

<b>Date of Meeting</b>	8 <sup>th</sup> March 2018
<b>Application Number</b>	17/00842/OUT
<b>Site Address</b>	Land opposite Horefield, Idmiston Road, Porton, Wiltshire, SP4 0LD
<b>Proposal</b>	Outline Planning Application for residential development of 16 dwellings with all matters reserved. Provision of new footways and dropped kerb crossings to Nicholas CofE Primary School and 18 public car parking spaces for Horefield residents/school use.
<b>Applicant</b>	Mr S Ingram
<b>Town/Parish Council</b>	IDMISTON
<b>Electoral Division</b>	BOURNE AND WOODFORD VALLEY – (Cllr Hewitt)
<b>Grid Ref</b>	419325 136905
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

### **Reason for the application being considered by Committee/Background**

The application was called in by Councillor Hewitt on the grounds of Environmental or Highway Impact and was originally presented to the Southern Area Planning Committee meeting on 14/12/2017. The officer's report (amended to take into account the late correspondence circulated at the meeting) is attached at Appendix A. The committee minutes are attached at Appendix B.

Following the receipt of additional ecological information prior to the meeting, the council's ecologist was satisfied that sufficient information had been provided to suitably inform the assessment of likely significant effects to the River Avon Special Area of Conservation (SAC), Salisbury Plain Special Protection Area (SPA)/SAC/SSSI and Porton Down SPA/SSSI.

However, it did not address the council's ecologist objections to insufficient information with regard to other ecological receptors. In particular the council's ecologist referred to the first version of the report making reference to trees having moderate bat roosting potential but this was then later retracted without explanation. The LPA required the results of the tree survey and associated preliminary bat roost assessment referred to in the ecology summary and a plan to show the trees/hedgerows being retained to be submitted to the LPA for review. In the absence of this, the application was previously recommended for refusal.

However, the Southern Area Planning Committee deferred making a decision in order for updated ecological information to be submitted to the LPA for consideration.

A Bat Potential Roost Feature Inspection Survey & Bird Potential Report has been submitted.

#### **1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation of the Head of Development Management that planning permission should be APPROVED subject to S106 Agreement.

#### **2. Report Summary**

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

- Principle
- The impact on the character and appearance of the open countryside/special landscape area
- Highway considerations
- Archaeology
- The impact on the living conditions of proposed and nearby properties
- Nature conservation interests
- Sustainable Construction
- Water environment and drainage
- S106 Developer Contributions towards infrastructure/facilities/CIL
  - Affordable Housing
  - Public open space
  - Waste contributions

The application has generated 81 third party representations of objection, 30 third party representations of support and 9 third party representations commenting and No objections from Idmiston Parish Council

### 3. The Proposal

In addition to the Bat Potential Roost Feature Inspection Survey & Bird Potential Report; the plans have been revised which show the retention and enhancement of the existing two hedgerows along the side boundaries and also in response to some of the other comments made at Committee an increase in public parking from 15 to 18 spaces:



## 4. Planning Considerations

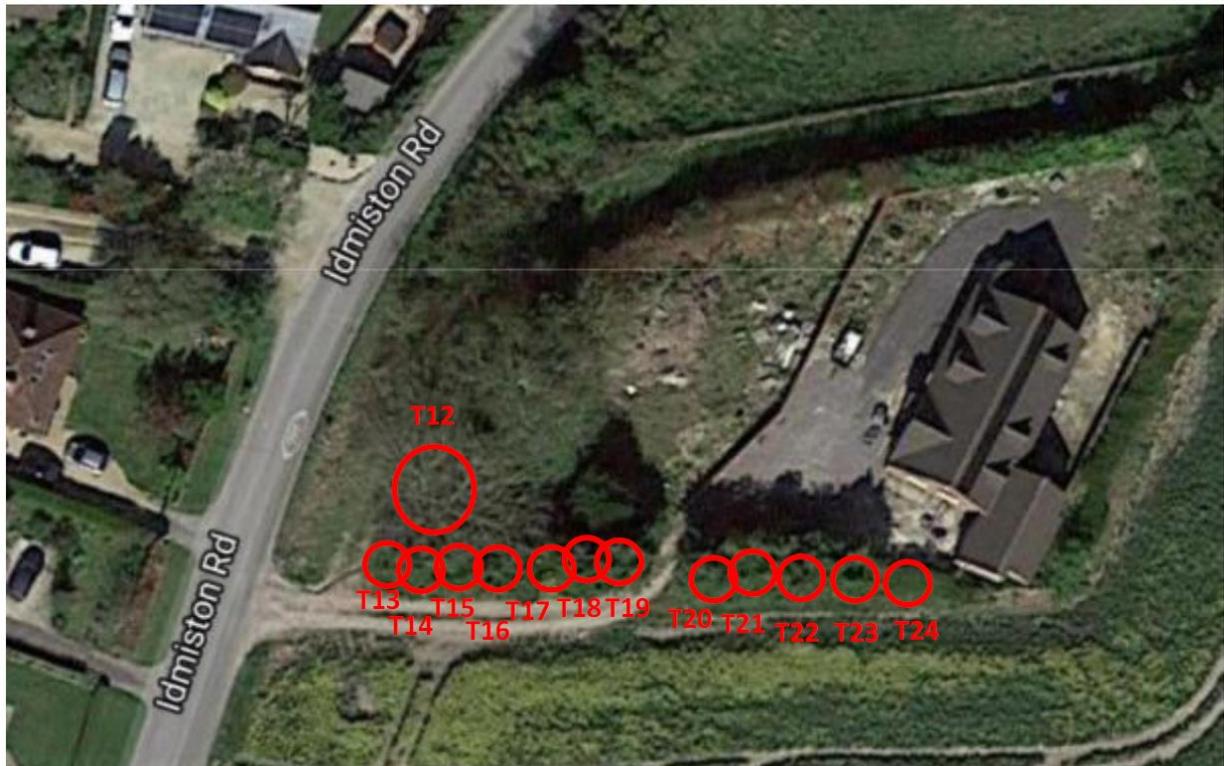
### 4.1 Nature conservation interests

The ecological survey consisted of a preliminary ground level roost assessment of the two hedgerows, specifically any shrubs and trees for evidence of bats or the potential for bats to use for roosting and recorded 24 shrub and tree species.

Fig1. Location of Trees Surveyed for Potential Roost Features - Southern Boundary.



Fig2. Location of Trees Surveyed for Potential Roost Features - Northern Boundary.



The survey assessed the two areas of vegetation as having no to negligible potential to be used by bats for roosting, although there is low to moderate potential the two areas may be used by bats for foraging. Both areas of vegetation have moderate potential to support breeding birds, offering low lying cover and nesting habitat.

The survey report recommends that both areas are improved for biodiversity with the planting of a double row of native shrub and tree species, and bat and bird boxes are installed within both areas of habitat to maximise available roosting opportunities.

The survey report also recommends that proposed site clearance and construction works take place between November and late February to avoid the breeding season and any lighting used during the Site works should be erected so that it doesn't create a barrier to potential bat flight lines along either hedgerow.

Following the receipt of a satisfactory survey, the Council's ecologist has raised no objections subject to conditions (see conditions 14-17).

#### **4.2 Other issues**

The previous officer report explains in detail why the principle of development is considered acceptable and the changes to the proposals increasing the number of public car spaces are not considered to amend the previous favourable recommendations in terms of highway considerations; impact on living conditions; the character and appearance of the area; the water environment and drainage, or archaeological issues.

However, for new build residential development the local planning authority has previously sought energy performance at "or equivalent to" Level 4 of the Code for Sustainable Homes via planning condition. However, the LPA is currently no longer applying CP41 and related conditions to applications given it has effectively been superseded by the current government direction of travel favouring Building Regulations for these matters.

#### **5. Conclusion**

The site is located within open countryside being located outside of any designated settlement boundary, although the outline application with all matters reserved for 16 dwellings (5 affordable houses are proposed in accordance with the CP43 requirements) follows the Idmiston Neighbourhood Plan being 'made' and as such is acceptable in principle.

The proposal is considered acceptable in terms of access and parking provision, and would not be prejudicial in terms of highway safety or surface water or foul water drainage (subject to conditions).

Following additional ecological information being submitted, the council's ecologist has raised no objections subject to conditions.

In addition to on-site affordable housing, developer contributions are triggered towards infrastructure/facilities, including recreational open space, and waste and recycling facilities which require a S106 agreement.

#### **RECOMMENDATION:**

**To delegate to officers to grant planning permission:-**

- (a) Subject to the prior completion of a Section 106 legal agreement (for the provision of 5 affordable dwellings; financial contribution for waste and recycling containers; financial contribution towards off site recreational open space and the provision and transfer of 18 “public” spaces for Horefield resident/school use to the Parish Council.

**And subject to the following conditions:**

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

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

(2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

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

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

(4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Reference: 1:500 and 1:1000 Site Location Plans, received by this office 19/12/2017  
Bat Potential Roost Feature Inspection Survey & Bird Potential Report January 2018, received by this office 20/02/2018

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

(6) No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until foul water drainage for that dwelling has been constructed in accordance with the approved scheme and the last dwelling to be occupied on the site shall not be so occupied until the foul water drainage scheme for the whole of the site has been completed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

(7) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the accesses/driveways), incorporating sustainable drainage details together with permeability test results to BRE365 has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until surface water drainage for that dwelling has been constructed in accordance with the approved scheme and the last dwelling to be occupied on the site shall not be so occupied until the surface water drainage scheme for the whole of the site has been completed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

(8) 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- \* finished levels and contours;
- \* means of enclosure;
- \* car park layouts;
- \* other vehicle and pedestrian access and circulation areas;
- \* all hard and soft surfacing materials;

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

(9) 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 dwelling 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.

(10) No development shall commence on site until details of the proposed paved footway, accesses, drive gradients, car parking and any other associated highway works, have been submitted to and approved by the local planning authority. The development shall not be first occupied until the works referred to above have been constructed and laid out in accordance with the approved details.

REASON: To ensure that the paved footways and associated highway works are constructed in a satisfactory manner.

(11) 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 prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

(12) No development shall commence until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the housing development (including the installation arrangements and the timing of such an installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.

(13) No construction shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To minimise disturbance to nearby residents during the construction.

(14) The proposed development shall be undertaken in accordance with the recommendations and timings stipulated in section 4.0 of the Bat Potential Roost Feature Inspection Survey & Bird Potential Report (Daniel Ahern Ecology, January 2018).

REASON: To ensure implementation of appropriate mitigation measures for protected species and to ensure compliance with wildlife legislation and the NPPF.

(15) The proposed development shall retain vegetative boundary features and shall not include the felling of any trees along the boundary of the site. Trees and hedgerow along the

boundaries of the site shall be suitably protected during the pre-construction and construction phase.

REASON: To ensure appropriate protection for habitats and protected species and to ensure compliance with wildlife legislation and the NPPF.

(16) No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to the local planning authority for written approval. The LEMP shall include but not be limited to including the following: details of ecological mitigation measures to be implemented during construction including the protection of hedgerows and trees; details of the ecological enhancement measures to be implemented in accordance with section 4.0 of the Bat Potential Roost Feature Inspection Survey & Bird Potential Report (Daniel Ahern Ecology, January 2018) and these shall be shown on a site plan; and shall provide details/plans and schedules of proposed planting and soft landscaping.

REASON: To ensure appropriate avoidance, mitigation and enhancement measures for biodiversity and landscape.

(17) No new external lighting shall be installed until a Sensitive Lighting Strategy has been submitted to the local planning authority for approval in writing. The lighting strategy shall specify the number, type and location of luminaires and lighting columns to be installed and will be accompanied by a lighting contour plan/lux plot. In addition, details of mitigation measures setting out how light spill onto retained habitats will be minimised and how the boundaries will be retained as dark corridors shall be submitted for approval.

REASON: To ensure appropriate mitigation for protected species and the retention of dark corridors along the site boundaries.

#### INFORMATIVE TO APPLICANT: S278 Agreement

The applicant should be advised that he will be required to enter into a S278 Legal Agreement with the Council to secure the highway works including the adoption of the new paved footway across the frontage of the application site.

#### INFORMATIVE TO APPLICANT: Reserved Matters Outstanding

Notwithstanding the indicative layout, elevation and floorplans submitted with this application, the approval of this application does not necessarily indicate the Council's opinion on the reserved matters and is without prejudice to any formal decision taken in respect of development of the above site at the detailed reserved matters stage.

#### INFORMATIVE TO APPLICANT: Wessex Water

##### Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

##### Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. An extract plan from Wessex Water records showing the approximate location of our apparatus within the vicinity of the site can be found on the application file which can be viewed on the council's website against the relevant application record.

#### INFORMATIVE TO APPLICANT: Community Infrastructure Levy

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an

Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

**INFORMATIVE TO APPLICANT: Material Samples**

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.

**APPENDIX A – Previous report to 14/12/2017 SAPC -amended to take into account the late correspondence circulated at the meeting**

<b>Date of Meeting</b>	14 <sup>th</sup> December 2017
<b>Application Number</b>	17/00842/OUT
<b>Site Address</b>	Land opposite Horefield, Idmiston Road, Porton, Wiltshire, SP4 0LD
<b>Proposal</b>	Outline Planning Application for residential development of 16 dwellings with all matters reserved. Provision of new footways and dropped kerb crossings to Nicholas CofE Primary School and 15 public car parking spaces for Horefield residents/school use.
<b>Applicant</b>	Mr S Ingram
<b>Town/Parish Council</b>	IDMISTON
<b>Electoral Division</b>	BOURNE AND WOODFORD VALLEY – (Cllr Hewitt)
<b>Grid Ref</b>	419325 136905
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

**Reason for the application being considered by Committee**

Councillor Hewitt called in the application for the following reasons:

- Environmental or Highway Impact

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation of the Head of Development Management that planning permission should be REFUSED.

**2. Report Summary**

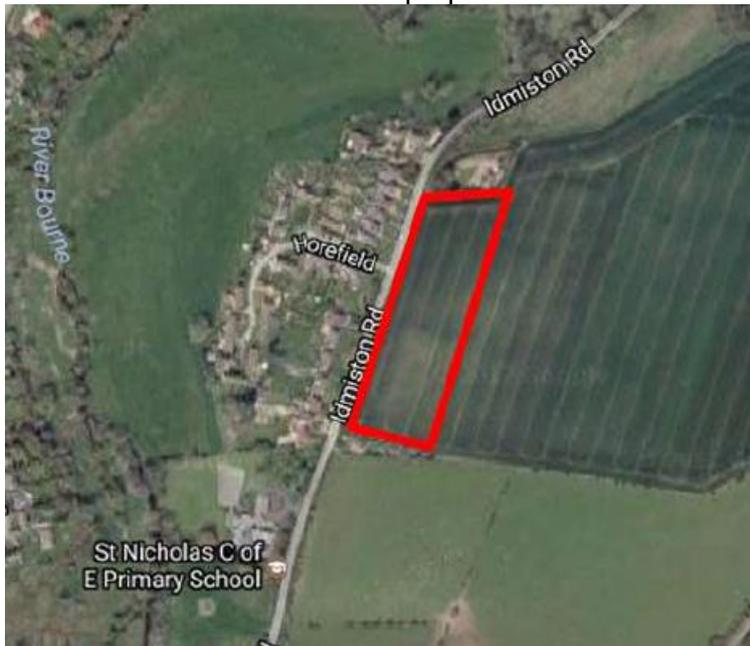
The main issues which are considered to be material in the determination of this application are listed below:

- Principle
- The impact on the character and appearance of the open countryside/special landscape area
- Highway considerations
- Archaeology
- The impact on the living conditions of proposed and nearby properties
- Nature conservation interests
- Sustainable Construction
- Water environment and drainage
- S106 Developer Contributions towards infrastructure/facilities/CIL
  - Affordable Housing
  - Public open space
  - Waste contributions

The application has generated 81 third party representations of objection, 30 third party representations of support and 8 third party representations commenting and No objections from Idmiston Parish Council

**3. Site Description**

The site is outside the settlement boundary for Idmiston and is currently an agricultural field opposite the Horefield Estate. The site is bounded by Idmiston Road to the west, arable field to the east and two residential properties to the north and south.



#### **4. Planning History**

None

#### **5. The Proposal**

This is an outline application with all matters reserved for a residential development of 16 dwellings.

Outline planning applications seek permission of a proposed development in principle and allows for specific details of the application to be reserved for subsequent approval by the local planning authority at a later stage (reserved matters).

'Matters' are defined in Part 1 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines these as:

"access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network;

Where access is a reserved matter (as is the case in this application), the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

"appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"landscaping", means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“scale” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings.

An indicative layout plan has been submitted:



The application has also been revised to now include the provision of new footways and dropped kerb crossings to Nicholas CofE Primary School and 15 public car parking spaces for Horefield resident/school use.

## 6. Local Planning Policy

**The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20th January 2015:**

Core Policy 1: Settlement Strategy  
Core Policy 2: Delivery Strategy  
Core Policy 3: Infrastructure Requirements  
Core Policy 4: Spatial Strategy: Amesbury Community Area  
Core Policy 41: Sustainable construction and low carbon energy  
Core Policy 43: Providing affordable homes  
Core Policy 45: Meeting Wiltshire's Housing Needs  
Core Policy 50: Biodiversity & geodiversity  
Core Policy 52: Green Infrastructure  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 58: Ensuring conservation of the historic environment  
Core Policy 60: Sustainable Transport  
Core Policy 61: Transport and New Development  
Core Policy 64: Demand Management  
Core Policy 67: Sustainable drainage  
Core Policy 68: Water resources  
Housing Land Supply Statement (March 2017)

**Saved policies of the Salisbury District Local Plan:**

C6 – Development within the Special Landscape Area  
-Ref 7.15: 'the release of additional development land will need to be weighed carefully against any resulting erosion of the landscape setting.  
-Ref 7.9: The location, scale and nature of such development will be carefully controlled in order to conserve the character of the special landscape area.  
D8 – Public Art  
R2 – Recreational Open Space  
PS5 – Education facilities

**Wiltshire Local Transport Plan 2011-2026:**

Car Parking Strategy  
Cycling Strategy

**Wiltshire and Swindon Waste Core Strategy:**

Policy WCS6

**Government Guidance:**

National Planning Policy Framework (NPPF) March 2012  
National Planning Policy Guidance (NPPG)

**Supplementary Planning Guidance:**

- Idmiston Neighbourhood Development Plan (Made April 2017)
- Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006
- The Wiltshire Planning Obligations Supplementary Planning Document (SPD) (Adopted May 2015)
- Idmiston, Porton & Gomeldon Village Design Statement (March 2013)
- Habitat Regulations Assessment and Mitigation Strategy for Salisbury Plain Special Protection Area
- Local Flood Risk Management Strategy (April 2015)

**Conservation of Habitats and Species Regulations 2010**

## 7. Summary of consultation responses

### **Spatial Planning:** No objection

The application site relates to two sites identified for residential development in the Ildminster Neighbourhood Plan. The proposed scheme would deliver specific objectives of the Neighbourhood Plan by providing a mix of housing, including housing to meet the needs of the elderly and affordable housing.

Whilst it is considered that the proposal meets the objectives of the Neighbourhood Plan with regard to delivering a mix of housing. It is also considered that it is not so substantial and its cumulative effect is not so significant, that to grant permission would undermine the Wiltshire Core Strategy to any significant degree.

Therefore, as far as policy interpretation is concerned it is considered that the scheme would provide some significant benefits. It is considered that it would be difficult to justify a refusal because the adverse impacts of granting permission would not significantly or demonstrably outweigh the benefits, that is, unless you consider other material considerations suggest otherwise.

### **Wiltshire Council Highways:** No objections subject to conditions

The layout shown on the Scheme Layout Plan 1p/pa/O1C is generally acceptable, subject to full details. Recommended conditions (details of the paved footway, accesses, drive gradients, car parking and other associated highways works to be approved; scheme for the discharge of surface water from the accesses/driveways) and informative that the applicant will need to enter into a Section 278 agreement with the council to secure the highway works including the adoption of the new paved footway across the frontage of the site.

### **Wiltshire Council Archaeology:** No objections

Following receipt of the field evaluation report, on the evidence available it is considered unlikely that significant archaeological remains would be disturbed by the proposed development.

### **Wiltshire Council New Housing:** No objections subject to S106 for on-site Affordable Housing provision (5 units)

**Wiltshire Council Drainage:** No objections subject to conditions (schemes for foul water discharge and surface water discharge to be agreed) following submission of revised flood risk assessment and drainage strategy.

### **Wessex Water:**

New water supply and waste water connections will be required from Wessex Water to serve this proposed development.

Separate systems of drainage will be required to serve the proposed development.

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

### **Wiltshire Council Public Protection:** No objections subject to conditions:

(Limit the hours of construction to minimise noise/dust (Monday to Friday 08:00-18:00; Saturday 08:00 – 13:00, not at all on Sundays or Bank Holidays and a contaminated land investigation of the site)

### **Natural England:** No comments

Natural England has no comments to make on this application (it is for the LPA to determine whether or not this application is consistent with national and local policies on the natural environment)

Natural England has not assessed this application for impacts on protected species.

### **Wiltshire Council Ecology: Object**

- I am satisfied that sufficient information has now been provided by the applicant and their ecological consultant to suitably inform the assessment of likely significant effects under the Conservation of Habitats and Species Regulations 2010 which we, as competent authority, must undertake for this application given its location within 2km of the River Avon Special Area of Conservation (SAC), Salisbury Plain Special Protection Area (SPA)/SAC/SSSI and Porton Down SPA/SSSI. **It is considered that the proposed development alone, or in-combination with other plans and projects, will not result in a likely significant effect on any of the aforementioned Natura 2000 sites or their qualifying features.**
- **However, the ecology summary states: ‘An individual tree survey was completed on 3/12/17; this confirms bat roost potential of the 13 trees to be negligible to low.’** Firstly, as this is late correspondence since my last response to the application, if this is to be relied upon as evidence by the applicant, **an associated preliminary roost assessment detailing the survey method and results for each tree assessed should be provided to the LPA for review, however, such a report has not been submitted to the LPA.** Secondly, this does not suitably address the query in my second response to the application regarding why the first version of the report made reference to trees on site with moderate roosting potential and this was then retracted within the second version of the report. **No rationale has been provided to date for this downgrading since the initial assessment on site. The Council must be provided with evidence that the survey method was appropriate particularly in light of the aforementioned discrepancy, and this also augments the request for the preliminary roost assessment baseline report to be submitted to the LPA.**
- The Ecological Summary states: *‘There has been repeated confirmation from the planning consultant that there is no intention to remove any of the boundary vegetation, hedgerow, dense scrub or occasional standards.’* It then goes on to stipulate: *‘As above, the planning consultant has stated on several occasions that the plans for the proposed development will not entail the removal of any of the vegetation on either the northern or southern boundaries of the proposed site. See below; Tony Allen (planning consultant) 06/12/17 - “We have no desire or need to remove any hedgerow as part of this development”.* There has been no such repeated confirmation from the planning consultant to my knowledge, with the first confirmation being set out in the Ecological Summary and covering email from Tony Allen received by Wiltshire Council on 7<sup>th</sup> December and therefore subsequent to my second response to the application.
- In response to the comment in the Ecological Summary, it is not entirely clear what point is being made, however, the applicant should note that EclAs (Ecological Impact Assessment) are often produced as stand-alone documents and do not always feed into a full EIA. Furthermore, it is for the applicant’s ecological consultant to determine what level of ecological reporting is needed based on the type and scale of the proposed development (for non-EIA projects), and **the LPA has a right to ask for further information if they consider that information which is needed to support the application, is lacking.**

### **Wiltshire Council Waste:**

Support subject to condition (details of bin collection points) and S106 contribution of £1456 towards waste and recycling containers.

### **Wiltshire Council Public Open Space:**

16 x 3 bed dwellings would generate the following requirement (192 sq metres of Play, 320 sq metres of Casual and 1152 sq metres of Youth and Adult. As no on-site Public Open Space is proposed, an off-site contribution to upgrade nearby facilities would be sought via a S106 agreement.

**Wiltshire Council Education:** No developer contributions being sought.

Places for this development are currently available at either St Nicholas, Porton and/or Gomeldon Primary, within latest forecasts and capacity (no requirement for a developer contribution towards the expansion of primary school places from this application)

Whilst all spare capacity is already more than accounted for at Secondary level; mindful of the CIL pooling restrictions that apply now to S106s and the small size of this application, the Council has decided not to make a case for a developer contribution from it, towards the expansion of secondary age provision in Salisbury.

**Wiltshire Council Public Arts:**

The arts service will not be requesting a public art contribution for this development. I have no objection or further comment to make on this development.

**Idmiston Parish Council:** No objections

- The IPC Neighbourhood Plan (IPC NP) support the site for development and the IPC supports this development
- The IPC NP is on statute as formal planning policy for the Idmiston Parish - supported by the Wiltshire Council Core Plan and Central Government Planning Policy.
  - The Development over delivers on affordable housing vs. planning requirements for a development of this scale.
  - Site issues around Highways and Archaeology have been resolved; we understand that Environmental concerns are being closed out following an additional survey and review.
  - a potential increase in the target for housing in Wiltshire by 2026
  - increasing the target by another 20,000 above the current target of 44,000 houses
- The IPC NP has identified development sites to cover this as a proportional increase; the land opposite Horefield is recognised as an approved site for development within the Parish and a key option towards achieving the allocated housing development targets for the Parish.

## **8. Publicity**

The application was advertised by site notice, in the local paper and neighbour consultation letters.

81 representations have been received **objecting** to the scheme, summarised as follows:

- Traffic is already unacceptable at Idmiston School during dropping off and collection times (parents park on the road or across resident driveways) and from workers accessing DSTL site
- Impact to existing residents through increased traffic volumes/congestion/parking management problems on Idmiston Road from widening the pavement/narrowing the road – increase in double parking

- Existing residents use the bank to park their cars
- Loss of on road parking along Idmiston Road from creation of new vehicular entrances (28 spaces proposed insufficient for future/existing residents, parents with in excess of 70-80 vehicles per day and village events/sports day – 147 cars parked along Idmiston Road). Site should be enlarged to provide more parking.
- Proposed parking spaces are in front of affordable/elderly housing
- Increased highway safety risk from proposed new driveways with blind spots onto Idmiston Road/near brow of hill and bend (contrary to Idmiston Neighbourhood Plan Policy 9)
- Highway and pedestrian safety risk from proposed footway and pedestrian crossing being obstructed by parked cars and close to proposed car park/vehicles manoeuvring
- Blocking of highway for emergency services access (who have not been consulted) and public transport
- Proposed paved footway in front of Nos 1-4 Horefield will restrict where residents can park, obstruct established vehicular accesses, space for parking and cause nuisance from pedestrians using the footway.
- Suggest footway should be on east side of road so need for only 1 crossing or on both sides of road. Who will manage crossings?
- Fibre Optic Infrastructure buried beneath eastern bank may restrict building of footpath
- Previous proposal for use of footpath from Horefield to access the school is an unsuitable non-maintained path which would lead to more parents parking in Horefield which itself has no pavements.
- School traffic is unresolved
- Concerns of obstruction of public highway, noise nuisance and water and air pollution during the build phase (*Officer note - Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working are covered by Control of Pollution Acts*)
- Noise, light pollution, air pollution
- Damage to existing residents fences/cars
- Flooding (drains run from the bungalows along Idmiston Road and down through Horefield)
- Increased burden on sewage and drainage infrastructure, which will not cope as already running at full capacity/has blocked/flooded previously and increased risk of failure in the drainage system to properties in Horefield at the bottom of the hill
- There has been localised surface water flooding (confirmed in INP pg 32). Development of sloping site will reduce the capacity for water to soakaway from non-permeable surfaces and removal of bank, increasing run-off and likelihood of flooding to existing dwellings (further exacerbated by climate change). Contrary to Idmiston Neighbourhood Plan Policy 2 (avoiding flooding) and NPPF (development must not increase the risk of flooding to others)
- The FRA is ambiguous and fails to clarify how surface water runoff will be achieved (query depth of infiltration testing given site will be excavated) soakaway nor how the ageing and dilapidated drainage/sewage system will cope (drainage and sewage pipes have not been updated since Horefield Estate was built [pumping stations designed to run for 3/4 hours per day now run 24 hours a day] pipework is brittle and susceptible to tree root invasion)
- No reference to old abandoned well in garden of No 11 Horefield
- Flooding/mudslides from field into proposed dwellings and gardens (FRA does not refer to these previous incidents where land owner placed straw bales along the side of field)
- Sloping site has significant buildability problems (surplus soil/drainage)

- Numbers of dwellings exceeds 10 dwelling limit (contrary to Neighbourhood Plan) and inappropriate in scale to Horefield
- Neighbourhood Plan is very misleading
- Overshadowing, overlooking, overbearing, loss of light and outlook to existing Horefield dwellings at lower level with development dominating the skyline (contrary to human rights act article 8 of a right to a private and family life and home)
- Horefield is a Hamlet and should not be included as part of the Idmiston Neighbourhood Plan
- Site should be discounted for development - there are more suitable sites for development of new houses without highway safety risks associated with busy road and large school (with likely future expansion of school/pre-school increasing risk)
- Set precedent for further development
- Assurances that S106/conditions will be complied with
- Massive upheaval for small increase in housing stock
- Landscape impact and loss of countryside by infilling open vista visible from A338 in an elevated position which will breach the horizon (contrary to INP policies 3, 4, 5, 17 and 18, NPPF and Core Policy 57 of WCS)
- Loss of trees
- Impact on wildlife – buzzards, red kites, owls, bats, hobbys, woodpeckers and butterflies regularly seen (ecology report only records winter months whilst field borders places of special interest)
- Area is situated within conservation sites (Porton Down and RSPB Winterbourne Downs) both of which have evidence of Stone Curlews. Long term effects could lead to habitat fragmentation
- No open space provision
- Impact to power infrastructure, buses and council services (refuse collection) and existing village/community facilities already struggling to cope
- Archaeological interest
- Loss of valuable farmland used for producing food
- Bungalow to south of the site (Tresillian) was refused planning permission for an extension (S/2004/2592) (*Officer note – planning permission was granted for a rear extension and loft conversion at Tresillian under application reference no. S/2005/532*)
- Permission was refused for a new dwelling at Swanson
- Reference to amended plans increasing number of units (*Officer note –the revised layout plan [although it is only indicative as this is an outline application with all matters reserved] has been corrected such that the number of units annotated/shown complies with the number of dwellings applied for [16 units, of which 5 would be affordable] – a previous version showed 21 dwellings on the site*)
- Blocking of views and devaluing of properties (*Officer note - this is not a material planning consideration*)
- Copy of petition dated 1<sup>st</sup> December 2014 with 94 signatories *'we the undersigned would object to a development of housing on the Idmiston Road, Porton because of parking facilities for the school which is already presenting numerous problems especially if emergency vehicles had to use the road. Also extra residential parking would be lost for those living on the Idmiston Road. There is also the problem of sewage and infrastructure. Those persons who live on the Idmiston Road would also be overlooked; several residents have lived here for over 50 years.'*

30 representations have been received **supporting** the application, summarised as follows:

- Good opportunity for the village and for people to be able to afford to live in a village location
- Mix of starter homes, affordable housing, retirement properties and larger homes

- Much needed mix of affordable housing
- Improvements to application will benefit local community and designed with full regard to the community
- Application is in areas supported and identified for development in the Neighbourhood Plan, which given Idmiston Parish Council more power in decision making
- Application has been supported by majority of Idmiston Parish Council
- Development meets every condition of neighbourhood plan (which has clarity as opposed to ambiguity) consideration should now be given to the areas outlined in Figure 1 of the Neighbourhood Plan
- Development of both sites at the same time is justified to provide much needed affordable housing (*Officer note – the threshold for provision of affordable housing is 11 units*)
- Development is of moderate size (is not proposing the maximum capacity of 20 units) which will not destroy the rural feel of the area and maintain the character and charm of village life (not aimed at high density housing but a spacious scheme with parking, landscaping and pleasant living)
- Meets CP43 affordable housing requirements
- Will sit well within and be sensitive to its surroundings
- Will give the shop in Porton and other businesses trade
- All properties will have off-road parking
- Proposed development will not impact or worsen the existing problem of the volume of traffic during school starting/finishing times
- Additional proposed off-road parking will be a major benefit (will lower the amount of cars parked outside the school)
- Support pedestrian crossing to alleviate earlier concerns and provide safer footpaths and traffic calming for existing residents and children on busy stretch of road
- Suggest relocation of bus stop shelter
- Paved footway does not need to be 2m wide (*officer note – a 1.5m footway is now proposed details of which can be conditioned*)
- Surface water drainage will be fully compliant with sustainable drainage system to not impose any extra surface water load on existing drains and surface water runoff from field will be buffered by development
- Capacity of foul water drains is of concern but Wessex Water have raised no objections to previous applications in the village.

9 representations have been received **commenting** on the application, summarised as follows:

- Have raised a parliamentary question with MP regarding the development
- Footpath referred to from Horefield is not part of the Porton Jubilee Walk
- Not all neighbours have been consulted (*Officer note – all properties adjoining the site have now been notified*)
- Delays in publishing third party comments online
- Personal bird records kept since 1988 and field camera for 5 years adjacent to the Memorial Hall have recorded 58 species of birds and numerous mammals but none are considered to be endangered/at risk
- Field has been intensively farmed/mono culture and for car parking limiting ecological value
- Hedges will be retained and eight trees serving as roosting sites could be replaced
- Planning application at Chalk House which has greater ecological importance was approved contrary to Parish Council's recommendation

## 9. Planning Considerations

## 9.1 Principle of development

The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the 'NPPF does not change the statutory status of the development plan as the starting point for decision making' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS) which also includes some saved policies of the Salisbury District Local Plan (SDLP).

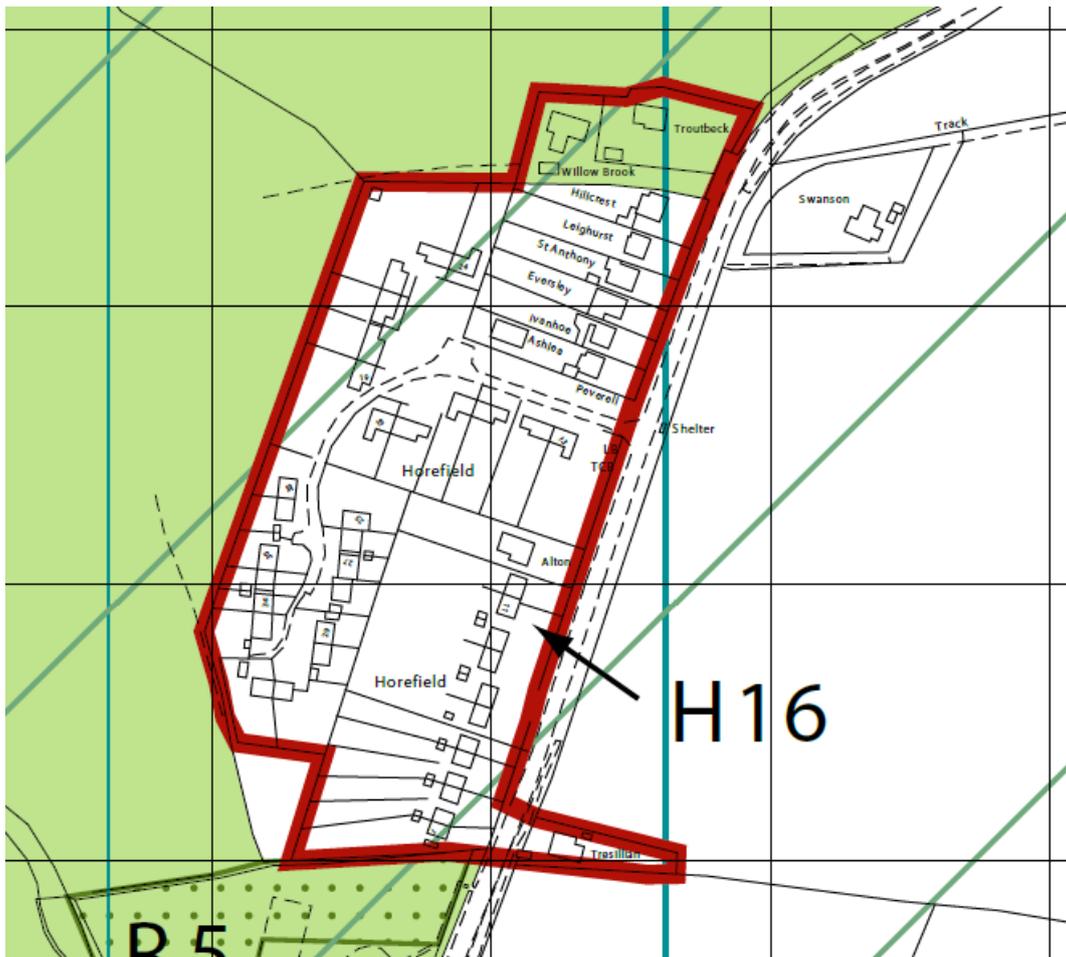
At the heart of the NPPF is a presumption in favour of sustainable development and the Adopted Wiltshire Core Strategy seeks to build resilient communities and support rural communities but this must not be at the expense of sustainable development principles. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability.

This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Porton is defined as a Large Village under Core Policy 4 and the settlement boundary/limits of development has been retained under Appendix E of the WCS.



The proposed site is outside the limits of development as defined on the policies map (extract attached above). The Core Strategy explains that relaxation of the settlement boundaries will only be supported where it has been formally reviewed through a subsequent Site Allocations Development Plan Document (DPD) or community led planning documents (including Neighbourhood Plans).

Following an independent examination and a positive referendum result (84% of the votes in favour of the Neighbourhood Plan with a requirement for over 50% votes in favour for the NP to succeed), Wiltshire Council decided to formally 'make' the Idmiston Neighbourhood Development Plan in April 2017. The Idmiston Neighbourhood Plan now forms part of the Development Plan for Wiltshire and the policies in the plan will be given full weight when assessing planning applications that affect land covered by the plan.

The site is identified in 'Figure 1 – Table of Preferred Sites' on page 42 of the Neighbourhood Plan and comprises site P7A and P7B:



Policy 19 of the Neighbourhood Plan is relevant to new development sites:

#### **Policy 19 - New Development Sites**

The Neighbourhood Plan will facilitate the delivery of approximately 32 homes across the Plan period. The delivery of new homes will be monitored, in the event that the development of new homes through existing commitments or proposals will not achieve the figure of approximately 32 dwellings, consideration will then be given for the development of the sites shown in Figure 1 of the plan. Subject to other policies in this Plan new residential development proposals will be supported to achieve the housing requirement where they deliver infill development or at the large village of Porton small scale development of no more than 11 homes within and immediately adjacent to the settlement boundary of Porton, as established in the Core Strategy. Residential development elsewhere in the Plan area will be resisted.

Policy 17 of the Neighbourhood Plan is also relevant to new developments:

### **Policy 17 - Development Criteria**

Any developments in villages will need to meet all of the following criteria:

- Be well related to the existing village envelope
- Be of modest scale and not generally exceed ten dwellings, in order to protect the rural nature of the village
- Reflect the character and variety of the existing pattern of development in the village
- Follow the lines of the contours on sloping sites to ensure a better fit with the existing land form

'Figure 1 – Table of Preferred Sites', states the indicative capacity for site P7A is '10 dwellings' and for site P7B it is also '10 dwellings'. The proposed number of dwellings (16) is below the combined indicative capacity of 20 and it is therefore considered that the proposal accords with policies 17 and 19 in this regard.

The NP encourages/facilitates the provision of '*no more than*' '*approximately 32 dwellings*' through the plan period (2015-2016). There is an outstanding commitment of 20 dwellings (14/02043/FUL at Chalk House, Porton), leaving a gap of '*approximately 12*'. It is considered that as this proposal (for 16 dwellings) would then meet that gap, officers are of the view that it is acceptable in principle against policy 19 of the neighbourhood plan.

In addition to the consideration of principle, it is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts considered below.

The site also lies within a Special Landscape Area, and an Area of Special Archaeological significance.

### **9.2 The impact on the character and appearance of the open countryside/special landscape area**

The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The site is located within a special landscape area and Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character and development '*must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.*'

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses (including in terms of ensuring residential amenity is safeguarded).

The site itself is currently in agricultural use and the proposed development will alter the character and appearance of the site both within the immediate vicinity of the site and with the wider landscape setting as the site is visible from the A338 across the valley.

Whilst the proposals will result in an intrusion of built development into the open countryside, the site has been included in the neighbourhood plan and inevitably any built development is going to be seen within the relatively open landscape with trees/hedging predominantly to the north and south boundaries, although landscaping of the site and design/scale of the proposed dwellings will be considered at the reserved matters stage to ensure the development assimilates as much as possible into the landscape setting.

### 9.3 Highway considerations

#### 9.3.1 Parking for the proposed dwellings

The supporting text to Core Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas. The resulting LTP3 Car Parking Strategy was adopted by the council in February 2011 and includes policy PS6 – Residential parking standards and policy PS4 - Private non-residential standards. The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy:

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

The minimum cycle parking standards will also apply and are included at appendix 4 of the Cycling Strategy and are as follows:

- 1 covered space per bedroom for up to 3 bedroom dwellings.
- 3 covered spaces per unit for 4 bedroom dwellings.
- 4 covered spaces per unit for 5 + bedroom dwellings

As this is an outline application, the sizes of the dwellings are not under consideration, although it is considered that there would be sufficient space (based on the indicative layout plan) within the site to accommodate the required parking standards.

#### 9.3.2 Paved footway

Following an initial objection from the highways authority to the proposal on the grounds that the development was likely to generate an increase in pedestrian traffic on a highway lacking an adequate footway link with the existing paved footway to the south of the site opposite the Primary School, with consequent additional hazards to all users of the Class III Idmiston Road; amended plans have been submitted which include the provision of a 1.5m wide paved footway to form a link with the existing footway to the south of the site. This will be created on highways owned land.

Third party objections include that the paved footway will block access to driveways of some of the properties in Horefield (there are three properties which have created driveways off the road, although there is no record of planning permission being granted for these accesses, they appear to be well established). The highways authority has confirmed where

any cars on these drives currently stick out onto the public highway, they are obstructing the public highway, which could be enforced and that the proposed footway in this location could have a dropped kerb to still allow access to the driveways (details of which could be agreed by condition).

Where cars currently informally park on the highway verges outside the school and along Idmiston Road (this is not allocated parking and as such there is no right to park here), although where the development/provision of a paved footway would restrict this current parking arrangement, if cars either park on the paved footway or park further out in the road causing a highway obstruction, this could be enforced as a matter of highway obstruction, although the highways authority has suggested that bollards could be used to prevent parking on the footway (details of which could be agreed by condition).

### **9.3.3 Public car parking**

The neighbourhood plan identified that a major problem for St Nicholas C of E Primary School is the lack of parking on the school site necessitates teachers having to park in Idmiston Road, limiting parking for parents when dropping off and picking up children before and after school times:

#### **Policy 12 - School Parking**

Proposals for the provision of off-road parking to be made at both the Primary Schools; St Nicholas C of E Primary School in Porton and Gomeldon Primary School along with the provision of a new footway from Idmiston village towards St Nicholas C of E Primary School will be strongly supported. The introduction of a 20mph speed limited in the vicinity of the two primary schools will also be strongly supported.

The application has been amended to include 15 “public” spaces for Horefield resident/school use. These are not necessitated by the proposed development although are being offered taking into account Policy 12 of the Idmiston Neighbourhood plan and would need to be transferred to the Parish Council via S106 agreement.

Subject to conditions (details of the paved footway, accesses, drive gradients, car parking and other associated highways works to be approved; scheme for the discharge of surface water from the accesses/driveways) and informative that the applicant will need to enter into a Section 278 agreement with the council to secure the highway works including the adoption of the new paved footway across the frontage of the site it is considered that the application is acceptable in terms of accessibility and parking provision.

### **9.4 Archaeology:**

Paragraph 128 of the NPPF includes the following:

*‘Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.’*

The council’s archaeologist considered that the site was of archaeological interest as it lies close to known remains which are likely to contain prehistoric settlement and a number of undated features run into the site. It was therefore considered that the site had the potential to contain heritage assets of archaeological interest and field evaluation was necessary to reveal the impact of the proposed development on any buried archaeology.

An archaeological trial trench evaluation was carried out by AC archaeology Ltd. in September 2017 and the results submitted to the council. The evaluation aimed to establish the significance, presence or absence, extent, depth, character and date of any archaeological features, deposits or finds within the site and comprised the machine excavation of five trenches. Although several natural features and anomalies were noted, none of the trenches excavated contained archaeological features and no finds or artefacts were recovered from the site investigation.

Following the submission of the report, the council's archaeologist considers it unlikely that significant archaeological remains would be disturbed by the proposed development and has changed the previous objection (as the field evaluation had not been undertaken) to no objections.

### **9.5 The impact on the living conditions of proposed and nearby properties**

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself:

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

The NPPF's Core Planning Principles (paragraph 17) also include that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit *'How the new dwelling(s) will relate to the context and to each other to create a particular place'*.

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions. A right to a view is not a material planning consideration, although consideration of impact to outlook is.

Whilst this application has been submitted with all matters reserved; an indicative layout plan has been included, it is considered that the indicative site layout demonstrates that dwellings could be accommodated on the site without adverse impact to residential amenity (for occupiers of both existing and proposed dwellings).

### **9.6 Nature Conservation Interests:**

Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development.

The council's ecologist's comments have been attached in full above, raised a holding objection to the application.

The site is within 2km of the Porton Down Special Protection Area (SPA). This European site is protected for its population of breeding stone curlew. The site is also within 2km of the River Avon Special Area of Conservation (SAC) and the Porton Meadows SSSI and the Salisbury Plain SPA/SAC/SSSI.

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are protected under The Conservation of Habitats and Species Regulations 2010. These are a network of sites designated for supporting habitats or species of high nature conservation importance in the European context. Any activity that has a detrimental effect on these European sites is made an offence under the Regulations.

When a European site is affected by a land use authorisation, it is necessary to consider whether the activity being authorised would impact on any of the designated features.

This assessment work is governed by the Habitats Regulations 2010 and is undertaken by the "competent authority", which for planning applications is "the planning authority".

Regulation 61 of the Habitats Regulations 2010 states the responsibilities for competent authorities thus:

- (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*
  - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
  - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.*
- (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.*

Where a development is likely to have a significant impact on a European site, the Regulations require a rigorous assessment of the impacts, known as an Appropriate Assessment in order to demonstrate that any likely impacts are avoided or reduced to levels as to avoid adverse impacts upon the SPA.

This needs to be provided prior to the determination of the planning application because in carrying out their statutory duty in line with the National Planning Policy Framework, Natural Environment and Rural Communities (NERC) Act 2006, Regulation 61 of the Habitats Regulations 2010 and the Wiltshire Core Strategy, the local planning authority's ecologist must be provided with sufficient information to facilitate a robust and suitably informed assessment with regards to the potential for the proposed development to impact upon ecological receptors. A review of the submitted information has revealed that further information from the applicant is required before this can be undertaken by the Council

The council's ecologist has advised that the ecological survey report is also insufficient on a number of grounds including that the applicant does not confirm through the provision of appropriate plans, that the vegetative boundary features will be retained and yet the ecological survey recommendations and conclusions put forward to the Council for consideration have been based on an assumption it will all be retained, and the ecological reporting indicates ecological receptors may be present (bat roosts and reptiles). It is therefore also considered that insufficient information has been submitted to demonstrate

that there will not be an adverse impact upon other ecological receptors (including existing hedgerows, trees, vegetative features, bat roosts and reptiles).

All ecological surveys required must be undertaken prior to the determination of the planning decision and cannot be conducted to discharge a planning condition. This is the case for outline applications as well as full applications.

In the absence of sufficient information, the application is recommended for refusal.

### **9.7 Water environment & Drainage:**

One of the main concerns of local residents is that the proposals could cause dwellings in Horefield to flood (both surface water and foul water).

The development site is located in Flood Zone 1, the zone of least flood risk (described in the NPPF as land having a less than 1 in 1,000 annual probability of river or sea flooding).

The Planning Practice Guidance for the National Planning Policy Framework (NPPF) requires a site-specific Flood Risk Assessment (FRA) to be carried out for developments located in Flood Zones 2 and 3 and for those which are 1 hectare (ha) or greater in size. A site-specific FRA is required to ensure that the development is safe from flooding and will not increase the risk of flooding elsewhere (addressing any drainage problems that may arise as a result of the development).

The site is over 1 hectare in size and a site specific FRA and drainage strategy has been submitted (revised during the course of the application).

This confirms that there is currently no active management of surface water on the greenfield site, with the site topography suggesting that surface water runoff currently runs to the road from the south east towards the north west; that there is no formal surface water drainage in Idmiston Road (confirmed by Wessex Water) and therefore an alternative solution is required to ensure that the development does not increase the risk of flooding to others.

The existing greenfield surface water runoff discharge (rate and volume) has been calculated and infiltration tests have been undertaken which demonstrate that the proposed drainage strategy (the use of varying infiltration systems such as soakaways, infiltration trenches and pervious paving) is a feasible solution.

Wessex Water has also confirmed that there is capacity in the foul network located at Idmiston Road.

The council's drainage officer has raised no objections to the proposed scheme subject to conditions (detailed schemes for foul water discharge and surface water discharge to be agreed).

### **9.8 Sustainable Construction**

The WCS' key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41- Sustainable Construction which specifies sustainable construction standards required for new development.

For new build residential development the local planning authority is now seeking energy performance at “or equivalent to” Level 4 of the Code for Sustainable Homes via planning condition.

## **9.9 S106 obligations and CIL**

The introduction of the Community Infrastructure Levy (CIL) has significant implications for the use of S106 Planning Obligations. The legal tests for when you can use a S106 are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and have three important repercussions for S106 obligations; making the tests for the use of S106 obligations statutory (the tests are that any obligations will need to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development), ensuring that there is no overlap in the use of CIL and S106 obligations and restricting the use of ‘pooled’ S106 obligations.

As well as the legal tests, the policy tests are contained in the NPPF:

*"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

*204. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms directly related to the development; and fairly and reasonably related in scale and kind to the development."*

### **9.9.1 Affordable Housing:**

Core Policy 43 of the Wiltshire Core Strategy sets out a requirement for 30% on-site affordable housing provision within the 30% Affordable Housing Zone. In line with recent government guidance, this only applies on applications of over 10 dwellings (the threshold is therefore 11 units).

This application for 16 dwellings therefore requires 5 affordable units to be provided. This would meet the policy requirement and would assist in addressing the need for affordable housing in Idmiston parish.

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located.

In order to meet need the New Housing team have advised affordable housing units should be provided with a tenure mix of 60% of the units (3 units) being for Affordable Rented housing, and 40% of the units (2 units) being provided for shared ownership.

The new housing team have advised that there is currently a need for:

Affordable Rented: 1 x 1 bedroom / 2 person house, flat or bungalow)  
1 x 2 bedroom / 4 person house or bungalow  
1 x 3 bedroom / min 5 person house or bungalow;

Shared Ownership: 1 x 2 bedroom / 4 person house;  
1 x 3 bedroom / min 5 person house.

The planning statement submitted with the application confirms that *'Affordable housing in terms of quantum and tenure/size type will be delivered in accordance with the requirements of Core Strategy Policy 43.'*

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, on a nil subsidy basis. The Local Authority would have nomination rights to the affordable dwellings, secured through a S106 Agreement.

### **9.9.2 Public Open Space**

16 dwellings would generate the following requirement (192 sq metres of Play, 320 sq metres of Casual and 1152 sq metres of Youth and Adult. As no on-site Public Open Space is proposed, an off-site contribution to upgrade nearby facilities would be sought via a S106 agreement.

The Neighbourhood Plan identifies *'play areas, one of which, in Porton, has a "toddler" play park and a field marked for football. Unfortunately, the play area is situated on the flood plain and is frequently unusable as it is waterlogged. There is a second play area at the far extent of East Gomeldon Road. There are no youth facilities and this is an important deficiency.'*

The Neighbourhood Plan supports the community interest for existing sites (identified in the plan) should be protected and enhanced for public enjoyment wherever and however possible and Community Aspiration 7 *'Improve the Porton Recreation Ground'* looks to *'revisit the feasibility of improving the drainage and quality of the Porton recreation ground to provide a better long term sport and recreational facility.'*

### **9.9.3 Waste Contributions**

The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. Waste and recycling contributions are outlined in the *'Waste Storage and Collection Guidance for New Development'*. The following s106 contribution is required for the provision of this essential infrastructure to make the application acceptable in terms of Core Policy 3:

<b>Property type category</b>	<b>Contribution per house/per category</b>	<b>Quantity</b>	<b>Total</b>
Individual house	£91	16	£1,456
		<b>Total</b>	<b>£1,456</b>

This contribution is directly related to the development and is specifically related to the scale of the development, as it is based upon the number of residential units on site and would also need to be contained within a S106 Agreement.

### **CIL**

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this application. However, CIL is separate from the planning decision process, and is administered by a separate department. If the application were to be approved, an informative would be added advising that the development would be subject to CIL.

## **10. Conclusion**

The site is located within open countryside being located outside of any designated settlement boundary, although the outline application with all matters reserved for 16 dwellings (5 affordable houses are proposed in accordance with the CP43 requirements) follows the Idmiston Neighbourhood Plan being 'made' and as such is acceptable in principle.

Following revised details being submitted in respect of highways and drainage, the proposal is considered acceptable in terms of access and parking provision, and would not be prejudicial in terms of highway safety or surface water or foul water drainage (subject to conditions).

However, the proposed scheme provides insufficient information in relation to ecology and is recommended for refusal.

In addition to on-site affordable housing, developer contributions are triggered towards infrastructure/facilities, including recreational open space, and waste and recycling facilities. It will be necessary to include reasons for refusal relating to these contributions/infrastructure requirements in the event of an appeal against a decision to refuse the scheme but to include an informative that this can be overcome by the submission of a S106 agreement contributing to waste and recycling containers, off-site open space contributions and on site affordable housing provision.

## **RECOMMENDATION: REFUSE**

(1) In carrying out their statutory duty in line with the National Planning Policy Framework, Natural Environment and Rural Communities (NERC) Act 2006 and the Wiltshire Core Strategy, the local planning authority's ecologist must be provided with sufficient information to facilitate a robust and suitably informed assessment with regards to the potential for the proposed development to impact upon ecological receptors (including existing hedgerows, trees, vegetative features, bat roosts and reptiles). A review of the submitted information has revealed that further information from the applicant is required before this can be undertaken by the Council.

It is therefore considered that insufficient information has been submitted to demonstrate that the development will not have an adverse impact upon other ecological receptors, contrary to Core Policy 50 of the Wiltshire Core Strategy, the Natural Environment and Rural Communities (NERC) Act 2006, The Conservation of Habitats and Species Regulations 2010 and guidance within the National Planning Policy Framework.

(2) The proposal does not make provision for on-site affordable housing, contrary to Core Policy 43 of the Wiltshire Core Strategy.

(3) The proposal does not make provision for off-site recreational open space provision, contrary to Core Policy 3 of the Wiltshire Core Strategy and Saved Policy R2 of the Salisbury District Local Plan.

(4) The proposal does not provide for contributions towards waste and recycling containers (on-site infrastructure required by the proposal), contrary to Core Policy 3 of the Wiltshire Core Strategy and policy WCS6 of the Wiltshire and Swindon Waste Core Strategy.

**INFORMATIVES:** It should be noted that reasons 2-4 for refusal, could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement contributing to waste and recycling containers, off-site open space contributions and on site affordable housing provision.

## **APPENDIX B – Minutes of SAPC meeting of 14/12/2017**

### **17/00842/OUT - Land opposite Horefield, Idmiston Road, Porton, Wiltshire, SP4 0LD**

Public Participation

David Neal spoke in objection to the application

Adrian Dibden spoke in objection to the application

Valerie Creswell spoke in support of the application

Tony Allen spoke in support of the application

Simon Zielonka spoke in support of the application

Cllr James Humphries spoke on behalf of the Parish Council

The Senior Planning Officer, Lucy Minting introduced the report, which recommended that the application for Outline Planning Application for residential development of 16 dwellings with all matters reserved. Provision of new footways and dropped kerb crossings to Nicholas CofE Primary School and 15 public car parking spaces for Horefield residents/school use, be refused.

It was noted that the proposed site was outside the limits for development. The site was currently in agricultural use, and school parking had been identified as an issue.

The Parish Council was in support of the application and the site had been included in the NHP.

Attention was drawn to late correspondence circulated at the meeting, relating to a response to late submission of ecological data provided by the applicant.

The reasons for refusal had been altered, as listed on late correspondence.

The Ecological Officer had considered the new submission and concluded there would not be an adverse impact.

Members then had the opportunity to ask technical questions of the Officer. It was clarified that the applicant did not have control over some sections of the land, which was why the planned footpath would cross over twice. Specific details of the type of crossing would be conditioned as part of the decision should the application be approved; however it was understood that the crossing would be unmanned.

The plan showed the proposal to retain the verge along the roadside, except where the accesses were to the front dwellings.

There was no right to park on the verge at present, so there would be no loss to residents. The proposal included 15 public spaces for use.

Members of the public then had the opportunity to present their views as detailed above. The Unitary Division Member Cllr Mike Hewitt then spoke on the application, noting that it was not an easy application and if he had not called it in it would have been refused. He believed there was a place for houses along the site, being built properly with appropriate consideration of the road.

The site was outside of the housing boundary, and there were flooding issues, but these could be overcome. The Water company had been working in the village, to make improvements over last few years. If the application was approved, there were still lots of questions to be asked. With additional parking and further consideration to the cars dropping children off for school along that road, as it was unsafe.

Cllr Hewitt then moved the motion of refusal, in line with Officer's recommendation, this was seconded by Cllr Britton.

A debate followed where key issues raised included the support of NHP Group and the Parish Council. The parking problem on this narrow road was a major issue. The extra spaces proposed would not go anywhere near solving the problem.

The proximity of the houses to the road compared to the houses on the diagram, was a material consideration. A proposal where the houses were set a little further back or perhaps less of them may be more favourable. The right-hand side of road was open country, giving a country feel to the area, putting this number of houses there would change that feel.

There was a flooding issue on that stretch of road, if you build there the water would have to go somewhere else.

The Committee then voted on the motion of refusal in line with Officer's recommendation. This motion was not carried.

The Chairman then moved the motion of deferral until spring, in order to consider the application, once the additional ecology information was available, this was seconded by Cllr McLennan.

**Resolved: That application 17/00842/OUT be deferred until spring 2018 to allow for the ecology report to be submitted.**