formal submission document with Wiltshire Council for public consultation.

The applicant has submitted a Statement of Community Involvement with the planning application, which sets out how the applicant has engaged the local community leading up to the submission of the application.

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The site is over the 0.5ha threshold under Schedule 2.10 (b) of the Regulations where screening is required. A screening opinion was adopted by the Council in 2013 for a development of up to 100 dwellings on this site, which concluded that the site is not within a 'sensitive area' as defined in the Regulations and that development would not likely give rise to significant environmental effects that would require an Environmental Impact Assessment. The current application which followed is for 99 dwellings on the same site and it is also concluded that the proposed development would not require an EIA when considered under Schedule 3 criteria. That is not to say there would be no environmental impact and the applicant was advised to undertake and submit a number of assessments (refer to the list of documents submitted with the application) in connection with the development proposal.

The proposal has also been the subject of scrutiny under the Habitat Regulations and an HRA has been undertaken (detailed further below under Ecology).

10.2 The Principle of Development and Housing Policy

NPPF & Housing Supply

Paragraphs 11 and 12 of the NPPF confirm that applications must be determined in accordance with the development plan and that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise. For the purposes of this application the main documents of the development plan comprises the Wiltshire Core Strategy (adopted January 2015) and Wiltshire and Swindon Minerals and Waste Core Strategies 2006-2026 (Adopted 2009).

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In the Planning Statement the applicant contends that the Council cannot demonstrate such a supply and asserts that with a 'best case' scenario, the Council's land supply position would be 4.3 years, with no critique of the assumed 'deliverable' supply. This is premised on the applicant's contention that the Council's methodology is flawed and the Council has persistently under delivered during the plan period. However, notwithstanding this, the recently published Housing Land Supply Statement (September 2015) confirms that the Council is able to demonstrate in excess of a 5 years supply of deliverable housing sites for the South Wiltshire Housing Market Area (HMA) (5.67 years) and therefore relevant policies for the supply of housing can be considered up to date. In addition, the WCS has only recently been adopted having been the subject of scrutiny at an examination in public resulting in an Inspector's report who assessed matters relating to the Council's approach to 5 year land supply. As such, for the purposes of the assessment of this planning application, the applicant's assertion is not agreed.

Wiltshire Core Strategy

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

The application site is outside of the 'limits of development' for Downton, within 'open countryside', where the presumption is against development as set out in Core Policy 2 of the WCS (the 'Delivery Strategy') other than in the circumstances set out in the WCS. The applicant states that the Housing Policy Boundaries taken forward from the SDLP are outdated. However, the boundaries have been saved and are referenced in the WCS and remain relevant until such time as they are to be updated through a settlement boundary review. This was supported by the Core Strategy Inspector. In this respect included within Core Policy 2 is the following statement:

"....Outside the defined limits of development

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

Under the current WCS, development proposals outside of defined settlement edges will be strictly limited, and only acceptable in certain circumstances, none of which are applicable to the application proposals. The WCS does not propose any strategic housing allocations in Downton, and it is envisaged that any non-strategic housing sites would come forward either through the Neighbourhood Planning process or through the forthcoming Wiltshire Housing Sites DPD.

Notwithstanding the Core Strategy's position on delivery set out above, Core Policy 23 of the WCS does in any event set out a series of indicative housing numbers across broad locations in Southern Wiltshire, which are designed to guide an even distribution of housing delivery across this area. The application site is located adjoining the settlement edge of Downton and the Core Policy 23 housing requirement for the settlement across the whole of the plan period is 190 dwellings. The Council's Spatial Planning team has advised that, as set out in Core Policy 23, 75 of these dwellings have already been completed or are subject to a planning permission, leaving 115 units yet to be provided over the remainder of the plan period to 2026. The application scheme could clearly contribute towards this requirement, as could the sites being brought forward in the Neighbourhood Plan which is nearing submission. These local housing requirements, although indicative, seek to ensure the most sustainable pattern of growth in line with the principles defined in Core Policy 1 (paragraph 4.20).

At this point in time when there is a demonstrable 5 year housing supply in the HMA, there is no imperative on these grounds to set aside the plan led approach unless other issues merit making an exception to policy. There is time for the neighbourhood Plan and/or Sites DPD to allocate the homes needed up until 2026 in Downton.

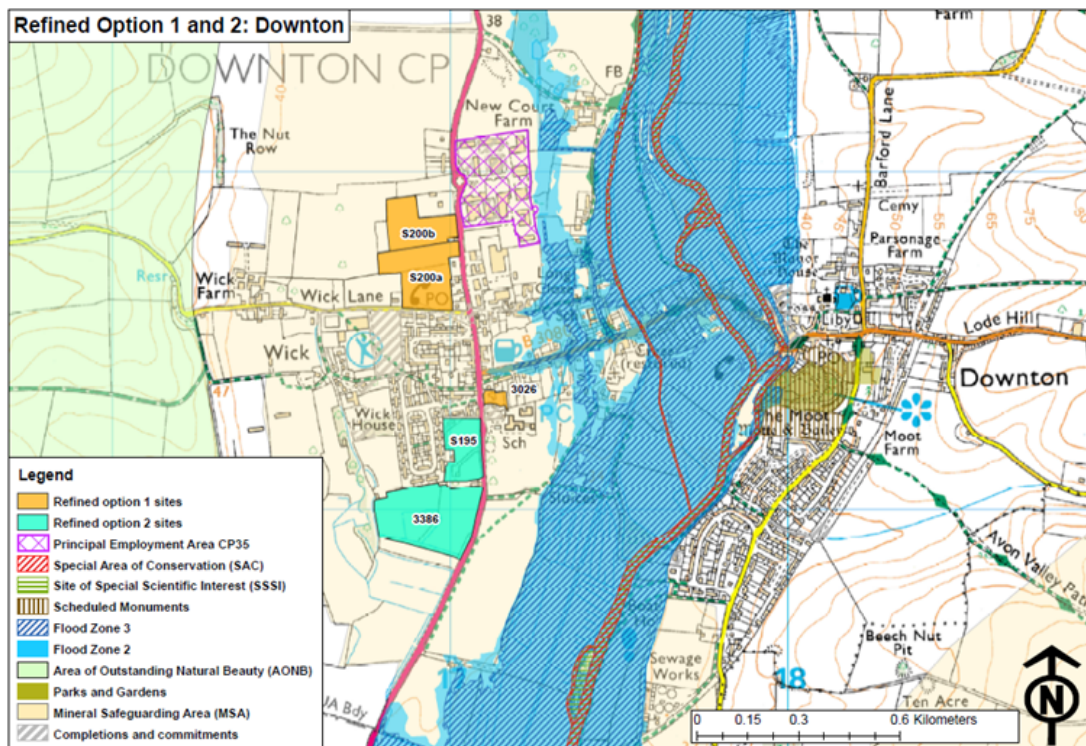
Housing Sites Allocation DPD (SADPD)

The Council is currently preparing a Housing Sites Allocation DPD (SADPD). The Local Development Scheme (LDS) states that the Wiltshire Housing Site Allocation DPD will be used to provide surety of housing delivery for the Wiltshire Core Strategy plan period and will be used to identify sites where there is a potential shortfall in supply on the horizon, or where neighbourhood planning is 'failing' to deliver the numbers required to meet local needs. In addition, the document will address the review of settlement boundaries currently identified on the Policies Map. The current position is that the DPD is in the preparation stage. However, the timetable in the LDS has been reviewed in light of the outcome of the informal consultation undertaken earlier this year and the need to continue to develop a robust evidence base to support the Plan. The following timeline replaces that set out in the January 2015 version of the LDS:

- *Finalising evidence and preparing the Pre-submission Draft Plan: up to end of December 2015*
- *Formal consultation on the Pre-submission Draft Plan: February – March 2016*
- *Submission of Draft Plan and commencement of Examination process: July 2016*
- *Adoption: December 2016*

In the process of preparing a pre-submission document, the Council has undertaken informal consultation with Parish and Town Councils, and Stakeholders. In the case of Downton, a 'Refined Options' plan has been produced, which identifies the application site (Option 1 ref. S200a) along with 3 other SHLAA sites (including S200b immediately adjacent the application site to the north) on the west side of the A338. This shows that the application site is one of a number of sites being considered for allocation at Downton. No decision has been made whether this site will be taken forward into the draft Plan.

Whilst it is acknowledged that the Council has commenced the preparation of a SADPD and a review of the settlement boundaries, given the current stage of the SADPD, only limited weight should be attributed to this document as a material consideration in the determination of this application at this stage.



Housing Site Allocations DPD Informal Consultation – Downton ‘Refined Options’

Downton Neighbourhood Plan

At the same time, a Neighbourhood Plan for Downton has also been in preparation with local consultation only. The national PPG sets out the relevance of this at paragraphs 6 and 7. They state:

“A neighbourhood plan attains the same legal status as the Local Plan once it has been agreed at a referendum and is made (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority’s publicity period. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it”.

Paragraph 216 of the NPPF referred to in the above paragraph states:

“...Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process...”

It follows that only limited weight can be given to the emerging Downton Neighbourhood Plan at this time. That said, it still provides a useful steer in terms of the community's emerging position, and so relevant parts are set out in the following paragraphs.

The latest version of the draft Plan acknowledges that the current application has been submitted (and a separate application at Scotts House for 25 dwellings). It states:

“... The status of these applications at the time of publication of the plan will determine whether or not it has any influence over the proposed development. However, it is emphasised that the policies and proposals contained in this plan are in response to the views of the local community in respect of any proposed development and not these sites in particular...”

The latest version of the draft plan develops a series of policies on themes and, although it does not 'allocate' housing sites as such, it indicates preferences. SHLAA sites are 'scored' in terms of preference against a set of criteria derived from suggestions by Wiltshire Council with additions from the Neighbourhood Steering Group, taking into account issues to be considered important by residents. The plan also points out that:

“...It is also important to make clear that a 'high' scoring site does not mean that a planning application that is submitted will necessarily be considered acceptable to the Parish and, similarly, a 'low' scoring site does not mean that the Parish won't support a planning application. Much will depend on design considerations, build quality, and proposals to mitigate negative impacts that are submitted with any application...”

The application site (SHLAA ref 200a) has been scored '14' (middle band). The Plans states that -

“...Those sites scored in the middle band (10 -19) may have a mix of negative points, such as having the capacity for high numbers of houses and a significant impact on access and congestion, with more positive points such as being on the West of the Village, having little impact on views from the existing built environment, or being close to existing housing...”

The Neighbourhood Plan goes on to discuss preferred options resulting in the following preferences for future building (where the total additional building does not exceed approximately 190 dwellings) as follows:

- 1. Some, or all, of sites S200a, S200b, S2008 and S3442 to submit a combined application of the remaining housing allocation numbers using only the Batten Road roundabout as an access point.*
- 2. Smaller scale developments of some of the sites, (excluding the two specifically mentioned below) where separate applications are submitted to reach only the total of remaining housing allocation numbers, and with no single applicant exceeding 25 in number. For greater numbers to be considered, the developer would need to identify the means to mitigate reasons for their lower scores in this analysis to achieve a score in the upper band. In this preference it would be further preferable if sites were to share access routes to minimise routes onto the A338.*

The plan proposes the following Policies and Proposals under the heading ‘Housing and Homes for Local People’:

Draft Policies:

- **LH1.** *Housing Development must be aligned with the Core Strategy allocation of 190 homes (2006-2026).*
- **LH2.** *For any remaining residential development required to meet Core Strategy requirements from the date of acceptance of the Neighbourhood Plan, small scale development, as preferred by the community (between 15 and 25 houses and including infill), should influence the planning decision*
- **LH3.** *Random scattering of development in green field areas should be avoided; new housing developments should have some proximity connection with the existing built environment and be contiguous with Wiltshire Council’s 2015 settlement boundaries.*
- **LH4.** *Any proposal for new homes should be located either on a brown field site or on the existing SHLAA sites in the order identified in the Site Preferences.*
- **LH5.** *Proposals for new housing development must make sure that there is mix of housing to meet identifiable needs of the local community, especially with regard to the provision of starter and smaller homes for private purchase including downsizing of existing residents as well as affordable homes for rent*
- **LH6.** *Future residential development should be evenly phased over the life of the adopted*

Draft Proposals:

- **LHP1.** *Wiltshire Council and Housing Associations must give priority to the needs of people in the Downton Plan area when allocating affordable housing.*
- **LHP2.** *Access arrangements for new development of land north of the junction of the A338 and B3080 must minimise the creation of new junctions on the A338 by utilising the existing roundabout at Batten Road.*

At the present time, therefore, the latest version of the draft plan would appear to state a preference for housing development on some or all of the SHLAA sites on the west side of the A338 north of Wick Lane in a combined application provided the development does not exceed the 190 dwelling figure in the WCS or where a separate application is made, it does not exceed 25 dwellings and subject to Policies LH1 –LH6. In addition, under the Plan's 'Proposals', it seeks to minimise the creation of new junctions on the A338 by utilising the existing roundabout at Batten Road.

In this case the proposed development is over 25 dwellings, on a green filed site and is not proposed in phases of 25 dwellings but is on one of the SHLAA sites west of the A338, it has proximity connection with existing built development, would fall within the 190 dwelling allocation and will provide local affordable housing.

The access to the application site not off the Batton Road roundabout but has a demonstrably safe access off the A338 site frontage further south, just north of the petrol filling station. The layout also allows for the possibility in the future of a road link to adjacent land to the north (across a proposed open green space between the northern boundary and north side of the access road, a short distance from the access point onto the A338) with the potential to serve further development north of the site (namely, SHLAA sites S200b and 3442), or potentially in combination with / utilisation of an access off the Batton Road roundabout (A388) in the future.

To sum up the relevance of the emerging Neighbourhood Plan, as a DPD intended to be adopted, along with the SADPD, its approach would be in line with Core Policy 2 of the WCS, this broadly in terms of its anticipated approach to the delivery of development (specifically, the CP23 requirement for a further 115 houses of the allocated 190 total) outside of the limits of development, adjacent or well related to the limits of development.

It is accepted that the Neighbourhood Plan is a material consideration, given the delivery mechanism included in the WCS. However, in terms of the weight that can be attached to emerging documents, this has to be considered in the context of relevant national government policy and advice set out previously, especially the demonstrable 5 year housing supply within the HMA which decreases pressure for immediate delivery.

Conclusions in relation to the Principle of Development and Housing Policy

From pre-application advice, the applicant has been advised that in the absence of an adopted SADPD which allocates the application site for housing it is the responsibility of the developer to robustly demonstrate in what way a scheme may represent a justifiable exception to Core Policy 2 of the WCS i.e. what material considerations would override the development plan? The applicant was advised that in doing so evidence should be provided to determine that:

- a) there is widespread local support for the proposals at a level equivalent to the tests set for a neighbourhood plan or development order; and
- b) were there an adopted community led policy approach, it would produce this specific scheme at this location.

At that time, the Council's Spatial Planning team advised that evidence of widespread local support may be demonstrated by (i) a Statement of Community Involvement describing how the local community have been involved in the preparation of the application proposals from an early stage in the design process, (ii) an independent survey demonstrating a majority vote in favour of the development from a representative sample of the community, and (iii) a letter from or minutes of the Parish Council confirming their support for the proposals. Evidence should include contextual information relating to local infrastructure and service capability, including in relation to local education capacity figures (education infrastructure is discussed below).

Core Policy 23 of the WCS sets out a series of indicative housing numbers across broad locations in Southern Wiltshire, which are designed to guide an even distribution of housing delivery across the area. The application site is located adjoining the settlement edge of Downton and the Core Policy 23 housing requirement for Downton across the whole of the plan period is 190 dwellings. The Council's Spatial Planning team have advised that, as set out in Core Policy CP23, 75 of these dwellings have already been completed or are subject to a planning permission, leaving 115 units yet to be delivered over the remainder of the plan period. The application scheme would clearly contribute significantly towards this indicative requirement. However, there is still 11 years of the Plan period remaining.

The housing requirement set out at Core Policy 23 is indicative in order that the Council and community, through the development of a subsequent SADPD and Neighbourhood Plans, may apply a flexible approach to housing delivery (paragraph 4.20). The proposal is contrary to the Plan-led approach to housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, a presumption against development applies until such time as the site may be allocated for development by the Council or local community. The status of the Site Allocation DPD and Neighbourhood Plan is outlined above and whilst they are some way off being 'adopted', the demonstrable 5 year housing supply in the HMA means there is time for them to be an effective, community led vehicle for delivery as envisaged within the WCS and LDS, without putting the supply of housing to meet the established HMA requirement at risk.

Other 'Material Considerations'

In terms of settlement strategy and delivery, the applicant refers to Core Policy 2 of the WCS which identifies Downton as a Local Service Centre, a sustainable settlement suitable for further development and that the proposals would essentially be in line with the underlying spatial and housing objectives of these documents. The applicant considers that the flexible strategy for the delivery of housing embodied in the core strategy should not prevent sustainable sites from coming forward such as the current proposal. Reasons include the lack of the production of any site allocations development plan document (SADPD) but also that that this need not be the only appropriate mechanism through which the current proposal can be delivered since it is suggested there is no conflict with the underlying objectives to encourage sustainable development. Further reasons cited include

the need for the early delivery of housing, the provision of affordable housing, the HPB is out of date and the benefits resulting from the proposals.

The site is clearly outside of the defined settlement limits in open countryside where in the absence of an adopted SADPD or Neighbourhood Plan that allocates this site for housing development, the proposal would be contrary to adopted development plan policy. The proposal is not solely for local affordable housing as a 'rural exception site' nor is it for essential rural worker accommodation, which in principle may be permitted outside of the settlement boundary if justified. If permitted, therefore, the proposal would conflict with Core Policy 2. The reasons why the applicant considers the proposal to be acceptable is reflected in the following paragraph's taken from the applicant's original Planning Statement:

"...3.2. Whilst the application site is outside of the Downton Housing Policy Boundary (HPB) as defined on the SDLP, this policy review will explain that such policy boundaries are now outdated, taking into account the requirements of the SWCS and the NPPF.

3.3. Having regard to these documents and the emerging Wiltshire Core Strategy, it is clear that this proposal should be viewed favourably. In particular, the application:

- represents sustainable development, and is thus consistent with the NPPF;*
- has support amongst the local community, as evidenced by two separate consultation exercises;*
- is in accordance with all policies of the Development Plan (other than in terms of the outdated HPB) including its overall strategic objectives and the SWCS proposal of 'at least 190 dwellings' in Downton;*
- complies with all other policies and strategies of relevance, including emerging policies in the Wiltshire Core Strategy;*
- is necessary in order to meet the requirement for delivery of new homes in the area;*
- would give rise to no significant adverse effects in terms of highways, ecology, landscape, or other environmental issues;*
- would bring forward a range of important benefits to the community in terms of the provision of market housing available to all including first time buyers, 30% affordable housing, a significant financial contribution towards education provision, a Local Equipped Area of Play (LEAP) on site together with two smaller Local Areas of Play (LAPs) plus a financial contribution to enhancement of other play facilities in the village, a financial contribution to community facilities and provision of a 'Puffin' pedestrian crossing on the A338.*

3.4. This document concludes that the above factors are of such magnitude as to outweigh any other considerations, particularly in light of paragraph 215 of the NPPF which considers the weight that decision-makers should attach to older planning policies from March 2013 onwards compared to the more up to date guidance in the NPPF".

Regarding the application of the presumption in favour of sustainable development, Paragraph 14 of NPPF states that for decision making (unless material considerations indicate otherwise) this means:-

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *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; or*
 - *specific policies in this Framework indicate development should be restricted...”*

The applicant fails to mention the fact that the law enshrines a plan led land use planning system in England and that Section 38 states that decision must be taken in accordance with the policies of that Plan unless there are material reasons to set them aside. The Plan led system takes priority over the NPPF as a starting point for consideration. The fundamental point is that the Wiltshire Core Strategy is the local expression of what the NPPF means when it says there is a presumption in favour of sustainable development. The decision making mechanism set out in Core Policy 2, based on the settlement boundaries differentiates between where development is considered sustainable or not. While developers may argue over the sustainability of individual sites, such as this, it is the case that waiving this policy without good cause, would lead to sporadic and speculative growth throughout Wiltshire which is clearly not sustainable growth within a plan led system as required by the law. These issues were fully discussed and confirmed at the EIP and the approach found sound and legally compliant.

In view of the above, it is necessary to consider whether the benefits of the proposal and any other material considerations outweigh the conflict with development plan policy and relevant NPPF policy, in the context that the Council can demonstrate a 5 year deliverable housing land supply. The sustainability of the proposed development and site, together with other site specific issues are discussed in the following sections of this report.

In balancing whether there are material considerations which indicate that permission should be granted contrary to policy in this case, the level of local support is a material consideration. Over the past two years, the applicant has sought to engage the local community through local public consultation exercises in the village. The applicants Statement of Community Engagement (SCI) states that in 2010, the applicant first gave a presentation to the Parish Council, for explanatory purposes. Pre-application advice was sought from the Council in March 2011 (initially on a site for 175 dwellings) which was followed by a public consultation event in October 2012, which included display board and questionnaires and feedback results. In the light of the comments / feedback and further pre-application advice, the scheme was modified and was subject to a further public consultation exercise in July 2013, which included display material and questionnaire feedback forms. At the same time the Parish Council presented proposals in respect of the Primary School and Memorial Hall, due to associated issues that had been

highlighted in respect of education infrastructure. The applicant contacted interested residents with an update flyer upon submission of the planning application. Following the submission of the application, the Parish Council held a consultation event, at which the agent and applicant was present to answer questions, prior to the Parish Council submitting its formal response. Regarding the outcomes of the two main consultation exercises, the results have been assessed by the applicant and included in the applicant's SCI. The SCI states that the main improvements to the scheme include“

- *Appropriate financial contribution to local services. In particular, this contribution will aid expansion of the existing primary school.*
- *The provision of an off-site LEAP, which would provide adequate provision for play whilst maintaining green space and providing financial contribution to the Parish Council. The second consultation questionnaire feedback supported this option of a similar play area with a financial contribution to the Parish Council to facilitate an off-site provision.*
- *The addition of 4 one bedroom flats to improve the range of tenures...”*

However, it is noted in the Parish Council's final response that regarding the applicant's SCI....

“... the Parish Council does not recognise or accept the following summary statements in the Community Consultation Main Statement:

1.3.5 “... the (consultation) process identified substantial support for the scheme in the local community....”

6.1.2 “ ... Overall, the feedback received is positive towards the proposed development. ...”

As can be seen from a detailed study of Community Consultation Appendices, and also the results from the Parish Council's own Public Consultations there is considerable concern in Downton about the negative impacts to the village and the additional demands that would be placed on existing overloaded infrastructure. The Parish Council's response to this planning application closely reflects the key areas of concern...” .

It is fair to say that the public consultation exercise has influenced the proposed scheme in terms of the layout and design (see further below) and the offer of contributions to address the educational / community infrastructure issues. However, it is noted that whilst the exercise did include a question regarding the suitability / choice of site within the village if additional housing development is required, as one would expect the consultation exercise has been based largely on the development aspects of this particular application site and housing proposal, rather than a wider spatial analysis of potential development sites in the village. Nonetheless, it has highlighted wider issues for Downton such as the education and drainage infrastructure, which has in turn prompted these matters to be addressed by interested parties (see below) as well as more detailed site specific issues.

Notwithstanding the local consultation undertaken by the applicant, the Parish Council's original response was an objection to the proposal, largely due to a number of technical and infrastructure issues to be resolved, reflected by a number of the third party representations received.

As a result of the above and consultation responses, the applicant has submitted revised and additional information seeking to address various matters of concern, as detailed elsewhere in this report. In turn the Parish Council has submitted a revised response, as detailed earlier.

It is of note that a separate outline application for 17 dwellings has been submitted at Scotts House, which is currently being assessed by Officers. This follows the refusal for 25 dwellings (ref 14/07898/OUT) earlier in the year and seeks detailed approval for access off the A338 (this would replace an existing in / out access to Scotts House). That application will be considered on its merits in due course and is yet to be determined. There is no reason why this should prevent the current application being determined on its merits. The number of dwellings proposed with the two sites together would mean that the 190 dwelling requirement during the plan period would be met, taking into account existing build out and commitments.

Conclusions in relation to Material Considerations

Overall it is considered that the material considerations - which are the level of consultation undertaken both inside and outside of the planning application process and resulting amendments to the proposal to meet local concerns; the strategic level, 'in principle' support from the community as a result of this; and the benefits arising for occupants of the new development through its delivery of infrastructure it makes necessary, and the shared benefits these give to the wider community; and the acceptability of the proposal in all other respects outside of the Core Strategy's Settlement and Delivery Strategies - do merit the consideration of making an exception to policy in this case. While the proposal does not accord with Core Policy 2, it is a unique opportunity available at this time to deliver the housing required in Downton under Policy CP23, deliver affordable housing, and make contributions towards community facilities (open spaces and the planned Memorial Hall extension, and the school extension, for example) the benefits of which would be shared by the wider community.

Whilst it is accepted that the proposal has not received unanimous support from all of the Downton community (a point made by the Parish Council in response to the SCI), it remains material that general feedback for the proposal is positive. It is also material that this positivity has come about as a consequence of the interaction between the applicant and the community leading to the evolved proposal before the planning committee today.

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

10.3 Scale, Design and Layout

In terms of development policy for place shaping, WCS Core Policy 57 seeks a high standard of design for all developments, requiring proposals to demonstrate that a range of criteria have been met.

The design and layout of the proposed development has been the subject of pre-application advice, without prejudice. The submitted Design and Access Statement sets out the evolution of the design and states that a number of internal design team meetings, public consultation events, pre-application discussions and meetings with the Parish Council have influenced the design as a result of which the proposed masterplan strategy and layout have been revised, taking account of the comments and concerns received at each stage. Changes made during this process include:

- A reduction in the size of the site from the larger SHLAA site to the application site.

- A revision to the draft masterplan and layout in light of the existing and emerging policy requirements highlighted by the planning officers.
- A review of the Urban Design officers comments relating to vernacular and future response to the 'Creating Places' SPD.
- A reduction of the building heights / scale from 2.5 and 3 storey
- Properties in key locations to all 2 storey layout.
- A revision of the house types and layout to ensure units are designed to the Lifetime Homes Standards with a proportion of 1 and 2 bed dwellings to be retained as more standard house types, in order to provide a reasonable number of affordable units for the first time buyer market
- A revision to the location and grouping and location of the affordable housing.
- A revision to the public open space provision.
- The progression of the more traditional drainage strategy with individual soakaways as opposed to any road rising or blanket permeable paving.
- The existing access to the cottage north of the site is to be closed.
- The widening of some of the roads slightly to provide greater room for the visitor parking.
- The shared surface lane treatment extended into the central area.

It is noted that the submitted layout has been further revised since the most recent pre-application advice and the number of dwellings has increased to 99 dwellings. The D& A statement covers an assessment of the site with constraints and opportunities and an assessment of local distinctiveness, including village character areas, materials and detailing, leading to the design concept and vision, the design rationale and development of a master plan and subsequently the evolution and working up of the detailed elements of the design strategy. Reference is made to the Downton Village Design Statement and the scheme presented is aimed at capturing *"...something of the character of the historic Downton and the relationship of the buildings in forming streets and spaces..."*. The design concept is a response to the constraints and opportunities. Generally the proposed layout follows a traditional perimeter block style in order to provide a clear delineation between the public and private realms. The D& A statement states that the form of the layout has been generated to reflect aspects of the built form morphology found in the town in the following areas:

- Southern Green
- Entrance Street
- Northern Green
- Eastern Lane

Vehicular access to the site is solely via a new junction on Salisbury Road, with additional emergency, pedestrian and cycle links provided on Wick Lane. The design has been influenced by the desire to reflect the character of Downton as well as retaining important existing landscape features. The principal elevations of buildings face the streets and open spaces in order to provide natural surveillance of the public, and create active street frontage. The open space is proposed to act as a more natural counterpoint to the built form, reflecting similar spaces in the village.

Officers consider the layout and design concept generally appropriate in response to the site and its surroundings. There has been some criticism in public comments received of the design / building form and layout in that it does not sufficiently reflect the character of the village ('could be anywhere'). However, whilst it may be argued

that the dwellings appear to be standard housing types, it is considered that sufficient analysis and interpretation of the village vernacular / distinctiveness has been undertaken resulting in adaptation of the of layout and design and external appearance, such that taking into account local and national policy on design, Officers do not consider that a refusal of the proposals as currently presented could be substantiated on grounds of poor design. There has also been evidence of local involvement from the public consultation exercises shown to have influenced the design. The Council's urban design officer has been involved in providing advice at pre-application stage and during the course of the application discussions have taken place to further improve the layout and design, to reflect the further views of officers, including the shared surface areas, elevations at corner positions and the western courtyard area and has been the subject of the submission of revised plans.



Layout Plan

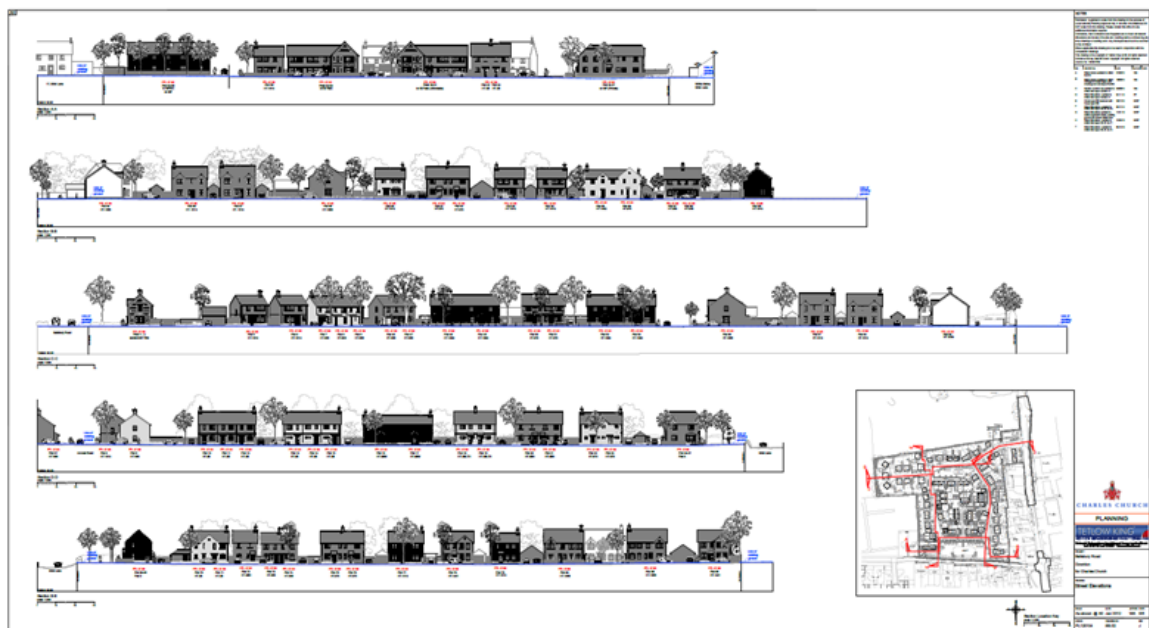
There is a public foul sewer crossing the east part of the site on a roughly north-south alignment which dwellings avoid in the layout. An easement to gain access to the sewer by Wessex Water would be required, which runs through rear gardens of some of the dwellings, open parking areas and across the main access road in the proposed layout. However, such easement / access to this sewer would be a separate private matter between the developer and Wessex Water.

The overhead electricity lines presently crossing the northern part of the site on a roughly on an east-west alignment are to be diverted / realigned.

Existing and proposed levels shown on revised drainage revised plans show that the FFLs for the dwellings will be set above existing ground levels on average by about 500mm, with some above this figure and some below. The top of road levels and soakaways are also required to meet minimum levels above the water table to meet the requirements of the drainage strategy, and so will also be set above the existing ground levels. The proposed FFLs and increased height of ground levels

will not, however, make a significant difference in terms of the overall impact of the development when viewed from outside of the site and it is essential that the drainage system operates within the design parameters. Some adjustment to the layout in the south-east corner has been made to improve the relationship with an adjoining bungalow.

Clearly, the external materials and execution of the detailing will make an important contribution to the appearance of the built form, including the treatment of the shared surfaces. The palette of materials proposed for the dwellings includes a variety of red/orange brick, some flint work, painted brick and render for the walls and plain tiles or reconstituted slates. However, it is recommended that a condition be imposed to agree materials.



Typical Site Sections

Regarding landscaping within the development, it is proposed to retain boundary hedgerows and trees where possible and strengthen with new native planting where appropriate. Some of the boundaries have patchy existing hedging or in some case no hedge. The more substantial hedges are to the and west boundaries but will still require careful management and reinforcement. It is proposed to plant a 2-3m wide buffer planting strip to most of the western boundary of the site and part of the northern boundary at its western end, which will be outside of the gardens of the proposed houses and would be maintained by a private management company. This boundary planting will help soften the impact of the houses from the adjacent countryside and open fields, and the distant AONB. Post and wire fencing would be erected around the outside of the proposed perimeter landscape planting to the west and north boundaries, which would be visually satisfactory to ensure a smoother transition with the countryside.

Within the site, there is also proposed street tree planting, to open spaces and within curtilages. Due to the absence of any tree cover within the site, the D& A statement states that the street trees in particular would be important design aspect of the scheme to provide a layering affect between buildings and green infrastructure linkages. There would also be some street and a new hedge planted to the site frontage behind a footway on the south side of the proposed access and around the west and north boundaries to New House Cottage. Landscape plans

have been revised to clarify where existing vegetation is to be retained and its treatment. This includes adjustment to the south boundary (Wick Lane) to provide adequate visibility where the cycleway /pedestrian links exit to Wick lane, in the interests of highway safety.

The communal open spaces would be created in the form of a southern green adjacent the southern boundary with Wick Lane, which would also incorporate a local equipped area of play (LEAP) and Local Area of Play (LAP) AP, and linear green on the northern part of the site with a LAP. The soft landscaping to these larger spaces would comprise a mix of wildflower grassland and amenity grassland. A Section 106 and condition would be required to control the provision and maintenance of these areas.

Regarding hard surfacing, the roadways would be surfaced with permeable block paving with tarmac footways, while the shared surface roads will be entirely in permeable block paving (two types) together with all parking and turning areas. This is related to the proposed surface water drainage scheme and requirements.

Within the site there would be mixture of boundary treatments, mainly brick walls, timber fencing, metal railings and timber knee high railings to the larger open spaces. Along the east boundary of site where it abuts the petrol filling station and the rear gardens of existing dwellings fronting Salisbury Road (where there is a mixture of existing mainly timber fencing) a new 1.8 timber fence is proposed for its entire length. An acoustic fence is also required to the south of plots 1-4 (fronting Salisbury Road) to provide an acoustic screen between these units and the petrol filling station, where there is a car wash on the north side of the PFS.

In respect of sustainable construction, the proposed scheme relies principally on a fabric first approach to provide high levels of insulation to the dwellings. The houses will, however be required to achieve Code for Sustainable Homes Level 4. This was introduced by Core Policy 41 of the Wiltshire Core Strategy, adopted in January 2015, and represents a step change in the level of sustainable construction for housing development. As a consequence of this the applicant has confirmed that the dwellings will meet this requirement and a condition can be imposed to ensure this is implemented. A revised energy statement has been submitted and the Council's Energy Policy Officer supports the scheme.

10.4 Landscape Impact

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

Downton lies within the narrow River Avon valley and is surrounded by rolling chalk down-land with ridgelines that reduce the visual influence of the settlement (first views are generally within 1km). It is a nucleated settlement bridging either side of the River Avon and the proposed development would represent an extension of the built envelope on the north western edge of the settlement. The application site itself is currently in agricultural use and on the north western fringes of the built form

of the settlement of Downton, it interfaces with the open countryside to the north and west of the site and in character, it is considered not unlike the surrounding agricultural fields and countryside. Whilst the development site contributes to the landscape setting of the settlement it is not classified as an important landscape and contains few features of interest or value in landscape terms.

Locally, it will inevitably alter the existing character of the application site markedly and its appearance in the immediate landscape context. As the site interfaces with the open countryside to the north and west and there will be open views from the adjacent agricultural land, as well as from Wick Lane into the site. Generally, however, the site is within the general urban gateway of the settlement due to the presence of the existing development and from elsewhere it will be visually contained within the urban fabric of Downton. In this respect, the site is substantially enclosed by the existing residential development to the east and south. There is also further some more isolated pocket ribbon development beyond the northern boundary along the A338. Where the proposed new housing would be visible in localised views from the north and west, it will be viewed in the context of the existing built envelope of Downton. Given the general proposed scale (limited to two storey height), density and built form and use of sympathetic materials and internal planting, it would be compatible with the neighbouring land uses and the impacts would be no greater than those of the surrounding residential development helping the development to assimilate with the existing landscape.

In terms of the wider landscape setting of the site, the site is located in the A4 Lower Avon Narrow Chalk River Valley character type, as characterised in the Salisbury Character Assessment (2008), which formed part of the evidence base for the former South Wiltshire Core Strategy. In parallel with this, the Settlement Setting Assessments study (2008) for the former Salisbury District, which identifies key areas of landscape sensitivity around Downton, highlights that the application site is not located within an area of 'distinctive or supportive landscape', which have the greatest value and where development would be least appropriate. Instead, the site is located within an area of 'connective townscape/landscape', which is of a lower landscape value and whilst forming an integral part of the settlement and its' environs, lacks individual distinction and does not play a significant contribution to the setting of the settlement (as opposed to the distinctive and supportive landscape which in the case of Downton is characterised by the rising chalk down-land). In these areas, development is more likely to be acceptable provided that it is sensitively accommodated and does not threaten the special qualities of Downton and its' landscape setting.

The applicant has submitted a Landscape and Visual Assessment Report which assesses the visual impact of the proposed development, taking into account the statutory and non-statutory landscape designations and character areas and includes an assessment from key visual receptors. It concludes:

"....9.2 The landscape strategy demonstrates that the application site provides a good opportunity to meet housing need at a location where there would be no loss of important elements, while retaining useful boundary vegetation as a basis for a new structural landscape framework. New open spaces combined with structured tree planting would enhance the character of the site and would make a positive contribution to local landscape character."

9.3 The subsequent analysis of likely landscape and visual effects shows that the proposed residential development scheme at Salisbury Road, Downton would not be harmful to the landscape character of the site, its immediate setting or the wider rural setting of Downton. Similarly, there would be no harmful or

widespread visual impacts because the new development would be very well-contained within the landscape and, when viewed from rising ground to the west it would appear as a modest extension to the village's existing built form..."

Concerns have been raised by the AONB group (see consultation responses above) in respect of views into and out of the AONB, which lies some 500m to the west and has suggested that additional structure north / south landscaping planting should be provided within the site to mitigate its visual impact in this respect together with changes to the orientation of the dwellings and treatment of gable elevations. Also no mention is made of the AONB Management Plan. The AONB group considers that further analysis is required. The LVIA does acknowledge the AONB and includes some assessment within it. The Council's landscape Officer also assessed the scheme, taking into account the landscape designations, and considers that the LVIA has demonstrated that there will be limited and localised change in views & character views, and because of the relationship with the existing settlement there is no harmful effects on the setting of the AONB or National Park. In particular the Landscape Officer has referred to the recommendations in the Salisbury District Settlement Setting Study 2009 for Downton which provides a set of principles which should be incorporated into the design:

- *Ensure that any new development respects the scale, setting and form of the existing settlement and appropriate design and mitigation measures are put in place to accommodate new development without significant adverse effects on key views to the chalk escarpment;*
- *Ensure that any new development does not detract from or disrupt key views to Downton;*
- *Potential to soften visually harsh and abrupt settlement edges in this area through additional tree and shrub planting.*

The Council's Landscape Officer considers that this has largely been addressed through the Soft Landscape Strategy Plan accompanying the application and recommends a condition to require a planting plan that details the boundary planting with full specification including species, size and density, whilst also recommending that the planting mix demonstrates a varied age structure to create a more naturalistic appearance and more immediate screening/filtering effect. Revised more detailed landscape plans have been submitted showing full planting details and the Council's Landscape Officer is satisfied that it will provide sufficient soft infrastructure to filter views of the development from the open countryside, avoiding a harsh urban edge, and the plant selection is an appropriate mix of native and ornamental species.

The AONB group have also highlighted the need to prevent light pollution and conserving dark night skies, which is an initiative in the current AONB Management Plan. Revised plans now include general locations of street lighting and this can be conditioned for agreement of full details. It is understood that the roads will not be adopted by the Local Highway Authority (WC) and will be managed privately, as would the lighting scheme.

The applicant has further responded to the views of the AONB team, corresponding directly to the AONB team and revising the LVIA report (Section 4) to refer to the AONB Management Plan. However, given the views of the Council's strategic landscape officer, it is considered that, whilst there will inevitably be a significant change to the appearance of the site in close views, it is unlikely that there will be any far reaching wider landscape and visual effects. It is considered that the landscape impacts upon the Special Landscape Area and the settings of the

Cranborne Chase and West Wiltshire Downs AONB and the New Forest National Park are likely to be minimal. The external appearance of the dwellings will be important, and a condition to approve the details of the external materials can be imposed accordingly. The maintenance of the non-private landscaped areas and planting strips will be privately managed and it will be necessary to ensure that adequate management and maintenance are put into place which can be the subject of a further condition.

10.5 Highway impact and transportation

The general access and highway issues have been the subject of pre-application discussions with the Council's Highways Officer. In principle the WC Highways Officer has raised no objections based on the submitted details and Transport Assessment, including the impact of increased traffic flows on the local road network and junctions.

Regarding the vehicular access from the A338, the proposed arrangement for a new access to the site between the petrol filling station and New House Cottage is considered acceptable. This includes a right hand turn lane with local verge widening and two traffic islands to the north of the A33/Batten Road junction and one to the south of the proposed new access. The latter would also serve as an uncontrolled pedestrian crossing point. A footway would extend across the site frontage either side of the access and the verge in front of the petrol filling station to be converted to a footway linking to the existing footway to the south.

A number of concerns / objections have been expressed regarding the access arrangement due to the congestion that presently occurs on the A338 and on highway safety issues. Views have also been expressed, including by the Parish Council, that traffic exiting the site should only be allowed to turn left, requiring north bound traffic to go north for a short distance and around the roundabout, rather than crossing traffic. This was also raised at a community engagement exercise in October 2012 and indeed was shown in preliminary layout plans. However, in the course of pre-application discussions, this was considered unnecessary by the Council's Highways Officer and difficult to enforce. At the second community engagement event the residents were updated with revised plans to show a two lane exit (to ensure vehicles wishing to turn left out of the junction are not impeded by vehicles wishing to turn right). There are still concerns by the PC and local residents but based on the Council's Highway Officer's comments (who has specifically referred to this point in his most recent response), it is not considered that an objection could be sustained on such grounds.

The internal road layout has been the subject of pre-application discussion on a without prejudice basis. It would comprise a loop road system with a significant proportion of shared surfacing. In view of revisions to the drainage strategy for the site, all roads would have permeable paving. It has also been indicated that the road layout would not be adopted by the Council and so would be maintained privately.

Bin storage areas are provided throughout the development. The Council's Waste Management team seek a financial contribution towards waste collection / recycling (£11,499), which can be secured through a Section 106 Agreement (see below). As effectively a private road system, it is understood that the Council would need to obtain permission from the developer to access the roads for the collection of waste, but this is a separate matter.

The site is reasonably well located within walking distance of local village services and bus stops. To encourage sustainable travel to and from the site, cycle and pedestrian links are proposed. A 3m wide pedestrian / cycle route is proposed at the south end of the site linking through to Wick lane, which will provide an alternative route to local services and schools. A further pedestrian link is to be provided to the south east corner of the site.

A puffin crossing is proposed just south of the junction of Wick Lane with the A338, roughly opposite the Post Office shop. There has been local concern expressed about the safety of this crossing point but it has been the subject of assessment as part of the Transport Assessment and the Council's Highway Officer has raised no objection. The Parish Council also seek a *'yellow box' junction between Wick Lane and Long Close to be created in order to keep stationary traffic out of this space and thereby enable traffic to exit from these roads*. The Highways Officer has not specified this but this would be a matter for the Highway Authority to consider whether necessary / appropriate. The puffin crossing would be secured through a condition and will require a separate S278 Agreement with Wiltshire Council, as the local highway authority.

The off-site works associated with the new access onto the A338 including works in the public highway and footpath on the west side of the A338 the carriage would be the subject of a condition and, again would require a separate S278 Agreement with Wiltshire Council as the local highway authority. This would include stopping up of any existing access to New House Cottage, directly from the A338, since it will have a new access to the rear off the estate road.

Traffic routing is raised by the Parish Council, referring to the weight restriction through the village The Highways Officer has also recommended a condition to secure the provision of a construction method statement to ensure that construction vehicles do not use unsuitable roads and to ensure that site operatives do not park and cause obstruction on the surrounding roads.

The applicant has also proposed a Residential Travel Plan to promote sustainable travel behaviour through a range of mechanisms and initiatives that can help reduce unnecessary travel and encourage travel in a more environmentally acceptable way. This would involve the appointment of a Travel Plan Co-ordinator who would liaise with the Council. It is recommended that this is secured through a planning condition. In the light of the introduction of CIL (see below), it is not considered appropriate that contributions towards the Salisbury Transport Strategy are sought through a Section 106 Agreement in this particular case.

Overall, it is judged that the proposals would be satisfactory from a highways and transportation perspective and would provide sufficiently sustainable linkages and connectivity with the village.

10.6 Drainage & flood risk

The application is accompanied by a Flood Risk Assessment (FRA) and a Drainage Strategy Report. The potential issues relating to the drainage of the site was known and identified as a key issue during pre-application discussions. However, the exceptionally wet winter of 2013 / 2014 has highlighted drainage issues in the locality. Furthermore, a significant number of the letters of representation received have raised the issue and the Parish Council in its original response objected to the application on drainage / flooding grounds. Planning policy and guidance on Flood Risk can be found in the NPPF, NPPG, the Development Plan and guidance / advice provided by the Environment Agency. The matter is technically complex and

so following is a summary of the current position, as it relates to the application site and proposed development.

Surface and Ground Water:

The site is located in Flood Zone 1, which is locationally sequentially preferable in the context of local and national planning policy. As the site is over 1 hectare, however, the applicant is required to undertake a FRA, to address the flood risk to and from the development site, and this includes flooding from ground and surface water. FRAs in Flood Zone 1 are normally focused more on the management of surface water run-off. Core Policy 67 of the WCS includes the following:

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

From mapping available, the FRA identifies that the site lies predominantly in an area with very low (<1 in 1000 yr) chance of surface water flooding but includes isolated areas with a low (1 in 100 -1000 yr) chance of flooding corresponding to localised low points within the area and is likely to relate to areas where surface water would pond during heavy rainfall. Depending on the underlying geology, ground water flooding is more likely to occur after long periods of sustained high rainfall which can cause the water table to rise above normal levels, and at low-lying areas, the water table is usually at shallower depths, so during wet periods the additional ground water flowing towards these areas can cause the water table to rise to the surface.

The FRA reveals that from the EA's database, there are no recorded flooding incidents. The FRA states that a Drainage Strategy Plan has been prepared for the site for managing the disposal of surface water run-off, comprising the use of permeable block paving in trafficked areas (to include access roads, communal parking courts and private drives / parking spaces) and strategically located cellular soakaways for surface water run-off from roofs. This is detailed in a separate Drainage Strategy Report submitted with the application, which sets out the proposed SUDS.

It is noted that the Environment Agency raises no objection to the application subject conditions, including the requirement to submit for approval a detailed design of a surface water management scheme, with an Informative referring to the details which would need to be submitted. At the same time, the EA states that they are aware of strong concerns raised over last winter's extreme wet weather conditions causing high groundwater levels resulting in ground water flooding and consequent sewer flooding in the surrounding areas and that although the FRA shows that ground investigations were undertaken across the site in 2011/2012, showing high permeability and ground water levels 2m below ground level, this testing was undertaken during one of the driest weather periods on record and that during the most recent very wet winter of 2013/14 widespread high groundwater levels and ground water flooding were experienced across the Avon Valley. The EA go on to say that this may have an impact on soakaway operation and the developer may ultimately need to seek alternative solutions to meet the surface water management requirements set out under the National Planning Policy Framework. Importantly, the EA state *“... Should the concerns over groundwater and surface water flooding be resolved and the Local Planning Authority be minded to grant planning permission, we would ask that the following planning condition (and informative) be attached to any planning application...”*.

The Council's Drainage Engineers objected to the proposed surface water management scheme originally proposed, which in their view did not resolve the issues raised at pre-application stage and the problems associated with the high water table. As a result, it would have been inappropriate to deal with these matters through a condition until it was known whether there was a technical solution available and the parameters of this are known, which could affect other aspects of the development.

As a consequence, the applicant has sought to revise its drainage strategy and drainage plan in consultation with the Council's Drainage Engineers, taking into account more recent water table data available. The former crate system under the roads is removed under this revised scheme and all roads, footways and drives will have permeable surfacing and there will be a 1m separation zone between any infiltration feature and the top of the water table to satisfy the requirements of the Environment Agency. The access roads will not be offered for adoption, and so will remain private with future maintenance by a Management Company with other communal areas, which can be secured via an appropriate condition or S106 Agreement. It is understood that the Council will not be responsible for the maintenance of the SUDS at this time.

For the main part, the roof drainage will be to individual cellular soakaways in rear gardens with the same 1 m separation zone to the water table and additional storage volume to take into account climate change. All down pipes will be sealed at ground level to ensure adequate protection against possible pollution. Compliance with Building Regulations will also be required. The revised scheme has been assessed by the Council's Drainage Engineers, who now raise no objection, subject to implementation of the scheme. A condition is recommended, including arrangements for future maintenance / management.

The FRA reveals that the site primarily falls outside of any Groundwater Source Protection Zone, partly in SPZ2 and a small part in SPZ3 where discharge of clean roof water to ground is acceptable. The FRA states that suitably designed pervious paving and soakaways, or other infiltration devices would not pose a risk to groundwater resources in terms of the EA's ground water protection policy. Measures are included in the submitted Waste Audit and Construction and Environmental Management Plan to manage the risk of pollution during construction.

Foul Sewage

The application proposes to upsize the foul sewer downstream of the site (from 125mm diameter to 225mm) which was agreed with Wessex Water would be required prior to submission of the application. Wessex Water had raised an objection to the application due to the current drainage/flooding problems in Downton whereby the recent extreme rainfall in 2012 -2014 lead to significant ground water flooding. Wessex Water stated that flooding incidents were so severe and prolonged that emergency measures were necessary to support residents and homes affected. Private and public sewer systems were overwhelmed in Downton during these periods with detriment to public health and the environment. Representations received also reflect this with references to flooding and sewage surcharging, including in Wick Lane. Infiltration of the sewerage system when ground water levels are high appears to be a significant factor. Wessex Water refers to the NPPF, which is applicable to all forms of flood risk and, in particular, references are made to rising ground water and overwhelmed sewers and drainage systems.

Wessex Water have referred to the Council as being the Lead Local Flood Authority, (as the EA also point out), responsible for developing, maintaining, applying and monitoring a strategy for local risk management in its area, including the consideration of ground water and surface water run-off flooding, under the Flood and Water Management Act 2010. As such Wessex Water originally objected to the proposed development until such a strategy is put in place.

Whilst there are clearly existing problems in the village, it is not the responsibility of the developer to resolve existing problems and it remains the case that the development plan states that in the order of 190 dwellings can be accommodated in Downton during the plan period. Nevertheless adequate infrastructure must clearly be provided to accommodate any new development. To this end the applicant in this case is proposing to upsize the downstream sewer.

On the other hand, when problems do occur, the implications are significant and represent a health and safety issue, which clearly needs to be resolved. If the proposed development itself would exacerbate the existing problems (e.g. through additional foul flows or infiltration) then this is a material consideration. However, the applicant, through the submission of a revised drainage scheme, has demonstrated to the satisfaction of the Council's Land Drainage Engineers that the surface water run-off from the application site can be managed satisfactorily, as detailed above. The revised drainage strategy also includes enhanced construction specification for the foul sewer system being offered for adoption to Wessex Water to reduce water ingress and including double sealed screw down manhole covers to mitigate the effects of possible surface water run-off into the foul system. It is noted that the Parish Council request triple seals but this has not been accepted as necessary by the Council's Drainage Engineers.

At the same time, the Council has also moved forward with regards to developing a ground water management strategy (GWMS) in partnership with Wessex Water, which would involve implementing a range of mitigation measures. It is also understood that Wessex Water have also commenced work on an Infiltration Reduction Plan (for which WW are the lead), which it is understood may include managed emergency pumping, subject to approval of the EA. As a result of progress with the GWMS, Wessex Water has removed its objection (see consultation response above). In the light of the above, whilst it is acknowledged that there is local concern about flooding and sewage surcharging, it is not considered that an objection could be sustained on such grounds. The GWMS is a wider separate plan / initiative and could not be a condition of planning permission, and is outside the control of the applicant.

10.7 Education & Community Facilities

Primary education

The proposed development will generate the need to provide additional places at Downton CE Primary School (24 places), as there is insufficient capacity based on the Council's pupil forecast. Such education infrastructure requirements would normally be met through financial contributions, based on the number of spaces required and current cost multipliers, calculated by the Council on standard formulas and figures reviewed annually. The contribution would then be put towards the necessary facilities at the school.

However, in the case of Downton, the current school site is too restricted to allow any further expansion, without acquiring additional land. Therefore, the primary education need that is generated by the proposed development cannot simply be

met by the payment of a standard financial contribution towards education provision but will require a more complex solution. In this regard, the Council's Education team have been in discussion with Downton Parish Council regarding the use of a piece of land on the Memorial grounds at the rear of the Memorial, which may allow an extension to the school to be built and a new play area to be provided on the newly acquired area of land. There are, however, a number of constraints to overcome regarding the feasibility of this, including the bridging of a stream (The Bunny) that runs between the existing school site and the area of land in question, which will require the consent of the Environment Agency. There will be financial implications and the applicant has been advised at pre-application stage that the Council would seek a contribution for abnormal costs. In addition, planning permission is required and the school is in a sensitive location in the Conservation Area.

The developer has indicated that an additional financial contribution would be offered to meet the abnormal costs of culverting the stream. At the time of writing, planning permission has not been granted but is due to be considered by the Strategic Planning Committee at the same time as this report. The feasibility is also dependent upon the Council being able to successfully acquire the necessary land. If the school extension is not feasible as envisaged (even with developer contributions), then the primary education needs would have to be met in other ways. Unfortunately it seems that this would involve transporting pupils to other primary schools with capacity outside of the local area, which would not be considered desirable or very sustainable (indeed, WC Education has raised an objection to this application for this reason). The applicant was advised at pre-application stage that these matters should all be resolved prior to the submission of a planning application for the proposed residential development in order to demonstrate that the suitable provision of primary education to meet the need generated by the proposed development can be achieved. This is discussed below.

In its original response, the Parish Council states that it has been working with Downton Primary School, Downton Community Pre-School, Wiltshire Council's Education Department and Charles Church over the last 18 months to ensure that, if planning permission were to be granted for the Charles Church development, a workable solution could be implemented that would address the needs of both the pre-school and primary school aged children of the enlarged village; and that a potential solution for both the Primary School and the Pre-School, that would also provide the village with a beneficial community facility, was agreed in principle between the various parties last year. The Parish Council states that this solution was subsequently displayed at a well-attended Public Consultation, held in July 2013, at which almost 90% of respondents agreed or mostly agreed with the proposals. However, the Parish Council stated that there are some important and essential details which need to be finalised and which require the urgent and active support of Wiltshire Council and Charles Church and therefore is objecting to the application, on educational grounds, until such time as a solution is firmly agreed. The Parish Council's original response included an objection to the planning application on the grounds that there is no agreed solution how primary school aged children from the new development can be accommodated at Downton Primary School without preventing the exclusion of other potential pupils from the more established parts of Downton. It stated:

"...as priority for any unallocated places at the school is based on the distance of the home from the school, it is the children from the Charles Church development, which is relatively close to the school, who would be given priority over students from the more established parts of the village that geographically lie further away and who,

with their families, have lived significantly longer in the village than those from the new development. This latter issue will have a significant impact, every year, on the children who are due to enter the reception class. The Parish Council regards the above situation and the very real risk of a breakdown of social cohesion across the village caused directly by the building of the Charles Church development, to be completely unacceptable...”.

Since then progress has been made on the feasibility of the extension to the Primary School. Plans have been drawn up and, as stated above, a planning application has been submitted and is close to determination. However, in its latest response, Downton Parish Council continues to maintain its objection until approvals are given to the Primary School’s planning application and to the planning application submitted by the Parish Council for an extension to the Downton Memorial Hall. Equally, WC education continues to maintain a holding objection for the same reason.

Pre-school education & community facilities

The Parish Council’s original response also objected to the planning application on the grounds that there is no agreed solution on how pre-school aged children from the new development can be given access to a Pre-School in the village. The Parish Council states that -

“...The Downton Community Pre-School is currently located in the Downton Band Hall in Gravel Close. This location is not working for the pre-school or for the Downton Brass Band. Moreover, there is no room to take the additional pre-school children that will inevitably come from the new Charles Church homes:

- a) There is not enough space inside the hall*
- b) There is not enough recreational space outside the hall*
- c) There are not enough toilets*

When one factors in the time that is wasted on set up and clear away every day (to enable the band to use the hall in the evenings) and the other compromises that are having to be made by both the band and the pre-school it is clear that the Pre-School needs to be relocated...”.

A potential solution was tabled by the Parish Council in July 2013 at its consultation exercise which would involve an extension of the school’s play space on to the Memorial Gardens to allow an extension to the primary school (as referred to above) and an extension at the rear of the Memorial Hall to provide a pre-school / Early Years facility and a community meeting room. This would require financial contributions from the developer for the education facilities (including abnormal costs referred to above) and for the Memorial Hall extension, which also requires planning permission.

The Environmental Services team seek a contribution of £79,023.95 towards indoor community facilities. A contribution is also sought for Early Years education provision, and a financial contribution is sought of £164,160. It is understood that if the extension includes a new purpose built pre-school facility, the Early Years contribution could be used to part fund the extension. There would appear to be advantages to a new pre-school facility being located close to the Primary School and it would be considered reasonable for the Early Years contribution to be used in this way. The Parish Council has also at this time submitted an application for an extension to the Memorial Hall. It is currently undetermined. It is noted from the

Parish Council's latest response that it maintains its objection until approval is also given to the planning application submitted by the Parish Council for an extension to the Downton Memorial Hall.

It is considered, however, that it would not be reasonable to withhold the grant of planning permission until or dependent upon the hall extension being granted planning permission – the hall application is largely 'on track' subject to the Environment Agency being satisfied in relation to the flood risk assessment. A new purpose built facility, as perceived by the Parish Council, is also likely to require additional funding to the combined Early Years and Indoor Community Facility contributions sought by the Council. However, it is considered that a contribution over and above the figure indicated above could not be reasonably justified in planning terms and any additional funding required by the Parish Council would need to be sought elsewhere.

Secondary education

Regarding secondary education needs, WC Education has advised that there is sufficient capacity at Trafalgar School to accommodate the proposed development and that, in view of this, there is no requirement for a developer contribution towards further secondary infrastructure expansion at this time.

The primary education, pre-school education and community contributions would be secured through a Section 106 Agreement, rather than CIL, as they are considered to relate to specific infrastructure projects (see S106/ CIL matters below).

10.8 Housing mix and affordable Housing

The proposal contains a mix of dwelling types, which it is considered is generally acceptable, with a range of 1bed, 2bed, 3bed and 4 bed units. Pre-application advice set out the appropriate housing mix having regard to the development plan policy requirements. Discussions have resulted in an increased number of smaller units.

The proposal provides for on-site provision of 30% (30 dwellings) affordable houses comprising:

- 12 x 1 Bed Affordable Rented Flats.
- 7 x 2 Bed Affordable Rented Houses.
- 6 x 3 bed Affordable Rented Houses.
- 5 x 2 bed Shared Ownership Houses.

The Council's New Housing team considers the proposed housing mix acceptable, and it reflects the housing needs in the area. The affordable housing will be secured by a Section 106 Agreement.

10.9 Ecology and biodiversity

New Forest SPA

In its response dated 8 August 2014, Natural England advised that "there is currently not enough information to determine whether the likelihood of significant effects can be ruled out". It recommended that further information is obtained to identify the "potential for increase in recreational activities that could affect the SPA features and how they will be avoided or mitigated".

The Wiltshire Core Strategy commits the Council to develop a Recreation Management Strategy with input from the National Park Authority in order to mitigate and offset recreational impacts from new residential development. The strategy will comprise a combination of measures, some being implemented within the Park itself to reduce pressure on key sensitive areas and others aimed at deflecting visitors from the Park/SPA by improving opportunities for walking / dog walking just outside the boundaries. The Strategy is still at an early stage. A package of measures needs to be developed to provide sufficient offset for the quantity of housing proposed in the South Wiltshire Community Area where currently 615 dwellings are proposed over the plan period and Natural England will need to be consulted on the proposals.

Since the Wiltshire Core Strategy is now adopted and the application is for a significant proportion of the 615 dwellings, it is appropriate that a contribution is secured before this application is determined. In its Development Standards SPD (adopted Sept 2012), the National Park Authority has identified £50,000 worth of measures to be delivered over the first five years of the SPD equating to £1250 per dwelling proposed within 400m of the SPA boundary. This standard gives an indication of the approach that will be followed in the Wiltshire Council Recreation Management Strategy, although it is too early to say what an appropriate contribution may be. It is likely to be some months before a figure is agreed.

However, the Council's ecologist has advised that as an interim approach, the developer may wish to develop standalone proposals (i.e. in discussion with the Council) for funding a scheme which would reduce the number of visits / impacts of visitors to the New Forest. For example, opportunities may exist to make existing publicly accessible sites more attractive and convenient and thus intercept walkers and dog-walkers before they reach the SPA. The Council's ecologist advises that if the council conclude that a developer led proposal would be sufficient to offset likely significant effects, the application could be approved. It should be noted that on-site provision for open space could not count towards offsetting impacts to the New Forest since the Council has agreed with Natural England that such small areas are very unlikely to reduce the number of visits to the New Forest. The Council's ecologist has therefore advised that the application should not be approved before this matter is resolved and it has been demonstrated that the development will not have a significant 'in combination' impact on the New Forest SPA.

To this end, the developer is proposing an enhancement of the Millennium Green. This is managed by volunteers and the Ecological Appraisal suggests it is currently underused and could be enhanced for dog walkers with better parking, interpretation, and a contribution towards annual management. The Planning Statement Addendum to the application suggests £20,000 towards such a mitigation scheme. However, the Council's ecologist considers that at present insufficient information has been provided to demonstrate that the proposals will be effective at avoiding recreational disturbance on the SPA, and therefore concludes that the scheme may lead to likely significant impacts in combination with other plans and projects. The Council's ecologist concludes that the scheme will need to be carried forward to an 'appropriate assessment' and raises a number of issues which require to be considered with the applicant as part of this assessment.

Following a meeting between the developer, the Council and Natural England to confirm the scope of the assessment, further information has been submitted. The outcome of this process has not been completed (this requires consultation with Natural England) at the time of writing this report, so that it cannot be confirmed that the proposed mitigation measures are satisfactory in terms of assessment under the

Habitat Regulations. It is recommended, therefore, that this matter is delegated to the Director of Economic Development & Planning and Area Development Manager (South) to be concluded prior to the granting of any planning permission. It will, in any case, be required to be included in the Section 106 Agreement.

River Avon SAC

The development lies about 500m from the nearest tributary within the River Special Area of Conservation (SAC). The Council's ecologist is aware from consultation responses (Wessex Water, the Council's Land Drainage Team, the Environment Agency Downton Parish Council) that prolonged periods of flooding in the Downton area have led to raw sewage running down Wick Lane and Long Close towards the river and that these parties consider that the development may exacerbate the risk of flooding. This may have negative consequences for SAC features through a) increased sediment loads reaching the river, especially during the construction period, and b) raw sewage entering the river directly. During flood periods, dilution levels will be high and retention times low and these factors may be sufficient to mitigate potential harm to the SAC features.

However, having considered the applicant's revised surface water drainage scheme, the proposed foul water infrastructure improvements, the Council's Ground Water Management Strategy, and WW's Infiltration Reduction Plan (drainage matters referred to previously) the Council's ecologist concludes that, having regard to the Habitat Regulations, the proposed development would not lead to likely significant effects on the River Avon since it would not increase the risk of flooding and therefore there would be no increase in the risk of uncontrolled raw sewage entering the river (refer to consultation response above).

Protected species

The Council's ecologist considers that from the Ecological Appraisal (Lindsay Carrington Ecological Services, April 2014) risks to badgers and reptiles will be low. In relation to bats, dusk and dawn surveys of buildings and transects in August / September 2012 and August 2013 found low numbers of bats using the site for foraging and commuting including common and soprano pipistrelle and noctule bats. Given the restricted period of the surveys, it is likely they do not give a true representation of how the site is used. Bat activity in the Wick area can be expected to be relatively high because there are a number of bat roosts recorded in the small village of Wick and the local habitat conditions, including the former pasture at the development site, provide good potential sources of prey, with different habitats being preferred at different times of year depending on when invertebrates in each habitat emerge.

The development will lead to a large reduction in the amount of grassland. While the length of unlit hedgerow will be increased, not all of this will be secured in perpetuity because new hedgerow along the northern boundary will become the boundary of new house gardens. The new native trees are small species which will mainly perform a landscape function and cannot be considered to contribute to bat habitat, except perhaps in the "Southern Green" where trees will be supported by the management of grassland as meadow. Similarly the proposed management of the hedgerow along Wick Lane will at best retain the status quo since regular management could, ironically reduce the amount of invertebrates by reducing the overall plant biomass. On balance, the Council's ecologist considers it arguable whether the development would lead to no net loss of habitat for bats.

In relation to farmland birds, the surveys were conducted too late in the season to be able to confirm the extent to which the site is used for breeding. There is no information on how the grassland is managed but it is possible that the grassland could be used by breeding skylark and other farmland birds may breed in the hedgerows. Taking into account the impacts caused by habitat change, lighting, pet predation and general disturbance caused by people, the Council's ecologist considers it is likely that the development would lead to a net loss of farmland birds including yellowhammer, house sparrow and starling which are on the Red List of Birds of Conservation Concern and species of principal importance under the NERC Act 2006, and it is difficult to see how this development could be designed to mitigate for these impacts.

However, in summary, on the basis of the Council's ecologist's analysis, it is considered that the measures put forward as enhancements in the Ecological Appraisal, should be counted as compensation measures. The recommendations for bird and bat boxes could be valuable in this regard in supporting local breeding populations. More detailed consideration needs to be given to these proposals if they are to be effective. In particular a high proportion of boxes need to be of the type that is integrated into the structure of the new buildings. For boxes on trees, the number of boxes per tree, attachment methods and locations need to be confirmed and maintenance needs to be included in a condition. The Council's ecologist has recommended conditions to Landscape and Ecology Management Plan (LEMP), a Construction Environment Management Plan (CEMP) and external lighting, should planning permission be granted.

10.10 Residential Amenity

WCS Core Policy 57 states that development proposals should also demonstrate how the proposal will make a positive contribution to the character of Wiltshire, through:

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

Impact on occupiers of existing dwellings / premises

There are existing dwellings which front Downton Road and have rear gardens that back onto the site (east boundary) and the rear of these dwellings generally have windows which overlook the site. This boundary currently comprises a mix of fencing types and hedges to these properties in various conditions and there are also a number of trees close to the boundary, which overhang the site. The majority of the proposed dwellings fronting the eastern internal loop road have a general east / west orientation and so their rear gardens would extend to the east boundary of the site and their elevations would have windows facing this boundary.

It is proposed to erect a new 1.8 metre timber close boarded fence to the east boundary, which is considered acceptable in terms of maintaining a reasonable degree of privacy and amenity for existing and proposed dwellings. The separation distances between the rear elevations of existing and proposed dwellings varies between approximately 22-30 metres but overall, whilst some overlooking from first floor windows would be possible, it is considered that this would not result in harmful loss of privacy at these distances nor would it result in any undue overshadowing or overbearing impact with the proposed dwellings restricted to two storey height. Whilst inevitably there will some impact visually in terms of the outlook / view from

the rear of existing dwellings and from the domestic activities associated with the use of the new dwellings, it is considered that any loss of amenity would not warrant the refusal of planning permission.

Towards the northern end of the eastern boundary, there are two private parking courts adjacent to the boundary. These back onto the Petrol Filling Station separated by a proposed new 1.8m close-boarded fence and there is also a significant conifer hedge to this boundary which will require cutting back on its west side.

At the southern end of the eastern boundary, a two storey block of 4 No. flats is proposed located closer to the eastern boundary and adjacent to an existing bungalow (White Gates) in Wick Lane. There would be some impact on the outlook from this property which currently has open views across the southern end of the site over its side / rear garden. However, the flats are orientated north / south so that they will principally overlook Wick Lane to the south and the associated parking area to the north.

The proposed 1.8 metre close boarded fence along the east boundary would not extend beyond the proposed block of flats at the southern end of the site. The area between the block of flats and Wick Lane is proposed to be landscaped adjacent to a proposed footpath / cycle way link to Wick Lane. There are no proposed windows in the east side elevation (approx. 7m wide) of this block of flats and given its siting, orientation and two storey height, on balance it is considered that the impact on Whitegates in terms of overlooking, overshadowing or any overbearing effect would not be considered unduly harmful.

Consideration has been given to the finished floor level (FFL) of this block of flats, and likely proposed ground levels above the existing ground levels is in the order of 0.5m. As a result of further negotiations, revised plans have been received which 'move' the block further west by 2m into the site, this allowing for additional landscaping adjacent to the boundary and a satisfactory relationship with White Gates.

On the west side of the site, a pair of semi-detached houses (No. 17 & 18) front Wick Lane. The east curtilage boundary of No 17 is also the west boundary of the site and extends approximately 40 m back from Wick lane, comprising a post and wire fence, hedging and some taller shrubs / trees which are either on the boundary or just within no. 17. The side of no.17 is approximately set 5m from the side boundary with a detached single garage to the side, close to the site boundary. No.17 also has an existing private vehicular access and drive off Wick Lane on the east side of the house adjacent to the site boundary. A two storey block of 4 flats is proposed at the front of the western end of the site. It has its west side elevation approximately 6 m from the west site boundary with no. 17 with two parking spaces between and is sited slightly further forward than no. 17. There are no windows in this side elevation and it is considered that the separation distance is such that it would not have any undue overbearing or overshadowing impact on no. 17 with only very oblique overlooking from first floor windows. A 1.8m close boarded fence is proposed for the west boundary from the block of flats northward with no treatment to the existing boundary forward (south) of this to Wick lane, where a second footpath link across a grassed area to Wick Lane is proposed. A parking area is proposed on the north side of the block of flats and adjacent to the boundary with no. 17 Wick Lane north of which there is a pair of semi-detached dwellings and a detached dwelling which are orientated east / west and whose rear elevations face towards the rear garden of No. 17. The rear elevations of Plots 70-71 are approximately 18m from the site boundary and although there would be some

potential overlooking from first floor windows into the rear garden of No. 17, this separation distance is considered acceptable. Inside the site boundary from this point northward, a narrow landscape buffer strip is proposed with a further 1.5m close boarded fence inside this.

Moving further north two pairs of semi-detached houses are located at a reduced distance of approximately 11m from the west boundary. In revised plans submitted, this distance has been increased slightly as a result of negotiations with the developer to increase the size of the rear gardens to these dwellings, which are in the order of 8m, inside the narrow landscape strip. Whilst still relatively close, the potential loss of privacy as a result of overlooking from first floor windows is reduced as the views over the rear garden and to the rear of No.17 are more oblique and separation distances are increased. For the remainder of the development dwellings around the perimeter of the site overlook the allotments at the rear of Nos. 17 & 18 or open fields further north.

As referred to under the design section, the ground levels and FFLs are to varying degrees set above the current ground levels, due to drainage issues. It is not anticipated that this will result in a significant visual impact or effect on the outlook from residential properties adjacent to the site. However, further information on levels and sections will require conditioning.

Noise Impact

Dwellings are noise sensitive development. The proposed dwellings at the north east part of the site close to the proposed access will, at least in theory, be exposed to some noise and disturbance by reason of their proximity to the A338, the Petrol Filling Station and existing business premises on the east side of the A338, in particular the '3663' Depot, opposite the site access. The applicant submitted a noise assessment, which made recommendations in terms of acoustic noise mitigation measures. However, the Council's EHO remained concerned about the adequacy of the assessment and proposed measures. The applicant has been in discussion with the Council's EHO and a revised noise assessment has been submitted. The layout has also been revised and the former two detached properties fronting Downton Road have been replaced with a block of 4 flats. The report now recommends two levels of acoustic mitigation for certain dwellings on the east part of the site, comprising roof / ceiling insulation, a minimum specification of double glazing and mechanical ventilation. The dwellings fronting Downton Road would receive the highest specification and would also have a 1.8 m acoustic screen to the boundary with the petrol filling station (a close boarded timber fence or wall).

The NPPG provides some further guidance on situations where noise can be a material consideration and when mitigation may be suitable. Above a level where noise is not normally noticeable or slight, it states:

"... Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring...”

The assessment of the applicant's noise consultant (which takes into account the result of noise measurements taken on site) is that some of the properties at the eastern end of the site fall within a category where some mitigation is required (rather than the development is to be avoided) and the remainder of the site does not require any additional noise mitigation. In response to this additional information submitted by the applicant, the WC EHO has recommended conditions to protect the amenity of future occupants requiring mitigation measures and to ensure that all windows in the north, south and east elevations of the front block of maisonettes (plots 1-4) are sealed shut. However, the internal layout of these plots has also been further revised so that habitable rooms have windows in the west (rear) elevation of these units which can be opened to provide natural ventilation if required. On balance, it is considered that the proposals provide adequate acoustic mitigation to provide future residents acceptable levels of amenity.

Although there is no known contamination the EHO as also advised that a condition requiring a contamination assessment be carried out and, if any contamination is found, appropriate remediation to be carried out.

10.11 Impact on the historic environment

Core Policy 58 (Ensuring the Conservation of the Historic Conservation) seeks to protect the historic environment, including non-designated heritage assets.

A Historic Environment Assessment report has been submitted with the application. This assesses the significance of the designated and non-designated heritage assets and impact on the historic environment / heritage assets as a result of the proposed residential development. It concludes that there are no designated or non-designated heritage assets within the application area with some forty eight designated assets lying within the broader study area; a Scheduled Monument, three Grade II* Listed Buildings and forty three Grade II Listed Buildings and the Downton Conservation Area, which lies to the southeast of the site. The nearest listed buildings can be found in The Headlands, within the conservation area and higher grade listed / assets off The Borough and at New Court Farmhouse to the north of the village. It is considered that these buildings and structures or their setting would be harmed by the proposed development.

A number of non-designated heritage assets have also been identified in the study area, which the report summarises but would not be adversely affected. The site is located adjacent to an Area of Special Archaeological Significance and there are twelve non-designated assets recorded within the study area. These include a ring ditch, a medieval findspot and part of a late Prehistoric to Romano-British settlement. The report states that the application area may include the western extent of the medieval village of Wick; the surrounding fields may have been enclosed from the original medieval open field pattern. An archaeological evaluation of the proposed route of the Downton by-pass included 350m of evaluation trench within the current application area. No archaeological features were present. Although there are prehistoric, Romano-British and medieval heritage assets within the broader study area, the generally low level of results within the application area may indicate a low potential for the presence of previously unrecorded archaeological deposits.

Whilst the Council's archaeologist originally request an archaeological evaluation, taking into account the previously undertaken archaeological evaluation in the area where no significant archaeological remains were identified, based upon this and earlier evaluation works, advises that the proposed development is unlikely to impact upon significant archaeological remains. Therefore the Council's archaeologist has no further comments to make with regard to this application.

10.12 Waste & recycling

Due to the scale of the proposal, a Waste Audit Plan has been submitted with the application in accordance with the Wiltshire and Swindon Waste Core Strategy 2006-2026 Policy WCS6 and deals with how waste will be dealt with during the construction process to minimise waste production and at the operational stage, in terms of waste collection and re-cycling.

In addition, a contribution is sought towards waste collection and recycling on the site, to be secured through a Section 106 Agreement (see below).

10.13 Minerals Safeguarding

The land the subject of this application is located in a Minerals Safeguarding Area as defined in the Wiltshire and Swindon Minerals Core Strategy 2006-2026 (Adopted 2009). Mineral Safeguarding Areas represent a constraint in terms of the potential sterilisation of mineral resources. Policy MCS6 of the W&SMCS and Policy MDC4 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (Adopted 2009) and supporting text are relevant and require an assessment in relation to non-minerals development to establish its significance. The MSA, which covers a broad area along the River Avon corridor (sand and gravel), includes built up land as well as open countryside. This was, in fact, identified as a potential constraint in the SHLAA exercise, as part of the Wiltshire Core Strategy process.

The applicant has submitted additional information to specifically address the policy. The site is, of course, closely related to existing housing development and this is also a constraint to the development of this land for minerals extraction. The Spatial Planning Team have confirmed that taking into account the submission of the applicant, it would not wish to raise an objection on minerals safeguarding grounds in this case. It is of note that other SHLAA sites on the west side of the A338 are also within the MSA.

10.14 Section 106 Requirements and the Community Infrastructure Levy

If planning permission is granted for the proposed development, it would be subject to the Community Infrastructure Levy. Wiltshire Council has adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth. The developer (or whoever has assumed liability for the development) would be liable to make payment to Wiltshire Council for this type of development. The CIL rate for residential development in Wiltshire for Zone 1, settlement category 3 is set at £85/sq. m (except social housing which is normally exempt).

In addition to CIL, the proposed development generates a requirement for a S106 Agreement, as detailed below. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) sets out three statutory tests for planning obligations, namely that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development*

Section 106 requirements have been referred to in this report under the various planning considerations above. It should be noted that in the Wiltshire Community Infrastructure Levy Regulation 123 List, CIL does not apply where the requirement for certain types of site specific infrastructure can be attributed to five or fewer developments. Due to the scale of the proposed development in relation to the housing figure of 190 dwellings for Downton set out under Core Policy 23 (Spatial Strategy: Southern Wiltshire Community Area) it is considered that Education, Early Years, Community and SANGs should be secured through a S106 Agreement to be used for associated specific projects. Other on site requirements would also need to be secured through a S106 Agreement. The following is a Draft Heads of Terms considered by the Area Development Manager to cover S106 site specific matters, compliant with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and Wiltshire Council's Community Infrastructure Levy Regulation 123 List:

1. Affordable Housing

In accordance with WCS Core Policy 43:-

On site provision of 30% (30 dwellings) comprising:

- 12 x 1 Bed Affordable Rented Flats.
- 7 x 2 Bed Affordable Rented Houses.
- 6 x 3 bed Affordable Rented Houses.
- 5 x 2 bed Shared Ownership Houses.

As proposed on site.

2. Public Open Space

In accordance with saved Policy R2 (Public Open Space) / WCS Core Policy 3 (Infrastructure Requirements):-

(a) On site provision:

- Provision of 1 x Local Equipped Area of Play (LEAP) to be met by a contribution of £53,006 and adoption of land by Parish Council.* management.
- Provision of 2 x Casual / Informal play spaces (LAPs) to be met by a contribution of £38,486 (2 x £19,243) and adoption of land by Parish Council.*

As proposed on site (plans required).

(b) Off-site provision:

- Equipped LEAP to be met by an off-site contribution of £68,879 in lieu of deficit on site to lpa / nominee.

(c) Maintenance:

- For LEAPs, to be met by a contribution of £72,526 (2 x £36,263).*
- For LAPS, to be met through a contribution of £32,690 (2 x £16,345).*

*This would not apply if the LAPs and LEAPS are to be provided and maintained privately.

3. Educational Facilities:

In accordance with WCS Core Policy 33 (Infrastructure Requirements):-

- To be met by a contribution of £537,496 to LPA (including abnormal site costs of £130,000) towards the provision of Primary School facilities in Downton.

(NB This figure may change need to be adjusted to reflect revisions in dwelling mix since the application was originally submitted using the Council's multipliers).

4. Early Years education:

In accordance with WCS Core Policy 33 (Infrastructure Requirements):-

- To be met by a contribution of £164,160 towards the provision of pre-school facilities.

5. Community Facilities:

In accordance with WCS Core Policy 33 (Infrastructure Requirements):-

- To be met by a contribution of £97,024 towards the provision of community facilities in Downton to LPA / nominee.

6. Refuse collection / Recycling

In accordance with WCS Core Policy 33 (Infrastructure Requirements):-

- To be met by a contribution of £11,682 to the LPA towards the provision of refuse collection and recycling on site.

7. New Forest Special Area of Protection

In accordance with WCS Core Policy 50 (Biodiversity and Geodiversity):-

- To be met through a mitigation scheme and financial contribution of £TBC in order to provide appropriate mitigation / SANGS to protect the New Forest SPA.

It should be noted that off-site highways works would be secured by planning conditions and separate S278 Agreement with the Local Highways Authority.

Whilst a contribution is sought towards public art, bearing in mind the above contributions sought under the terms of a Section 106, in addition to CIL, it is not considered that this would be warranted in this case. No specific project is identified for public art in Downton, which it is considered would be necessary and attributable to the proposed development.

11. CONCLUSION

The application site lies just outside the existing settlement boundary of Downton and as such is in the countryside; it follows that the proposal is contrary to the Core Strategy, in particular Core Policy 2, which seeks to manage development of this nature by bringing it forward through a plan led approach - either the emerging Wiltshire Housing Sites Development Plan Document or Neighbourhood Plan. As the starting point is that this application should be determined in accordance with the development plan it is necessary to determine whether the material consideration outweigh development plan (s38(6) Planning and Compulsory Purchase Act 2004)

Although there is a demonstrable 5 year supply within the South Wiltshire HMA, further suggesting that there is no need to bring the site forward now it is noted that the proposal will contribute significantly to the delivery of the remaining housing required for Downton identified in Core Policy 23.

A Housing Site Allocations DPD is currently being prepared by the Council, and although at an early stage in the process, informal consultation has identified the application site as one of a number of 'refined options'. A Neighbourhood Plan is also in preparation and this, too, identifies sites to the west of the A338 as potential opportunities outside of the settlement. Again, like the DPD the Neighbourhood Plan is at an early stage in its process and so can only be afforded limited weight. However it is noted that these two emerging Plans alongside the views of the parish council, the work undertaken to inform the Statement of Community Involvement together indicate the potential opportunities in the part of Downton to which the application relates to accommodate its growth. An incremental approach (i.e. small sites of up to 25 dwellings), as being considered through the emerging Neighbourhood Plan, is considered less likely to be able to achieve the community benefits associated with this application.

While the site hasn't come forward through a plan led approach it is recognised that this particular planning application has undertaken considerable consultation with the local community both within and outside the planning application process. This has resulted in amendments to the proposal to address local concerns. This is shown in the Statement of Community Involvement and has led to an 'in principle' support from the community, particularly Downton Parish Council albeit they have qualified this support.

It is considered that the proposals will deliver and/or make contributions towards essential infrastructure made necessary by the development including community facilities (open spaces, the planned Memorial Hall extension, and school extension); the benefits of which would be shared by the wider community. The proposal will also deliver a policy compliant level of affordable housing.

On balance having taken into consideration the local support for the proposal particularly the comments of Downton Parish Council and the manner by which this support has grown (specifically the changes made as a consequence of community engagement and the evolving Statement of Community Involvement) it is considered that material considerations outweigh the development plan (s38(6) Planning and Compulsory Purchase Act 2004) and provided the outstanding matters can be satisfactorily resolved approval is therefore recommended. This approval is subject to the Council Education's holding objection being removed, which is likely to be achievable in the event of the Downton primary school gaining separate planning permission for an extension;

outstanding ecology matters being addressed; and the applicant entering into a S106 agreement with Wiltshire Council to ensure the agreed infrastructure referred to in this report can be achieved.

12. RECOMMENDATION:

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

- 1) Planning application 14/11642/DP3 (Downton C of E Primary School, Gravel Close, Downton, SP5 3LZ - Change of use of Memorial Gardens to provide an enlarged playground area, incorporating a hard games court area. Bridge over The Bunney, proposed 2 storey classroom extension and extension to main hall) first gaining planning permission;**
- 2) The proposed mitigation measures in respect of the impact on the New Forest Special Protection Area are agreed to the satisfaction of the Area Development Manager (South), which shall be the subject of an 'appropriate assessment' having regard to the Habitat Regulations; and**
- 3) All interested parties enter into a Section 106 Agreement under the Town and Country Planning Act 1990 in respect of matters referred to in Section 10 of this report**

And subject to the following planning conditions –

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the attached schedule.

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

- 3 Prior to commencement of the development hereby approved a phasing plan for its delivery shall be submitted to the local planning authority for approval in writing. In particular the phasing plan shall specify that no more than 75% of the open market houses shall be occupied prior to completion of all of the following – the affordable houses, the on-site Locally Equipped Area of Play and the two on-site Local Areas of Play, and the off-site highways works (comprising the right hand turn lane from the A338 (and associated verge and central relief works), the on-site pedestrian / cycle links to Wick Lane, the off-site puffin crossing and the off-site A338 footpath works). The development shall be carried out strictly in accordance with the approved phasing plan.

REASON: To ensure appropriate phased delivery of the development and related infrastructure in the interests of amenity in general.

- 4 No development shall commence on site until the exact details 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 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.
- 5 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.
- REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] 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.
- 6 No development shall commence on site until a scheme of phasing of landscaping has been approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; 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.
- REASON: 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.
- 7 Prior to commencement of the development hereby approved details of any proposed diversion of the overhead cables shall be submitted to the local planning authority for approval in writing. The diversion works shall be carried out in accordance with the approved details.
- REASON: The application contains insufficient detail to address this matter at this time.
- 8 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;
- The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.
- No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques

where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

REASONS: To safeguard the amenities of the area.

- 9 No development shall commence on site until a landscape management plan / Landscape Environmental Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: 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 proper management of the landscaped areas in the interests of visual amenity and ecological enhancement.

- 10 The development hereby approved shall be carried out strictly in accordance with the 'Foul Water Drainage' and 'Surface Water Drainage' Drainage' specifications set out in the report by Tribach Associates dated 26 November 2014. With specific regard to the upsizing of the off-site foul water sewer, this shall be completed prior to the first occupation of any dwelling on the site.

REASON: To ensure adequate foul and surface water drainage at the site, and to ensure the wider foul water infrastructure is sufficient in capacity to accommodate the approved development.

- 11 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge of Wick Lane and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

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

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

- 13 No individual dwelling shall be first occupied until its parking space(s) together with the

access thereto, have been provided in accordance with the approved plans.

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

- 14 The development hereby permitted shall not be first occupied until a Management Plan for the future maintenance of the roads and other communal areas has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be maintained thereafter in accordance with the approved Management Plan.

REASON: To ensure that satisfactory arrangements for the future maintenance of those areas are in place.

- 15 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries;
- j) the routing of construction traffic to and from the site (which shall not include via Wick Lane other than in connection with initial construction of the A338 access to the site);
- k) The location and use of generators and temporary site accommodation

- has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects neighbours' amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 16 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, from the A338 and Wick Lane, shown to be stopped up have been submitted to and approved in writing by the Local Planning Authority. These stopping ups shall take place in accordance with the approved details within one month of the first use of the approved estate access from the A338. No

later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: 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 highway safety.

- 17 No part of the development shall be occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 18
- 1) The floors, walls, ceilings, roofs, glazing and ventilation systems for plots 1-4 hereby approved shall be constructed and maintained at all times thereafter in accordance with Schedule 12/6220/SCH2 of the submitted Cole Jarman Planning Noise Assessment Report 12/6220/R2 revision 1 Dated 30 July 2015.
 - 2) The east and north facing windows of Plot 1-4 hereby approved shall be non-openable / sealed closed and maintained in that way at all times thereafter. System 3 compliant mechanical ventilation systems shall be installed and at all times thereafter maintained in these properties.
 - 3) The ceilings, glazing and ventilation systems for Plot 99 hereby approved and the ceilings, glazing systems and ventilation systems for the first floor bedrooms of Plot 5 to 17 inclusive hereby approved shall be constructed and maintained at all times thereafter in accordance with Schedule 12/6220/SH3 of the submitted Cole Jarman Planning Noise Assessment Report 12/6220/R2 revision 1 Dated 30th July 2015.
 - 4) A 1.8m close boarded fence with a minimum density of 10kg/m² shall be erected along the boundary to the south of plots 1-4 and the eastern boundary of the site as shown in Figure 12/6220/FI1-2 of the submitted Cole Jarman Planning Noise Assessment Report 12/6220/R2 revision 1 Dated 30th July 2015. The final 1m section of the fence adjacent to the A338 shall reduce from 1.8m to no less than 0.9m in height. The fence so erected shall be retained and maintained in perpetuity thereafter.

REASON: To safeguard the amenities of the occupiers of these houses from potential noise disturbance.

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

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

Step (ii) If the above report indicates that contamination may be present on or

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

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

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

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

REASON: In the interests of residential amenity.

- 21 The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate for it has been issued and submitted to, and approved in writing by, the local planning authority certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out Policy CP41 of the Wiltshire Core Strategy are achieved.

- 22 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

- 23 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

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

[Plus any additional ecology conditions which may be required by the WC Ecologist].

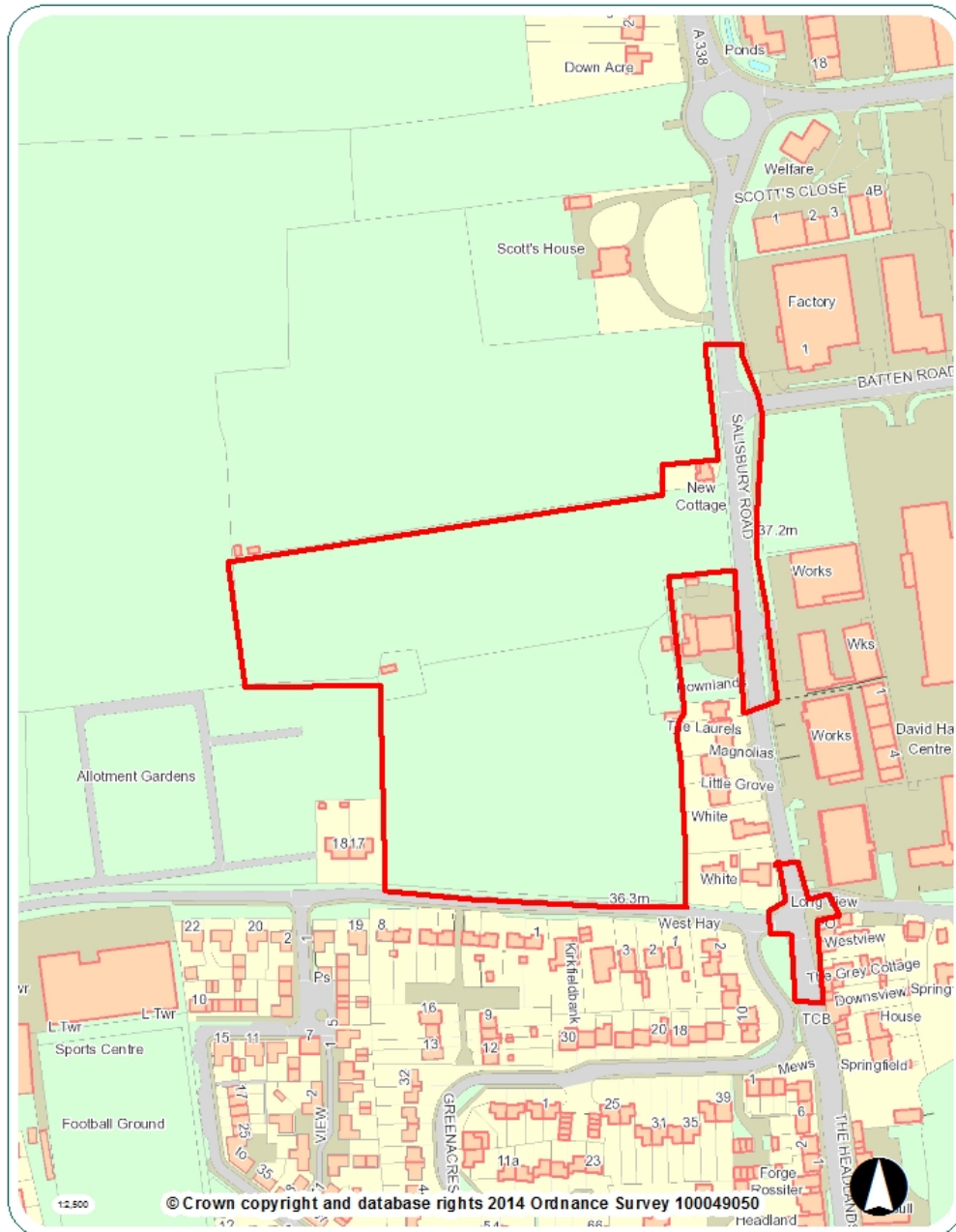
14/06561/FUL
Land to the West of Salisbury Road
Salisbury Road
Downton

Wiltshire Council
Where everybody matters



This page is intentionally left blank

14/06561/FUL
Land to the West of Salisbury Road
Salisbury Road
Downton



This page is intentionally left blank