

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

<b>Date of Meeting</b>	28 November 2018
<b>Application Number</b>	16/10513/FUL
<b>Site Address</b>	Land at Restrop Road, Purton, Swindon, Wiltshire
<b>Proposal</b>	Residential Development of 38 Dwellings Including Access, Car Parking, Landscaping and other Associated Infrastructure.
<b>Applicant</b>	Persimmon Homes
<b>Town/Parish Council</b>	Purton
<b>Electoral Division</b>	Purton – Cllr Jacqui Lay
<b>Grid Ref</b>	408216 187278
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jemma Foster

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

The application was called to committee by Cllr Lay due to the following reasons:

- Principle – outside the boundary of the village
- Scale of development
- Highways – including impact on traffic and parking

**1. PURPOSE OF REPORT**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to 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, Education, Open Space and Play, Refuse Collection and Highway Works.

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 service infrastructure and affordable housing requirements arising from the development and so conflict with CP3, CP43 and CP61 of the WCS.

**2. REPORT SUMMARY**

The key issues in considering the application are as follows:

- Principle of the development.
- Impact on character and appearance of the area.
- Impact on highway safety
- Conformity with the Draft Neighbourhood Plan

### **3. SITE DESCRIPTION**

The Application Site comprises an unmanaged field of approximately 1.45 hectares located to the South of Restrop Road directly abutting the existing settlement boundary of Purton. Existing access to the site is from a gate off Restrop Road in its North-Western corner of the site.

The site has strong physical boundaries with substantial vegetation along its East, West and Southern boundaries. The site also has strong physical boundaries with the residential development located along Restrop Road opposite its Western boundary and the Red Gables housing development adjacent to the Northern boundary which are considered to have potential for ecological significance. The site is also located approximately 0.4km to a Grade II Listed Building known as Restrop House and 0.75km from the Scheduled Monument at Ringsbury Camp (0.75km).

### **4. PLANNING HISTORY**

- |                |   |
|----------------|---|
| 13/04676/FUL   | Erection of 34 Dwellings including creation of new access from Restrop Road, provision of public open space and associated works.<br>Refused and Appeal Withdrawn |
| N/03/00860/FUL | Retention of access including new gate and posts and retention of hardstanding to form parking area- Approved   |

### **5. THE PROPOSAL**

Residential development of 38 dwellings including access, car parking, landscaping, public open space and other associated infrastructure.

The development will consist of 12x2 bed units, 18x3 bed units, 4x4 bed units & 4x5 bed units. (In percentage terms the proposed development provides 32% - 2 bed units, 47% = 3 bed units, 10.5% 4 bed units, 10.5% 5 bed units). 40% of the total number of units will be affordable housing (15 units made up of 9x3 bed units and 6x2 bed units)

Revised plans have been received reducing the amount of dwellings on site from 41 to 38.

## **6. LOCAL PLANNING POLICY**

### Wiltshire Core Strategy Jan 2015 (WCS):

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 19- Spatial Strategy for Royal Wootton Bassett & Cricklade Community Area

Core Policy 43- Providing Affordable Housing

Core Policy 48- Supporting Rural Life

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58- Ensuring the Conservation of the Historic Environment

Core Policy 61-Transport and Development

Core Policy 63-Transport Strategies

Core Policy 64- Demand Management

### Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

H4- Residential development in the open countryside

T5- Safeguarding

### Purton Neighbourhood Plan Made November 2018

Purton Policy 3 - Footpaths

Purton Policy 14 – Development outside settlement boundary at Restrop Road

### Other

Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)

Affordable Housing Supplementary Planning Guidance

National Planning Policy Framework 2018 (NPPF)

Planning Practice Guidance (PPG)

Circular 06/2005 – Biodiversity and Geological Conservation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (preserving a Listed Building and its Setting)

Local Transport Plan 3 - Wiltshire Car Parking Strategy (March 2011)

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Purton Parish Council- Object

The overall design layout/build of the dwellings remain urban in design that does not compliment or enhance the immediate surroundings.

The access remains a significant concern. The junction layout is based on the speed of traffic travelling at 30mph, there is undisputable evidence that traffic is travelling at a speed over/above that.

The Open Space/Play Area cannot be effectively be monitored and there is no effective barrier around the site to curtail any infant from entering on to the estate access roads and/or the main highway.

The Parish Council is in broad agreement with the letters as sent in by the Neighbourhood Plan Steering group, it questions the compatibility of the proposal with that as outlined both within Purton's Parish Plan and that within the emerging Neighbourhood Plan in terms of development size and type of dwellings and in that respect Council is of the opinion that the proposal still does not meet the needs of the Community and accord with the Wiltshire Core Strategy.

Wiltshire Council Ecology- No objection in principle but the slow worms need to be re-located

Wiltshire Council Drainage- No objection

Wiltshire Council Highways- No objection subject to conditions regarding roads, visibility splay, footways, turning spaces, parking, travel plan. A bus ticket contribution per household would also need to be in a S106

Wiltshire Council Housing- 40% affordable housing to be secured via a S106

Wiltshire Council Tree Officer- No objection subject to a condition regarding Tree Works

Wiltshire Council Archaeology- No objection

Wiltshire Council Education- No objection subject to the payment of a secondary education contribution via a S106 Legal Agreement

Wiltshire Council Urban Design- Revised plans have overcome initial concerns- No objection subject to conditions regarding obscure glass & materials.

Thames Water- There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings.

Environment Agency – No comment as it falls outside of their checklist

## **8. PUBLICITY**

The application was advertised by neighbour letter, site notices and press advert.

The application has generated over 76 letters of objection and no letters of support. A summary of the comments is set out below:

### Neighbourhood Plan Steering Group:

- Layout is different to the public exhibition and does not complement the existing housing along Restrop Road
- The proposal includes studies which are additional bedrooms and require more parking spaces
- It is outside the settlement boundary – not allocated for development
- Local needs are not met – smaller properties, properties for older people including bungalows
- The green area to the front of the site would put children at greater risk from traffic which is only compounded by the small size of the gardens

Concerns from the public include:

- The site is outside of the village settlement area.

- Neighbourhood plan is only a proposal which has not yet been endorsed by the community
- trying to pre-empt the final decision of the community re: neighbourhood plan
- The site is greenfield, currently used for agricultural purposes.
- will create a precedent for yet more building on greenfield both within and immediately adjacent to the village.
- Over dense with little privacy for the residents.
- proposed development is too large a scale for the village environment.
- Will cause traffic congestion
- Lack of services
- increased traffic flow/gridlock problems.
- the type of development proposed is already catered for both within and the immediate surrounding area.
- What is required is housing suitable for the more elderly section of the community.
- Predominantly bungalows should be built
- Larger gardens affording more privacy for the residents.
- Highway safety issues
- Harm the character and appearance of the area
- Cramped and over development on a green field site.
- Parking is already an issue in this area and would be made worse by this development.
- Development would create parking problems.
- This land has a lot of wildlife living in the hedges
- Houses not required
- Density of development too high
- Development will harm protected species
- Development on this site has previously been refused planning permission
- Additional noise and light disturbance
- Insufficient parking
- Development on this land would affect local drainage

## **9. PLANNING CONSIDERATIONS**

### Policy Background

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications

must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS and the Purton Neighbourhood Plan, forms the relevant development plan for the Area. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations.

## **PRINCIPLE OF DEVELOPMENT**

CP1, CP2 and CP19 deal with the broad issues of settlement strategy and delivery. CP1 and CP2 of the WCS set the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. The delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 178 ha of new employment land and at least 42,000 homes.

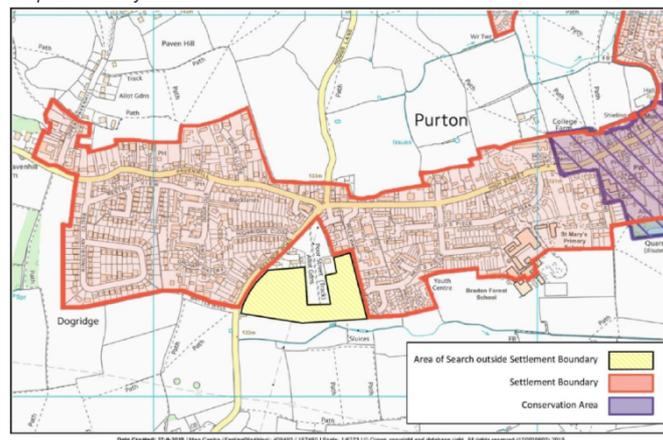
The site subject of this application lies on the edge of Purton, in close proximity to the main road and local amenities. Purton is identified as a large village which are defined in the WCS as settlements with a limited range of employment, services and facilities. The WCS confirms that development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. In particular Purton has a Primary School and Secondary School, local shops, pubs, restaurants & cafes, a church, village hall, doctor's surgery, pharmacy and numerous sports clubs are located within the village and will offer easy access by foot for the residents of the proposed development. Employment opportunities are located within the village and the immediate locality, but majority of the main employment would be located in larger settlements such as Royal Wotton Bassett and Swindon, including town centre employment and employment in Industrial Estates.

CP2 states that development will not be permitted outside the limits of development. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans. In this case, the site lies outside of the limits of development for Purton but is allocated in the Neighbourhood Plan.

The Purton Neighbourhood Plan was recently successful at referendum on Thursday 1<sup>st</sup> November 2018 and was 'made' part of the development plan on 5<sup>th</sup> November 2018.

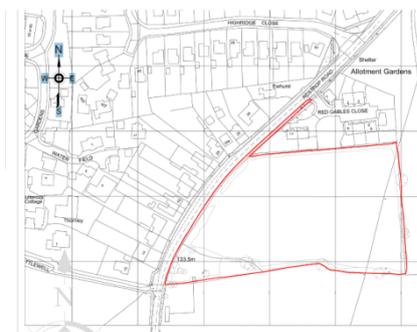
Policy 14 of the Neighbourhood Plan identifies an area of land for the provision of up to 40 dwellings to include affordable homes, houses for first-time buyers, smaller properties for those who wish to downsize and also properties suited to older persons including bungalows. The map below is taken from the Neighbourhood Plan and indicates a proposed development site in yellow.

Map 12 - Area of Search



The site subject of this application forms part of the identified site in the Neighbourhood Plan:

Land off Restrop Road, Purton



The policy states that the development should (summarised):

- *respect the character and setting of heritage assets in the vicinity of the site including the Grade II\* Restrop House and the Scheduled Monument at Ringsbury Camp*
- *provide strategic landscaping to the western and southern edges of the site which retains and reinforces existing hedges and trees*

- *create a green area adjacent to the Restrop Road so that development is set back from the road*
- *not prohibit a potential future road connection to the remainder of the site or road connection to the rear of the Schools and*
- *protect and preserve biodiversity on the site.*
- *mitigate the impact of traffic with measures to reduce the speed of traffic on*
- *include safe cycling and walking routes not only to the village centre but also where possible to the existing leisure and play facilities.*

The report assesses these matters in detail but in summary the following can be confirmed:

- The development does not harm the setting of Grade II\* Restrop House and the Scheduled Monument at Ringsbury Camp
- The development provides strategic landscaping to the southern edges of the site and retains and reinforces existing hedges and trees. The removal of some hedge to the west is inevitable to achieve a safe access.
- A green area adjacent to the Restrop Road to provide a set back from the road is proposed
- The proposal does not prohibit a potential future road connection to the remainder of the site or road connection to the rear of the Schools and
- The proposal protects and preserve biodiversity and provides offsite mitigation.
- The proposal will include a new public footpath

Though the development (for 38 dwellings) doesn't provide bungalows on site as the policy suggests, it does provide affordable housing and smaller units which will be constructed to life time homes standards. This will allow first time buyers to purchase units and also people wishing to downsize. Concerns have been raised regarding the lack of bungalows due to the closure of Hooks Hill and the loss of 24 living/sheltered housing. The Policy requires the development to '*provide properties suited to older persons including bungalows*'. By not providing bungalows, it cannot be said that the development is not providing properties suited to older people as some may choose to reside in a two storey property. Furthermore the proposal does include 2x3-bedroom properties that will be built to the Lifetime Home Standard. The Lifetime Homes Standard seeks to enable 'general needs' housing to provide, either from the outset or through simple and cost-effective adaptation, design solutions that meet the existing and changing needs of diverse households. Housing that is designed to the Lifetime Homes Standard will be convenient for most occupants, including some wheelchair users and disabled visitors, without the necessity for substantial alterations. The

internal arrangement of these houses include the provision of a level entrance, wider doorways, greater circulation space such a larger ground floor WC and allowing space for the future occupants to make other accessibility adaptations as required.

Taking into consideration the above it is considered that the proposal is in accordance with the neighbourhood plan. It is noted that the site subject of this application is smaller than the allocation and as such does not prohibit the future development on the remaining part on the site.

As the site lies beyond the limits of development, the proposal also does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan in this respect. However the updated policies of the Development plan and in particular the allocation in the recently made Neighbourhood plan would constitute sufficient material considerations to warrant a departure from this saved policy.

Some residents are concerned that the proposal equates to more than 10 units. The reference to 10 units in the supporting text of CP1 is to “small housing sites within the settlement boundary”. This does not mean that a Large Village like Purton is only earmarked for 10 units in the plan period – the full text reads:

*“At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries.”*

Not only is this a “guideline” figure, it is not a total or aggregate figure for a village. There is no cap on the number of small housing sites that can come forward. Therefore a large village might be expanded by a number of smaller developments. The figure of 38 units is not disproportionate as far as Purton is concerned which is a large village with a wide range of facilities. Furthermore, the number of households in the Parish of Purton is approximately 1,700 dwellings, and as such a further 38 dwellings would equate to approximately 2% increase in the overall size of the parish. Furthermore and of fundamental importance to this matter is that the Neighbourhood Plan designates this site for more than 10 dwellings.

To conclude on the issue of ‘Principle of Development’, it is considered that the development would not prejudice the fulfilment of sustainable development objectives as set out in local

and national planning policy. This site is therefore considered to be a sustainable location for new housing development of this size and scale and complies with CP1, CP2 & CP19 of the WCS and Policy 14 of the Purton Neighbourhood Plan.

### **IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA**

When assessing the character of Purton, it is clear that it is made up of lots of differing designs, house types, building types. The proposed dwellings would be of traditional proportions both vertically and horizontally and their fenestration would have a strong vertical emphasis. At second floor level this would include windows, which would be consistent with the modest sized windows on other properties within the locality. Similarly, the proposed pitched roofs would pick up on the design characteristics within the locality. As such it is considered that the design and materials of the proposed dwellings will respond to this local character and reflect the identity of local surroundings and materials. The proposal is therefore considered to comply with CP57 of the WCS.

The layout has been amended as a result of concerns raised during the determination of this application and the applicant has positively addressed many of the issues highlighted. The revised layout adequately demonstrates that 38 dwellings can be satisfactorily accommodated in terms of landscape, character and place making. It is acknowledged that the loss of a greenfield site would result in some harm to the character and appearance of the area. There would be minor adverse visual effects, particularly for nearby residents and people using nearby public footpaths (PURT89 that runs to the East of the site, PURT97 that is to the South West of the site and PURT90 which runs to the South of the site some 100 metres away), however the proposal sees the inclusion of structural landscape features and it is considered that there would be only limited harm to the landscape setting of the local area which would not be significant enough to warrant a reason for refusal. For the reasons set out above the development is considered to be acceptable and to accord with CP57 and CP51 of the WCS and Policy 14 of the Neighbourhood Plan.

### Ecology

A preliminary Ecological Appraisal has been submitted with the application which confirms that the woodland and hedgerow habitats on site have been assessed as having local ecological value. Badger activity on the site was high with three setts being recorded in the south west corner. Other species that were found on site include bats, dormice, nesting birds, reptiles and small mammals. A reptile survey was also undertaken where slow worms were recorded at every visit dispersed across the whole of the site. Slow worms are protected under the Wildlife and Countryside Act and therefore it is illegal to kill, injure or sell

the species – as such they need to be relocated. The Wiltshire Council Ecologist has raised no objections to the proposal subject to conditions including one requesting details of this translocation. As such the proposal is considered to comply with CP50 and CP51 of the WCS and Policy 4 of the Neighbourhood Plan.

#### Flooding and Drainage

The site is located in Flood Zone 1 which is classed as being of low risk of flooding. The site has a shallow gradient from the North West to the South and East. The Drainage Officer has raised no objections to the proposal subject to conditions which are considered to be acceptable.

#### Impact upon the setting of the Listed Buildings

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. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the “statutorily desirable object of preserving the character or 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.

The nearest listed building to the site is the Grade II\* Restrop House (0.4km) and the Scheduled Monument at Ringsbury Camp (0.75km). Restrop House is an imposing late 16<sup>th</sup> century/early 17<sup>th</sup> century property positioned like many of the other historic properties within the locality to front the highway. There would only be very limited views of the application site from the property due to its location and any views would be seen in the context and backdrop of the existing built development of Purton. Taking into consideration the extent of the application site and the size and scale of the dwellings proposed it is considered that the proposal would not unacceptably erode the special interest of this building. It is therefore considered that the proposal will have a neutral impact and result in no harm to the setting of this listed building and Scheduled Monument and would accord with CP58 of the WCS and the requirements in the NPPF.

#### **IMPACT ON RESIDENTIAL AMENITY**

The application has been submitted in full and the layout of the development is therefore fixed. Taking into consideration the existing character of Restrop Road and the other surrounding residential developments it is considered that the proposal will not have a significant adverse impact on the residential amenities of adjoining properties in terms of overlooking, overshadowing, overbearing, loss of sunlight, daylight or privacy. It is acknowledged that there will be an impact on some properties' outlook but the separation between existing and proposed dwellings would be sufficient. It is also considered that the amenity of future occupants of the proposed development would be acceptable. As such the development is considered to comply with CP57 of the WCS.

## **HIGHWAYS**

The proposed development has an access off Restrop Road and has visibility splays in both directions. Also proposed is a new footpath along the road frontage of the site which will connect to the existing footpath at Red Gables Close.

The Transport Assessment submitted with the application indicates that the pharmacy, convenience store, take-aways on Pavenhill and St Marys Primary School are all within a 5 minute walk from the site. The Doctors surgery is approximately a 7 minute walk, the dentist and public house/restaurant are a 14 minute walk Braden Forest School is located approximately 11 minute walk from the site. The nearest bus stops are in close proximity to the site and these offer access to other settlements such as Swindon (Bus 53 first bus leaves Purton 06:33 am, last bus from Swindon 18:50 Monday to Saturday as dated 2<sup>nd</sup> September 2018) where facilities and employment opportunities are available. The nearest train station is in Swindon which is approximately 10km southeast of the site which provides regular train services between London Paddington, Bristol, Temple Mead, Cardiff, Cheltenham Spa and Gloucester. This demonstrates that the site is located in a relatively sustainable location

The proposal sees two parking spaces per dwelling which is in line with the Council's requirements. The Highways Officer has supported the application subject to conditions which are considered to be acceptable.

The proposal also sees a new public footpath along the frontage of the site. Policy 3 of the Neighbourhood Plan requires new development to provide links to existing routes where appropriate. As such the proposal is considered to comply with this policy.

The Neighbourhood Plan through Policy 14 requires the site to ‘ *not prohibit a potential future road connection to the remainder of the site or road connection to the rear of the Schools;*’. The proposed layout clearly shows a possible access to the South East corner of the site that would link up to the remainder of the proposed site identified in the Neighbourhood Plan and therefore it is considered that the proposal would comply with this element of the policy.

Concerns have been raised regarding the traffic issues in Purton. Extra traffic has been going through Purton due to Swindon continuing to build housing, parents taking their children to both schools by car, the local surgery is taking on more patients from Tadpole village meaning more people drive to the surgery, people now need to drive and park for shopping as the lower shop is now closed and changes to bus services means that people are not able to use it to get to and from work. It is accepted that there are existing traffic problems in Purton which may be slightly increased as a result of this application, however the site is allocated for additional dwellings (up to 40) and therefore the traffic associated with this application is not considered to warrant a refusal reason on highway grounds.

As such the proposal is considered to comply with CP61, 63 and 64 of the WCS, Policy 3 of the Neighbourhood Plan and the requirements of the NPPF.

#### OTHER

There are other policies in the Purton Neighbourhood Plan that could be relevant to this application. Policy 2 is to improve road safety however this policy specifies certain areas and does not include the site subject of this application. Policy 13 discusses development principles, however this policy is directed at sites within the settlement boundary. As the site subject of this application lies outside of the existing settlement boundary, it is not required to adhere to Policy 13.

#### **10. S106 CONTRIBUTIONS**

Core Policy 3 advises that ‘All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 56 of the NPPF. These are:

- 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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme and accord with the adopted development plan policy requirements. The Applicant has agreed to provide the following:

#### Affordable Housing

CP43 states that on dwellings of 5 or more affordable housing provision of at least 40% will be provided. The applicant has agreed to provide 15 affordable housing units which meets the 40% required and will be transferred to a Registered Provider. Based on current housing need figures for the area the tenure split would be 60% affordable (9 dwellings) and 40% shared ownership (6 dwellings). The mix on site sees 9 3-bed dwellings and 6 2-bed dwellings which has been considered to be acceptable by the Affordable Housing Officer.

#### Open Space and Play Provision

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 92 of the NPPF. The proposal does include an area (3,228 sqm or 0.33 hectares) of public open space which exceeds the requirement of 2,436 sqm which would include a play area of 216 sqm that will need to be set out in accordance with the Wiltshire Council Play Specification. The public open space and play area will need to be secured in perpetuity although Wiltshire Council would not formally adopt the said land so details of how this area of land will be managed will also need to be included.

#### Education

The NPPF (paragraph 94) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs to existing and new communities.

Primary School – The designated school is St Mary's CE which has capacity to accommodate the pupil product of this development and therefore there is no requirement for a developer contribution on this application.

Secondary School – The designated school is Bradon Forest which is effectively full and cannot accommodate additional pupils from this development within current and expected capacity and forecasts. The proposed development would require 7 secondary school places and when using the current cost multiplier of £23,316 per place a total of £163,212 would be

required. Bradon Forest is not on the Councils latest CIL Regulation 123 List and there are two S106 agreements currently pooled to towards the expansion of the school and therefore this request can be included within the S106.

### Refuse

A contribution of £3458.00 (£91 per dwelling) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

### Highways

CP61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. The proposal sees the inclusion of the following which is considered to comply with CP61:

- Provision of a footway between the site access and Reeds Gable Close prior to first occupation – this element would also require a S278 Agreement for its construction.

### Other

A management company would also need to be set up to manage the communal areas, and the internal roads that are not adopted alongside the associated private drainage.

## **11. THE PLANNING BALANCE**

The site is located outside the current limits of development as defined by the Wiltshire Core Strategy. However the site is allocated in the made Purton Neighbourhood Plan which forms a part of the adopted development plan so holds full weight. The proposal as demonstrated within this report complies with the policies in the Wiltshire Core Strategy, Purton Neighbourhood Plan and the NPPF.

**RECOMMENDATION:** Delegate authority to the Head of Development Management to GRANT planning permission, subject to conditions and the completion of a S106 legal agreement within six months of the date of the resolution of this Committee to meet requirements for Affordable Housing, Education, Open Space and Play, Refuse Collection and Highway Works.

In the event that the applicant declines to enter the S106 Legal Agreement in this period, planning permission should be refused on the basis that the proposed development fails to

address the service infrastructure and affordable housing requirements arising from the development and so conflicts with CP3, CP43 and CP61 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:

Drawing Number 085\_101 (location plan), 600 (topographical) received by the Local Planning Authority on 2nd November 2016

Drawing Number 085\_105A (Street Scene) received by the Local Planning Authority on 5th April 2017

Drawing Numbers: 085\_104 G (storeys), 085\_109 F (access & movement), 2601 P6 (levels), H100 P8 (drainage), 101 P5 (vehicle track analysis), 102 P5 (visibility), PERW20671-10 F (landscape) received by the Local Planning Authority on 17th August 2017

Drawing Number: PERW20671-03 E (tree protection) received by the Local Planning Authority on 11th May 2018

Drawing Numbers: 085\_102 rev H (materials), 085\_107\_1 rev G (fences & enclosures) received by the Local Planning Authority on 12th November 2018

House Pack:085\_: 120-1A, 124-1A, 124-2A, 126-1A, 126-2A, 127-1A, 127-2A, 127-3A, 128-1B, 128-2A, 130-1A, 130-2A, 130-3A, 130-4A, 131-1B, 131-2A, 131-3A, 133, 136-1A, 137-1 and Drawing Number 085\_100 AA (Planning Layout) received by the Local Planning Authority on 13th November 2018

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

- 3 The development shall be carried out in accordance with the materials submitted to the Local Planning Authority on 10th October 2018

REASON: To ensure the development is acceptable for its surroundings

- 4 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)

- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 5 No development shall commence on site until a landscape and ecology management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape and ecology management plan shall be carried out as approved 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, to ensure the proper management of the landscaped areas in the interests of visual amenity.

- 6 No development above slab level shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority.

No dwelling hereby approved shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture serving that dwelling has been constructed and laid out in accordance with the approved details.

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

manner

- 7 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 58 metres to the north east direction and 50 metres to the south-west direction from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway. This also includes a 1m buffer in front of the hedge in order that the growth of the hedge does not encroach into the visibility splay.

REASON: In the interests of highway safety.

- 8 No development shall commence on site until full details of a footway from the site to Reeds Gables Close alongside a timetable detailing when the footpath shall be provided have been submitted to, and approved in writing by, the Local Planning Authority.

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

- 9 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details and ensuring that any pipe/attenuation system does not allow ingress of ground water to the system plus all third party permissions and approvals, has been submitted to and approved in writing by Wiltshire Council.

The development shall then not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained without increasing flood risk to others

- 10 No development shall commence on site until a scheme for the discharge of foul water from the site, including any required off site capacity improvements needed to existing public sewerage system to allow the site to be served and to prevent ingress of ground water into the sewer system , has been submitted to and approved in writing by Wiltshire Council.

The development shall then not be first occupied until foul water drainage, including any required off site capacity improvements needed to existing public sewerage system to allow the site to be served, has been constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained without increasing flood risk to others

- 11 No development shall commence on site until a construction management plan detailing drainage arrangements during the construction stage has been submitted to

and approved in writing by Wiltshire Council. The development shall then be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained without increasing flood risk to others during construction works

- 12 No dwelling hereby approved shall be first occupied until the associated allocated parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

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

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

- 14 No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To ensure the retention of trees on and off site during the construction stage.

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

\* location and current canopy spread of all existing trees and hedgerows on the land;

\* full details of any to be retained, together with measures for their protection in

the course of development;

\* a detailed planting specification showing all plant species, supply and planting sizes and planting densities/locations of trees, shrubs;

\* the native mix that is proposed along the sections of hedgerow that will be infilled

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.

- 16 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 17 Plot 6 and 10 as shown on the approved plans shall not be occupied until details of the obscure glazing to be used in the first floor window on the side elevation and details of how it will have restricted opening has been submitted to and approved in writing by the Local Planning Authority, and; the obscure glazing and restricted window opening has been installed in accordance with the approved details. The obscure glazing and restricted window opening shall be maintained in accordance with the approved details in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 18 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

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

- 19 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 roofs/lopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 20 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 gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed forward of any wall of any dwelling (including a rear or side wall) which fronts onto a highway, carriageway or footpath.

REASON: In the interests of visual amenity.

- 21 The development hereby permitted shall not be occupied until the approved sewage disposal works proposed have been completed in accordance with the submitted and approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

- 22 The development hereby permitted shall not be brought into use until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; no dwelling hereby approved shall be first occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

- 23 No works shall commence on site until a site plan for the receptor area detailed on a map together with a description of pre-translocation works required at the receptor site and a clear prescription of the receptor site in perpetuity post-translocation alongside a timetable for the translocation of the slow worms has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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 and in the interest of ecology

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 ?????/2018

- 2 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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

3 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.

4 INFORMATIVE TO APPLICANT:

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

Thames Water have also advised:

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to

demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.