

REPORT TO THE STRATEGIC PLANNING COMMITTEE**Report No.**

Date of Meeting	31 st October 2018
Application Number	18/06305/FUL
Site Address	Nos. 1-6 and 9-14 Bendy Bow Oaksey SN16 9TN
Proposal	Demolition of nos. 1-6 and 9-14 and replacement with 24 no. dwellings
Applicant	GreenSquare
Town/Parish Council	OAKSEY
Electoral Division	MINETY – Councillor Chuck Berry
Grid Ref	ST 98635 93491
Type of application	Full Planning
Case Officer	Victoria Griffin

Reason for the application being considered by Committee

The application has been brought to the called in to Committee by Councillor Chuck Berry as it is considered to conflict with the Development Plan with the main issue being the properties fronting the Street and their impact on the Conservation Area and residential amenity.

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 delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and

completion of a S106 legal agreement within six months of the date of the resolution of this Committee to meet requirements for Affordable Housing and Waste Contributions.

In the event that the applicant declines to enter into the S106 Legal Agreement in this period, planning permission will be refused on the basis that the proposed development fails to address the affordable housing and waste management requirements arising from the development and so conflict with CP3 and CP43 of the WCS.

2. Report Summary

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety and parking
- Impact on site drainage
- Impact on ecology
- Other matters

The application was advertised by neighbour letter and site notice. This publicity generated 9 no. letters of objection and 5 no. letters of support. The Parish Council have objected on a number of grounds including the impact of the terrace on the existing character of The Street and setting of the Conservation Area and residential amenity.

3. Site Description

The site is located on the edge of Oaksey within the settlement framework and is bordered on its northern, eastern and western boundaries by existing residential development. Although the majority of the site itself falls outside of the Conservation Area its northern edge is situated within the Oaksey Conservation area. Oaksey itself is dispersed along the route running through the village and has a strong linear form with a local vernacular of Cotswold stone properties. Bendy Bow deviates in style from the origins of the village with the occupation of the application site with 12 no. two-storey dwellings constructed in PRC (Pre-cast Reinforced Concrete) of precast ship-lap concrete panels which typifies the post-war development of housing. Woodfold's Farmhouse, The Green a grade II listed building is situated to the south of the site. No's 7-11 The Street are grade II listed buildings also are

situated to the east of the site entrance. Footpath OAKS2 is situated to the southern edge of the site.

The proposed total site area is 0.4907 hectares. The site is accessed from The Street which passes along the northern boundary. Bendy Bow itself wraps around to a cul-de-sac that serves a number of dwellings. The site is bordered on The Street road frontage by an existing open aspect with views across the gardens. The garden boundaries are low level including fencing and vegetated with hedgerows with some small trees within the site which are category 'C' and are noted as insignificant in the Tree Survey. Development around the site boundaries is largely residential of mixed character and height. The accompanying Flood Risk Assessment has identified that the site lies in 'Flood Zone 1' with low risk of flooding and is as identified on the Council's GIS.

The site is managed by Green Square providing living accommodation to a number of families. The existing buildings on the site would be demolished and replaced with modern, energy efficient properties. The application is for the replacement of 12 no. dwellings with 24 no. new dwellings and associated works, including landscaping and access. The development is indicated within the submissions as 3 no. areas of housing including:

- the terrace of 5 no. dwellings fronting along The Street
- the block accessed at the entrance of Bendy Bow with shared parking space and
- pairs of semi-detached units to the southern edge of Bendy Bow

All dwellings are proposed in Bekstone Oolite reconstituted stone Tumble finish with reconstituted stone cills and stone soldier courses to prominent window heads with concrete roof tiles.

The application is supported with a revised Design & Access Statement, Landscape & Maintenance Plan and Construction Method Statement, Bat Survey Report and Tree Survey Report, Drainage Strategy and Flood Risk Assessment & a Conservation Area Impact Assessment.

4. Relevant Planning History

N/04/02080/OUT – Demolition of garage and erection of 3 dwellings – Granted

N/04/03609/FUL – Three dwellings - Granted

5. The Proposal

The proposal relates to the replacement of 12 no. PRC Airey houses with 24 no. new dwellings on 3 no. parcels of land. The site will replace the existing 12 Social Rent houses to include 10 x 3 bed houses, 2 x 4 bed houses, 12 no. of which will be social rent of which will be secured under a S106 agreement and 12 no. of which will be low cost home ownership. A draft unilateral undertaking has been submitted in support of the application.

6. Local Planning Policy

The following policies of the adopted *Wiltshire Core Strategy* are relevant:

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 3: Infrastructure

Core Policy 13: Spatial Strategy: Malmesbury Community Area

Core Policy 41: Sustainable Construction and Low Carbon Energy

Core Policy 43: Providing affordable homes

Core Policy 45: Meeting Wiltshire's Housing Need

Core Policy 46: Meeting the specific housing needs of vulnerable and older people

Core Policy 48: Supporting rural life

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 52: Green Infrastructure

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and new development

Core Policy 62: Development Impact on the Transport Network.

Core Policy 67: Flood Risk

North Wiltshire District Local Plan (Saved Policies)

NE14: Trees, site features and the control of new development.

NE18: Noise and pollution

National Planning Policy Framework (2018)

Presumption in favour of sustainable development – Paragraph 11

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving the natural environment

Section 16 – Conserving the historic environment

Paragraph 189 states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 193 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 11 Presumption in favour of sustainable development - The Framework introduces a presumption in favour of sustainable development. This is defined as being made up from economic, social and environmental elements. It says that, when taking decisions on applications, this presumption means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means 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.

Paragraph 124 Good Design - The Framework continues the theme from previous Government guidance that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It says that planning decisions should aim to ensure that developments:-

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit are visually attractive as a result of good architecture and appropriate landscaping.

The Framework goes on to say that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Draft Housing Site Allocations Plan (dHSAP)

The pre-submission draft Site Allocations Plan was published for consultation on 14 July 2017. The purpose of the Plan is to:

- Revise, where necessary, settlement boundaries in relation to the Principal Settlements of Salisbury and Trowbridge, Market Towns, Local Service Centres and Large Villages; and

- Allocate new sites for housing to ensure the delivery of homes across the plan period in order to maintain a five year land supply in each of Wiltshire's three HMAs over the period to 2026.

Decisions on planning applications are made in accordance with the policies contained within the Local Plan, Wiltshire Core Strategy and Government guidance contained within the National Planning Policy Framework (NPPF). Section 38(6) of the Planning and Compulsory Purchase Act states that "determination must be made in accordance with the plan unless material considerations indicate otherwise".

Oaksey Draft Neighbourhood Plan 2018 – 2026 - The Designation of Oaksey Neighbourhood Area has been approved in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning.

Policy 1 – Settlement boundary – new development focussed within settlement

Policy 2 – Design of new development and local distinctiveness

Policy 3 – Highway impact

Policy 4 – Heritage assets

Policy 5 – New Housing – Bendy Bow is an allocated site for new development

Policy 6 – Community facilities

Policy 7 – Setting of Oaksey (Natural Environment)

Policy 8 – Prevention of surface water flooding

Weight can be attached to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and consistency with national policy (paragraph 48 of the Framework). The Draft Oaksey NP is at an advanced stage having undergone previous consultation and engagement with the local community. Formal stages remain, however, such as conclusion to an examination and referendum. It is therefore concluded that limited-moderate weight should be attached to NP policy in the plan as a material consideration. Following the Inspectors report being published and subject to unresolved objections significant weight can then be attached.

Planning Obligations SPD

Legislation:

Planning (Listed Buildings & Conservation Areas) Act 1990

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

7. Summary of consultation responses

Oaksey Parish Council – Objections – the proposals conflict with the Development Plan including the Draft Neighbourhood Plan (2018) specific issues are as follows (summarised) as follows:

- Set out legal requirements to conform with the provisions of the Development Plan for the area
- Object to proposed layout and conflicts with NP design policies
- Siting, scale, density, massing and proximity of terrace fronting The Street is unacceptable
- Fails to respect the existing building line in this part of the village
- Detracts from traditional village character and existing built form
- Lack of frontage to road
- Harms setting of non-designated heritage assets
- Harms setting of Conservation Area
- Harms character and appearance of the Conservation Area
- Design and materials in appropriate in this location
- Inappropriate use of boundary treatments
- Significant weight should be given to the plan policies

Officer note: Oaksey PC has commissioned a sketch drawing proposing a redesign of the site to satisfy their concerns raised above; this is available to view on the public file.

Highways – No objection, subject to conditions and suitable off-site works

Urban Design – No objection subject to revised plans

Subsequent to a meeting focussed on discussing previous urban design comments, and a further series of significant revisions, the applicant has responded positively, and successfully addressed my previous concerns.

The applicant has helpfully updated the Design and Access Statement to make clear the evolution of the design (which can be seen to improve greatly from a cramped parking-dominated solution to a much more balanced arrangement where parking and landscaping have been sensitively integrated and detailing has a keen regard for placemaking.).

A cover letter also accompanies the application, explaining further the context of setting and the various constraints and responses that have influenced the evolution, the contents of which I concur with.

The application is considered to be in compliance with Core Policy 57 and general good urban design practice, and recommend support in terms of design.

Officer note: a revised materials plan has been received that reflect the agreed changes and is included within the plan list

Education – Comments – No contributions required

Waste – Comments – The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The following s106 contribution £2184 is required for the provision of this essential infrastructure.

Public Open Space – Comments – no off-site contributions required we would not seek an offsite contribution in this case. The POS requirement is for less than 0.2ha and as such this development is not required to make provision on site. The introduction of CIL means no offsite contribution would be payable here

Spatial Team – No objection in principle - clarification provided on the weight given to the draft Neighbourhood Plan and programme for referendum

Housing – Support the revised layout and draft UU reflect the mix and tenure split required to address housing need within this area - The site will replace the existing 12 Social Rent houses with 10 no. 3 bed houses and 2 no. 4 bed houses along with 7 no. 2 bed houses and 5 no. 3 bed houses

Public Protection – Comments - Advice and conditions recommended in respect of AQA, Contaminated Land and Construction and Environmental Management of the proposed works

Rights of Way – No objection

- **Drainage** – No objection subject to conditions/informatives following submissions of FRA/Drainage Strategy
- Written third party permissions in place before start on site (regarding diversions)
- Diversions undertaken prior to any other building works (dwellings)
- No occupation until drainage works completed to approved drawings

Ecology – No objection subject to condition in line with recommendations of Ecology report

Conservation Team – Support proposals:

- The present arrangement is dense mid twentieth century housing estate separated from the Conservation Area via the existing road, the proposal will substitute this existing housing estate for a similar form of development thus will not affect the special interest of the wider conservation area. Whilst the new scheme includes an additional small terrace facing towards the Conservation Area, this will not significantly amend the setting of the Conservation Area due to the presence of the existing road and the modest natural of the existing strip of Grass.
- The new dwellings will be sufficiently recessed from the road edge and with landscaping to the fore views along the road will remain much as existing. The overriding special interest of the part of the Conservation Area affected is its historic evolution and the large detached dwellings set in large garden plots with open pastoral land behind on the North side of the Road this Character will be retained.

- The proposed development will deliver a series of tangible public benefits including an increase in affordable dwellings in the locality, buildings which have a lower carbon foot print than the existing and architecture of a higher quality than the existing prefabricated dwellings which offset any perceived harm caused to the Conservation Area under and thus would compliant para 196 of the NPPF.

Arboricultural officer – No objections in line with Tree Survey recommendations

Wessex Water – Support in principle subject to LLFA and Highway Authority permissions - advisories recommended

Wiltshire Police – Comments on defensible space and use of chain link fencing within the layout

8. Publicity

The application was advertised by local press, site notice and neighbour notification.

9 no. objections were received (summarised):

- Adverse impact on local traffic/highways
- Harm to Conservation Area setting
- Out of character with immediate setting
- Loss of residential amenity
- Too high density for this part of The Street
- Noise and disturbance caused by construction works to existing residents
- Render materials not appropriate
- Loss of light

5 no. letters of support comments, raising the following points (summarised):

- Housing in need of replacement and repair
- Energy efficiency
- Good layout and design
- Adequate parking provision

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, namely the Wiltshire Core Strategy unless material considerations indicate otherwise. Section 149 of the Equality Act 2010 places a duty on public authorities, in the exercise of their functions (including therefore undertaking the assessment and determination of planning applications), to have due regard to:

1. The need to eliminate discrimination, victimisation and any other conduct prohibited by the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and;
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Act defines 'protected characteristics' as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The proposed development involves the demolition of the twelve residential properties and their replacement with 24 new residential properties. Twelve of those properties are to be a direct replacement for the properties to be demolished, all of which are social rented tenure, and for those tenants currently resident at those properties to return, should they wish to, or to be rehomed elsewhere locally subject again to their personal wishes. Protected characteristics of current residents, such as age and disability, have been taken into account by the applicant whose tenants will retain their protected rights and tenancies. The applicant has considered this duty throughout this process and the public sector equality duty can be discharged by an understanding of the need to redevelop these properties, which has been balanced against the individual needs of tenants, some of whom may have protected characteristics.

Principle of development:

WCS Core Policies 1 and 13 identify Oaksey as one of a number of Large Villages. They are defined as settlements with a limited range of employment, services and facilities.

Development at Large Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

WCS Core Policy 2, amongst other components, establishes a minimum housing requirement for each of the County's Housing Market Areas and sets out a role for settlement boundaries. Within a settlement boundary development is acceptable in principle; outside, other than in circumstances as permitted by other policies within the WCS, identified in paragraph 4.25, residential development will not be permitted. The boundary may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan documents and neighbourhood plans.

The proposals are solely for residential development on a brownfield site within the adopted settlement boundary. As such the principle of residential redevelopment on the site would not be contrary to Core Policies 1 and 2 of the development plan.

The site is also identified within the Oaksey Neighbourhood Plan (March 2018) as a potential site for redevelopment within the emerging Neighbourhood Plan as it is identified as a preferred option site. The Neighbourhood Plan is at Examination Stage and can be attributed limited to moderate weight. The weight to be afforded to DPDs including neighbourhood plans increases as they advance through the preparation process and the more advanced the stage reached the more weight that can be attached (para 48 NPPF applies). Case law has repeatedly established that significant weight can only be afforded once a plan has been examined and the Inspector's report of that examination is available with consideration given to any outstanding matters and unresolved objections.. *Housing* In consultation with the Council's Housing Team the mix and tenure of the housing units which are sought has been clarified. The existing properties are all 3 bedroom houses, occupied, social rent. The proposals seek to replace these units to include 10 x 3 bed houses, 2 x 4 bed houses, social rent. In the housing mix to units 6-11, 19-24 are proposed as the social rent units. The mix is as follows:

19 & 20 - 4 bed houses (2 units)

6-11 & 21-24 - 3 bed houses (10 units)

The s106 agreement will seek to secure twelve (12) of the Residential Units as Affordable Housing of which 100% of the Affordable Housing Units shall be Social Rented Units. The remaining units on the scheme are low cost homes but required to be not secured through the S106, so that applicant can get grant funding from Homes England and they will not be subject to local connection criteria. The Housing Team support the proposals and that the draft mix and tenure would accord with Housing need requirements in accordance with the CP43 WCS and adopted Planning Obligations SPD.

Impact on the character and appearance of the area & setting of the Conservation Area and heritage assets:

The principle of new development on the site is acceptable. Core Policy 57 (i) states that applications for new development will need to demonstrate how they make a positive contribution to the character of Wiltshire through (inter alia) enhancing local distinctiveness by responding to the value of the natural and historic environment. Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment.

Site proposals- Layout

The application site is presently occupied by 12 no. precast concrete dwellings constructed in the post war era that have mature gardens with small set backs from the road. The immediate setting includes The Street which reflects the more traditional character of the village and the existing modern development within Bendy Bow. The application site is uncharacteristic of the historic context of the village, insofar that they are modern properties that deviate from the traditional character and style in the immediate setting, whilst adding to the variety of dwellings within this part of Oaksey.

The development has taken the form of pairs of semi-detached dwellings and a terrace of 5 no. units along The Street which would formalise the entrance to the site and provide a more defined street frontage where currently there is an open aspect across gardens. The design has been formulated in order to integrate within this high quality local environment and whilst it is an introduction of a new element within this part of the village, the linear form and character of Oaksey would be reflected in the configuration and layout of the street block with a low level boundary wall and pedestrian access.

The Conservation Officer has been consulted on the proposals and cites that whilst the new scheme includes an additional small terrace facing towards the Conservation Area, this will not significantly amend the setting of the Conservation Area due to the presence of the existing road and the modest nature of the existing strip of Grass. The new dwellings will be sufficiently recessed from the road edge and with landscaping to the fore the views along the road will remain much as existing. The overriding special interest of the part of the Conservation Area affected is its historic evolution and the large detached dwellings set in

large garden plots with open pastoral land behind on the North side which would remain unharmed.

The comments of the Parish Council are noted and the weight attributed to the Oaksey Neighbourhood Plan is considered in the conclusions set out below. That said it is not considered that the reduction of the terrace to form 2 no. semi-detached pairs as purported by the Parish Council would significantly alter the perception of the row fronting the street to the extent that harm arises. In the context of this wider character of existing for development having regard to the issues raised above this is considered to be acceptable.

Significant views

Existing distance views of the site from the east and west along The Street and from the south are not considered to be harmed by the development as it will harmonise with and complement the existing pattern of development that fronts the Street. The roof-scape, including the design, materials and arrangement of the revised street layout would add variety and visual interest, alongside existing modern development. Views from the Grade I Listed Church of All Saints would be limited due to the distances involved.

Architecture and elevation treatment

The cottage style terrace design approach along the new terrace is considered acceptable in this rural edge and on the edge of the Conservation Area adjacent to non-designated assets. This is compounded by a regular rhythm of openings including small pitched roof half dormers and the use of appropriate architectural detail including stone cills and reconstituted stone soldier courses to window heads, all contributing to local distinctiveness. Whilst the comments from the Parish Council are noted this is considered acceptable as a modern interpretation of the cottage style which is sympathetic in this location. The degree of variation within the site adds visual interest to the scheme and is not considered to result in harm.

Design and historic impact conclusion

The northern site edge does falls within the setting of the Conservation Area and is adjacent within the wider area to designated and non-designated heritage assets. The development of the site is assessed against its current status. The removal of the PRC post war buildings will bring an improvement and the replacement buildings and are more appropriate. On

balance taken as a whole the development is considered to preserve the character and appearance of the conservation area and will bring positive benefits to the wider character and appearance of the area such that there is no conflict with WCS policies CP57 and CP58.

Trees and Landscape

The application has included an arboriculture assessment. There are no notable trees of character within the site that would be affected by the proposals. The Council's Arboricultural officer raises no objections to the proposals on this basis.

In conclusion it is considered therefore that the proposals would accord with Core Policy 57 (iii) and (vi) of the Wiltshire Core Strategy (adopted January 2015) (CS) which seek, amongst other things, to ensure that development responds positively to the existing townscape and relates effectively to the immediate setting and wider character of the area and would conform to the requirements of paragraphs 17 and 64 the National Planning Policy Framework (the Framework) related to good design.

Impact on residential amenity:

The site is surrounded on its northern, eastern and western boundaries by existing residential development. A number of concerns have been raised by local residents with regards to impact on residential amenity during construction works and the management of the site and the prominence of the proposed terrace on the neighbouring properties. The nearest neighbours include no's 1-3 The Street to the north, 1-5 The Green located to the west and 43-46 Bendy Bow located to the eastern side of the street. Situated opposite the site is Broadlands, No.2 and No.3 The Street, No.3 would face directly onto the site, in particular the proposed new terrace. Within Bendy Bow no's 7, 8 and 8A Bendy Bow are existing dwellings to be retained and are sandwiched between the proposed development of units 14 and 15.

This revised proposal would result in a number of glazed openings which have the potential to look out over surrounding property; however the site currently has an open aspect with some degree of mutual overlooking between properties currently. The new terrace would be orientated towards no.3 The Street and the proposals seek to make efficient use of land. Having considered the proximity of the existing dwellings to the site, the road junction and layout and the separation distances involved it is considered that the proposed dwellings have demonstrated a layout which would incorporate sufficient separation between existing

properties and would not represent significant harm to residential amenity to justify a refusal on this basis. The proposed dwellings would be sufficiently distanced from any neighbouring residential unit to ensure no harm to residential amenity would occur from loss of light, loss of outlook or sense of dominance. Conditions are recommended to be attached which would remove permitted development rights for the dwellings in order to consider the impact of any further development within the site. Furthermore it is considered that the number of openings and proximity to neighbouring properties would afford the proposed occupiers with an acceptable level of amenity in accordance with Core Policy 57.

It is noted that there is potential for amenity issues during the construction phase through noise and potentially dust. A plan has been submitted but further detail is required therefore to protect the neighbours during this period it is appropriate for a construction management plan to be submitted prior to works commencing on site which addresses noise and disturbance during construction works.

It is therefore concluded that the proposed development would have no significant adverse impact on the residential amenities of the surrounding properties and would secure an adequate level of residential amenity for future occupants of the proposed dwelling and thereby accords with CP57 of the Core Strategy (2015) and para 17 of the NPPF.

Impact on highway safety and parking:

The site is in a sustainable location with good access to all facilities and services within Oaksey which is designated as Large village. The nearest bus stop to the development site is located at the Bendy Bow/The Street road entrance directly adjacent to the site and approximately 5m from the existing site access. The Council's Highways Officer has assessed the scheme and is satisfied that subject to the appropriate provision of car parking for residents and visitors the scheme is acceptable in highway terms.

The supporting statements refer to the provision of cycle parking for each plot provision will be made within the individual plots which is acceptable to the Highways officer.

Vehicle access

The Highways officer has advised that there are bin collection points indicated on the Proposed Site Layout plan, with a need for refuse vehicles to access the shared drive access serving the parking for plots 1-11. This access arrangement would not be

acceptable, or appropriate, for adoption, and should therefore remain private. As such, it should not accommodate access for refuse vehicles, the Council's Waste Management Team have agreed that the tracking information provided demonstrates adequate vehicle access and a relevant collection points provided including storage and collection points.

Construction Management

The details in the submitted Construction Method Statement in highway terms are generally acceptable and all contractors' vehicles should be parking within the development site, or an approved designated area to respect other existing residents, and ensure vehicular access is not compromised.

Parking Standards

The car parking provision for the site accords with the current adopted standards, but it is noted that the third parking space for plot 20 is not as well related to the plot. However, as there are two spaces proposed immediately adjoining the dwelling this is not considered to represent a significant concern.

Visibility

Visibility at the junction of Bendy Bow with The Street is conditioned to ensure that visibility across the frontage of the dwellings fronting The Street is maintained.

Public Protection:

The Council's Public Protection Team has requested an Air Quality Management Assessment of the proposals. The site is located within a rural area and does not fall within or adjacent to an identified Air Quality Management Area (AQMA). Further to this the proposal is not considered to generate a significant level of new development as such the level of detail provided within the submissions is considered to be reasonable having regard, in particular, to the nature and scale of the proposed development; therefore is not considered to be justified due to no identified risk within this area.

It is noted that there is potential for amenity issues during the construction phase through noise and potentially dust. A plan has been submitted but further detail is required therefore to protect the neighbours during this period it is appropriate for a construction management

plan to be submitted prior to works commencing on site which addresses noise and disturbance during construction works.

Impact on site drainage:

The Drainage officer has removed a holding objection as further drainage information has been provided in support of the application. Conditions are recommended to ensure that the development is carried out in accordance with the survey details. Subject to conditions officers are satisfied that the development will not have an adverse impact on drainage within the locality and is therefore in accordance with the NPPF and CP67 of the Core Strategy. Wessex Water raises no objection and suggested advisories are attached to this recommendation.

Impact on ecology:

The County Ecologist has been consulted on the application as a range of ecological surveys and assessments have been carried out and provided within the following reports; 'Preliminary Ecological Appraisal' with Preliminary Roost Assessment, Focus Ecology, May 2018; 'Bat Survey Report' Focus Ecology, May 2018; GCN data analysis report, Fera And Reptile Survey Report Focus Ecology, May 2018.

The above surveys and assessments have been carried out to a suitable standard and identified that bats and Great Crested Newts were not likely to be a factor in the proposed scheme. A population of Slow-worms including juveniles, indicating breeding at the site and surrounding area has been identified and the need for a suitable mitigation strategy for this species established, due to the loss of habitat and potential harm during works.

A suitable scheme of mitigation has been provided within the 'Ecological Mitigation and Enhancement Strategy', Focus Ecology, July 2018 incorporating provision for reptiles, nesting birds, amphibians and foraging/ commuting bats, together with biodiversity enhancements which is recommended to be secured by condition.

Other:

No contributions are sought for school places or Public Open Space. Due to the net increase of dwellings proposed this does not generate sufficient requirement for contributions in line with the Council's Planning Obligations SPD.

Legal obligations:

The development is expected to secure the costs associated with the following off-site elements by legal agreement, in this instance via a signed Unilateral Undertaking:

- Affordable Housing provision
- Waste Recycling contribution

New residential development is liable for the payment of contributions under the adopted Community Infrastructure Levy (CIL) Charging Schedule 2015 with exceptions for affordable housing provision.

The application has also been considered in respect of its impact on the setting and significance of designated heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses, whilst S72 includes such provisions for Conservation Areas. The House of Lords in the South Lakeland case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”

As discussed above, despite the site’s proximity to the boundary of the Oaksey Conservation Area the proposal will not have any significant effect on the setting of this designated heritage asset. The nearest listed buildings at The Street and The Green fall sufficient distance from the site and there is not considered to be harm to non-designated assets identified in the village. Due to the existing site context and the enhancements to the character and appearance of the area it is considered that there would not be significant change to the significance or settings of how these buildings will be experienced. Accordingly, there are overriding public benefits in support of the proposals.

10. Conclusion

The proposed redevelopment of the site is acceptable in principle and offers an opportunity to improve and enhance the character and quality of this part of the street scene, conservation area and wider area. The indirect economic impacts of the development in respect of employment, including during the construction phase, all constitute benefits.

The proposal relates to the comprehensive replacement of an existing PRC development within an allocated site. The development would enhance the character and appearance of the site and this part of the village. Access, circulation and parking arrangements are satisfactory whilst drainage works will be satisfactorily addressed. There will be no significant implications for trees, biodiversity or the enjoyment of local rights of way and heritage assets. It is considered that with appropriate conditions the impacts of the proposals on existing residents can be used mitigated effectively. Furthermore in the exercise of the Section 149 of the Equality Act 2010 places a duty on public authorities, in the exercise of their functions (including therefore undertaking the assessment and determination of planning applications), it is clear that the applicant, GreenSquare , has actively managed this process to ensure its tenants' rights are preserved and needs accommodated, with the management of local voids in particular ensuring that tenants can be rehomed locally either temporarily or permanently where they wish to remain local or move to the new properties. Taken on balance with the other material considerations discussed above, it is considered that overall the proposed development is acceptable in planning terms and accords with the development plan and national guidance.

RECOMMENDATION

To delegate authority to the Head of Development Management to **GRANT** planning permission, subject to conditions and completion of a S106 legal agreement within six months of the date of the resolution of this Committee to meet requirements for Affordable Housing and Waste Contributions subject to following conditions:

In the event that the applicant declines to enter into the S106 Legal Agreement in this period, planning permission will be **REFUSED** on the basis that the proposed development fails to address the affordable housing and waste management requirements arising from the development and so conflict with CP3 and CP43 of the WCS.

- 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:

Sitloc - Site Location Plan - /
P100 - Proposed Site Layout – B
P101 - Proposed Block Plan – B
P102 - Proposed Materials Plan – B
P107 - Site Layout in Context - /
P/CE 130-140 - Coate Floor Plans Plt 12-14 – A
P/CE 134-143 - Coate Floor Plans Plt 15-18 – A
P/CF 130 - Clifton Ground Floor Plt 19-20 - /
P/CF 140 - Clifton First Floor Plan plt 19-20 - /
P/EH 130 - Everleigh Ground Floor Plt 6-11, 21-24 - /
P/EH 140 - Everleigh First Floor Plt 6-11, 21-24 - /
P/EN 130 - Enford Floor Plans Plt 1-5 - /
P/CE 200-202 - Coate Elevations Plt 12-14 – A
P/CE 203-204 - Coate Elevations Plt 15-18 – A
P/CF 200-202 - Clifton Elevations - /
P/EH 200-202 - Everleigh Elevations Plt 6-11, 21-24 - /
P/EN 200 - Enford Elevations – A
P/EN 201 - Enford Elevations - A
P/EN 202 - Enford Elevations - B
P/SL 500 - Artists Impression – B
P/SL 501 - Artists Impression - B
P/SL 502 - Artists Impression - B
P/SL 503 - Artists Impression – B
P/SL 504 - Artists Impression – A
P/SL 505 - Artists Impression – A
P/SL 506 - Artists Impression – A
P/SL 507 - Artists Impression – B
P/SL 508 - Artists Impression – A
P/SL 509 - Artists Impression – A
P/SL 510 - Artists Impression – A
P/SL CMP - CMP Site Plan - /
918-01 - Landscape Plan Bridges Assoc – C
Landscape Management & Maintenance Plan

1769/001 - Engineering Layout PHG
Drainage Strategy FRA PHG dated June 2018

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

- 5 No part of the development hereby approved shall be brought into use until the parking areas as shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details, including the provision of controlled accesses as detailed. These areas shall be maintained and remain available for their respective uses at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

- 7 No occupation of the dwellings shall take place until the Drainage works for the development are implemented. The development shall be carried out in accordance with the Drainage & Flood Risk Assessment dated June 2018 (phg Consulting Engineers). The development thereafter shall be maintained in accordance with the approved details.

REASON: To ensure that the development can be adequately drained and managed appropriately.

- 8 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; and
- i) hours of demolition and construction, including collection of waste and deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

9 No dwelling shall be occupied until the vehicular access serving the dwelling and the vehicle parking space(s) serving it has been completed in accordance with the details shown on the approved plans and supporting statements and, once provided, the parking space(s) shall thereafter be so retained.

REASON: In order to provide adequate parking and turning facilities, and in the interests of highway safety.

10 Plots 1,2,3,4,5 of the development shall not be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to

visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

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

Step (i) Site Characterisation:

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

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

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

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

12 The development hereby approved shall be carried out in accordance with the proposals within the ecological mitigation strategy and plans detailed within the 'Ecological Mitigation and Enhancement Strategy' Focus Ecology, July 2018, as already submitted with the planning application and agreed in principle with the local planning authority before determination.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the any roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

15 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The applicant is reminded of the need to obtain separate Land Drainage Consent for any drainage works comprising the extinguishment and/or creation of new outfall points at the adjacent watercourse.

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].

INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way adjacent to the site, temporarily or otherwise.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the

requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

Proposed Sewerage

The site shall be served by separate systems of drainage.

Foul Drainage

- Foul connections either directly or indirectly to the local public foul network can to be agreed in consultation with Wessex Water. Please visit the Developer Services section of our website and refer to Wessex Water's guidance notes 'DEV016G – Connecting to a public sewer' for further guidance or contact sewer.connection@wessexwater.co.uk
- Redundant drains and laterals should be sealed at the point of connection to the public sewer.

Surface Water Drainage

- The Drainage Strategy (PHG Consulting June 2018) proposes to utilise existing drainage infrastructure to 'discharge to the existing adopted system'. Our records indicate that there are highway and private sw systems in this area but there are no public surface water sewers recorded at this location.
- Surface water connections to the public foul sewer network will not be permitted. If there are any existing surface water connections to the existing foul water system

these should be redirected upon re-development.

We support the development in principle but advise that the applicant should further

investigate the local surface water drainage systems to ensure that satisfactory disposal can be achieved with Highway / LLFA approval. The developer must demonstrate that any surface water sewers serving new development will not connect directly or indirectly to the public foul network.

Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Water Infrastructure

A water supply can be made available from the existing network. The applicant should

consult the Wessex Water website for further information. www.wessexwater.co.uk/Developers/Supply/Supply-connections-anddisconnections