

## WILTSHIRE COUNCIL

### REPORT TO STRATEGIC PLANNING COMMITTEE

Date of Meeting	31 August 2011		
Application Number:	S/2011/0207/FUL		
Deadline:	09-May-2011		
Site Address:	Rowbarrow Phase 3, Downton Road, Salisbury, SP2 8AS		
Proposal:	Erection of 68 houses and associated works		
Applicant/ Agent:	Persimmon Homes (South Coast)		
Town/Parish Council	Salisbury City Council & Britford Parish Council		
Electoral Division	Salisbury Harnham	Unitary Member	Cllr Brian Dalton
Grid Reference:	415058 128164		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

#### REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The proposal represents a significant departure from the policies within the current adopted Development Plan, particularly policies C7 and H23 of the Salisbury District Local Plan. Councillor Dalton has requested that the matter be determined by Committee due to the local interest shown in the proposal.

#### 1.PURPOSE OF REPORT

To consider the above application and to recommend to Members that planning permission be GRANTED subject to conditions, and subject to a suitable S106 agreement.

#### Neighbourhood Responses

30 letters raising concerns/objections

#### City Council

Support but raised a number of concerns

#### Parish Council

Object. Due to the relentless spread of Salisbury – the gap between the City and Britford village is almost non-existent

#### 2.MAIN ISSUES

1. Principle and policy
2. Design, and impact on character of area
3. Impact on residential amenities
4. Impact on highway system and safety
5. Ecology and water quality issues
6. Archaeology and Heritage Assets
7. S106 matters and conditions

### **3. SITE DESCRIPTION**

The site lies to the south east of Salisbury city, adjacent to Downton Road, and the existing established residential areas. The adjacent land to the immediate west is allocated in the Salisbury District Local Plan (Policy H2F) for housing development, and is currently being developed for 147 dwellings and a shop. The existing housing development has also been designed with a significant area of public open space.

The site (and the larger area of land of which it currently forms part) slopes upwards to the south. This land is bounded to the north by a line of mature and protected trees (not within the application site). The larger area of land of which this application site forms a small part also stretches to the south, where it is again bounded by mature trees, and is also bounded by Rowbarrow and Odstock Roads to the west. To the east is situated the Council's Park & Ride site, a commercial dairy building, and there is an adjacent public footpath which runs along the eastern boundary of the site.

The Woodbury Iron Age Settlements Scheduled Ancient Monument (SAM) is located to the south of the site on the ridgeline that curves away from the site. Beyond, some distance to the south east is located the Salisbury District Hospital campus.

### **4. PLANNING HISTORY**

The existing housing site to the immediate west (currently under construction) is allocated in the Salisbury District Local Plan (Policy H2F) for housing development. Subsequently, an outline planning application was submitted and approved for the construction of 130 houses and a shop on the site, which also gave detailed permission for vehicular access off Rowbarrow road (application ref S/2005/0980).

The outline application was also accompanied by a detailed Environmental Impact Assessment (EIA) which outlined the various likely impacts of the proposal, and details for mitigation of those impacts. A S106 legal agreement secured various financial contributions and improvements.

Subsequently, a reserved matters application was approved (S/2008/2077), and then an additional application to increase the number of dwellings to 147 in total (S/2009/1541). Planning permission was also granted for a shop on the site (S/2010/0111). A more recent application for a community centre on the open space area was withdrawn for procedural reasons(S/2010/1717).

### **5. THE PROPOSAL**

This full application relates to the construction of 68 dwellings, which will be linked to the adjacent (yet to be completed) residential development by two roadways, which currently form part of the adjacent housing internal road system. As a result, traffic associated with this proposed development would utilise the existing vehicular access points onto the Rowbarrow road, and then onto Downton Road.

### **6. PLANNING POLICY**

Below is a summary list of some of the most relevant policies:

Government Guidance - PPS1 PPS3 PPS5 PPS9 PPG13 PPS24 PPS25

Draft Government Guidance – “National Policy Framework” July 2011

Ministerial Statement – “Planning for Growth” March 2011

Regional Strategy – RPG10

Draft Regional Spatial Strategy for the South West

Draft South Wiltshire Core Strategy – CP2 CP6

Wiltshire Structure Plan policies – DP1 DP3 DP5 DP7 T8

Salisbury District Local Plan policies:

H2F (site allocation policy) H25 (Affordable housing) , G1,G2 (general development policies),G3, G8 (water and drainage issues) G9 (Planning obligations) D1, D7 (extensive development and design),R2,R4 (recreational open space and facilities) C7 (Special Landscape Area) , CN20-23 (Archaeology) TR1 TR12 (Transportation)

## **7. CONSULTATIONS**

Britford Parish Council – Object. Due to the relentless spread of Salisbury – the gap between the City and Britford village is almost non-existent

Salisbury City Council - Support subject to conditions, that consideration is given:

- i) To the increased traffic on the gyratory
- ii) To the adequacy of the access road
- iii) To the adequacy of the drainage and the environmental plan during construction
- iv) That the conditions of the management plan are adhered to during construction

Wiltshire Police – Support. Satisfied the scheme satisfactorily addresses my initial concerns relating to crime prevention and security

WC Highways – Substantive pre-submission consultations were undertaken and the submitted scheme provides a satisfactory layout. The developer has also confirmed his willingness to enter a Section 106 obligation to pay a pro-rated sum as a continuing contribution to the Downton Road bus lane scheme. This scheme is now well advanced in programming due entirely to the funds already received from the current Rowbarrow development. Construction will start in the next month or so with full works starting in September, but the extent of the works will be subject to continuing contributions from this development. It is therefore essential that further monies are provided to ensure this necessary scheme can be fully completed and that this development should contribute on a pro-rata basis. The figure of £172,528 has been agreed but must be further index linked so may rise in accordance with inflation. I can provide an accurate figure in due course.

The potential for upgrading the existing right of way has been considered but, in liaison with the rights of way officer, it is considered that this route should remain in its current position and condition; it is steep in places and would not be conducive or safe if new pedestrian activity between the site and the primary school at Britford were to be encouraged. It will remain a link in the network for local rural pedestrian traffic and cannot be readily improved.

Therefore, recommend no highway objection subject to standard conditions and the entering of a section 106 obligation for the continuing financial contribution towards the Downton Road Bus Lane Scheme.

WC Spatial Planning – Housing on this site accords in principle with Submission Draft South Wiltshire Core Strategy and Council cannot demonstrate a 5 year land supply.

WC Urban Design – Various comments about details of the design (many of which have been resolved by amending plans). However, strong concern about the position of plot 213, and its impact on the character of the development and the linear park. Proposed an

alteration to the scheme design to encompass plot 213 into the main development, by repositioning planned roadway, adjust layout accordingly.

WC Library/ Museum- An archaeological evaluation has already taken place in the proposed development area . A condition requiring an archaeological excavation prior to development commencing is required.

WC Parks officer – No objections, subject to:

- i)the provision of the new formal play space, and a suitable financial contribution towards the maintenance of that space, and
- ii)a suitable contribution towards youth and adult off site open space, and
- iii)The transfer of the landscape buffer zone and a maintenance contribution
- iv)The transfer of the linear park open space and the tree belt, and a maintenance contribution.

WC Waste & recycling – No objections, subject to a financial contribution towards the provision of household recycling facilities.

WC Education – Our assessment indicates that the development will generate a need for an additional 17 primary and 12 secondary school places.

WC Tree officer – No objections subject to trees being protected during development.

WC Environmental Health – Following submission of an amended noise assessment which contained a detailed noise assessment in relation to the adjacent Dairy operation, the EHO has raised no objections to the scheme, subject to a suitable noise attenuation/glazing scheme being secured via condition.

WC Ecologist - Until NE and EA can come up with a joint response on what development is required to do then I will not be advising the authority to refuse an application.

Environment Agency - No objections, subject to conditions related to flood risk , water efficiency, and a Construction Environmental Management Plan.

Natural England – Raised issues regards impact of foul water discharge on water quality and the likely impact on the integrity of the Special Area of Conservation (the river system).

Wessex Water – No objection. Confirmed that the current drainage system would have adequate capacity to service the proposed dwellings.

Wiltshire Fire and Rescue – Raised issues regards water supplies for firefighting and sprinkler systems, and that access should accord with Building Regulations.

## **8.PUBLICITY**

The application was advertised by site notice/press notice/neighbour notification Expiry date 28th March 2011.

Longford Primary School – Would like to be named the preferred primary school for Rowbarrow.

### **Also 30 letters received raising the following issues (summary):**

There are enough houses already  
New residents did not have a chance to object to the core strategy allocation  
Site is Greenfield and in the countryside and not allocated for development

Will set precedent for development on opposite side of A338  
Reduces available green fields used for recreation  
We must keep our villages separate, don't fill the gaps  
Will have impact on character of the city and area  
Development of the Green Belt should be stopped  
There is no need for more houses – Phase 2 housing still empty  
Will increase likelihood of development to north of A338  
Reduces Greenfield recreation land  
Parking is already restricted and development will make this worse  
Unattractive design of proposal  
Local school cannot accommodate a further increase in pupil numbers  
Concern about siting of developers compound and route of construction traffic  
Development will increase traffic congestion on harnham gyratory and route to hospital  
Proposal is dangerously close to known archaeological sites  
More houses will put a burden on existing utilities  
Construction traffic should not be routed through existing housing, roads are too narrow  
Construction traffic will cause an environmental nuisance to residents  
Construction traffic will affect access to existing housing for emergency and other purposes  
Will devalue existing properties  
Additional dwellings will increase traffic and raise safety issues for children  
New residents were not properly notified of the application  
Additional S106 funds offered by developer regards community hall are unnecessary

## **9. PLANNING CONSIDERATIONS**

### **9.1 PRINCIPLE AND POLICY**

Objections have been received from third parties regards the ability of the area to take additional dwellings above the 147 dwellings already under construction, and many comments have highlighted that the scheme is contrary to current adopted planning policies regards housing development in the open countryside.

#### Current adopted Structure and Local Plan policy

The current Wiltshire Structure Plan does not allocate the site for housing, although it does indicate that several thousand dwellings would be needed across the south Wiltshire by 2016. The general countryside policies of this Plan (C1, C2 & C3) apply and take a restrictive stance to development within open countryside. Whilst the immediately adjacent site is allocated in the Salisbury District Local Plan (Policy H2F) for housing development, the site subject of this current application does not form part of that allocation. As a result, for the purposes of the adopted development plan, the application site is located outside the housing policy boundary, within open countryside.

The scheme is therefore contrary to the aims of existing countryside and housing policies of the adopted Development Plan. However, the proposed national and local planning policy situation is a material consideration, as explained in brief below:

#### Recent Secretary of State appeal decision June 2011

The Secretary of State (SoS) has recently issued an appeal decision related to a significant mixed use housing development in Cornwall. This decision clarifies the SoS (and hence central government's) position regards several important policy matters, namely:

- The stance of the recent Ministerial Statement Planning for Growth towards approving development appears to be a significant material consideration
- That in the absence of a 5 year land supply, development proposals should be considered favourably
- Confirmation that the Regional Spatial Strategy Proposed Changes document has now been abandoned in light of the intention to revoke regional strategies, and therefore it should not be given weight as a material consideration in its own right.
- That there are only a few circumstances where it may be justifiable to refuse permission on Prematurity grounds, notably where a development plan document such as a core strategy is being prepared or is under review, but it has not yet been adopted, and where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the core strategy.

### March 2011 Statement on Planning for Growth

The March 2011 Statement *Planning for Growth* indicates that: “Government’s clear expectation is that the answer to development and growth should wherever possible be “yes”, except where this would compromise the key sustainable development principles set out in national planning policy”. Based on the SW Core Strategy, it is considered that the site is sustainably located, and consequently, there seems to be no conflict with this statement.

The Statement goes on to say that, when deciding planning applications, account should be taken of “the need to maintain a flexible and responsive supply of land for key sectors, including housing” and Local Planning Authorities (LPAs) should “ensure that they do not impose unnecessary burdens on development”.

A recent planning appeal decision by the Secretary of State (SoS) (see above) indicated that the SoS considers that development proposals should not have to wait a prolonged period of time (in that case 2 years) until a particular site was allocated formally in a Core Strategy. Members should consider whether waiting to determine this application until such time as the SW Core Strategy is adopted (possibly by December 2011) would place an “unnecessary burden” on development in this case. However, Members should note that the applicants have indicated that if this application is not determined by October 2011, then an appeal against non-determination may be triggered.

The Statement also advises that, wherever possible, planning applications should be approved “where plans are absent, out of date, silent or indeterminate”. Officers consider that this advice is relevant in this case as the adopted development plan is out of date in terms of its housing numbers and allocation sites.

### The forthcoming National Policy Framework

A National Policy Framework document is currently under consultation, with an aim of issuing the formal document by the end of 2011. As currently drafted, the guidance makes it clear that there should be a presumption in favour of sustainable development:

“14. At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:

- *prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- *approve development proposals that accord with statutory plans without delay; and*
- *grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.*”

With the housing section of this draft document, it states that:

*“110. The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Applications should be considered in accordance with the presumption. Planning permission should be granted where relevant policies are out of date, for example where a local authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites.”*

Whilst this is only a draft consultation at the moment, it has limited weight in terms of its use in determining planning applications, it does clearly outline the “direction of travel” of central government planning policy.

### Planning Policy Statement 3 (PPS3)

The Statement encourages the provision of dwellings in sustainable locations close to facilities and services, and in particular emphasises a favourable approach to housing where Council’s cannot demonstrate a 5 year land supply:

*“71. Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.  
72. Local Planning Authorities should not refuse applications solely on the grounds of prematurity.”*

This advice post-dates the policies within the adopted Development Plan covering South Wiltshire and the application site, which restrict most private market housing to areas within defined Housing Policy Boundaries. A refusal of the current application simply because it is located outside the defined HPB in the current adopted Local Plan may therefore be difficult to justify.

### Regional Spatial Strategy and housing number issues

In essence, the housing requirement stipulated by the RSS between 2006 and 2026 is for 12,400 dwellings in South Wiltshire, and 6000 dwellings in Salisbury City. However, Central Government has announced its intention to abolish the Regional Spatial Strategy as part of the Decentralisation and Localism Bill. The Council has more recently undertaken its own housing numbers review. The overall number of housing units was reduced by the Council to 9,900 and the number of dwellings required for the Salisbury area remains at 6000.

Therefore, the Council’s own revised housing figures clearly show that there remains a strong need for many more houses in the Salisbury area.

### South Wiltshire Core Strategy issues

The South Wiltshire Core Strategy process has highlighted that without the strategy the Council will not have a 5 year housing land supply. Although not a strategic site, it is acknowledged in the Core Strategy that the site can contribute to Salisbury's housing delivery, and paragraph 6.11 states that:

*"With respect to Downton Road it has become apparent that there is environmental capacity for a further 60 dwellings by allowing a small extension to the Downton Road (H2F) allocation to the south. Although this site is not strategically important, in order to ensure joined up masterplanning and frontloading, the Council will support this additional level of growth in this area"*

The Council Spatial Planning department has confirmed that this reference is enough in its opinion to consider the land suitable for housing development in principle. A refusal based solely on the fact that the site is located outside the HPB in the current adopted Local Plan may therefore be difficult to support.

### Recent Hampton Park appeal

This is of some relevance to this report as the planning application related to 500 dwellings on that site was considered by Members of the Strategic Committee, who added a reason for refusal (contrary to officer advice) based on the fact that until the Core Strategy had been adopted, the development of the site would be contrary to current adopted Local Plan policies. This scheme has very recently been the subject of a major Public Inquiry appeal.

However, a formal decision is expected by 22<sup>nd</sup> September. Consequently, we do not know yet whether the Council's case in relation to this policy/principle matter will be accepted by the Inspector, particular in the light of the recent Cornwall decision highlighted elsewhere in this report.

### Differences between Hampton Park case and Rowbarrow case

Both sites are located in the open countryside outside the defined Housing Policy Boundary, and both are protected by virtue of adopted policies C7 and H23.

However, in locational and physical terms, there are significant differences between the housing schemes subject of this application compared to the Hampton Park scheme. Firstly, the scheme subject of this application is obviously significantly smaller than that proposed at Hampton Park. Whilst the Hampton Park scheme is being proposed on a substantial area of Greenfield land beyond the built up limits of the city, the site subject of this report is a smaller area of land, which is located between Phase 2 of the ongoing Rowbarrow housing development to the west, and a commercial dairy site to the east, with the Council's Park and Ride site located beyond that.

The site is also substantially screened from the north by a mature tree belt. As a result, whilst the site subject of this report is technically a "greenfield" site in the open countryside, it is in fact land-locked between several developed sites. The likely visual impact of this scheme on the countryside is therefore not directly comparable with that of Hampton Park.

Furthermore, it is understood that (unlike Hampton Park) the text related to Downton Road within the Core Strategy document was not the subject of any detailed discussion or objection during the course of the EIP in March 2010 or more recently in August 2011. Therefore, there would seem no planning reason at the moment why the SW Core Strategy text as far as it refers to this application site should not remain as it currently stands.



## Summary

The Core Strategy as a whole remains the accepted “direction of travel” in terms of planning policy, and that the Council at present cannot demonstrate a 5 year housing land supply. The site is located in a sustainable location, and would be in accordance with central government Growth policies. The provision of (at least) 60 dwellings would in principle also meet the policy requirements of the Core Strategy, and the housing delivery aspirations of the Council.

Consequently, as a result of the above, it is considered that a refusal of the application scheme on grounds that the site was unsustainably located, or that in principle, the site would be unsuitable for housing development in principle as it is in the open countryside, may be difficult to justify.

## **9.2 Impact on character of area and wider countryside**

### Impact on Britford

Concern has been raised by Britford Parish Council that this scheme would result in the coalescence of that village with Salisbury. This has also been echoed by other third party objections.

Following the allocation and construction of the adjacent 147 dwellings, the application site now represents a relatively modest area of open land, sandwiched between a large area of development and the adjacent commercial dairy and park and ride site to the immediate east, which significantly reduces the rural character of that part of the wider field. The presence of the substantial Hospital campus some distance to the south of the site on the top of the hill further reduces the rural character of the area.

Although the land remains connected to and part of the larger area of open agricultural land which is sited to the south of the housing site, once the adjacent housing development is completed, this particular parcel of land will be somewhat isolated from that larger area of open land. Furthermore, given that the built form of the commercial dairy and the park and ride is located to the east of the application site, closer to Britford than the actual application site, it is considered that it this proposal would not have the effect of closing the landscape gap with Britford.

### Wider landscape impact

From a distance, the majority of the existing housing scheme is screened by the retained tree belt between it and the Downton Road. Only the existing apartment block located at the higher point of the site is readily visible from a distance.

The existing tree belt along Downton Road is to remain unaffected by this development, and in the same way that it screens the adjacent development, would largely screen the proposed development when viewed from the north across the river valley.

Whilst this proposal would extend the site up to the boundary with the public footpath, and thus alter the character and visual experience of this part of the land from the point of view of users of the pathway, it is considered the character of the pathway and adjacent countryside is already in transition from a rural character, to a quite urban character, due to the proximity of existing development. It is therefore considered that the development of

this site, for 68 (or less) houses, would not have significant additional impacts on the wider countryside.

### **9.3 Ecology, water quality and environmental issues**

The site is located approximately 300m from the River Avon SAC, with highly permeable geological conditions beneath the site. It was agreed as part of the previous assessments related to the adjacent Phase 2 housing development that the previous proposed development was unlikely to have a significant impact on the River Avon. A screening opinion was undertaken in relation to this application scheme, and it was considered that a further EIA was not required, given the limited environmental impacts of the scheme.

As part of this and the previous housing development, the existing tree belt alongside Downton Road will be retained and the area between the trees and the development will be managed as a public open space and will comprise an informal rich wildflower/meadow grassland to encourage wildlife. The existing hedgerow on the north eastern boundary of the site adjacent to the Crest Dairy will be enhanced by new planting, which will be native in origin. Tree planting will be undertaken on the southern and eastern boundaries of the site to integrate the development in to the local area. The proposed planting and informal grassland area will provide foraging habitat for wildlife, this planting will reduce the impact of artificial lighting on bats and breeding birds. Foul water from the new development will be discharged into existing sewer facilities and surface water run off will be managed through interceptors and Sustainable Urban Drainage.

Members should note that Natural England has changed its stance since the previous applications, and now raises concerns in relation to most housing development regards the likely impact on water quality and hence the impact of the protected river system. However, officers are taking a stance that no objections will be raised to development, subject to the agreement of the Environment Agency and Wessex Water.

The Council Ecologist and the Environment Agency have not objected, subject to suitable conditions being imposed. Wessex Water has confirmed that the current drainage system has capacity.

As a result, the proposal would not have a significant impact on the River Avon SAC/SSSI system.

### **9.4 Design and appearance of the dwellings**

A number of third party comments have raised concern regards the design and appearance of the scheme, and that of the adjacent Phase 2 housing.

The adopted Development Brief for the existing housing site currently under construction endorsed a formalised Country House concept approach to this site back in 2005. The outline planning permission also contained reference to similar proposals, which Members of the City Area Committee of Salisbury District Council endorsed. The brief indicates that the scheme would be divided into three main sections, namely the Country house style apartments, a Crescent, and the "estate village". This scheme is now in the process of being built out, and is an attractive development.

The design of the current scheme deliberately reflects the architectural style of the adjacent housing, which itself reflects many of the architectural elements present in dwellings throughout the Harnham area, including references to traditional tile hanging, flint banding and reference to the traditional estate cottages which are sprinkled throughout Harnham, with key buildings reflecting their overall design and buff colouration.

It is therefore officers opinion that the scheme will be locally distinctive, in accordance with national design guidance, and the guidance provided in the Council's design SPG, "Creating Places".

### Issues surrounding Plot 213

The Council Urban Design department has objected to the position of this plot, and considers that it distracts from the visual qualities of the scheme as a whole. Furthermore, they are concerned that this rather divorced location would result in the amenities of the occupiers of that dwelling being reduced by anti-social behaviour.

However, Wiltshire Police design officer has confirmed that they do not have concerns related to the current positioning of this plot, and the Council's Open Space officer has indicated that they would rather the position and shape of the proposed play space directly adjacent to plot 213 remain as currently designed. WC Highways has indicated that the road system is acceptable as it is currently proposed. The applicants have indicated that they would not ideally wish to reposition this plot due to the significant ramifications it would result in. They also indicate that as designed, this plot would provide good surveillance of the planning play area.

In your officers opinion, plot 213 somewhat interrupts the open nature of the linear park, and the occupiers may well have a reduced level of enjoyment and privacy due to its "isolated" positioning and siting adjacent the play park. However, given Wiltshire Police's acceptance of the scheme, a refusal of this scheme could not be based on the likely impact on anti social behaviour, but solely on the basis of the visual impact of this isolated plot. Given the rather secluded nature of this corner of the scheme, it is however considered on balance that any visual detriment that could be identified would be localised, and any harm restricted to the area immediately around the plot in question. Given that all the housing and the open space would be developed at the same time, it is considered that such harm would be difficult to demonstrate.

### **9.5 Sustainable Design issues**

The Design and Access statement related to the scheme also indicates that the affordable housing element of the scheme would be built out to Code level 3 of Sustainable Code for Homes, but does not specify what Code the remaining private dwellings will be built out to. As previously indicated, the site itself is considered to be sustainably located, offering good access to services and facilities.

### **9.6 Impact on existing tree belt**

The beech tree belt located to the north of the application site is subject of a preservation order, and will be transferred to the Council in due course. Most of the 68 dwellings are located more than 20 metres away from the trees, with only one of those dwellings located closer (Plot 213). An arboricultural report has been submitted in support of the application, and concludes that there will be limited impact on the trees from the proposed development. The Council's tree officer and ecologist have raised no objections subject to conditions related to tree protection during development.

### **9.7 Impact on residential amenities**

#### Impact on existing housing along Downton Road

The buildings proposed would be located a significant distance away from existing dwellings located to the north along Downton Road. It is officers opinion that given the significant distances between existing and the new development, and the screening offered by the retained tree belt, the resultant overlooking/loss of privacy caused by this new development would not be significant .

### Impact of construction traffic

Since the current application was submitted the construction of the adjacent housing estate has continue apace, and many of the dwellings have been occupied. A number of strong objections have been received from these new residents, highlighting the impacts of the proposed development in terms of construction, and post construction traffic. WC Environmental Health has advised that the levels of construction traffic would need to be assessed to determine the impact of the development, but have indicated that an alternative route may be more appropriate if significant heavy traffic is expected.

It is acknowledged that the construction of another 68 dwellings at the end of the Phase 2 development could well result in construction traffic using the residential streets. It is acknowledged that this is not an ideal situation, and that by its very nature, construction works usually results in some form of disturbance to residential amenity. However, it would also not be a unique situation, and with the emphasis on development of sustainably located sites, construction traffic operating within an establish residential environment is a common problem.

In officers opinion, it would also be difficult to justify a refusal of planning permission based solely on the likely impact of construction traffic on residential amenity, as such impacts are normally of a relatively temporary nature, and consequently, such impacts will not be permanent. Furthermore, the temporary short term impacts which may be caused to residential amenity must be balanced against the wider long term benefits of providing additional housing, including affordable housing, and meeting the wider aims of Council and national planning policy.

It is difficult to see a solution to this issue which would not have some form of impact. For instance, utilising an existing vehicular access to the south east (which is of a steep gradient) may not be possible, and may conflict with users of the footpath and the commercial dairy. Similarly, the construction of a temporary works road across the top part of the wider field system (to the south of the application site) would inevitable have visual and environmental consequences.

A planning condition may be possible which seeks to control the route of traffic and the times of operation through the existing estate roads, which may reduce some of the impacts of the works (see suggested condition 13 below).

### Impact of residential traffic

Phase 2 was specifically designed to allow for two residential road ends adjacent the south eastern boundary of the scheme to be opened up, should another phase of development be permitted. As a consequence, as part of the design of phase 2, the highway system was designed to accommodate additional housing, vehicles and people.

Therefore, whilst a new housing development of an additional 68 dwellings will introduce additional people and vehicular movements (post construction), in officers opinion, the additional development would not create an unusual or unique level or type of traffic which would be unexpected in a residential area. It is considered that the development would not result in such a significant disturbance as to warrant refusal.

### Other impacts on Phase 2 and other residents

Notwithstanding construction and vehicular traffic issues, the creation of more housing will of course alter the outlook of some dwellings along the edge of the existing Phase 2, which would otherwise back on to an open field. The proposed housing will result in a reduction in privacy and the introduction in noise and disturbance from the new houses. However, the existing dwellings have only recently been completed, and there is therefore no long

term established situation regards the level of amenity enjoyed by existing residents. It is therefore considered that as the levels of amenity experienced by existing residents will be no different to other residents of a housing estate, a refusal on these grounds may be difficult to justify in this particular instance, particularly as 60 dwellings in this area seems to be acceptable to the Council in principle in the SW Core Strategy.

#### Impacts on future occupiers

Regards future occupiers, the Council's EHO has no objection in principal to the proposals, but has highlighted the need for mitigation measures along the south eastern boundary where the site is closest to the adjacent dairy operation. A suitable condition related to acoustic glazing being secured has been suggested.

#### Consultation issues

A number of the letters of objection have referred to the issue of the consultation process. Firstly in terms of the SW Core Strategy, whilst it appears that the previous consultation period ended prior to many of the residents moving onto the site, this was simply an unfortunate accident of timing, and not the fault of the Local Planning Authority. However, due to the delay in the Core Strategy process, a reconsultation exercise was held earlier this year, including newspaper advertisements.

Regards the consultation issues raised in relation to this application, it is indeed unfortunate that the Phase 2 housing scheme was under construction and occupation during the course of this current application. However, this is not the fault of the Local Planning Authority, but simply a matter of timing of submission of the application, which of course is within the gift of the applicant. It should however be noted that several site notices were posted amongst the newly constructed dwellings, and letters posted through a number of doors. The application was also advertised in the press.

### **9.8 Impact on highway system and right of way**

The City Council has raised some issues in relation to the impact of the additional houses on the existing highway system. Similar concerns have been expressed by third parties.

#### Previous highway mitigation works

A package of measures provided mitigation for the development, including a financial contribution towards Downton Road bus lane, and the funding of a cycle lane on carriageway on the north side of Rowbarrow. The substantial financial contributions provided so far will enable the bus lane to be commenced shortly, and the cycle lane along Rowbarrow works have now been delivered.

#### Impacts of proposed additional housing

The proposal would link into the existing housing development currently being built out and utilise its road system and the two vehicular access points. The road system serving both phase 2 housing and the planned housing is not unusual, and is typical of the kind of modern layouts which seek to create "home zones" where lower traffic speeds are encouraged. Whilst it is acknowledged that this can result in narrower roadways due to parked cars, it is considered that in urban design terms, this is preferable to an older style layout why developments were dominated by wider roads, and parking areas.

Updated transport information has been submitted with the application, and concludes that the scheme would not have an impact on the existing highway system. It is considered that whilst the scheme would be likely to result in an increase in vehicular traffic utilising the road system of the existing housing estate currently being completed, and would result in additional traffic movements utilizing the two existing access points onto Rowbarrow, the

Council's Highway officer has raised no objections to the scheme, as the planned road system is capable of taking such an increase without significant detriment to highway safety. As a result, it is considered that the highways impacts of this proposal would not be significantly harmful enough to warrant refusal on highway safety grounds.

### **9.9 Impact on Heritage Assets and Woodbury SAM**

There are a number of known archaeological sites and findspots within the general vicinity, including the Iron Age settlements of Little and Great Woodbury Schedule Ancient Monument (SAM). The Woodbury SAM is located some distance to the south of this application site, on the top of the hill. The Ancient Monument is therefore somewhat divorced from the proposed development site, and in officers opinion, will not be materially affected by the proposal. A suitable archaeological condition was included on the outline consent, and should be imposed on this scheme.

### **9.10 S106 matters**

The previous planning permissions related to the adjacent housing under construction are linked to a section 106 legal agreement, which has secured a number of matters. It is considered that this current application scheme should again contribute to similar matters where relevant and in accordance with Circular 2005/05 on Planning Obligations, as discussed below:

#### Affordable housing

The scheme would provide for a total of 27 affordable units, including 21 units for allocated as rented, and 6 as shared ownership. This works out at 40 percent affordable housing provision in the new scheme.

#### Provision of public open space and landscaping

As part of the existing housing development currently being developed, a large area of open space has been created adjacent to Rowbarrow Road. Most of this land is now in the ownership of Wiltshire Council, with a small part within Persimmon Homes ownership. The area of open space adjacent to, (and including) the retained tree belt is also to be transferred to the Council.

This new scheme therefore provides for a small formal play area to the east of the proposed housing, as well as the transfer of the remainder of the tree belt and the associated "linear park" open space to the Council. The buffer landscaping to the south west of the housing site would also be transfer and maintained by the Council.

#### Education

The development will generate a need for an additional 17 primary and 12 secondary school places. At primary level, these can be accommodated within current capacity and forecasts. However, at secondary level, Trafalgar School is full and forecast to remain so for the foreseeable future. A full developer contribution of 12 places at the current cost multiplier of £18469 per place = £221,628 is required.

#### Community centre contributions

As part of the existing housing development currently being developed, a large area of open space has been created adjacent to Rowbarrow Road. This land is now in the ownership of Wiltshire Council, and since the approval of the original Rowbarrow housing development in the mid 1990's it has been proposed to construct a community centre in this area. All previous housing schemes in this area have made financial contributions towards such a community centre. It is understood that there remains a need to

significantly improve the community facilities in the area and it is considered that this latest scheme should similarly contribute funds towards the provision of a new community centre (or towards the enhancement of a similar community project), given that an increase in housing can only increase the demand for community facilities in this area.

A suitable financial contribution of £47,600 has now been agreed by the applicant.

#### Off site highway improvements

As part of the previous housing schemes, a significant financial contribution has already been secured towards the provision of a bus lane along Downton Road, from the park and ride site to the Harnham gyratory. Works on this have already commenced.

As the increase in dwellings will only increase the amount of car borne traffic in this area, it is considered that there remains a need for this new development to contribute towards the construction of this bus lane. The financial contribution accrued from this development (approx £172,528) will then help to complete the bus lane.

#### Waste and recycling

In accordance with the Council's waste policy WCS 6, and financial contribution will be expected towards the provision of suitable recycling bins for each house.

### **10.0 CONCLUSION**

The site is not allocated in the current adopted Local plan, and technically forms part of open countryside. The proposal is therefore contrary to current local plan policies C7, & H23. However, the land subject of this application is referred to in the emerging SW Core Strategy as being suitable in principle for residential development, and the provision of additional dwellings, including affordable dwellings, would be in line with future Council planning policy. The proposal would also accord with sustainable housing guidance provided in PPS3, and in line with emerging Central Government planning policy.

Furthermore, the development would have little visual impact on the wider countryside, the design is considered acceptable, and the long term impacts on surrounding residential amenity would be limited. The utilisation of an established road system and junction would limit the impact of the additional dwellings on the highway system. The proposal would not have a significant impact on the heritage assets or the ecology of the area, or the protected river system.

Subject to suitable conditions and a legal agreement to secure various mitigation, the proposal is considered acceptable.

#### **RECOMMENDATION: SUBJECT TO A S106 LEGAL AGREEMENT BEING ENTERED INTO WITH RESPECT TO THE PROVISION OF THE FOLLOWING MITIGATION MEASURES:**

- PROVISION OF 40 PERCENT AFFORDABLE HOUSING
- PROVISION OF ON SITE OPEN SPACE
- FINANCIAL CONTRIBUTIONS TOWARDS PROVISION AND MAINTENANCE OF ON AND OFF SITE PUBLIC OPEN SPACE
- CONTRIBUTIONS TOWARDS OFF SITE EDUCATIONAL FACILITIES
- FINANCIAL CONTRIBUTION TOWARDS THE PROVISION OF OFF SITE COMMUNITY CENTRE/COMMUNITY FACILITIES
- FINANCIAL CONTRIBUTION TOWARDS OFF SITE HIGHWAY FACILITIES/INFRASTRUCTURE – BUS LANE
- FINANCIAL CONTRIBUTION TOWARDS THE PROVISION OF HOUSEHOLD WASTE RECYCLING FACILITIES FOR EACH DWELLING

- PROVISION OF AND FINANCIAL CONTRIBUTION TOWARDS THE MAINTENANCE SCHEDULE FOR LANDSCAPE BUFFER ALONG SOUTHERN BOUNDARY
- PROVISION OF, AND PROTECTION AND ENHANCEMENT OF EXISTING TREES BELT AND LINEAR PARK

**THEN APPROVE:** for the following reasons

The site is not allocated in the current adopted Local plan, and technically forms part of open countryside. The proposal is therefore contrary to current local plan policies C7, & H23. However, the land subject of this application is referred to in the emerging SW Core Strategy as being suitable in principle for residential development, and the provision of additional dwellings, including affordable dwellings, would be in line with future Council planning policy. The proposal would also accord with sustainable housing guidance provided in PPS3, and in line with emerging Central Government planning policy.

Furthermore, the development would have little visual impact on the wider countryside, the design is considered acceptable, and the long term impacts on surrounding residential amenity would be limited. The utilisation of an established road system and junction would limit the impact of the additional dwellings on the highway system. The proposal would not have a significant impact on the heritage assets or the ecology of the area, or the protected river system.

Subject to suitable conditions and a legal agreement to secure various mitigation, the proposal is considered acceptable.

**And subject to the following conditions**

01 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.

02 The development hereby approved shall be carried out in accordance with the plans, sections and elevations submitted on 7<sup>th</sup> February 2011 (as listed on Tetlow King plans list issue sheet dated 2<sup>nd</sup> February 2011), and the submitted Site Waste Management Plan, the Bat Survey Report dated September 2010, the submitted lighting details, the Arboricultural Implications Assessment by ACD dated 28<sup>th</sup> January 2011, the Flood Risk Assessment/Surface Water Drainage Proposals, and the Construction Environmental Management Plan dated January 2011, unless otherwise agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt, and in order to limit the impact of the development on surrounding amenities, and surrounding environment, and protected species, including the SAC/SSSI.

Policy G2 G3 & C12 – impacts on general amenities and environment

03 Prior to first occupation of the dwellings hereby approved, a scheme for the protection of the occupiers of those dwellings located adjacent to the south eastern boundary of the site from noise generated by the adjacent commercial dairy operation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON: In order to limit the impact of noise from the adjacent commercial dairy on future occupiers of the scheme.



## Policy G2

04 Before development commences, exact manufacturers details of the materials to be used in the development shall be submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the palette of materials and colours used in the development shall accord with those shown in the design and access statement. Development shall be carried out in accordance with the agreed scheme. This condition relates to all dwellings and also the garages, walls, railings and hardstanding areas.

REASON: In order to ensure that the scheme is constructed in accordance with the aims of the development brief and the design and access statement and that the scheme is visually similar to the existing housing estate currently being constructed.

## Policy G2

05 The garages hereby permitted shall not be converted to habitable accommodation.

REASON: In order to retain sufficient parking space on the proposal site in the interests of the wider highway network

## Policy G2

06 Before occupation of any dwelling, the associated car parking serving that dwelling, including any visitor spaces, shall have been constructed, provided and made available for parking purposes for occupiers of that dwelling.

REASON: In order to retain sufficient parking space on the proposal site in the interests of the wider highway network

## Policy G2

07 No development shall commence until:

a) A written programme of phased archaeological investigation and mitigation, which should include on site work and off site work, including the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

## Policy CN20 -23

08 Before works commence on site, the locations and designs of ecology enhancements detailed in the Ecology Assessment (ACD October 2010) will be supplied for approval by the Local Planning Authority . The works will be undertaken in accordance with the approved locations and designs.

REASON: In order to ensure that the ecological enhancements and mitigation measures are delivered.

## Policy C12 & PPS9

09 Prior to any development commencing the trees adjacent to the development, namely the tree belt adjacent Downton Road and the trees adjacent to the right of way along the

south eastern boundary of the site, shall be protected in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The agreed protection measures shall remain in place until the development has been completed.

REASON: In order to ensure that existing trees are protected during construction works.

#### Policy G2

10 Development shall be conducted in accordance with the approved Flood risk Assessment (ref: MJA Consulting - AMc/4260 Rev B, dated November 2008) and shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed, and is to include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity where practical, and to ensure future maintenance of the surface water drainage system.

#### Policy G2 & G4, PPS25

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

REASON : In the interests of sustainable development and prudent use of natural resources.

#### Policy G1 & G2

12 Before occupation of any of the dwellings, a scheme for the timing of planting of the all the proposed tree and shrub planting within the red line of the application site shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out in accordance with the agreed scheme, and in accordance with the Landscape Specification and Landscape Management and Maintenance Plan by ACD dated January 2011.

REASON: In order to enhance the visual appearance of the area in the longer term, and to enhance the ecology of the area.

#### Policy G2

13. Traffic related to the construction works shall only access the development site between the hours of 0800hrs to 1800hrs on Mondays to Fridays, and between 0800hrs to 1300hrs on Saturdays. Construction works on site shall take only between 0730hrs and 1830hrs Mondays to Fridays and between 0730hrs and 1300hrs on Saturdays. No working or associated traffic on Sundays or public holidays. A scheme to limit the impact of construction works and construction traffic on existing residential properties, including routes of construction traffic, location of works compound, and mitigation measures to reduce the impact on noise, fumes, dust, lighting and vibration, shall be submitted to and approved by the Local Planning Authority prior to any such works commencing, including the clearance of the site. Construction works shall be carried out in strict accordance with the agreed scheme.

REASON: In order limit the impact of construction/development on residential amenities

## Policy G2 – Amenities

14. 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 footway and carriageway to at least binder course (also referred to as base course) level between the dwelling and existing public highway.

REASON: In the interest of highways safety and general residential amenities

## POLICY G2 – Amenities and highway system

15. No development 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. The development shall not be first brought into use 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 have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

## INFORMATIVE: -

### 1. Pollution

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

Pollution Prevention Guidelines, can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

### Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change.

The Code for Sustainable Homes should be complied with, achieving the highest level possible. For details on compliance with the Code the applicant is advised to visit: <http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards>.

### Site Waste Management Plan

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications. Applicants are advised to refer to the following for further guidance  
<http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx>  
<http://www.savewatersavemoney.co.uk/>

2.The archaeological work should be conducted by a professional archaeological contractor in accordance with a Written Scheme of Investigation and mitigation agreed by this office. There will be financial implications for the applicant.