

# AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 25 February 2016  
**Time:** 6.30 pm

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Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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

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## Membership:

Cllr Fred Westmoreland (Chairman)	Cllr Mike Hewitt
Cllr Christopher Devine (Vice Chairman)	Cllr George Jeans
Cllr Richard Britton	Cllr Ian McLennan
Cllr Richard Clewer	Cllr Ian Tomes
Cllr Brian Dalton	Cllr Ian West
Cllr Jose Green	

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## Substitutes:

Cllr Trevor Carbin	Cllr Leo Randall
Cllr Terry Chivers	Cllr Ricky Rogers
Cllr Ernie Clark	Cllr John Smale
Cllr Tony Deane	Cllr John Walsh
Cllr Dennis Drewett	Cllr Bridget Wayman
Cllr Peter Edge	Cllr Graham Wright
Cllr Magnus Macdonald	

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# AGENDA

## Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 5 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 14 January 2016.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate

Director) no later than 5pm on 18 February 2016. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals** (*Pages 21 - 22*)

To receive details of completed and pending appeals.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **15/10963/FUL: Land at Bourne Close and High Street Corner, Porton, SP4 0LL** (*Pages 23 - 48*)

7b **15/08510/OUT: Scotts House, Salisbury Road, Downton, Salisbury, SP5 3HZ** (*Pages 49 - 88*)

7c **15/11589/FUL: Mobile Home Site at Lime Kiln Farm, Dinton, Wiltshire** (*Pages 89 - 102*)

8 **Urgent Items**

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

**Part II**

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

## **SOUTHERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 14 JANUARY 2016 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE  
LANE, SALISBURY, SP2 7TU.**

**Present:**

Cllr Fred Westmoreland (Chairman), Cllr Christopher Devine (Vice Chairman),  
Cllr Richard Britton, Cllr Richard Clewer, Cllr Jose Green, Cllr Mike Hewitt,  
Cllr George Jeans, Cllr Ian McLennan, Cllr Ian Tomes, Cllr Ian West and Cllr Peter Edge  
(Substitute)

**Also Present:**

Cllr Bill Moss & Cllr Atiqul Hoque

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**1 Apologies for Absence**

The following apologies were received:

- Cllr Brian Dalton – who was substituted by Cllr Peter Edge.

**2 Minutes**

The minutes of the meeting held on Thursday 17 December 2015 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes of the 17 December 2015.**

**3 Declarations of Interest**

The following declarations of interest were received:

- Application 15/10290/FUL – Communication Bunker  
Cllr Clewer and Cllr Tomes both declared a non-pecuniary interest, as members of the Salisbury Area Board which had previously considered the Community Asset Transfer of the Bunker in Harnham, on 16 July 2015. They would look at this application with an open mind.

- Application 15/1114/FUL – Land at Rear of Bedwin Street & Belle Vue Road

Cllr Peter Edge declared a non-pecuniary interest, as had previously been an acquaintance of the applicant. He agreed to look at this application with an open mind.

#### 4 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

#### 5 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

#### 6 **Planning Appeals**

The committee received details of the appeal decisions as detailed in the agenda.

The Chairman also updated regarding the application to register land as a town or village green in Winterslow, which had been discussed under Urgent Business at the previous meeting.

Proceedings had been filed on 23 December and issued by the Court (Royal Courts of Justice, London) on 30 December 2015. The Council filed the judicial review acknowledgement of service confirming the Council would not be contesting the claim on 13 January 2016. An order from the court quashing the decision made 24 September 2015 was expecting to be received in 3 – 4 weeks.

#### 7 **Planning Applications**

##### 7a **15/10290/FUL - Communications Bunker, Old Blandford Road, Salisbury, SP2 8DG**

###### Public Participation

Paul Lord spoke in objection to the application.

Geoff Kennedy spoke in objection to the application.

Cllr John Collier spoke (as a member of the public) in objection to the application.

James Jordan spoke in support of the application.

Ross Sanderson (Applicant) spoke in support of the application.

Katie Jeffcoate spoke in support of the application.

Cllr Tom Corbin spoke on behalf of Salisbury City Council (SCC) in support of the application.

The Senior Planning Officer drew attention to the late correspondence circulated at the meeting and introduced the application for a proposed change of use from communications bunker into a youth music and education facility. The application was recommended for approval with conditions. It was noted that the application would provide a youth facility within the city of Salisbury and Officers considered that the impact to the amenity of neighbouring dwellings or any other site constraint would not be unduly harmful.

Members of the Committee then had the opportunity to ask technical questions of the Officers. It was noted that there was an existing phone mast at the site, however this was not connected to application.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Unitary Division Member, Councillor Dalton then spoke on the application, adding that he could see two sides to the application. He noted that some information which had been circulated by members of the public had contained incorrect information, misinforming the public. He asked that if the application was supported then the concerns of the residents in Grasmere Close around noise, parking and lighting, could be addressed.

The Committee discussed the application, noting that the site was an ideal location for young people to play music, due to the depth and thickness of the walls, it was felt that there would be little noise impact on the surrounding amenities.

### **Resolved**

**The application be APPROVED subject to conditions:**

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

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

**2. No works shall commence on site until an appropriate programme of building recording has been carried out in respect of the structure concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.**

**REASON:** To secure the proper recording of the building.

**3. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.**

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

**4. The footpath hereby approved shall be constructed prior to the development being brought into use and shall be maintained in perpetuity.**

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

**5. No part of the development shall be brought into use until details of secure covered cycle parking and has been submitted to and approved in writing by the Local Planning Authority, and; such facilities have been provided in accordance with the approved details. Such facilities shall be maintained thereafter.**

**REASON:** In pursuit of sustainable transport objectives.

**6. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.**

**REASON:** In the interests of the appearance of the site and the amenities of the area.

**7. The use hereby permitted shall only take place between the hours of 08.30 in the morning and 21.30 in the evening from Mondays to Fridays and between 09:30 in the morning and 21.30 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.**

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

**8. No part of the development shall be brought into use until a**

scheme for external lighting of the path and external areas has been submitted. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

9. The external lighting hereby approved as part of condition 8, shall not be illuminated outside the hours of 08.30 and 21.30 from Mondays to Fridays and between 09.30 and 21.30 on Saturdays at no time on Sundays and Bank or Public Holidays.

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

10. No sound-amplifying equipment, loudspeaker, or public address system shall be installed / operated or music played within the external curtilage of the development hereby approved.

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

11. 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; 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.

12. Before development commences, details of the proposed two sets of sound proof doors in the passage way together with details of the proposed sound traps and reflection filters within the ventilation systems shall be submitted to and approved in writing by the Local Planning Authority. The approved noise attenuation scheme (including, but not limited to, the agreed details for the additional passage doors

and ventilation sound traps) as detailed in the submitted addendum document to the Noise Management Plan (08/12/2015) shall be fully implemented before the development hereby permitted is first brought into use. The measures approved and implemented as part of the approved scheme shall be maintained in perpetuity.

**REASON:** In the interest of neighbouring amenity.

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

DRG No. AD(0)001 - Proposed location plan	22/10/2015
DRG No. AD(0)100 - Proposed site plan	22/10/2015
DRG No. AD(0)060 - Proposed floor layout	18/11/2015
DRG No. AD(0)150 - Proposed path & retained barrier	18/11/2015

Addendum to the Noise Management Plan	08/12/2015
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**REASON:** For the avoidance of doubt and in the interests of proper planning

#### **INFORMATIVES**

1. **Further Recommendations:** The work should be conducted by a professional recognised contractor in accordance with the written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

2. The applicant should note that the works hereby approved involve the removal and disposal of asbestos cement roofing. Should only be removed by a licenced contractor Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.

**7b 15/1114/FUL - Land to the rear of 33 Bedwin St & Belle Vue Road, Salisbury, SP1 3YF**

Public Participation

Ken Edwards spoke in objection to the application.

Peter Harwood spoke in objection to the application.

Tony Allen (Agent) spoke in support of the application.

Martin Quigley spoke in support of the application.

Cllr Tom Corbin spoke on behalf of Salisbury City Council, in support of the application.

The Senior Planning Officer drew attention to the late correspondence and introduced the application for the proposed erection of three dwellings, with associated car parking and landscaping. The application was recommended for approval with conditions. It was noted that a five dwelling scheme had previously been to committee and was refused, with one of the reasons being that the site was in a medieval chequer. Natural England had since confirmed that the site was not in one of the chequers, however it was in a conservation area.

Members of the Committee then had the opportunity to ask technical questions of the Officers. It was noted that revised plans submitted by the applicant had met the concerns of the Conservation Officer. There were no trees on the site worthy of a preservation order.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Committee discussed the application, noting that the application had addressed the problems associated with the previous application. Despite the size of the site it was felt that it was almost invisible, due to the existing surrounding buildings.

**Resolved:**

**That the application be APPROVED subject to conditions:**

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

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

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

**Drawing number 0157/PL/01 Rev.A dated 06.11.15, as deposited with the local planning authority on 06.11.15, and Drawing number 0157/PL/02 Rev.A dated 06.11.15, as deposited with the local planning authority on 06.11.15, and Drawing number 0157/PL/03 Rev.A dated 06.11.15, as deposited with the local planning authority on 06.11.15, and Drawing number 0157/PL/04 Rev.C dated 11.12.15, as deposited with the local planning authority on 14.12.15, and Drawing number 0157/PL/05 Rev.A dated 06.11.15, as deposited with the local planning authority on 06.11.15, and**

**Drawing number 0157/PL/06 Rev.A dated 11.12.15, as deposited with the local planning authority on 14.12.15.**

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

**2. 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 :-**

- \* full details of trees to be retained, together with measures for their protection in the course of development;**
- \* means of enclosure;**
- \* all hard and soft surfacing materials;**
- \* retained historic landscape features and proposed restoration, where relevant.**
- \* details of proposed trees of a size and species and in a location to be agreed in writing with the Local Planning Authority, which shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428**

**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.**

**3. 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.

**4.** No part of the development hereby approved shall be first occupied until the 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.

**5.** No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained

**6.** 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 any diversion of the existing storm sewer (if necessary) which currently crosses the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained

**7.** No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:

a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.

b) If, during development, any evidence of historic contamination or likely contamination is found, the developer

shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.

In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

**Reason:** In the interests of public health and safety

**8. No construction or demolition shall take place on Sundays or Public Holidays or outside the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays.**

**Reason:** In the interests of amenity

**9. No burning of waste shall take place on the site during the demolition and construction phase of the development**

**Reason:** In the interests of amenity

**10. No development shall commence within the area indicated (proposed development site) until:**

- i. A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- ii. 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.

**Further Recommendations:** The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

## **INFORMATIVES:**

**The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.**

**The applicant's/landowners' attention is directed to the advice contained in the letter provided by Wessex Water dated 4th November 2014.**

### **7c 15/09583/VAR - Clover Farm, Brickworth Road, Whiteparish, SP5 2QG**

#### Public Participation

Richard Bagnall (Agent) spoke in support of the application.

Cllr John Herrett, spoke on behalf of Whiteparish Parish Council in objection to the application.

The Senior Planning Officer drew attention to the late correspondence and introduced the application to vary conditions 4 and 7 of S/2007/0596 to allow B8 use and external storage up to 2m high, no storage container to exceed 2.4m in height and no stacking of containers. The application was recommended for approval subject to conditions.

Members of the Committee then had the opportunity to ask technical questions of the Officers. It was noted that the site was in a Special Landscape Area (SLA).

Members of the Public then had the opportunity to present their views to the Committee, as detailed above.

The Unitary Division Member, Cllr Britton then spoke in objection to the application, stating that although he had no objection to seeing a wider range of goods being stored at the site, the request to permit storage containers on the site was a significant change and had all the makings of a distribution centre, which was not suitable in open countryside.

The Committee discussed the application, noting that the storage of 2.4m high containers on a SLA site would not be suitable.

**Resolved:**

**The application be REFUSED for the following reasons:**

**The Council fully supports the enhancement of rural employment opportunities, and has made every effort to seek a compromise regards adjusting the conditions. However, the proposed variation of Conditions requested by the applicant would result in an uncontrolled/open B8 storage and distribution use in the open countryside that would be detrimental in terms of visual amenity and would have an adverse impact on the character of the surrounding designated Special Landscape Area. In these respects the proposal is considered discordant with Core Policies CP34, CP35, CP48 & CP51 of the adopted Wiltshire Core Strategy, and contrary to saved local plan policies C6 & E19 and the guidance contained within the NPPF in general and in particular the guidance set out at paragraph 28.**

**7d 15/09395/FUL - The Pheasantry, London Road, Winterslow, Wiltshire, SP5 1BN**

Public Participation

No speakers registered.

It was noted that the application had been called in by Cllr Moss, who was not the Ward Member for the area. Following discussion the Committee decided to consider the application, as members of the public were in attendance for the decision.

The Legal Officer agreed to produce and circulate a briefing paper to clarify the procedure for calling in applications.

The Senior Planning Officer introduced the application for the conversion of an existing barn to a 2 bed dwelling. The application was recommended for approval.

Members of the Committee then had the opportunity to ask technical questions of the Officers.

There were no public speakers.

The Unitary Division Member Cllr Devine spoke in support of the application.

The Committee discussed the application.

**Resolved:**

The application be **APPROVED** subject to conditions:

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

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

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

**Drawing number 1190.P7.A3 dated Sept 15, as deposited with the local planning authority on 21.09.15, and  
Drawing number 1190.P4.A3 dated Sept 15, as deposited with the local planning authority on 21.09.15, and  
Drawing number 1190.P6.A3 dated Sept 15, as deposited with the local planning authority on 21.09.15, and  
Drawing number 1190.P3.A3 dated Sept 15, as deposited with the local planning authority on 21.09.15.**

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

- 3 No development shall commence on site until details of the roof tiles to be used on the development, together with details of the proposed bricks (including details of bond), any replacement timber cladding, and capping for the replacement wall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

- 4 Before works commence a report shall be submitted for Planning Authority approval containing details and results of all necessary surveys to confirm the presence, and as appropriate, the status of bats in the barn. The report will contain details of all necessary measures that**

will be carried out to ensure compliance with the Habitats Regulations 2010 (as amended). The works will be undertaken in accordance with the measures contained in the approved report.

**Reason:** To ensure adequate mitigation is made for protected species.

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

**REASON:** In the interests of neighbouring amenities

**6.** Before the dwelling hereby approved is first occupied, full details of the intended boundary between the approved dwelling and the adjacent existing dwelling (No.1 The Pheasantry) as shown on the submitted plan reference 1190.P7.A3, shall have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be erected before the dwelling hereby approved is first occupied.

**REASON:** In order to limit the impact of the works on adjacent amenity

**Informatives:**

**Protected species**

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm bats, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to bats. In the event that your proposals could potentially affect bats you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

**Rights of way**

**There is a byway open to all traffic (WSLO6) running adjacent to the site on the route shown in brown below. This section of the byway has a width of 12 feet and extends to the boundary of the site shown in red adjacent to number 3. Access to the full width of the byway should be available at all times.**

**8 Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 8.28 pm)

The Officer who has produced these minutes is Lisa Moore, of Democratic Services, direct line (01722) 434560, e-mail [lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk)

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

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**Wiltshire Council  
Southern Area Planning Committee  
25<sup>th</sup> February 2016**

**There are no Forthcoming Hearings and Public Inquiries between 12/02/2016 and 31/08/2016**

Planning Appeals Received between 14/01/2016 and 26/01/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
15/10995/PNCOU	Land Opposite to Snell Farm Livery Road Winterslow Salisbury Wiltshire SP5 1RJ	WINTERSLOW	Prior notification under class Q - for change of use of existing agricultural building to form a single dwelling and associated works.	DEL	Written Representations	Prior Approval Refused	28/01/2016	No
15/11736/FUL	Zeals Garage Chapel Lane Zeals BA12 6NL	ZEALS	Proposed change of use from petrol station to car wash.	DEL	Written Representations	Refuse	10/02/2016	No
15/07285/VAR	Floral Cottage The Old Wilton Way Stratford Tony SP5 4AT	STRATFORD TONY	Variation of Condition 6 of 14/00964/FUL to allow east side bedroom window to be non obscured and fully opening	DEL	Householder Appeal	Refuse	19/01/2016	No

Planning Appeals Decided between 14/01/2016 and 26/01/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
15/00474/FUL	The Baron of Beef 6 Endless Street Salisbury SP1 1DL	SALISBURY CITY	Conversion of one 4 bed dwelling (flat) to two x 2 bed dwellings (flats)	DEL	Written Reps	Refuse	DISMISSED	26/01/2016	No
15/03651/FUL	Brickworth Service Station Brickworth Road Whiteparish Salisbury Wiltshire SP5 2QE	WHITEPARISH	Change of use and conversion of part of the existing building to use for residential purposes ancillary to the existing employment use of the site including new windows to side elevation	DEL	Written Reps	Refuse	DISMISSED	01/02/2016	No

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 1

<b>Date of Meeting</b>	25 <sup>th</sup> February 2016
<b>Application Number</b>	15/10963/FUL
<b>Site Address</b>	Land at Bourne Close and High Street corner Porton SP4 0LL
<b>Proposal</b>	Proposed bungalow (resubmission of 15/04079/FUL).
<b>Applicant</b>	Mr Adrian Jones
<b>Town/Parish Council</b>	IDMISTON
<b>Electoral Division</b>	BOURNE AND WOODFORD VALLEY – (Cllr Mike Hewitt)
<b>Grid Ref</b>	418720 136580
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

### Reason for the application being considered by Committee

Councillor Hewitt has called in the application for the following reasons:

- Relationship to adjoining properties
- A house has been built very close to this site on an approximately same size site
- There is insufficient evidence to show there was ever a footpath or need for one

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be REFUSED

### 2. Report Summary

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

1. Principle of development
2. ROW
3. Scale, design and impact to the character and appearance of the conservation area/setting of listed buildings
4. Impact on Special Landscape Area
5. Impact on neighbour amenity
6. Impact on highway safety
7. Sustainable construction and low carbon energy
8. Archaeology

The application has generated No Objections from Idmiston Parish Council and 18 letters of representation of objection and 2 letters of representation of support

### 3. Site Description

The application site is a small plot of land within the built up area of Porton on the corner between the High Street and Bourne Close. The site is located within the Conservation Area, a Special Landscape Area and is immediately adjacent to the grade II listed property Rose Cottage to the east of the site:





## 6. Local Planning Policy

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

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 4: Spatial Strategy: Amesbury Community Area

Core Policy 41: Sustainable Construction

Core Policy 43: Providing Affordable Homes

Core Policy 50: Biodiversity & Geodiversity

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 New Development

Core Policy 64: Demand Management

Saved policies of the Salisbury District Local Plan:

R2 (Open Space Provision)

C6 (Special Landscape Area)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF) March 2012

National Planning Policy Guidance (NPPG)

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006  
Idmiston, Porton and Gomeldon Village Design Statement  
(Draft) Idmiston Parish Council Neighbourhood Plan

Planning (Listed Building and Conservation Areas) Act 1990

Section 130 of the Highways Act 1980

## **7. Summary of consultation responses**

### **Rights of Way:** Object

Recommend that the application for the development is either refused or a decision is deferred until such time as the outcome of the Definitive Map Modification Order application is known.

### **Highways Authority:** No objection subject to conditions

I note that the access point has changed with the proposed dwelling now being served directly from High Street. The proposed access, parking and turning arrangement is considered acceptable. In view of the restricted width and manoeuvring space on High Street I suggest that a construction method statement is submitted.

I recommend that no highway objection is raised subject to the following conditions being applied to any permission granted (first five metres of the access to be consolidated and surfaced (not loose stone or gravel); access turning area and parking spaces to be provided prior to occupation; scheme for the discharge of surface water incorporating sustainable drainage details and a construction method statement to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase) and an informative advising a licence will be required before any works are carried out on land forming part of the highway.

**Conservation:** This latest iteration of the scheme does address some of my earlier concerns. The scale would sit more comfortably with the neighbouring properties; however it does still remove an open space from the middle of the conservation area and affect the setting of the adjacent listed building. Although slate is proposed, it is considered that clay tile is a softer and more traditional material for such a design; and the front door is very narrow. Materials (including brick bond and mortar), window and eaves details would make all the difference to the chances of success of the proposal at sitting comfortably in its setting, so a sample panel and timber windows will be essential, all by condition, as well as a restriction of permitted development rights re windows, roof covering materials, other roof alterations, boundary treatments, outbuildings. If possible, I would like to see better quality drawings of the site and boundary treatments, in order to assess the impact more accurately.

**Wessex Water:** Comments relating to new water supply and waste connections which could be included as an informative were the application approved.

**Wiltshire Fire & Rescue Service:** Comments relating to fire safety measures which could be included as an informative were the application approved.

**Archaeology:** No objections

**Parish Council:** No objections

## **8. Publicity**

The application was advertised by press / site notice and neighbour consultation letters.

### **17 third party representations have been received objecting to the application, summarised as follows:**

- Loss of informal open space - Site is an open space and one of few green spaces remaining in the village, which should be preserved as it provides a pleasant centre for the surrounding buildings in a conservation area and enhances the rural character of Porton
- Insufficient justification for an additional dwelling on a small plot within the conservation area
- Should be substantial reasons for allowing buildings in the conservation area and in the setting of listed buildings (site immediately adjacent to Rose Cottage, within 100m of two further Grade II listed buildings and there are a further 5 along the High Street).
- Development of this site is not a necessity to meet housing requirements and contrary to the Government's localism agenda. 20 dwellings have already been approved in Porton in Sept 2014 and draft Neighbourhood Plan identifies ten selected sites for more than 70 additional dwellings
- Built development too close to curtilage of Grade II listed cottage – adverse impact to setting and potential for damage
- Will obscure view of the side of the listed building and brick and flint wall abutting the site
- Will not enhance the appearance of the area – detrimental impact to the conservation area
- Proposal is out of keeping with surrounding development and of insufficient design merit for the conservation area
- Non-traditional, modern design, cluttered and cramped development
- Slate roof is out of character for a bungalow in this area (where there is slate these are all substantial houses with high eaves, built when slates were usual alternative to stone, tiles or thatch)
- Small site is out of scale with surrounding dwellings which are set in substantial plots
- Site is extremely small and smaller than surrounding plots (contrary to Village Design Statement policy 17 – density of new development should not exceed that of surrounding housing and plot sizes should be appropriate to the size of the dwelling proposed)
- An overdevelopment of the small site which has an awkward shape and very small garden
- Cramped and inappropriate hard standing to High Street frontage

- Insufficient and inadequate on-site and on-street parking spaces for occupiers and visitors (Bourne Hill Close insufficient width and High Street is a narrow B road) in already congested area
- Unsuitable access and highway capacity - High Street insufficiently wide enough for cars to manoeuvre into site
- Turning area insufficient, will encourage reversing out into the roadway
- Proposed dwelling and car parking area (plus potential for future occupiers to erect boundary screening) will obscure visibility for cars and pedestrians at junction with High Street with many vehicles using this as a turning area
- Proposed vehicular access will remove on street parking in High Street
- Until recently this land had not been fenced off for more than 25 years. Metal fencing should be removed
- Has been used as a 'right of way'. Bungalow would obstruct this.
- No decision should be made until the Definitive Map Modification Order application which is claiming a public right of way along the east boundary of the site has been determined
- Impact to highway safety with Bourne Close which has no pavement being used as access to the village recreation ground
- Further hazard to pedestrians using High Street which has no pavement
- Loss of privacy to nearby dwelling from overlooking
- Loss of light
- Development of site is not supported by draft Neighbourhood Plan (contrary to policies requiring development proposals to maintaining the rural feel; maintaining historical legacy; protecting historic buildings; provision of diverse open space; use of open space; preventing overcrowding; and is not one of the proposed sites)
- UPVC windows and doors – contrary to design guide objectives 16 and 23 (UPVC in a conservation area will rarely be acceptable) and contrary to Village Design Statement design policy 16 – use of UPVC windows and door on elevations exposed to public view should be avoided
- Site is in a Special Landscape Area used to protect sensitive landscapes from development
- Contrary to NPPF guidance
- Concerns over accuracy of application drawings, including size of site and plans do not show detailed or accurate relationship to adjoining land, contrary to Creating Places Design Guide requirements
- Two trees have been removed since 2005
- Plans do not show surface water drain and soakaway in the middle of the plot, alternative provision may be required (drainage details are covered under separate legislation)
- Neglecting site is not justification for development
- Building works will have implications for highway safety and traffic
- Concerns relating to potential obstruction and damage/need for repairs to Bourne Close (a private road) and potential problems and inconvenience arising during construction (these are non-material planning considerations being private issues between neighbours or covered under Control of Pollution Acts)

- Concerns relating to building regulations (boundary separation, access to firefighters, surface water drainage)
- Floor area below Nationally described Space Standard (NdSS) – Planning Practice Guidance confirms that local planning authorities can only require internal space standards in new homes if these are in the Local Plan – there are none in the Wiltshire Core Strategy
- Reference to a new build dwelling which has been approved is in the garden/curtilage of a listed building is outside the conservation area – not comparable to this site
- If approved should be restricted to single storey property limited to original height
- Reference to being contrary to policies which have been superseded by the Wiltshire Core Strategy

**2 third party representations have been received supporting the application, summarised as follows:**

- Small property will provide essential accommodation for local workers and support local businesses
- Strong demand for small, affordable housing in area
- Meets the criteria in the neighbourhood plan
- The proposed bungalow fits the site nicely and is in keeping with the area subject to careful selection of bricks for house and garden walls will only enhance the village
- Will keep down obstruction of street by providing 2 off street car parking spaces

**The following objection from the Neighbourhood Plan Steering Group has also been received:**

The Idmiston Parish Council Draft Neighbourhood Plan, passed unanimously by the Parish Council at the meeting in May 2015, is available in full on the IPC website. It was submitted to Wiltshire Council on 20 May 2015 and, having addressed the issue of the SEA reports is now approaching Consultation with Wiltshire Council. It contains policies that seek to conserve and enhance the historic environment as well as protect the landscape/townscape. Policies 1 to 4 in the Draft NP relate to the protection of the landscape and require all new development proposals to incorporate a landscaping scheme. They also seek any future development on, or close to, the periphery of the villages to minimise the visual impact of the development on the village edges. Policies 5 to 8 in the Draft NP seek to conserve and enhance the historic environment. They also seek any future development to reflect and enhance the character of historic properties and the villages and, following full consultation with the residents, have selected ten sites for future development to address impending housing need.

With relation to the proposed development on this very small plot, in the centre of the Porton Conservation Area, jammed up against the flint wall of the Grade 11 listed Rose Cottage – we feel the following Policies and Proposals are particularly applicable:

**Policy 7            Maintaining Historical Legacy**

To ensure developments within the historic parts of Idmiston, the Porton Conservation Area and the areas immediately adjoining, reflect the appearance and character of our legacy of historic properties.

The modern style and the functional design of the proposed single storey dwelling does nothing to contribute either to the Conservation Area or to the environs of Rose Cottage.

#### Policy 8 Maintaining and Enhancing Character

To ensure new housing both reflects and enhances the character of the villages and that extensions blend in visually with existing buildings and do not detract from the street scene.

Core Policy 57 in the Wiltshire Core Strategy (adopted 2015) requires a high standard of design for all new developments and expects them to create a strong sense of place through drawing on the local context and being complementary to the locality. The policy ensures that any application for development is accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through enhancing local distinctiveness, which includes responding to the value of the natural and historic environment. Development must also relate positively to its landscape setting and the existing pattern of development and respond to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced. Core Policy 58 relates to the conservation of the historic environment and seeks to ensure that development protects, conserves and where possible enhances the historic environment. The policy seeks to conserve designated heritage assets and their setting as well as non-designated heritage assets that contribute to a sense of local character and identity.

The development in this application does not draw on local context within the Conservation Area and is not complementary to the surrounding buildings – it will not enhance local distinctiveness. On a very cramped site, it bears no relation to the existing pattern of development and, if built, will neither enhance nor retain the views into the area.

#### Proposal 4 Protect Historic Buildings

Review buildings within the villages that should be maintained/protected as part of our cultural/historic heritage.

In this case, to protect the integrity and the open view of the Grade 11 listed Rose Cottage.

#### Proposal 9 Use of Open Space

Seek to secure public use of 'non-public space wherever appropriate and however possible.

This small triangular space is one of the very few remaining open spaces in the village of Porton. It is the only one left within the Conservation Area and has been used for many years by custom and practice as a right of way. It has provided safe access from the High Street to the Recreation Ground for children and recreational walkers – there is no designated right of way. A claim is currently being made for its continuing use.

#### Policy 13 Short Term Infrastructure Requirements

There is a requirement to manage current infrastructure shortfalls for the management of traffic congestion, parking and safety.

The site of the proposed new dwelling is on the busy High Street approaching the Winterslow Road. Traffic constantly moves up and down on the way to the Surgery, Shop,

Chinese Takeaway, Gomeldon School and on the way to and from work. There is no dedicated parking space apart from that provided by the shop and the takeaway. Overspill parking extends from the junction and back up into the High Street. The street has no footpath and pedestrians are obliged to walk along the open roadway. The site is on a bend in the road and there is no appreciably clear visibility, in either direction, from the site. The road alongside the site is the privately owned Bourne Close. There is no space for construction traffic to park without disrupting the traffic flow on the High Street. There is no provision for the activity around the construction and occupation of this site now and no space to make provision in the future.

#### Proposal 18 New Development Sites

The only sites available for new development should be those identified in the Neighbourhood Plan.

This site was never one of the 26 possible sites considered during the Neighbourhood Planning process. It is too small, is in the Conservation area and will impact adversely on the adjoining Grade 11 listed cottage. It was not therefore considered suitable for development and, consequently, is not one of the ten preferred sites selected by the inhabitants of the Parish. There is a full account of the process and selection process in the Housing section of the Neighbourhood Plan.

#### Policy 18 Preventing Overcrowding

To ensure sufficient private amenity space remains available, proposals that involve increasing the footprint of a dwelling should have regard to the adequacy of the size of the plot and the general character of the area.

This very small plot has barely sufficient room to accommodate the proposed bungalow and the two parking spaces – there will be little room to provide any garden space. The surrounding houses in the Conservation Area generally sit in much larger plots with sufficient green space and room for hedges and trees. This modern building would be jammed against the wall of the adjoining listed, thatched cottage.

#### Proposal 20 Liaison with County Planners

To establish a consistent and regular relationship and liaison with County Planners, to ensure that the Neighbourhood Plan, with other planning policies, form the basis for future decisions.

Having taken the Neighbourhood Planning process to this stage, it would be of value to understand if any of these Proposals and Policies contravene any of the Wiltshire Council Core Policy and Planning guidelines, the principles of the Conservation Area, Listed buildings or the minimum requirements of the National described Space Standard. The NdSS describes the minimum recommended requirement of the internal space for a new dwelling for a two bedroom/3 person occupancy as being 61 square metres with 2 square metres provided for storage space. Measurements to scale on the Plan in this Application for the building give only an external measurement of 57 square metres and the estimated Gross Internal Area is only 48 square metres – well below the required minimum.

If the Planning Department is minded to grant Approval for this Application it would be a contradiction of the rules and guidelines upon which the Plan is based.

Given the nature and circumstances of the application and all the factors listed above, we very strongly oppose this Planning Application.

**Comments also received from South Wiltshire CPRE:**

It would be a shame to lose this small area of open space in the conservation area; also, although the proposed bungalow is demure and neutral in design perhaps its effect on the setting of the adjacent Grade II listed house should be considered more.

## **9. Planning Considerations**

### **9.1 Principle of development**

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

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

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

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

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

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

However, the NPPF requires each Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land (paragraph 47). The implications being, if this cannot be demonstrated, then the policies in the development plan relevant to the supply of housing cannot be considered to be up to date. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission (NPPF paragraph 14).

A Housing Land Supply Statement has been prepared using a base date of April 2015 and covers each Housing Market Area (HMA) in Wiltshire. It is essentially a snapshot in time, taken annually, as required by the NPPF. It updates the previous Housing Land Supply Statement (July 2014) and addendum in the Wiltshire Core Strategy Inspector's Note (October 2014).

The table below taken from the Housing Land Supply Statement (September 2015) provides an overview of the five year land supply against the housing requirements contained in the Wiltshire Core Strategy.

Area	Housing requirement 2006-2026	Housing completions 2006-2015	Five year housing requirement 2015-2020	Deliverable supply 2015-2020	Number of years of deliverable supply
East Wiltshire HMA	5,940	2,976	1,347	2,213	8.21
North and West Wiltshire HMA	24,740	10,821	6,327	7,092	5.60
South Wiltshire HMA	10,420	4,071	2,886	3,274	5.67
Wiltshire HMAs	41,100	17,868	N/A	12,579	N/A
Swindon (within Wiltshire)	900	335	N/A	402	N/A
Wiltshire Total	42,000	18,203	N/A	12,981	N/A

*Table 2: Housing Land Supply relative to the housing requirement of the adopted Wiltshire Core Strategy*

Each of the HMAs currently has five years' supply of deliverable land for housing development, with South Wiltshire having 5.67 years deliverable supply.

Consequently, there is no immediate need for the development of non-allocated sites such as this proposal.

It is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning

application and a judgement is necessary in terms of all the development impacts considered below.

## **9.2 Right of Way**

Wiltshire Council has a duty under Section 130 of the Highways Act 1980 to protect and assert the rights of the public to the use and enjoyment of any highway for which it is the highway authority. The council is also required to prevent, as far as possible, the stopping up or obstruction of (a) the highways for which they are the highway authority, and (b) any highway for which they are not the highway authority, if, in its opinion, the stopping up or obstruction of that highway would be prejudicial to the interests of its area.

Public footpaths are highways, and the duty is therefore clear where the Definitive Map and Statement (the conclusive legal record of public rights of way) shows a footpath, bridleway, restricted byway or byway open to all traffic. However, if a highway authority is aware of a public right of way that is not shown in the Definitive Map and Statement (DMS), the authority still has the duty to protect it in the ways described above.

The Rights of Way (ROW) team have advised that the council has received an application for a Definitive Map Modification Order (DMMO) to record a public footpath along the east boundary of the proposed site, the application being supported by evidence that a public footpath exists, and that evidence is still being considered by ROW.

ROW have advised that in making a decision on the DMMO; the council must in the first instance decide whether or not it is reasonably alleged that a public footpath exists and that there is no incontrovertible evidence that it cannot exist. If it decides that this test is met, it must make a Definitive Map Modification Order (DMMO) which, if it is ultimately shown on the balance of probabilities that a public footpath does exist, will be confirmed and will result in the footpath being added to the DMS.

In this way, the council can be said to have responsibilities both to the applicants for the DMMO and to the applicant for the proposed dwelling; the council needs to protect the line of the path from being obstructed whilst the DMMO application is being processed so that if it is ultimately determined to be a public right of way, the public have unobstructed use of it and the applicant does not have to remove sufficient of the obstruction to make it available to its full width.

The call in reasons include that 'there is insufficient evidence to show there was ever a footpath or need for one'.

Based on the evidence before ROW at the moment (21 user evidence forms) and taking an average width from the user evidence, a width of 1.54m is the used width of the claimed route along the east boundary of the site; although ROW have advised that additional width evidence may be brought to the attention of the Council as they process the claim and the width of the footpath may change/could increase.

The block plan proposes the dwelling to be sited 0.7m from the east boundary of the site. The proposed dwelling would therefore obstruct the claimed footpath route.

If the claimed route were a footpath already recorded on the definitive map, then ROW would object to the planning application on the grounds that the development would obstruct the footpath. Until their investigations are completed, they have to treat the claimed route as if it were already recorded and they have recommended that this planning application is either refused or a decision is deferred until such time as the outcome of the DMMO application is known.

It has been suggested to the agent that the application could be withdrawn; amended plans could be submitted reducing the width of the dwelling and increasing the gap between the east boundary and the side elevation of the proposed building to accommodate the claimed footpath route (with the caveat that the claimed width is still under consideration as part of the DMMO application), or the applicant could request a decision is deferred on the planning application until the outcome of the DMMO is known (the local planning authority are able to mutually agree an extension of time to the application).

However, the applicant wishes the application to be determined as submitted and the application is therefore recommended for refusal on the grounds that the development would obstruct the claimed footpath route.

### **9.3 Scale, design and impact to the character and appearance of the conservation area/setting of listed buildings**

The NPPF sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should always seek to secure high quality design. Paragraph 58 of the NPPF in particular states that development should respond to local character and history, and reflect the identity of local surroundings and materials and paragraph 132 requires development to enhance heritage assets and make a positive contribution to their setting.

The Planning (Listed Building and Conservation Areas) Act 1990 (sections 16 & 66) places a duty on the local planning authority to have '*special regard*' to be given to the desirability of preserving the special interest of the listed buildings and their settings. The principal considerations are to ensure that new development protects the significance of listed buildings and their settings, and prevents harm to their significance.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a duty to require that '*special attention*' shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

Core Policy 58 *'Ensuring the conservation of the historic environment'* requires that *'designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.'*

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

It is noted that representations received including from the Neighbourhood Plan Steering Group, consider that the proposal is not in accordance with the draft Idmiston Parish Council Neighbourhood Plan. It should be noted that whilst this neighbourhood plan was submitted to Wiltshire Council in May 2015, this is a draft which has yet to be approved by the Council, nor been submitted to the external examiner for approval, nor been voted in a public referendum. Therefore whilst the neighbourhood plan can be given a small amount of weight in the decision making process, it cannot be given significant weight due to it not yet being adopted.

In paying *'special attention/regard'* to the Conservation Area and listed buildings and their settings, the NPPF requires an assessment as to whether the proposal causes *'substantial harm'* or *'less than substantial harm.'*

In defining the level of harm the NPPF and National Planning Practice Guidance (PPG) provides the following advice:

Paragraph 133 of the NPPF states that where proposals would lead to substantial harm to the significance of a designated heritage asset, the proposals should be refused unless it can be demonstrated that this would be outweighed by substantial public benefits.

Paragraph 134 of the NPPF states that where proposals would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposals.

The PPG confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset and as the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

The PPG advises *'whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting'* and that in general terms, *substantial harm is a high test and may not arise in many cases and that works that are moderate or minor in scale are likely to cause less than*

*substantial harm or no harm at all, although it notes that even minor works have the potential to cause substantial harm.*

The site lies on the High Street in Porton, within the conservation area and immediately adjacent to a grade II listed building, the thatched two-storeyed Rose Cottage. The site has not (at least since the 19th century) had any structures fronting the High Street and was cleared completely in the mid - 20th century. The view of Rose Cottage from the southern approach has therefore been unobstructed by buildings.

The conservation officer has advised that the scale of the development would sit more comfortably with neighbouring properties (compared to the earlier withdrawn schemes) but the scheme stills remove an open space from the middle of the conservation area and will affect the setting of the adjacent listed building.

The character of the High St is primarily one of two-storeyed houses and one-and-a-half storeyed thatched cottages; the proposed bungalow bears no reflection of the character of the Conservation Area and would appear cramped against the boundary with Rose Cottage, intruding into all views of the latter.

It is considered that the proposal would have an adverse impact on the setting of the listed building and the character and appearance of the conservation area, and although it is considered that this will result in less than substantial harm; it is therefore necessary that this harm should be weighed against any public benefits of the proposals.

The PPG clarifies that public benefits might comprise anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Although public benefit is a relevant consideration it must be considered in the context of the '*special regard*' requirements of the Act and current case law suggests that Section 16/66/72 requirements are being interpreted as effectively implying a presumption against approval in cases where harm would result. It follows that other material considerations will not automatically outweigh harm to heritage assets.

The planning agent has advised that a public benefit will be that they wish to offer a reasonable percentage based on the land value towards community needs which then can be used to improve facilities at the play park or any other purpose that is needed in the village.

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

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

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

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

The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015. CIL is a new levy charged that local authorities can choose to charge on development in their area, and which Wiltshire Council has taken the decision to implement on all liable development. CIL will contribute towards the "funding gap" between the total cost of infrastructure necessary to deliver new development and the amount of funding available from other sources.

The Wiltshire Community Infrastructure Levy Charging Schedule charge for residential development in this area (Charging Zone 1) is £85 per sq. m payable upon commencement of development and is non-negotiable, although there are exemptions including 'self-build' relief.

CIL is charged on commencement of development and is separate from the planning decision process, being administered by a separate department. A separate Community Infrastructure Levy Liability Notice would be issued only if planning permission is granted.

The proposal would have generated an off-site recreational open space contribution under saved policy R2 of the Salisbury District Local Plan. However, this is a tariff style 'pooled' contribution. Pooling restrictions that came into force on 6 April 2015 mean that Wiltshire Council cannot pool more than five planning obligations towards the same infrastructure type or project. This limit extends to all planning obligations entered into since 6 April 2010. As the Council has already pooled more than 5 planning obligations towards recreational open space, we cannot therefore require any further pooled recreational off site contributions.

Core Policy 43 of the Wiltshire Core Strategy also sets out a requirement for 40% on site affordable housing provision with a net gain of 5+ dwellings, as this is under that threshold no affordable housing provision would be sought.

Any other offers of financial contributions as suggested by the agent will not be CIL compliant and cannot be accepted by the council as part of the application process.

Reference has also been made to the grant of planning permission for a new dwelling in the curtilage of a listed building at Box Hedge Cottage on a similar size plot. Planning authorities must determine applications in line with the local development plan unless material considerations indicate otherwise. Granting planning permission does not set a precedent for other proposals being allowed as each planning application is considered on its own merits in line with planning legislation and relevant national policy.

It is considered that the proposed development would have an adverse impact on the setting of the listed building and the character and appearance of the conservation area, although this is considered to cause less than substantial harm; but there are no public benefits arising from the proposal which outweigh this less than substantial harm and as such the proposal is recommended for refusal in accordance with paragraph 134 of the NPPF.

#### **9.4 Impact on Special Landscape Area**

The application site is located within the Special Landscape Area, and objections have been received on the basis of the proposals negative impact on this designation. Given the position of the proposed bungalow within a built up area, surrounded by other dwellings, it is not considered on a landscape scale, that the addition of a dwelling on this plot of land would have a significantly detrimental impact on the Special Landscape Area.

#### **9.5 Impact on neighbour amenity**

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

Whilst the dwelling is sited 0.7m from the east boundary with Rose Cottage, given that the proposed dwelling is single storey with no first floor or windows above ground floor level; it is not considered that the development would have an adverse overlooking or overshadowing impact upon neighbouring amenity.

#### **9.6 Impact on highway safety**

The supporting text to Wiltshire Core Strategy Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas.

The resulting LTP3 Car Parking Strategy (the third evolution of the Wiltshire Local Transport Plan) was adopted by the council in February 2011 and includes policy PS6 – Residential parking standards. The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy:

Table 7.1 Minimum parking standards (allocated parking)

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

Objections raised include that the proposal provides insufficient parking spaces and inadequate access arrangements amounting to an adverse highway safety impact.

Two parking spaces have been provided to the front of the dwelling. The highways authority (distinct from ROW) has raised no objections to the proposal.

With no objection comments from the highway authority; it is considered that any refusal of this application on the grounds of insufficient parking is unreasonable.

### 9.7 Sustainable construction and low carbon energy

The Wiltshire Core Strategy’s key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41- Sustainable Construction.

For new build residential development this is achieved through Level 4 of the Code for Sustainable Homes (CSH4) which seeks a 19% reduction in Green House Gas (GHG) emissions over the benchmark set in Part L of the 2013 Building Regulations.

CP 41 - New homes (excluding extensions and conversions) will be required to achieve at least Level 4 (in full) of the Code for Sustainable Homes<sup>86</sup>.

86. For residential development post-construction Code for Sustainable Homes assessments will be required which must be undertaken by an accredited assessor. For conversions and for non-residential development an appropriate post-construction BREEAM assessment will be required which must also be undertaken by an accredited assessor. Replacements for the BREEAM standards are being developed and this policy will apply the equivalent replacement standards. The policy will also apply to any future replacements to the Code for Sustainable Homes.

<http://www.wiltshire.gov.uk/wiltshire-core-strategy-web-version-new-june.pdf> (p238)

The Planning Inspector for the Wiltshire Core Strategy (WCS) endorsed and made specific reference to the above position in his final report of December 2014:

137. Secondly, the policy addresses the notion of sustainable construction. Once again the Council has proposed changes to the policy to reflect the passage of time and to clarify that the Code for Sustainable Homes Level 4 will need to be secured for new homes and BREEAM76 'Very Good' standards in other circumstances. I am satisfied that the evidence base, particularly Topic Paper 1, establishes a sound basis for local policy to supplement national aspirations with regard to sustainable construction.

<http://www.wiltshire.gov.uk/wiltshire-core-strategy-inspectors-report.pdf>

The local planning authority have been adding the following standard condition to planning consents for new build residential development in Wiltshire:

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

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

Wiltshire Council has received challenges from developers seeking not to apply CSH4 to new developments. These challenges have argued that Section 43 of the Deregulation Act 2015 and a Ministerial Statement dated March 2015 brought CSH4 into question.

Legal advice has confirmed that:

a) The Department for Communities and Local Government, through the then Secretary of State, The Right Honourable Eric Pickles, delivered on the 25/03/2015 in the House of Commons a policy statement specifically dealing with energy efficiency in buildings and Planning system:

*'the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent. This statement does not modify the National Planning Policy Framework policy allowing the connection of new housing development to low carbon infrastructure such as district heating networks.'*

<https://www.gov.uk/government/speeches/planning-update-march-2015>

b) Section 43 of the Deregulation Act is still not in force and has, accordingly, altered neither the Planning nor Energy Act 2008, nor the policy led approach under CP41 of the WCS that Wiltshire Council can and should apply to any new application for new build residential development.

c) The Government's intention (set out at 4(a) above) to retain higher energy standards in the move towards sustainable homes is consistent with WCS Core Policy 41 which requires CSH4. By only requiring up to the pre-existing level 4 of the Code for Sustainable Homes, Wiltshire Council has not set the bar above what was envisaged by the Minister or Government at paragraph 4(a) above.

In view of planned changes to national policy, and following a recent appeal decision in Salisbury (14/10442/FUL), Wiltshire Council's standard condition relating to Code for Sustainable Homes for new build residential development has been replaced by the following:

*The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.*

*REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.*

The Inspector's appeal decision explains 'At the Hearing the parties indicated that there was not agreement about the Council's requirement for the dwellings to comply with Code 4 of the Code for Sustainable Homes. The relevant development plan policy, CS Policy CP41, creates a need to achieve at least level 4 of the Code for Sustainable Homes and, until

*amendments are made to the Planning Energy Act 2008, it is accepted that this may continue to be applied by condition, but limited to achieving equivalent energy standards.'*

The key difference is that the local planning authority is now seeking energy performance at "or equivalent to" Level 4 of the Code for Sustainable Homes. Evidence of achievement is still required prior to occupation.

### **9.9 Archaeology:**

Paragraph 128 of the NPPF states that *'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'*.

The council's archaeologist has advised that there are no historic environment records in or in the near vicinity of the site, although it is possible that the lack of archaeological finds might be due to a lack of previous archaeological work in this area. However, on the evidence available at present, the council's archaeologist has advised that it is unlikely that significant archaeological remains would be disturbed by the proposed development and has raised no objections to the proposal.

### **10. Conclusion**

The council has received an application for a Definitive Map Modification Order (DMMO) to record a public footpath along the east boundary of the proposed site. The council needs to protect the line of the path from being obstructed whilst the DMMO application is being processed so that if it is ultimately determined to be a public right of way, the public have unobstructed use of it and the applicant does not have to remove sufficient of the obstruction to make it available to its full width.

The block plan proposes the dwelling to be sited 0.7m from the east boundary of the site, which would obstruct the claimed footpath route. Until their investigations are completed, ROW have to treat the claimed route as if it were already recorded and they have recommended that this planning application is either refused or a decision is deferred until such time as the outcome of the DMMO application is known. The applicant wishes the application to be determined as submitted and the application is therefore recommended for refusal on the grounds that the development would obstruct the claimed footpath route.

As a planning authority we have a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area and the desirability of preserving the setting of a listed building when we consider applications for development that affect it. We are obliged, by case law, to give significant weight to this desirability. The proposal will have an adverse setting on the listed building (Rose Cottage) and the character and appearance of the conservation area with no public benefits arising from the proposal which outweigh this harm.

**RECOMMENDATION: That planning permission be REFUSED for the following reasons:**

(1) Wiltshire Council has a duty under Section 130 of the Highways Act 1980 to protect and assert the rights of the public to the use and enjoyment of any highway for which it is the highway authority. The council is also required to prevent, as far as possible, the stopping up or obstruction of (a) the highways for which they are the highway authority, and (b) any highway for which they are not the highway authority, if, in its opinion, the stopping up or obstruction of that highway would be prejudicial to the interests of its area.

Public footpaths are highways, and the duty is therefore clear where the Definitive Map and Statement (the conclusive legal record of public rights of way) shows a footpath, bridleway, restricted byway or byway open to all traffic. However, if a highway authority is aware of a public right of way that is not shown in the Definitive Map and Statement (DMS), the authority still has the duty to protect it in the ways described above.

Core Policy 52 also seeks to protect and enhance the green infrastructure network (which includes pedestrian paths and rights of way) in Wiltshire. The policy requires development to make provision for the retention and enhancement of Wiltshire's Green Infrastructure network, and ensure that suitable links to the network are provided and maintained. The council has received an application for a Definitive Map Modification Order (DMMO) to record a public footpath along the east boundary of the proposed site, the application being supported by evidence that a public footpath exists, and that evidence is still being considered by Rights of Way (ROW).

The footpath width of 1.54m is the used width of the claimed route, although the ROW officer has advised that additional width evidence may be brought to the attention of the Council as the claim is processed and the width of the footpath may increase.

If the claimed route were a footpath already recorded on the definitive map, then ROW would object to the planning application on the grounds that the development would obstruct the footpath; although based on the evidence before them at the moment (21 user evidence forms) and until their investigations are completed they are treating the claimed route as if it were already recorded.

The block plan proposes the dwelling to be sited 0.7m from the east boundary of the site and the proposed dwelling would therefore obstruct the claimed right of way for the public on foot along the east boundary of the site, contrary to policy 52 of the Wiltshire Core Strategy and section 130 of the Highways Act 1980.

(2) The Planning (Listed Building and Conservation Areas) Act 1990 (sections 16 & 66) places a statutory duty on the local planning authority for '*special regard*' to be given to the desirability of preserving the special interest of listed buildings and their settings. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a statutory duty on the local planning authority that '*special attention*' shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The conservation officer has advised that the scale of the development would sit more comfortably with neighbouring properties (compared to the earlier withdrawn schemes) but the scheme stills remove an open space from the middle of the conservation area and will affect the setting of the adjacent listed building. The character of the High St is primarily one

of two-storeyed houses and one-and-a-half storeyed thatched cottages; the proposed bungalow bears no reflection of the character of the Conservation Area and would appear cramped against the boundary with Rose Cottage, intruding into all views of the latter.

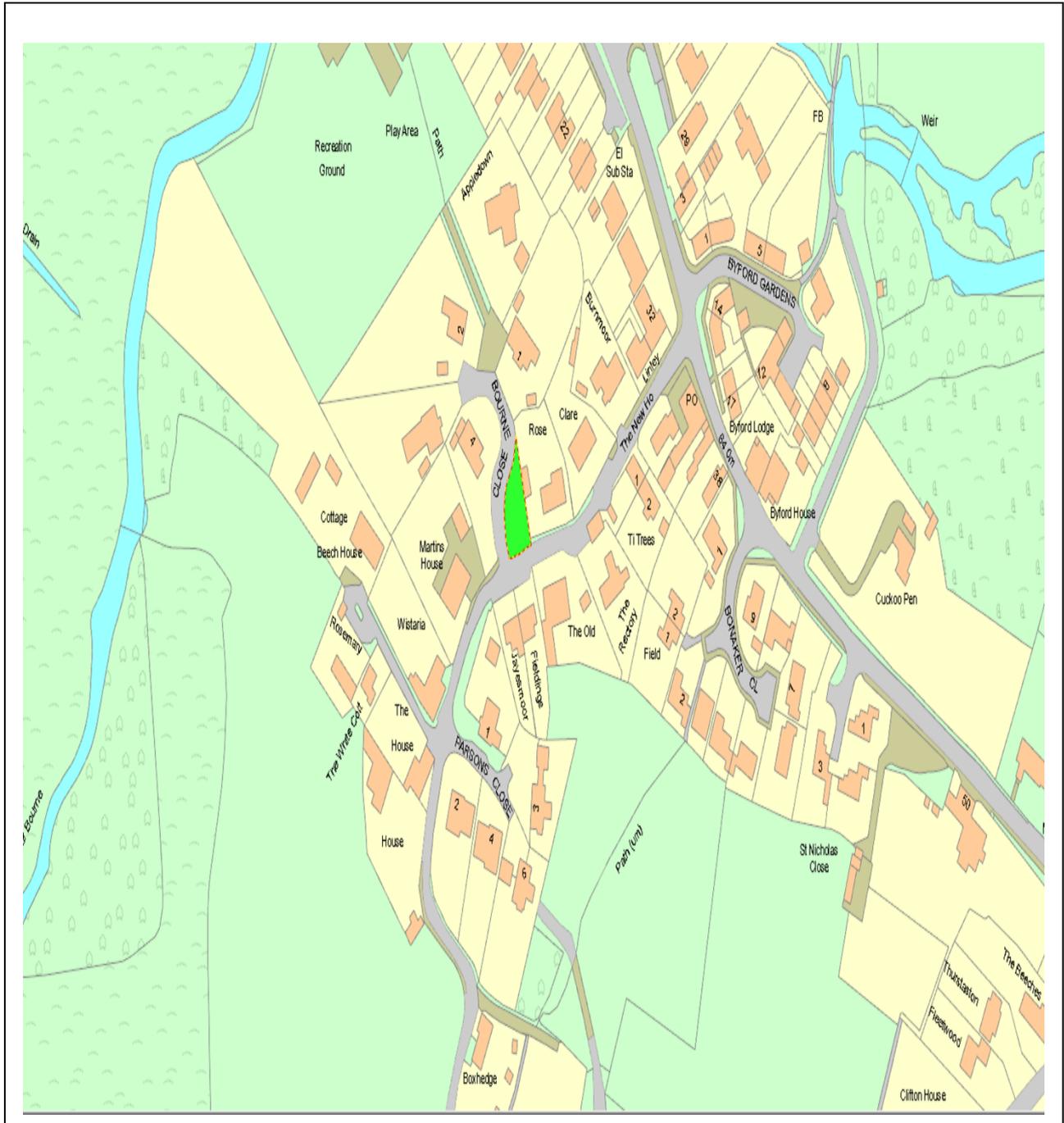
The proposal will have an adverse setting on the listed building (Rose Cottage) and the character and appearance of the conservation area with no public benefits arising from the proposal which outweigh this harm (including that as the Council also has a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements; the provision of housing is not a material consideration which outweighs the adverse impact to the setting of the listed building and character and appearance of the conservation area). It is considered that the proposal is contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 12 of the NPPF (paragraph 134 in particular), policies 57 and 58 of the Wiltshire Core Strategy and Objective 16 of the Council's Design Guide 'Creating Places'.

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**REPORT TO THE SOUTH AREA PLANNING COMMITTEE**

**Report No. 1**

<b>Application Number</b>	15/10963/FUL
<b>Site Address</b>	Land at Bourne Close and High Street corner, Porton, SP4 0LL
<b>Proposal</b>	Proposed bungalow (resubmission of 15/04079/FUL)
<b>Case Officer</b>	Lucy Minting



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## REPORT FOR SOUTHERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	25 February 2016
<b>Application Number</b>	15/08510/OUT
<b>Site Address</b>	Scotts House, Salisbury Road, Downton, Salisbury, SP5 3HZ
<b>Proposal</b>	Outline Planning Application for residential development with all matters reserved except for means of access (17 dwellings)
<b>Applicant</b>	Mr R Hewlett
<b>Town/Parish Council</b>	DOWNTON
<b>Electoral Division</b>	DOWNTON AND EBBLE VALLEY – JULIAN JOHNSON
<b>Grid Ref</b>	416983 121904
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

### REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The Area Development Manager (South) considers that as the application represents a departure from the development plan it is necessary for it to be determined by the Southern Area Planning Committee.

### PURPOSE OF REPORT

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

### MAIN ISSUES

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

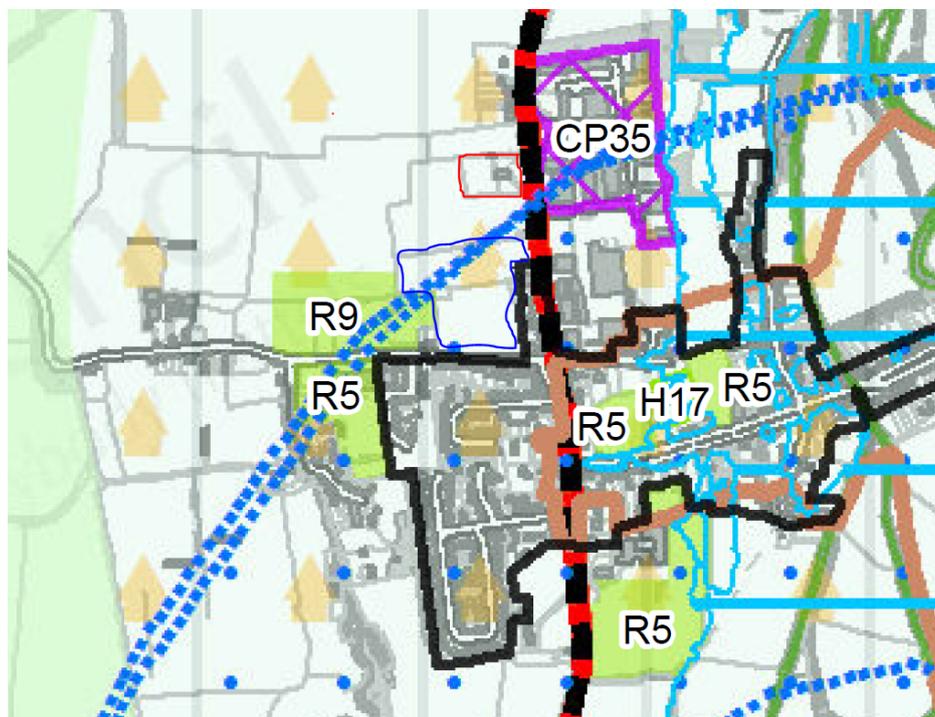
1. Background
2. Principle of development & housing policy
3. Scale, design and layout
4. Landscape and visual impact
5. Highway impact and transportation
6. Drainage & flood risk

7. Education and community facilities
8. Housing mix & affordable housing
9. Ecology and biodiversity
10. Impact on the historic environment
11. Residential amenity
12. Waste & recycling
13. Minerals safeguarding
14. Section 106 requirements / community infrastructure

Downton Parish Council has made a number of qualified comments in response to the application. These cover the 'spatial strategy' for the Southern Wiltshire Area as set out in the Wiltshire Core Strategy, drainage, education and highway safety. Five objections have been received from third parties.

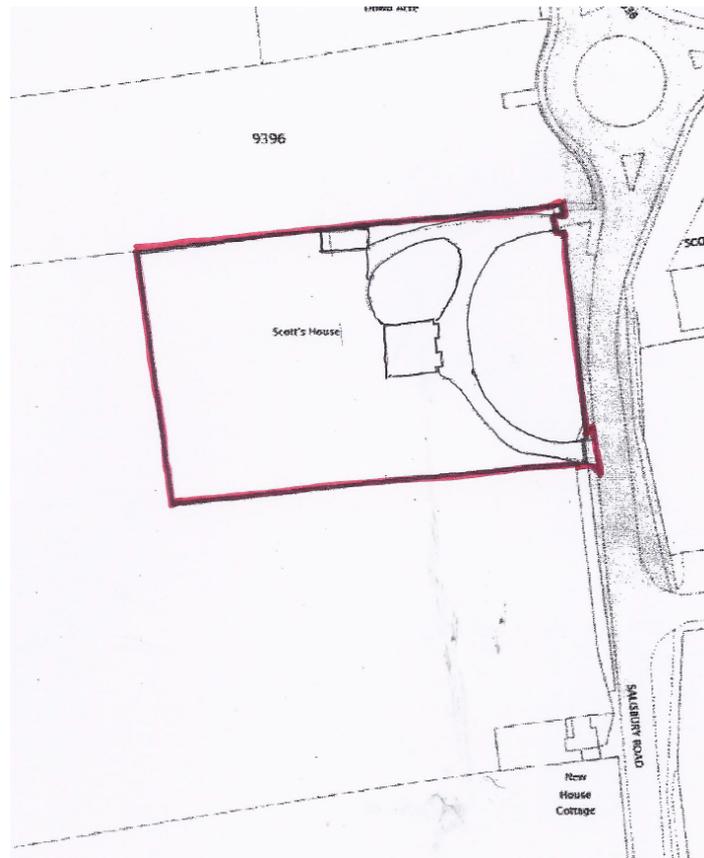
## SITE DESCRIPTION

The site is located on the western side of Salisbury Road (A338) on the north western fringes of the village of Downton. The site is an identified "SHLAA" site (reference number 3442) but is located outside of the current designated Housing Policy Boundary and so in open countryside from a policy perspective. An existing covered bus stop is located immediately outside the site which provides a regular and direct service to Salisbury, and the amenities provided in Downton itself are a short walking distance away.



*Extract from Wiltshire Core Strategy maps – red line: Scott's House; blue line: Charles Church site*

The site extends to an area of approximately 0.79 hectares and is currently occupied by a large detached property, licensed as a 11 person/household 'house in multiple occupation' (HMO), and associated car parking and amenity space.



*Site Plan*

The existing building on the site is a substantial two-storey 'house' that is finished in red brick with a slate tiled roof. The property is fairly centrally located within the site. There is also a detached single storey outbuilding that is located adjacent to the northern boundary of the site. A substantial belt of mature trees and a hedgerow exists to the eastern boundary of the site to Salisbury Road (A338) and the northern boundary, whilst there are also some mature trees to the eastern end of the southern boundary. The remaining boundaries are enclosed with post and rail fencing with open views to the adjacent land. There are currently two vehicular accesses directly from the A338 that are located at either end of the site frontage providing an 'in and out' access arrangement. The northernmost access point is located a short distance to the south of the roundabout junction to the A338. This roundabout provides vehicular access to the industrial estate on the opposite side of the A338.

Immediately adjacent to the site is agricultural land that wraps around the northern, southern and western boundaries. Further to the north is a small cluster of residential dwellings that provides a ribbon form of frontage development to the A338 and represents the furthest extent of built development on the northern edge of the settlement, whilst further to the south there is a small number of residential properties and a petrol filling station that front Salisbury Road (A338). The site is immediately adjoined by Salisbury Road (A338) to the east and on the opposite side of the A338 are industrial/commercial premises within the Batten Road and Downton Industrial Estates.

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

## **RECENT PLANNING HISTORY**

### **Relating to the site -**

14/07898/OUT - Outline planning application for residential development for up to 25 dwellings with all matters reserved except means of access. Refused 30/04/15

### **Relating to land in the vicinity -**

S/2002/1417 - Construction of new roundabout to serve industrial estate. Approved with conditions 25/10/2002

S/2004/0033 - Construction of new roundabout to serve industrial estate, construction of new access to highway. Approved with conditions - 18/02/04

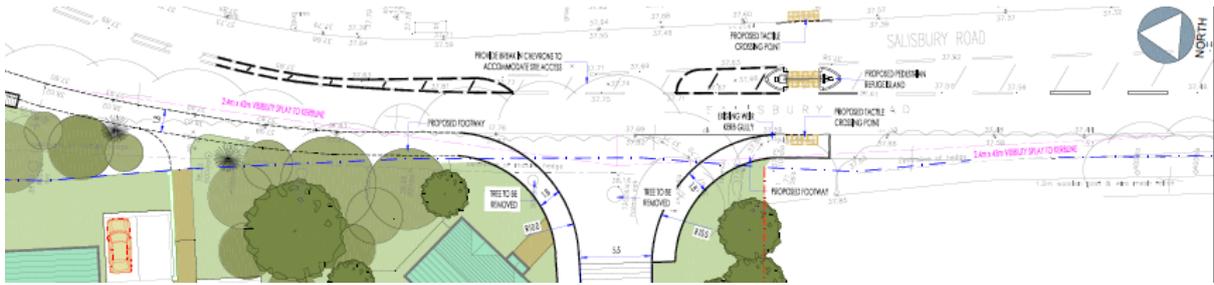
14/06561/FUL - Erect 99 dwellings (83 houses and 16 flats) together with garages, timber pergolas, garden sheds and refuse/cycle stores and associated works - [this 'green field' site is approximately 100m to the South of Scotts House with an intervening field]. Resolution to approve with conditions, subject to primary school gaining permission to expand and S106 - 21/10/2015. S106 is nearing completion.

15/10781/OUT - Erection of 36 residential units, construction of an access road from Breamore Road, and associated works at Land at Rivermead, Braemore Road, Downton – [this 'countryside' site is on the southern side of Downton]. Application is undecided, although has a number of outstanding issues at this time.

## **PROPOSAL**

The proposal is to demolish the existing buildings and erect a residential development of up to 17 dwellings. The application is in outline form with all matters reserved except access. The application is accompanied by a layout drawing, but this is illustrative only.

Vehicular access would be at the southern end of the site from the A338 whilst the existing northern access close to the roundabout junction to the A338 would be stopped up. Off-site highway works would be required on the public highway (A338). These would be to provide a pedestrian refuge crossing point on the A338 at the southern end of the site and a 1.8 m wide footway along the site frontage.



*Proposed new access, pavement and pedestrian refuge*

The illustrative layout plan suggests that the proposed development would comprise a mix of property types and sizes. It shows 3, 4 and 5 bed semi-detached and detached 2 storey houses, in a layout centred around a single internal access road off which two ‘home zones’ and main turning areas are taken. The layout plan also shows the inclusion of an equipped children’s play area. The proposal includes the provision of a new 1.8m footway across the frontage of the site (both sides of the access) which would extend into the site giving pedestrian access to all parts. Notwithstanding the detail in this layout plan, it is illustrative only in the context of an outline planning application.



*Layout – illustrative only*

The application is supported by a Planning, Design and Access Statement, a Landscape and Visual Assessment, a Highways/Transport Statement, an Ecology Appraisal/Survey, a bat report, an Archaeological Geophysical survey report and a Drainage Strategy report.

## **CONSULTATIONS**

### Downton Parish Council

*Downton Parish Council welcomes development in the context of Wiltshire Council’s Core Strategy where a **maximum** of 190 new homes are planned for Downton in the period 2006 to 2026.*

*Against the 190 target Wiltshire Council has, so far, approved planning permissions for 76 new homes in Downton. With the impending decision on the Charles Church planning application for 99 dwellings, this total may increase to 175 new homes, leaving just 15 houses to be built to achieve the plan total for Downton through to 2026.*

*The Parish Council is aware of other landowners/option holders/developers with ambition to build in Downton and that a planning application for approximately 40 houses on SHLAA site S195 will soon be submitted [this application has now been submitted]. The Parish Council wishes to point out that, if planning permission is granted for the Scotts House application and the Charles Church application, it will look to Wiltshire Council to exercise considerable restraint on any planning applications which would push the number of additional houses significantly above the 190 limit.*

#### *Drainage, Sewerage Infrastructure*

*Downton Parish Council has welcomed the recent work done, primarily to reduce the potential impact of the Charles Church application, by Wiltshire Council's drainage officers, Wessex Water and the Environment Agency to begin to put in place a groundwater management strategy and an Infiltration Reduction Plan for Downton. Subject to there being no objections submitted by Wessex Water and Wiltshire Council's Drainage Department to this planning application, the Parish Council requests that:*

- The applicant be required by means of a planning condition to install a 'triple sealed' sewerage system within his site, and through to the connection to the main sewer in Wick Lane, so that no ingress of groundwater into Downton's sewerage system can occur as this is already completely overwhelmed by groundwater infiltration in the winter months.*
- The applicant be required by means of a planning condition to appoint a maintenance company to carry out regular maintenance and clearing of the road surface and the soakaways, and monitored by Wiltshire Council, in order to prevent the build-up of sediment which would otherwise prevent infiltration.*

#### *Education*

*In terms of education infrastructure, Downton Parish Council has no objection to this planning application provided approval is given to the Primary School's planning application and to the planning application submitted by the Parish Council for an extension to the Downton Memorial Hall which will enable a relocation of the Downton Community Pre-School to accommodate the additional early years children.*

#### *Exit from the Scotts House Site*

*There has been a significant public response to traffic concerns during the consultations on the Downton Neighbourhood Plan. The Parish Council acknowledges and supports the proposed change on this site from the existing two exits to one exit. However, it continues to be concerned about residents turning right out of the proposed single exit and therefore*

*requests that there should be a left turn only out of the site due to the proximity of the site to the roundabout.*

*If this request is not given approval by Wiltshire Highways, the Parish Council requests that it is provided with a reasoned and evidence based report from the Highways Engineer so that it can ensure that these concerns have not been ignored as well as to include the reasoning in the emerging Downton Neighbourhood Plan for future reference.*

*Compliance with Wiltshire Council's policies*

*Downton Parish Council was supportive of Wiltshire Council's reasons for refusing the applicant's previous application for this site. It therefore requests that Wiltshire Council satisfies itself that this application is compliant with policy and that all previous grounds for refusal have been addressed and resolved.*

*Lastly, and with reference to the final draft of the Downton Neighbourhood Plan and clause 1.11 of the application's Design and Access statement, it is important to make clear that a 'high' scoring site does not mean that any planning application will be considered acceptable to the Parish and, similarly, a 'low' scoring site does not mean that the Parish will not support a planning application if the reasons for the low score are mitigated in the application.*

Spatial Planning:

The proposal is contrary to core policy 2 of the Wiltshire Core Strategy, as the site is in the countryside. The Council can demonstrate a 5 year land supply, and therefore the site is not needed at this time.

The site has not been identified in the emerging Site Allocations Development Plan Document (SADPD) but it has been identified as a potential site in the emerging Downton Neighbourhood Plan (NP), indicating that it may have potential for residential development in the future. However, at this stage only limited weight can be given to the NP and the appropriateness of the site would need to be tested through the plan led system as advocated by the NPPF.

[Detailed comments on strategic matters are set out in the Planning Considerations section below].

WC Highways

No objection subject to conditions.

The Highways Officer made a number of observations about the plans submitted with the previous application which are relevant to this application, and the scheme has been amended accordingly. The amendments include adequate visibility splays, sufficient radii to allow large refuse vehicles to enter and leave the site safely, a footway across the frontage as far as practical and a pedestrian refuge on the A338. The Highways Officer provides the following additional advice to inform the final internal layout (which is a matter for later reserved matters applications):

*1. The parking should be in line with the current parking standards as given in Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy. Garages can only be included in the parking allocation where they are oversized (internal dimension of 3m by 6m).*

*2. A link should be provided to the west of the site to allow the site to be connected to any future adjacent development. If this is not included at this stage, the opportunity will be lost.*

*3. Internal road widths for adoption – the carriageway should measure 5.5m with a 2m service strip and a 0.5m buffer strip.*

#### Wessex Water

No objection.

A foul water connection to the public sewer can be agreed with Wessex Water to serve new properties.

There are no recorded public surface water systems at this location. Surface water proposals allow for disposal to soakaway using design values from site investigation. The planning authority should be satisfied that ground conditions and groundwater levels remain suitable for infiltration measures over a range of seasonal and annual conditions. WW is aware that Downton is vulnerable to groundwater flooding after prolonged rainfall periods.

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

Wessex Water withdraws previous objections relating to a groundwater management strategy (as Wiltshire Council acting as the Lead Local Flood Authority has now prepared a draft groundwater management strategy).

#### Natural England

The following is a summary of comments from Natural England:

Natural England (NE) refers to site being in close proximity to the River Avon Special Area of Conservation (SAC) and the New Forest Special Protection Area (SPA) and SAC, and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The sites are also notified at a national level as the River Avon System Site of Special Scientific Interest (SSSI) and The New Forest SSSI.

The LPA as a competent authority under the provisions of the Habitats Regulations should have regard for any potential impacts that a plan or project may have.

Regarding the New Forest SPA/SAC, NE advise that to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by WC, it should determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be

ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. NE recommends that to help undertake a Habitats Regulations, the LPA obtains information in respect of the potential for increase in recreational activities that could affect SPA features and how they will be avoided or mitigated.

Regarding protected landscapes, NE advise that the development is in close proximity to the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

There are opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes and that the LPA should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application in accordance with Paragraph 118 of the NPPF.

Additionally, section 40 of the Natural Environment and Rural Communities Act (2006) states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

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

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

#### WC Ecologist

No objection subject to S106 obligation.

The Council's ecologist initially objected to the application on the grounds that the Habitats Regulations Assessment (HRA) could not be completed in relation to the impacts on the New Forest SPA. However, this objection has been resolved and the ecologist has made further comments which confirm the HRA has been completed and matters to do with the SPA will be satisfactorily dealt with via S106 contributions to offset the impacts of the development.

[Note: further comments regarding the impact on the SPA/SAC/SSSI and protected species are included in the Planning Considerations below].

#### WC Education

Holding objection.

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

In the event that the school gains planning permission to expand, the WC education team would require a financial contribution (via S106) towards the provision of primary education in Downton. The secondary school in Downton, Trafalgar School, has capacity, and as such no secondary education contribution would be required.

[This is explained further in Planning Considerations below].

#### WC Drainage

No objection subject to conditions.

The WC Land Drainage Engineer objected to the previous application in view of (amongst other things) a lack of a drainage strategy for the site itself and the lack of an overall agreed strategy to deal with wider drainage problems in Downton at the time. However, a wider draft strategy for Downton has since been prepared, this resulting in Wessex Water now not objecting to the current application; and the application itself is now supported by a technical report and illustrative drawings which indicates that surface water drainage can be appropriately dealt with and managed on site.

#### WC Archaeology

No objection.

A satisfactory field evaluation has been undertaken, and this has demonstrated that significant archaeological interests are unlikely to be affected.

#### WC New Housing

No objection subject to S106 obligation.

In summary, the Council's New Housing team have no objections subject to the provision of affordable housing in accordance with Core Policy 43 of the Wiltshire Core Strategy. In the D&A Statement the applicant agrees that this can be progressed via S106 agreement, covering the onward delivery of affordable housing through any reserved matters application.

[Details are set out in the Planning considerations section below].

#### WC Waste Services

No objection subject to S106 contribution towards waste / recycling bins.

#### Vehicle access -

The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.

#### Collection points -

Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property. Plans should identify these areas for each dwelling and demonstrate that they do not impact on space available on driveways and that soft landscaping won't prevent or encumber the collection crew when emptying bins.

#### Storage points -

Plans at full application stage should demonstrate that each property has suitable storage space that takes account of the guidance. Showing containers to scale in situ will help to demonstrate compliance.

#### Routes between storage and collection points -

As noted in the 'Vehicle access' section above, residents should not have to carry their waste containers more than 25m from the storage point to the collection point. Plans should demonstrate that this is achievable for each dwelling, preferably with a supplementary table listing the carry distances per dwelling, for ease of reference.

#### WC Public Protection

No objection subject to conditions.

The WC Environmental Health Officer has expressed concern that noise from the road traffic on the A338 and noise from the commercial/industrial businesses surrounding the site could have an adverse impact on future occupants of the proposed properties. The EHO initially advised the applicant to submit a noise impact assessment to demonstrate how noise will be attenuated in the close by properties to ensure amenity levels for future occupants would not be unacceptable.

However, as the application is in outline with detailed designs/layouts of the proposed houses not yet known, it is acknowledged that it would be difficult to specify any required mitigation measures to attenuate noise at this stage. Therefore, the WC EHO recommends a condition to achieve this *and* to so inform the reserved matters in due course. Also further condition recommended for contamination survey.

#### WC Landscape Officer

Objection.

The WC Landscape Officer does not support the application for the following reasons:

1. The submitted information in support of landscape and visual effects of the proposed development is not sufficiently robust to conclude that there will be no residual landscape and visual effects as a result of this development.

2. The inconsistencies between the landscape and visual appraisal and illustrative layout for Scott's House does not demonstrate that enhancement for landscape character and mitigation for visual effects can be achieved.
3. The proposal does not have regard to Core Policy 51, Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment etc.

[This objection in the context of an outline planning application is considered in the Planning Considerations section below].

### Wiltshire Fire & Rescue Service

Informative advice.

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

## **REPRESENTATIONS**

The application was publicised by letters posted to near neighbours, site notice and paper advertisement.

Five objections from third parties have been received. Summary of main points raised:

- Scale of development would place strain on Downton's services – schools, doctors, etc.;
- A338 already at capacity. Long queues in morning and evening. Difficult to cross the road. Too many junctions on to A338 (including the agreed Charles Church junction);
- Existing foul drainage systems already have problems with overload from surface water ingress. Existing foul systems need to be upgraded first. Triple sealing drains on site will not help existing system off-site;
- Loss of affordable housing through demolition of Scotts House;
- Noise nuisance to new residents from industrial estate opposite.

## **PLANNING POLICY**

### Wiltshire Core Strategy

The Wiltshire Core Strategy (WCS) sets out the long-term planning and development aims for Wiltshire. The WCS was adopted by the Council in January 2015

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

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

Core Policy 1: Settlement Strategy  
Core Policy 2: Delivery Strategy  
Core Policy 3: Infrastructure Requirements  
Core Policy 24: Spatial Strategy: Southern Wiltshire Community Area  
Core Policy 41: Sustainable Construction and Low-Carbon Energy  
Core Policy 43: Providing Affordable Homes  
Core Policy 44: Rural Exceptions Sites  
Core Policy 45: Meeting Wiltshire's Housing Needs  
Core Policy 48: Supporting Rural Life  
Core Policy 50: Biodiversity and Geodiversity  
Core Policy 51: Landscape  
Core Policy 52: Green Infrastructure  
Core Policy 56: Contaminated Land  
Core Policy 57: Ensuring High Quality Design and Place-Shaping  
Core Policy 58: Ensuring the Conservation of the Historic Conservation  
Core Policy 61: Transport and New Development  
Core Policy 62: Development Impacts on the Transport Network  
Core Policy 63: Transport Strategies  
Core Policy 67: Flood risk  
Core Policy 68: Water Resources  
Core Policy 69: Protection of the River Avon SAC

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

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

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

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

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

Wiltshire Local Transport Plan 2011-2026 - Car Parking Strategy

Supplementary Planning Guidance:-

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

National Planning Policy Framework (NPPF) (March 2012), in particular the following: Paragraphs 11 -16 (presumption in favour of sustainable development); 17 (Core Planning Principles); 18 (Supporting a prosperous rural economy); 29 30, 32, 34, 35, 36, 38, 39 (Promoting sustainable transport); 47, 48, 49, 50, 54, 55 (Delivering a wide choice of high quality homes); 56, 57, 58, 59, 60, 61, 64, 66 (Requiring good design); 69, 70, 72, 73 75 (Promoting healthy communities); 93, 94, 95, 96, 99, 100, 101, 103 (Meeting the challenge of climate change, flooding and coastal change); 109, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 123, 125, (Conserving and enhancing the natural environment); 126, 128, 129, 131,132, 135, 136, 139 (Conserving and enhancing the historic environment); 142, 143, 144, 145 (Facilitating the sustainable use of minerals); 186,187, 188, 189, 190, 191, 192, 193, 196, 197, 203, 204, 205, 206 (Decision taking); 210, 215, 216, (Implementation).

National Planning Practice Guidance (NPPG) (March 2014), in particular the following sections:

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

Other Documents:

Cranborne Chase & West Wiltshire Downs AONB Management Plan (2014)  
Downton Village Design Statement (January 2002)  
Waste Collection Guidance for New Development (Wiltshire Council)

## **PLANNING CONSIDERATIONS**

### **9.1 Background**

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations. The site is over the 0.5ha threshold under Schedule 2.10 (b) of the Regulations where screening is required. The site is not within a 'sensitive area' as defined in the Regulations. It has been determined that the proposed development would not require an EIA when considered under Schedule 3 criteria. That is not to say there would be no environmental impact and, indeed, pre-application advice identified the need to undertake and submit a number of assessments with any application submitted.

### **9.2 Policy matters**

Paragraphs 11 and 12 of the NPPF confirm that applications must be determined in accordance with the development plan and that proposals which conflict with the

development plan should be refused unless material considerations indicate otherwise. For the purposes of this application the main policy documents of the development plan comprise the Wiltshire Core Strategy (adopted January 2015) and the Wiltshire and Swindon Minerals and Waste Core Strategies 2006-2026 (adopted 2009). The Wiltshire Core Strategy sets out a Settlement Strategy for the county, and a Delivery Strategy for the delivery of new development within the settlements as defined in the Settlement Strategy.

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

In relation to the Delivery Strategy, Core Policy 2 states the following:

**Within the defined limits of development -**

**Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.**

**Outside the defined limits of development -**

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

In this case the application site lies outside of the housing policy boundary of the Downton Local Service Centre, and so within the countryside. In policy terms there is a presumption against new residential development in the countryside except in limited circumstances not applicable here. The WCS does not propose any strategic housing allocations in Downton, and it envisages that any non-strategic housing sites will come forward either through the Neighbourhood Planning process or through the emerging Housing Sites Allocations DPD. These are considered below.

Core Policy 24 of the WCS sets out a series of indicative housing numbers across broad locations in Southern Wiltshire over the plan period (the 'Southern Wiltshire Area Strategy'), designed to guide an even distribution of housing delivery. The policy states that 190 houses should be provided at Downton. Having regard to the characteristics of Downton and the manner in which its settlement boundary is presently drawn, it is inevitable that a good proportion of these required houses will have to be delivered outside (or rather, on the outer edges) of the settlement. According to Housing Land Availability reports, 175 of these dwellings have already been completed or are subject to planning permissions / committee resolutions (including 99 units on the 'Charles Church' greenfield site to the south), leaving

15 units yet to be identified for delivery over the remainder of the plan period. The application scheme could deliver the outstanding requirement.

Work has commenced on a Housing Sites Allocations DPD (HSADPD), and it is relevant that land immediately adjoining the application site to its south and west sides *had* been defined as an 'option site' in the initial informal consultations. Following the resolution to grant planning permission for 99 houses on the 'Charles Church' site it is unlikely that specific housing site allocations will now be made in Downton via the HSADPD. As part of an earlier informal consultation with Parish and Town Councils as part of a review of the legacy settlement boundaries (the Settlement Boundary Review (SBR)), a draft revised boundary for Downton has been prepared with the 'line' shown to be tightly drawn around Scotts House. Both the HSADPD and the SBR documents are at an early stage of preparation.

Separately a Neighbourhood Plan (NP) for Downton is in preparation. It has reached the formal consultation stage (ending 25 February 2016), this preceding examination and then referendum. It follows that it is at an advanced stage. In considering potential sites for housing development in Downton the NP has undertaken a 'site preference exercise'. The NP states:

*To establish the Downton community's site preferences, the Neighbourhood Plan team identified a set of criteria against which to measure potential development sites. For parity, all sites in the Parish submitted as part of the Strategic Housing Land Availability Assessment (SHLAA), undertaken by Wiltshire Council some years ago, were subject to analysis. Where possible the owners or developers have taken part in discussions to provide facts about the sites but these have also been verified by independent scorers. ...*

Each site was 'scored' and then all were placed in 'bands' (upper, middle and lower) depending on the scores; sites in the upper band are preferable to those in the middle or lower bands. The application site scores highly, and so is in the upper band. The NP continues:

*None of the sites considered in this analysis is felt to represent a flawless site; on the other hand, none can be said to be totally unqualified for development. It is recognised that developers can propose actions in their planning application that would mitigate the impact of negative elements or enhance those elements that score positively. However, the significance of some features is such that there is little that can be done to overcome the reasons for their low or medium score; for example a large development of 50 or more homes with no stated intention to reduce this number, which impacts significantly on traffic congestion because it accesses via a single track road or on to the traffic on the A338 and which has open fields around it would not be recommended as complying with the intentions of this Neighbourhood Plan. Similarly, in the current circumstances, any development of more than 16 homes would not be compliant with Neighbourhood Plan intentions.*

And ....

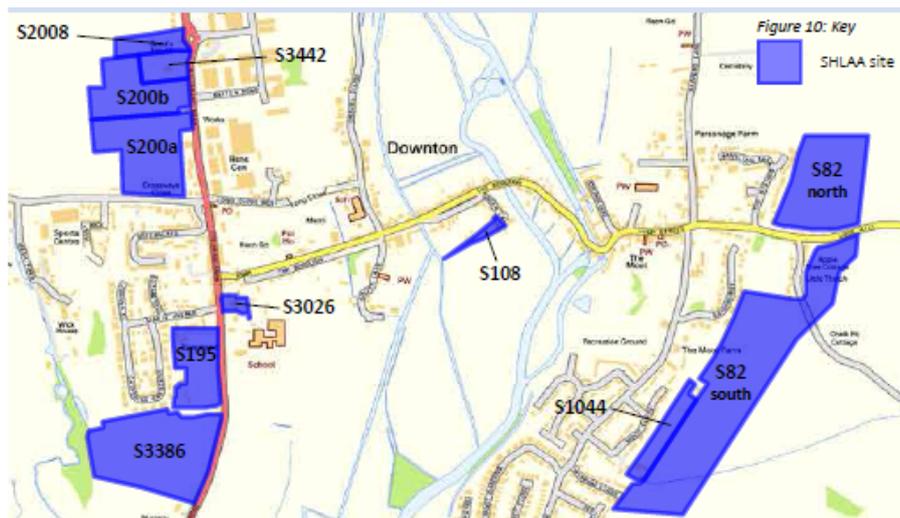
*In conclusion, the Neighbourhood Plan has resulted in the following site preferences:*

**A. Under the current Core Strategy where housing allocation does not exceed 190 dwellings.**

*Small scale development where separate applications are submitted to reach only the total of the remaining 16 housing allocation numbers, with preference given to high band sites or those identifying sound mitigating reasons to raise their scores from lower to higher bands.*

**B. In the future, and only where greater numbers may be allocated by changes in Core Strategy or other policies.**

*Preference to high band sites remaining undeveloped under category A. Some, or all, of remaining undeveloped sites S200b, S2008 [the application site] and S3442 to submit a combined application to meet new housing allocation numbers, so that development is planned and sustainable to satisfy Neighbourhood Plan policies. For greater numbers to be approved, (i.e. above 25 dwellings) developers would need to identify the means to mitigate reasons for their lower scores in the site analysis to achieve a score in the upper band. In this option, phasing would be preferred and it would be strongly preferable for sites to share access routes using the Batten Road roundabout to minimise routes on to the A338.*



*Downton SHLAA sites which were subject to preference scoring in the NP process*

Regarding housing land supply in general, paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The WCS has only recently been adopted, is up to date, and the Council is able to demonstrate a five year supply of housing land.

So, in relation to the policy considerations it is evident that the application site lies in the countryside, outside of the Downton Settlement boundary. It is further evident that the Council's 'in preparation' HSADPD and review of settlement boundaries is probably unlikely to materially change this position, this as a consequence of the recent decision on the

'Charles Church' site planning application and the fact that there is an emerging Downton Neighbourhood Plan. This means that the proposal is, on face value, contrary to the development plan at this time. However, a 'lifeline' is provided to a certain extent by the emerging NP. The NP 'scores' the application site highly as a preferred site to meet the outstanding need for housing in Downton during the lifetime of the Core Strategy. This high score must be read in the context of the NP's conclusions set out above. The advanced stage of the NP means that it is a material consideration in this case.

Material considerations -

As stated above, the NPPF confirms that applications must be determined in accordance with the development plan and that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise. In this case there are several material considerations to be factored in.

Firstly, the emerging Neighbourhood Plan as referred to above. The NP 'scores' the application site highly, and concludes that under the current Core Strategy .... *small scale development where separate applications are submitted to reach only the total of the remaining 16 housing allocation numbers, with preference given to high band sites or those identifying sound mitigating reasons to raise their scores from lower to higher bands ....* will be preferred for development.

Ultimately the WCS requires 190 houses to be provided at Downton and the application would fulfil this requirement, in accordance with this broad principle of the Strategy and the general preferences of the emerging Neighbourhood Plan. It is inevitable that delivery of the South Wiltshire Area Strategy will involve housing development on suitable sites outside of the settlement boundaries.

Secondly, the application would deliver infrastructure made necessary by the development, including open space, affordable housing, highway safety works, and finance for education provision.

And thirdly, the application has received little in the way of objection from the existing community, including from the Parish Council. The Parish Council in its qualified response has acknowledged the '190 houses' requirement for Downton set out in the Core Strategy. The emerging NP provides a pragmatic solution to providing for the outstanding numbers.

So overall it is considered that the material considerations can in this case outweigh the evolving policy position. The proposal does not accord with Policy CP2 (the overarching 'Delivery Strategy'), but it will deliver the housing required in Downton by Policy CP42 (the 'South Wiltshire Area Strategy'), and it is broadly in accordance with the outcomes of the emerging Downton Neighbourhood Plan. The NP can be given reasonable weight now at its advanced stage in the 'making' process. Through its evolved, and evolving, design the site should be able to deliver its housing without aggravating matters of local concern – including drainage, education provision and highway safety. Additionally the proposal would deliver affordable housing. The proposal could achieve this without causing harm to matters of acknowledged importance, as demonstrated in the following sections of this report. It is

considered that these material considerations can be considered to 'tip the balance' in favour of the proposal at this time.

Although there are some conflicts with the detailed preferences of the emerging NP, these are not considered to be sufficient to justify refusal of the application. In this regard, the proposal fractionally exceeds the preferred limit on the number of units beyond the 190 required by the core strategy, and the preference for access to the land in this area via the roundabout. However, as the proposed access has been demonstrated to be adequate on its own merits, and as the 190 houses figure is not necessarily set in stone then it would be difficult to insist on these.

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

The other 'live' planning application –

As is evident from the Planning History section, there is another 'live' planning application for residential development in Downton. This other application is for 36 units at Land at Riverside, in 'countryside' adjacent to the south-west boundary of the settlement (SHLAA site S195). It is not considered that this other application should delay determination of the Scott's House application. The Scott's House application is 'ready' for determination at this time whereas the Riverside application is not; and the Riverside proposal is for a higher number of units, so significantly exceeding the Core Strategy housing requirement for Downton as endorsed by the emerging Neighbourhood Plan. Separately the higher number of units at Riverside raise potential issues with the Habitats Regulations Assessment which are unresolved at this time; the Scott's House proposal does not raise these issues.

### 9.3 Design/Place Shaping

Core Policy 57 (ensuring high quality design and place shaping) requires a high standard of design. New development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality, and applications for new development must be accompanied by appropriate information to demonstrate how the proposal would make a positive contribution to the character of Wiltshire. Development is expected to meet a number of place-shaping and design criteria set out in the policy.

It is considered that development of this site in the broad manner, and at the scale, envisaged would be in-keeping with the character and appearance of established development in the locality. It is of note that there is already a small cluster of properties to the north of the site and on the western side of Salisbury Road beyond Wick Lane. Whilst this is isolated and fairly sporadic / low density, it is not considered that new development on the application site would necessarily conflict with its established form, even having regard to the 'in-depth' form. A similar 'in-depth' approach has been agreed at the nearby 'Charles Church' site.

It is acknowledged that there are shortcomings with the illustrative plan accompanying the application – notably, insufficient space at some of the edges to soften with landscaping the impact on the adjacent countryside (and, in particular, the impact on the distant AONB), and

some of the units have insufficient amenity space and/or are too close to trees. However, as this layout is illustrative only, and as there is scope to address these problems at the later reserved matters stage by changing the numbers and/or mix (the proposal is effectively for 'up to' 17 units and not necessarily actually 17 units), this is not considered a sound reason to refuse the application at this time.

Regarding housing mix, as the layout plan is indicative this would also be a matter for later approval too. The final mix, and the final number of units, should be informed by affordable housing needs, the design considerations referred to above, and other requirements arising from the noise impact assessment and drainage strategies. An informative is recommended to bring this to the applicant's attention.

#### 9.4 Landscape Impact

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

Downton lies within the narrow River Avon valley and is surrounded by rolling chalk downland with ridgelines that reduce the visual influence of the settlement (first views are generally within 1km). It is a nucleated settlement bridging either side of the River Avon and the proposed development would represent built envelope on the north western fringe of the settlement. The application site contains a large property towards the front of the site, with substantial existing tree belt / screening to the site frontage and to the front part of the side (north and south) boundaries, whereas the rear (western) part of the site is more open and visible.

The proposed access and associated works and footpath to the site frontage would involve the removal of at least one of the more substantial trees along the site frontage, which will open up views into the site from the A338 at this point. Details of landscaping (reserved matters) are not submitted / sought for approval in the application but significant and satisfactory new tree / landscape planting is likely to be required to mitigate this impact, and in terms of biodiversity. The proposal would inevitably alter the existing character of the application site and its appearance in the immediate local landscape context. As the site interfaces with the open countryside to the north and west and south there will be open views from the adjacent agricultural land into significant parts of the site. The proposal includes no tree survey or tree impact assessment. It is indicated in the supporting landscape assessment that existing boundary trees / hedging can be retained and a significant boundary treatment can be provided along the western boundary towards the AONB to provide further mitigation. The Council's Landscape Officer has raised concerns regarding the robustness of the submitted landscape and visual assessment to conclude that there would be no residual landscape and visual effects and in considering how those effects

might be mitigated, referring to WCS Core Policy 51. The indicative plan shows perimeter dwellings sited close to the boundaries and does not reflect the suggestions regarding tree retention and boundary treatment. Whilst the layout plan is indicative only, this close juxtaposition would clearly give rise to a conflict in providing the proposed mitigation due to tree impact and residential amenity issues. It is likely to require revisions to both the layout, mix and/or quantum of development achievable with an appropriate level of mitigation.

As stated above, these shortcomings in the illustrative plan can be brought to the applicant's attention at this stage by an informative. An improved layout, with potentially fewer units and/or a different mix, would be necessary compared to that presented now in illustrative form only. It is considered that a satisfactory development is achievable; an unsatisfactory layout would be refused at the reserved matters stage as, and if, necessary.

### 9.5 Highway impact and transportation

The proposed access to the site has been the subject of negotiations with WC's Highway Officer, and is sought for approval as part of this outline application. The site currently has two access points with an informal 'in' / 'out' arrangement. A transport statement has been submitted with the application with a detailed access plan. The proposal is for a new single access point towards the southern end of the site frontage. It has been designed to serve a development of 17 dwellings.

Following comments from the Highways Officer regarding the previous application, the plans have been revised slightly to move the access a little further north away from the southern site boundary with a revised access splay / radii. A footway is proposed to the site frontage to the northern end of the site and for a short distance to the southern side of the access. In addition, at the request of the Highways officer, a proposed pedestrian crossing is now included across the A338 at the southern end of the site which links to the proposed footway at this end.

The Highways Officer considers that a right hand turn lane is not required and that a break in the chevrons in the A338 is adequate. As the internal housing layout is indicative only, the approval sought for the access is being considered only in respect of the access point into the site and not the internal road layout as shown on the indicative site layout plan. In highway terms, there are no highways objections subject to a series of conditions associated with the access and proposed development, including securing visibility splays, footways across the site frontage, the pedestrian refuge, parking provision and full details of the estate roads, etc. Some of these matters will require entering separate agreements with the Highways Authority (S278 /S38/ S106).

### 9.6 Drainage & Flood Risk

The exceptionally wet winter of 2013 / 2014 and associated flooding have highlighted problems with drainage in Downton, also noted in a number of the letters of representation and raised by the Parish Council. Planning policy and guidance on flood risk can be found in the NPPF, PPG and development plan, and guidance / advice provided by the Environment Agency. The site is located in Flood Zone 1, which is the sequentially preferable location in the context of local and national planning policy. FRAs in Flood Zone 1 are normally

focused on the management of surface water run-off. Core Policy 67 of the WCS includes the following:

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

Wiltshire Council is the Lead Local Flood Authority and so is responsible for developing, maintaining, applying and monitoring a strategy for local flood risk management in its area including consideration of groundwater and surface water run-off flooding. The Council has prepared a draft Groundwater Management Strategy for Downton to a position where Wessex Water has lifted its earlier objections. Wessex Water has confirmed that the foul flows from 17 dwellings can be accommodated in their existing system.

There are no recorded public surface water systems in the locality. This means that a specific and separate system for surface water drainage is required. The Drainage Strategy Report accompanying the planning application states that soil infiltration rates are “average to good” and so should be sufficient to design an infiltration system to meet statutory requirements. The report states:

*Groundwater monitoring reports for the surrounding area have been studied in order to establish at what depth the water table below the existing ground level is, and what impact this may have on the development proposals. Based on results from a long term Environment Agency borehole in ground nearby it has been determined that the minimum depth of ground water level was 1.96m. The high water table will have to be taken into account during the design of surface water systems.*

*Due to the nature of the site and the high water table, the [WC Drainage Engineers] would require that a separation zone be kept between the base of any infiltration feature and the top of the ground water level, this zone anticipated to be a depth of 1m. This of course limits the design depth of any surface water drainage system.*

*The following strategies are proposed to accommodate the surface water drainage:*

- *Trafficked areas, this includes access roads, communal parking areas and private drives/parking spaces - .... Permeable block paving and soakaway crates. Permeable block paving allows surface water to percolate through the paving and into the ground before it runs off, thus avoiding concentration of flows. The construction depth can be limited to stay above the separation zone required by the [WC Drainage Engineers]. The use of permeable paving is an approved SUDS technique and recommended by the Environment Agency as sustainable drainage solution for trafficked areas. .... Areas constructed with permeable paving will not be adoptable highway, and therefore will be privately maintained by the residents.*
- *Roof Drainage – As the site does not have an existing surface water drainage system in place it is proposed that surface water runoff from roofs will be discharged into cellular soakaways strategically located in rear gardens. The soakaways will be designed using the infiltration rate of the soil and a 1 in 100 year storm return period with additional storage volume provided to account for climate change. Downpipes will be sealed at ground level to protect against possible pollution. In locations where it is not possible to*

*route rain water down pipes at the front of dwellings to the soakaways, the roof run off will be discharged via a piped system directly onto an open graded crushed rock drainage media on the adjacent private drive / communal parking court. ....*

A similar surface water SUDS system is to be used at the nearby Charles Church site. The Charles Church scheme was fully designed-up in view of it being a full planning application. As the Scott's House application is outline it is not possible to fully design its scheme at this stage. The WC Drainage Engineer accepts this, and so instead requires conditions for a survey to confirm the depth of the water table here and to provide details of the drainage scheme planned for the final layout. As with the Charles Church scheme, it is probable there will be some raising of ground levels on the site to achieve the required minimum separation between the water table and the planned soakaways. The level changes are unlikely to be significant and, as with the Charles Church scheme, are likely to be achieved using material excavated from the site as part of the road and house foundations construction.

### 9.7 Ecology

#### River Avon SAC -

Since the previous application was submitted, further progress has been made with resolving drainage issues in the Downton area, in particular the draft Groundwater Management Strategy Plan referred to already. This has allowed Wessex Water to remove its 'in principle' objection to development in Downton. The current application also provides to demonstrate that the proposed development would not lead to a significantly increased risk of flooding through the use of SUDS. Taking this and the Wessex Water Infiltration Reduction Plan into account, it is considered that the proposed surface water drainage arrangements are unlikely to lead to significant effects on water quality in the River Avon SAC.

Since the last application for Scotts House was made the Nutrient Management Plan for the River Avon SAC has been published (River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus, April 2015). The plan identifies measures required to reduce phosphates down to legally binding targets. Initially this will be by reducing diffuse sources (e.g. from farming) but if these are demonstrated to be insufficiently effective, a scheme of developer funded reductions will be introduced, which may include further phosphate stripping at sewage works. The currently agreed position of the Council, Natural England and the Environment Agency is that the NMP is a reliable mechanism to deliver the quantum and distribution of development required by the Wiltshire Core Strategy without adversely affecting the River Avon SAC through the associated uplift in phosphate from sewage works. This position relies on the NMP being able to deliver sufficient reductions in diffuse sources of phosphate to achieve its targets for each sub-catchment. Sewage treatment works can therefore be allowed to accept further connections without the need for an appropriate assessment, where permit headroom remains and where development will not compromise deliverability of the NMP.

In order to carry out the Habitats Regulations Assessment for this application, it is necessary to consider all planned (extant permissions or allocations) or pending (extant applications) development in-combination. In total there are permitted planning applications with a total of

79 dwellings. In addition there is the Charles Church site now effectively approved for 99 dwellings. This and the current application would bring the total number of permissions for Downton to 195 which exceeds the 190 dwellings allocated in the Core Strategy. However, Scott's House is in multiple occupation (an HMO) for up to 11 persons or 11 households which would be equivalent to 5 dwellings at an occupancy rate of 2.2 people per dwelling. Both applications can therefore be permitted without leading to 'likely significant effects' and triggering a full appropriate assessment.

#### New Forest SPA -

The Wiltshire Core Strategy commits the Council (with input from the National Park Authority) to developing a Recreation Management Strategy in order to mitigate and offset recreational impacts from new residential development. The Strategy will comprise a combination of measures to reduce pressure on key sensitive areas and others aimed at deflecting visitors from the Park / SPA by improving opportunities for walking / dog walking elsewhere outside its boundaries. The Strategy is still at an early stage, and so development proposals coming forward in advance of it must provide for bespoke schemes to achieve the same end.

An Appropriate Assessment by the WC Ecologist has calculated the number of visits that are reasonably likely to occur as a result of 12 new dwellings being built at Downton which lies within 3-4km from the New Forest SPA. It has demonstrated these visits can be offset by measures aimed at reducing impacts where visits continue to be made to the European site. Due to the uncertainty over the effects of visitors on sensitive ground and near ground nesting birds, the development must also contribute towards monitoring and research which is required to inform future schemes. It would be possible to secure these measures by S106 agreement between Wiltshire Council and the applicant. The total contribution would be £5,311 for 17 dwellings, adjusted if the number of dwellings is altered at the reserved matters stage, which would be transferred under separate agreement to the New Forest National Park Authority to deliver specific access and visitor management and monitoring projects.

On this basis it can be concluded that there would be no likely significant effect on the New Forest SPA from the development either alone or in combination with other plans and projects.

#### Protected species -

A Preliminary Ecological Appraisal Survey report (Wessex Ecology Ltd, dated August 2015, but revised Sept 2015) demonstrates the following:

- Badgers – No evidence of badgers on site but there is a possibility that badgers will take up residence if works are delayed.
- Reptiles – no surveys undertaken. The amount of suitable habitat on site is relatively small possibly as a consequence of scrub clearance in the last few years. A residual population may remain.

- Breeding birds – if further scrub clearance is required, there is a risk breeding birds could be directly affected.
- Invasive non-native species – Japanese Knotweed has been treated but further treatments may be required to ensure that this plant has been completely eradicated before earthmoving operations commence.
- Bats – The stable building appears to have limited risk of supporting bats due to the absence of a roof lining or loft space. Bats may roost occasionally under loose tiles. The loft space of the main house seems not to have been used by bats due to it being heavily cobwebbed. As with the stables there are loose tiles which would provide access for small numbers of bats or possibly larger numbers if the roof is lined. If the latter is present (i.e. a larger, regularly used roost of crevice dwelling species), a licence would be forthcoming provided that mitigation was adequately considered in the development design. To this end emergence bat surveys will be required with the first reserved matters application so that this matter is resolved before housing layouts and designs are approved.

Apart from the bats, other potential ecological issues can be accommodated by including a condition for submission of a construction method statement (or CEMP extended to include ecological issues).

Loss of trees -

One or two trees would be removed to achieve the new access into the site. The remainder of the layout is reserved. The illustrative layout under-estimates the size of the mature trees making it appear that they would be largely unaffected. If mature trees are to be retained as part of the development, buildings would need to be outside the rooting zone and far enough from new houses so as not to cause shading and resulting pressure from occupants for felling. This potential issue can be raised via informative – for consideration at the reserved matters stage.

## 9.8 Heritage Impact

Core Policy 58 (conservation of the historic environment) seeks to ensure that development should protect, conserve and where possible enhance the historic environment. The WC Archaeologist has confirmed that the site is of archaeological interest. Part of the site falls within an area of Romano British settlement, part of which has been previously evaluated. The evaluation took place to the north of the proposed development site in 1990 in advance of a then proposed bypass. Although the works undertaken were very small, they identified very significant settlement remains, including possible houses, pits and a clay lined oven. The evaluation did not include the proposed development site, but aerial photography suggests that the settlement continues into the site. In addition, burial grounds for sites of this period are usually located just outside the edges of the settlement. The National Planning and Policy Framework (NPPF) states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and

no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The WC Archaeologist has previously advised (pre-application advice) that a desk based assessment and a field evaluation would be appropriate in order to ascertain the existence, location and level of survival of any archaeological features which may be present and considers that a field evaluation to be necessary as the site has a high potential for significant heritage assets with an archaeological interest which should reveal the impact of the proposed development on any buried archaeology.

In the light of the above, since buried archaeology could potentially affect constraints to development on this site, for example in terms of quantum, layout and siting, a site evaluation in the form of trenching has been carried out. The WC archaeologist has confirmed that the results of the evaluation are satisfactory and has revised her original holding objection to no objection. Therefore, it is considered that the proposal would not conflict with WCS policy and the NPPF for this reason.

The existing building proposed to be demolished can be considered to represent a non-designated heritage asset by reason of its character and appearance. Whilst the building can be said to contribute to the character of the area, the conservation officer has not opposed its demolition and on the basis that the site is not within a Conservation Area and the building is not listed, this aspect of the proposal is considered to be acceptable.

#### 9.9 Infrastructure and affordable housing

Core Policy 3 (Infrastructure requirements) requires all new development 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.

Regarding secondary education needs, there is sufficient capacity at Trafalgar School and there is therefore no case for a developer contribution towards the expansion of secondary school infrastructure at this time. Regarding primary education, the Downton CE Primary School is now at capacity and as such a developer contribution is necessary to enable its expansion.

The cost of education infrastructure expansions made necessary by new development are normally met through financial contributions, based on the number of spaces required and current cost multipliers. The contributions are put towards the cost of necessary facilities at the school. However, in the case of Downton, the current primary school site is too restricted to allow any further expansion. Therefore, the primary education need that is generated by the proposed development cannot be met in the usual way by the payment of

a standard financial contribution but would require a different solution including to address abnormal costs.

There is currently a standalone planning application by WC Education for the expansion of the school under consideration. This application has a resolution to approve subject to the Environment Agency removing a holding objection. In view of this WC Education have raised a holding objection to the Scott's House application; this objection will be removed when the school gains its planning permission. The recommendation is drafted with regard to this.

All things being equal, the applicant has agreed to enter into a S106 agreement with the Council to provide the education contribution proportionate to the proposal. This would be triggered at the reserved matters stage when the additional demand based on the house numbers and mix is known.

It is also considered appropriate to seek a contribution towards the provision of indoor community facilities in accordance with saved Local plan Policy R4. The existing Memorial Hall serves as the Community Facility Provision for the Parish of Downton. Again, the contribution would be related to the number of dwellings.

The provision of on-site public recreational open space is a requirement. WC Environmental Services have commented that the level of on-site public open space (play area and casual / informal open space) shown is inadequate based on the indicative layout plan and number of dwellings shown. Detailed approval for the layout is not sought at this stage but the provision and maintenance of on-site POS could be secured through planning conditions and/ or a S106 Agreement, and would need to be further detailed at the reserved matters stage. A financial contribution towards the provision of off-site youth / adult recreational facilities can also be secured through a S106 Agreement, if required.

A scheme for the provision of affordable housing on site in accordance with Core Policy 43 (in this case for 5 dwellings based on 17 units) would normally be secured through a S106 Agreement. As the application is in outline, final details would be agreed in the normal way at reserved matters stage. The applicant's supporting statement acknowledges there will be a need to provide the required affordable housing and the applicant is willing to progress this via a S106 agreement.

A contribution towards the cost of waste and recycling bins is required under CP3 – calculated to be £1,547 for 17 units.

Community Infrastructure Levy CIL -

The Council's has adopted CIL and has agreed a list of priorities to be covered by CIL in its published '123 list'.

#### 9.10 Residential Amenity

The nearest existing residential properties are separated from the site by open agricultural land and the development on the east side of the A338 is in commercial use. There would

be some noise and disturbance, dust, fumes etc. associated with construction activities on the site but subject to conditions (e.g. a Construction Environment Management Plan) it is likely that any impact could be managed without harm being caused. There are also unlikely to be any significant amenity issues regarding overlooking / loss of privacy because of the separation distances to the nearest residential properties.

The WC Environmental Health Officer has raised concerns regarding the impact of noise from nearby commercial premises on the future occupiers of the properties. The EHO requires additional information to assess the impact that noise has on this site from the Salisbury Road and commercial premises opposite the site. This matter is a material consideration and could potentially affect layout, siting, orientation and the design of the proposed dwellings.

However, as the application is in outline seeking the principle of development and access, it is considered that in this case, a noise survey and any mitigation measures required could be conditioned and so inform the further details to be provided at the reserved matters stage, such as design, layout, siting, landscaping and boundary treatment. This approach is not unusual and is considered to be appropriate in these circumstances.

#### 9.11 Waste & Recycling / Contamination

Due to the scale of the proposal a Waste Audit Plan is required to set out how waste will be dealt with during the construction process to minimise waste production and at the operational stage, in accordance with Policy WCS6 (Wiltshire and Swindon Waste Core Strategy:2006-2026). Whilst such a report has not been submitted, as the application is in outline, with the scale not set, it is considered that this could still be secured through a condition, linked to further details at the reserved matters stage.

In terms of waste collection and re-cycling, adequate facilities will need to be provided in a detailed scheme and the layout and roads designed to ensure refuse lorries, etc. can access the collection points. It is noted in comments from the WC Waste Service's Team that there are concerns in respect of refuse collection in connection with the indicative layout shown, and so changes would be required in the final scheme. This can be brought to the applicant's attention via informatives. A financial contribution towards the provision of waste collection and recycling bins is required based on the number of dwellings (Waste Collection Guidance for New Development), to be secured through the Section 106 Agreement.

It is understood that from historic maps that quarrying of sand and clay has taken place in the area to the west of the site. In view of this the WC EHO requires a contamination survey to be undertaken, with mitigation as and if necessary. A condition is recommended accordingly.

#### 9.12 Minerals Safeguarding

The application site and a very large area of land surrounding it lies within a Minerals Safeguarding Area as defined in the Wiltshire and Swindon Minerals Core Strategy 2006-2026 (Adopted 2009). Mineral Safeguarding Areas represent a constraint in terms of the potential sterilisation of mineral resources. Core Policy MCS6 of the W&SMCS and Policy

MDC4 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (Adopted 2009) and supporting text are relevant and requires an assessment in relation to non-minerals development to establish its significance. The MSA, which covers a broad area along the River Avon corridor (sand and gravel) and includes built up land as well as open countryside. This was, in fact, identified as a potential constraint in the SHLA exercise, as part of the Wiltshire Core Strategy process. The site is, of course, closely related to existing housing development and this is also a constraint to the development of this land for minerals extraction. The Spatial Planning Team confirmed when considering the previous application that it would not wish to raise an objection on Minerals Safeguarding grounds. This has not changed in relation to this application.

## **CONCLUSION**

The proposal would result in the development of a site which is located outside of the current development boundary for Downton as defined in the Wiltshire Core Strategy, and so which is technically unsustainable. However, it is nonetheless 'preferred' in the emerging Downton Neighbourhood Plan – in fact, it is the second highest scoring site – and it has the potential to deliver the outstanding requirement for housing in Downton as set out in the Core Strategy's 'Area Strategy' for South Wiltshire. It is also located immediately adjacent to the main through road (the A338) and is within close proximity to all local facilities, services and public transport links. Additionally, the proposal would deliver all infrastructure made necessary by it. These are important material considerations to be considered against the policy position.

A range of site specific information has been submitted in order to assess and ensure that surface water from the site can be managed sustainably and in order to assess the impact on the new Forest SPA, River Avon SAC / SSSI and protected species. Further controls and detailed design requirements can be controlled via planning conditions.

Whilst it can be said that this development is contrary to the letter of policy and conflicts with the settlement strategy and planned delivery of housing in the Wiltshire Core Strategy, the site is available for development now and would provide a range of market and affordable houses for the area.

It is considered that on balance, for the reasons set out in this report, the location of the site and its preference in the emerging Neighbourhood Plan, in combination with the significant package of benefits to the local community that it would bring, this is an acceptable proposal as an exception to the Core Strategy normal presumption against such developments.

## **RECOMMENDATION**

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

- 1) Planning application no. 14/11642/DP3 (Downton CE Primary School) first gains planning permission; and**

**2) All interested parties enter into a 'Section 106 agreement' under the Town and Country Planning Act 1990 to deliver the following –**

- **30% affordable housing provision on-site in accordance with demonstrated size/mix requirements;**
- **A financial contribution towards the provision of primary education facilities at Downton CE Primary School;**
- **A financial contribution towards 'Early Years' education facilities in Downton;**
- **A financial contribution towards community facilities in Downton;**
- **A financial contribution towards refuse/recycling collection 'bins';**
- **A financial contribution towards measures to safeguard the New Forest Special Protection Area;**
- **A financial contribution towards off-site adult and youth recreation facilities;**
- **A financial contribution towards the provision and maintenance of on-site open space / play equipment, if necessary.**

**And subject to the following planning conditions –**

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

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

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

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

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

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

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

- 4 The 'layout' shall make provision for open space in accordance with saved Policy R2 of the Salisbury District Local Plan and its associated 'Standards for the Provision of Public Open Space in Association with New Residential Development' and no more than 17 dwellings.

REASON: To clarify the terms of the planning permission and to accord with saved Policy R2 of the Salisbury District Local Plan which seeks adequate infrastructure in new developments.

- 5 Prior to the commencement of the development hereby approved a programme for the delivery of the highways works (comprising the vehicular and pedestrian accesses to the site, the frontage 'footway' (pavement) and the pedestrian refuge island, and the stopping-up of the existing northern access to Scott's House) (all as shown on drawing no. 020.0111.100-P5 dated 21/08/15) shall be submitted to the local planning authority for approval in writing. The highways works shall be completed in accordance with the approved programme.

REASON: To ensure the highways works are completed in accordance with the approved 'access' details.

- 6 No dwelling hereby approved shall be occupied until the visibility splays shown on the approved plan no. 020.0111.100-P5 dated 21/08/15 have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 7 No dwelling on the development hereby approved shall be occupied until sufficient space for the parking of vehicles in accordance with adopted standards together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

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

- 8 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.

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

in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

- 10 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.

- 11 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and ...

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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

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

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

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

REASON: To safeguard the amenities of the area.

- 12 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.

- 13 No development shall commence until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
- i. The movement of construction vehicles;
  - ii. The cutting or other processing of building materials on site;

- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of residential amenity.

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

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

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

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

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

- 15 Prior to commencement of the development hereby approved a surface water 'drainage strategy' shall be submitted to the local planning authority for approval in writing. The drainage strategy shall provide details of the depth of the water table beneath the site based on site specific survey data. The drainage strategy shall

additionally provide a detailed scheme for the drainage of surface water, informed by the water table data and ensuring a separation of at least 1m between the water table at its highest level and any soakaway systems proposed in the scheme. The drainage strategy will specify ground level changes made necessary to accommodate the scheme. The development shall be carried out strictly in accordance with the approved scheme and shall be completed prior to the first occupation of any dwelling on the site or in accordance with a programme to be first approved in writing by the local planning authority.

REASON: To ensure satisfactory surface water drainage from the site.

- 16 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and drainage.

- 17 There shall be no surface water drainage connections to the existing foul water drainage system.

REASON: To avoid overloading of the foul water drainage system in an area where flooding and surcharging has previously occurred.

- 18 No development shall commence on site until a scheme for the discharge of foul water from the site, including any improvements on or off site required to provide capacity in the public sewerage system to enable the site to be served, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme, including any required improvements to the public system.

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

- 19 No development shall commence on site until a scheme for protecting the future occupants at the proposed houses against noise from road traffic and the nearby commercial/industrial businesses has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the any house is first occupied and maintained at all times thereafter.

REASON: In the interests of residential amenity.

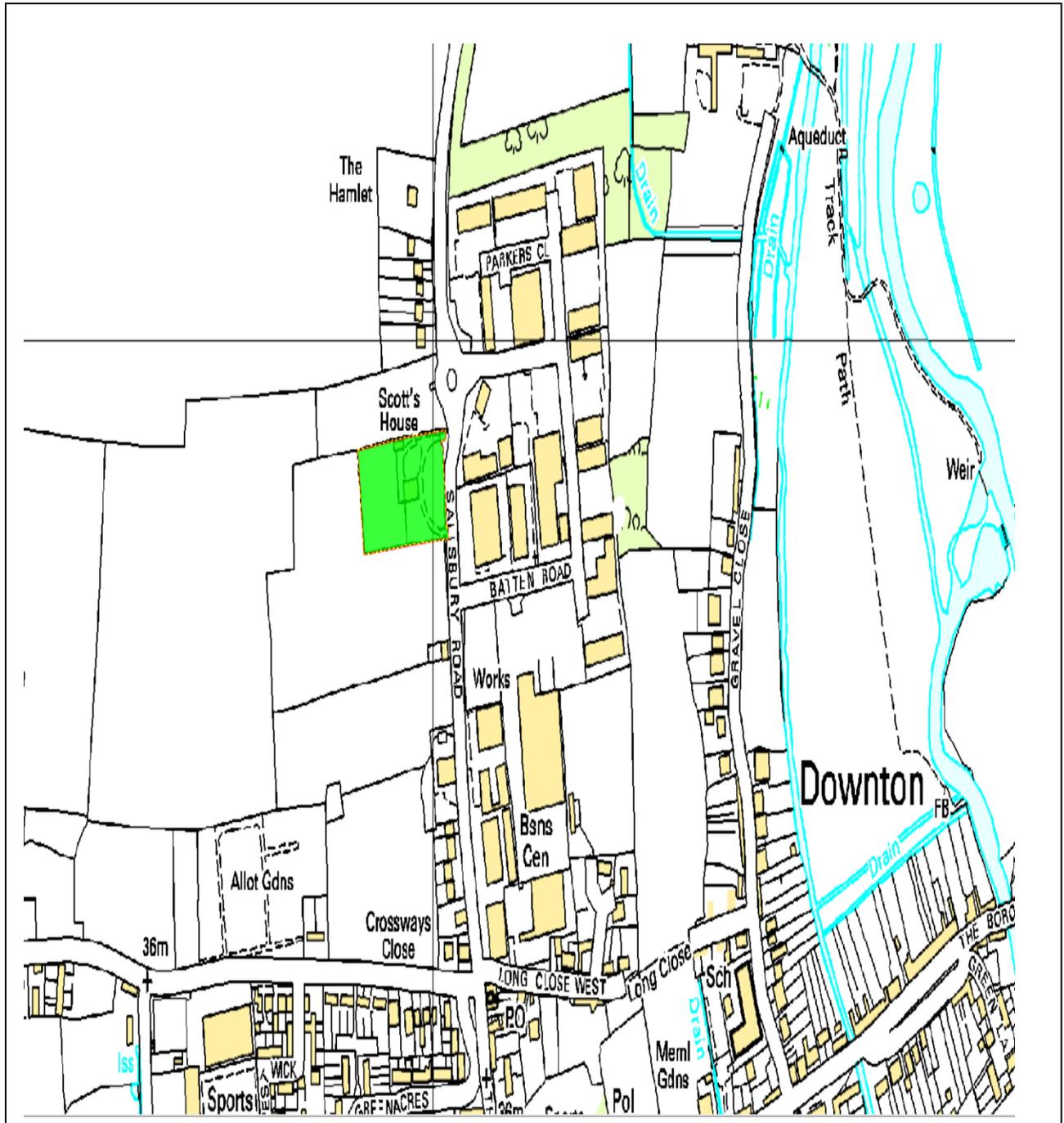
INFORMATIVE: In discharging this condition the applicant should engage an acoustic consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233:2014 and BS4142:2014. They should then demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L<sub>Amax</sub> between the hours of 23.00 and 07.00. For the BS4142:2014 assessment the rating level should not exceed the existing background levels. The applicant should then specify what construction/glazing/ventilation requirements will be needed to achieve the appropriate levels. Additionally, the noise impact assessment should demonstrate

- that appropriate noise levels can be achieved for external amenity spaces. The noise assessment should inform the design of the layout and houses.
- 20 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- REASON: In the interests of residential amenity.
- 21 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.
- REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.
- 22 The development shall be carried out strictly in accordance with the discussions and recommendations set out in the Preliminary Ecological Appraisal Survey Report (August 2015) and Bat Survey Report (September 2015) by Wessex Ecology.
- REASONS: To ensure wildlife is safeguarded.
- 23 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Red-edged site plan;
- Drawing no. 020.0111.100-P5 dated 21/08/15.
- REASON: For the avoidance of doubt and in the interests of proper planning.
- 23 INFORMATIVE: The application is accompanied by an illustrative layout plan which shows an unacceptable layout. This is because it presents in some areas houses too close to the boundaries of the site, too close to mature trees and with substandard gardens. It also presents a play area of inadequate size. In preparing a final layout the applicant is advised to have regard to these points; the applicant is also advised to ensure the final layout is informed by the drainage strategy and noise impact assessment required by conditions set out above.
- 24 INFORMATIVE: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website
- [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralelevy)



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<b>Application Number</b>	15/08510/OUT
<b>Site Address</b>	Scotts House, Salisbury Road, Downton, Salisbury, SP5 3HZ
<b>Proposal</b>	Outline Planning Application for residential development with all matters reserved except for means of access (17 dwellings)
<b>Case Officer</b>	Andrew Guest



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<b>Date of Meeting</b>	25th February 2015
<b>Application Number</b>	15/11589/FUL
<b>Site Address</b>	Mobile Home site at Lime Kiln Farm, Dinton, Wiltshire.
<b>Proposal</b>	Demolition of an existing dwelling (with certificate of lawful development) and outbuilding and erection of a replacement dwelling.
<b>Applicant</b>	Mr J Hand
<b>Town/Parish Council</b>	Dinton
<b>Electoral Division</b>	Nadder and East Knoyle
<b>Grid Ref</b>	400626 133640
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Adam Madge

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

The Division member, Cllr Bridget Wayman, has asked for this application to be considered at committee because of the scale of development, the visual impact on the surrounding area and the design, bulk, height and general appearance.

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

To consider the recommendation of the Area Development Manager (South) to **APPROVE** the planning application.

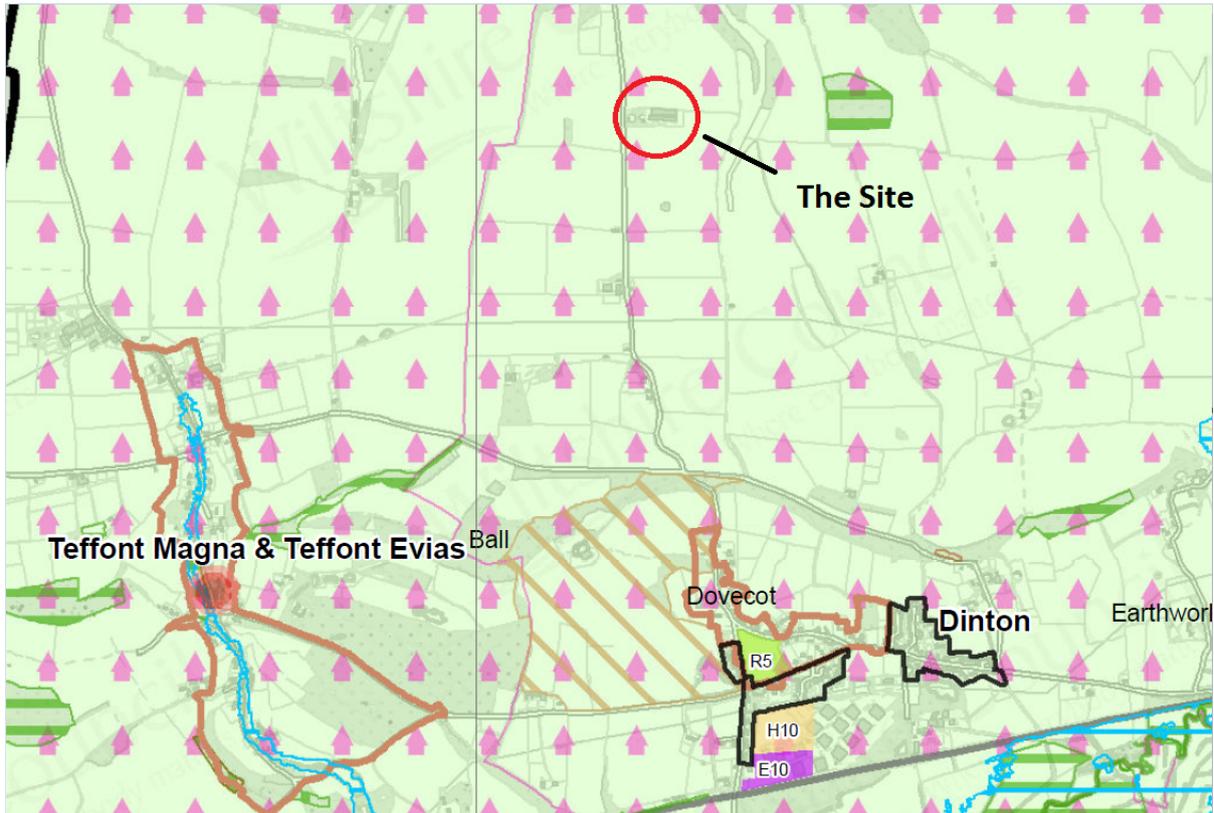
#### **2. Report Summary**

The main issues to consider are

- a) The principle of development and policy implications;
- b) Scale and impact on the landscape
- c) Highways access
- d) Amenity issues
- e) Issues raised by the parish council

#### **3. Site Description**

This site relates to a small site just off the C road that runs between the villages of Dinton and Wylve in the Cranbourne Chase Area of Outstanding Natural Beauty. The site covers an area of approximately 0.172 hectares and is partially covered in trees and vegetation with an existing mobile home type dwelling situated on the land. The site slopes up towards the East from the road. Closest to the road is a small agricultural workers bungalow in the ownership of the applicant whilst above the site are two large Chicken sheds also in the ownership of the applicant. Below is an extract from the Wiltshire core strategy map that covers the area.



This shows the site to the top of the diagram in the middle. (The purple arrows indicate a 40% affordable housing zone which is not applicable to this application.) The light green indicates the AONB and the striped green is a County wildlife site.

#### 4. Planning History

**71/YM/491** Erection of a bungalow for an agricultural worker Approved 25/11/71

**S/2012/0467** The stationing and use of a mobile home, and its curtilage, for residential purposes Refused 18/5/2012

**S/2012/1127** The stationing and use of a mobile home, and its curtilage, for residential purposes (Certificate of lawfulness). Refused (subsequent appeal dismissed)

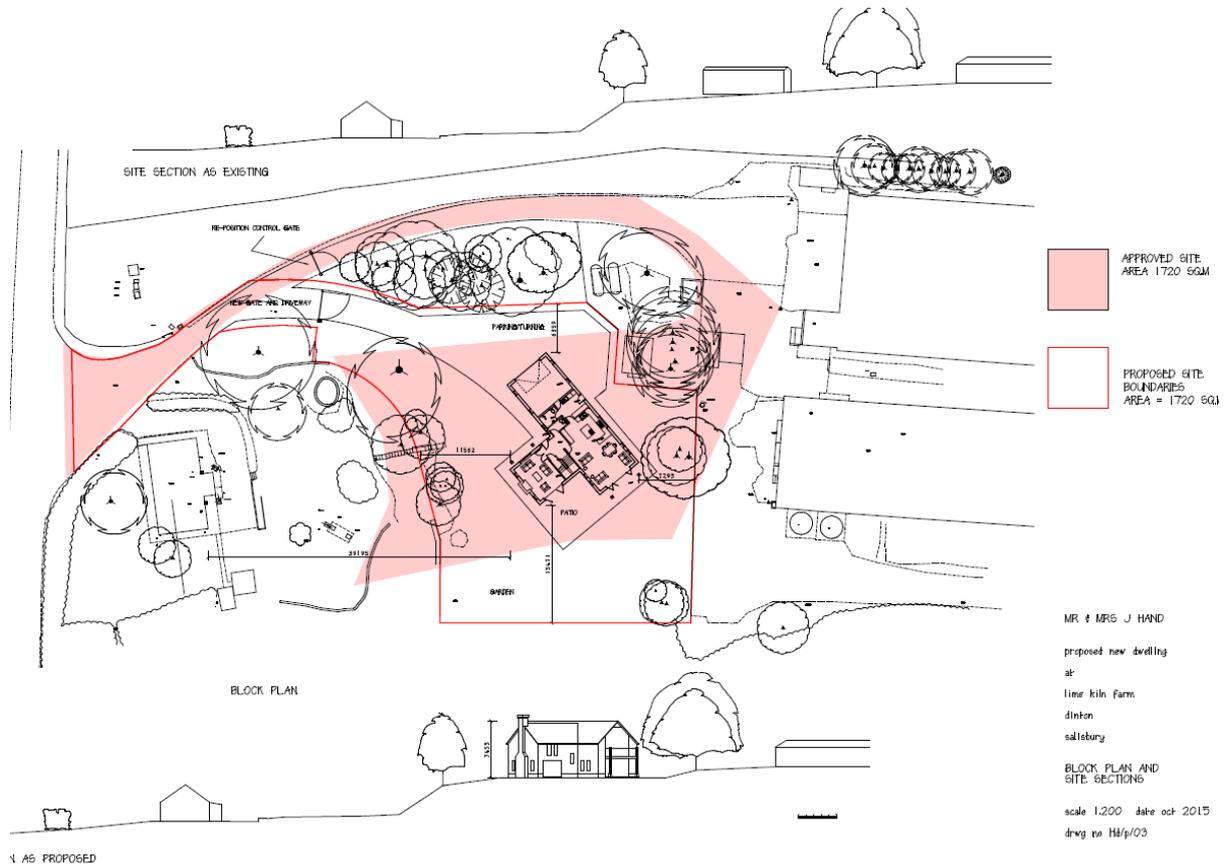
**14/06183/CLE** Certificate of lawfulness for the stationing and use of a mobile home, extensions and its curtilage for residential purposes Approved 1/6/2015

#### 5. The Proposal

The application seeks full planning permission for the demolition of the existing mobile home style dwelling that currently sits on the site and the replacement with a new two storey 3 bedroomed dwelling incorporating a tiled/slate roof with wood clad walls and a brick base.

A new access way is proposed off the existing driveway with a new gate and an associated vehicular turning area in front of the integral garage. The property is shown to be at a higher level to the bungalow below but on a similar level to the existing dwelling with the chicken sheds at a higher level.

The proposed layout of the site is as shown below –



## 6. Planning Policy

Wiltshire Core strategy

Core Policy 1 – The Settlement Strategy

Core Policy 2 – (Delivery Strategy)

Core Policy 33 – The Wiltshire Area Strategy

Core Policy 41- Energy efficiency

Core Policy 50 – Biodiversity

Core Policy 51 -Landscape

Core Policy 57- Ensuring High Quality design and place shaping

Salisbury District Local Plan ‘saved’ policies:

H30 Replacement dwellings in the countryside

## **7. Consultations**

### **Dinton Parish Council –**

Dinton Parish Council have made the following points -

The site is outside of the housing policy boundary  
The proposed building is considerably larger than the existing dwelling  
The existing dwelling is of such unique character it should remain  
The existing dwelling is not visible from the road.

If officers are minded to approve, Dinton PC request that the application is called into committee.

### **Wiltshire council highways –**

It is considered that the proposed replacement dwelling will not detrimentally affect highway safety and I therefore recommend that no highway objection be raised to this application.

### **Wilts and Dorset Fire Service –**

Recommend the introduction of a domestic sprinkler system in the building if the development is granted consent.

## **8. Publicity**

2 letters of support have been received including the following points –

As the nearest house to the proposed development I have no objections. There will be no visual impact as it will be mainly hidden by existing trees. I would recommend approval as the development would make another property available in the much needed housing stock.

Can't believe the PC's comments, do they know where it is? It's so isolated so as not to effect anyone.

I have viewed the plans and this looks like a great design for a property. In my opinion it would enhance the look of the farm and the surrounding area. I live nearby and have no objections to this application and am looking forward to it being passed.

No letters of objection have been received

## 9. Planning Considerations

### 9.1 Principle of Development

The principle of a new dwelling on this site has now been established by the certificate of lawfulness issued in June 2015 and which is this council's reference **14/06183/CLE**. This gave permission for a dwelling on the site not just a mobile home. It was established through this certificate of lawfulness application that a dwelling had been present on the site for four years and therefore the principle of having a dwelling on the land has been accepted and established. Members will be aware that this is a matter of law and the way that the dwelling was established is not a material consideration for this application.

Having established the use of a dwelling on the site the current application to replace that dwelling has to be considered in the light of the most relevant planning policies. The new Wiltshire Core Strategy does not contain a policy on the replacement of new dwellings in the countryside and for this reason the previous policy of the former Salisbury District Local plan has been saved in order to cover this point. The previous policy of the Salisbury District Local Plan is policy H30 and this states that -

*The replacement of an existing dwelling in the countryside will be permitted provided that:*

*(i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling; (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings; (iii) the siting of the replacement dwelling is closely related to that of the existing; (iv) current parking and access standards can be met; and (v) the existing dwelling has not been abandoned.*

*Where the residential use of the existing dwelling is the result of a temporary or a series of temporary permission, any permanent replacement dwelling will only be permitted in exceptional circumstances.*

The text to this policy then goes on to explain the policy in detail -

*Although new residential development in the countryside is generally considered unacceptable, it is recognised that there may be cases where existing dwellings are in poor condition and could reasonably be replaced. A replacement dwelling should not be significantly larger than the one being replaced in order to maintain the overall character of the countryside. The fact that a house on a particular site would be unobtrusive is not considered sufficient justification for a substantial increase in size, as the cumulative impact of proposals, if not carefully controlled, would lead to the long-term erosion of the character of the District's countryside. In addition, the dwelling should be designed to a high standard appropriate to its rural surroundings. Proposals for replacement dwellings will only be acceptable if they relate to established buildings which have not been abandoned and which are not the result of temporary planning permission. Mobile homes are temporary in nature and will*

*generally not be considered suitable for replacement by permanent dwellings unless required for agriculture or forestry.*

Therefore considering each of these aspects in detail:

(i)The proposed dwelling is significantly larger than the existing dwelling and would have a greater impact than the existing dwelling. The existing dwelling has a footprint of 44m<sup>2</sup> and the proposal has a footprint of 166m<sup>2</sup>. Clearly therefore as the proposals footprint is in excess of double that of the existing dwelling it cannot be said that it is not significantly larger. The applicants agent has said that an existing outbuilding is to be removed which has a footprint of 74m<sup>2</sup> and should be added to the footprint of the lawful dwelling thus giving a footprint of 118m<sup>2</sup>. However the approved curtilage of the existing dwelling via the certificate application does not include this outbuilding and therefore clearly this can't be used for the purposes of calculating the footprint of the building. Similarly the agent states that because the application site did not have its permitted development rights withdrawn by the certificate of lawfulness the application property could be extended substantively without the need for further permission. Whilst it *could* be, it would seem very unlikely it would be. Given the relatively poor construction of the existing dwelling it would seem very unlikely that anyone would wish to extend the existing building in anyway. So this does not constitute a fallback position. Given all of this it is plain that the existing dwelling would be substantially larger than the existing dwelling and fail this part of the policy. However the second aspect to this policy is whether this larger building would have a greater impact than the existing structure and this is discussed under scale and impact on the landscape below.

(ii)The design of the new dwelling needs to be of a high standard and appropriate to its rural surroundings. There is little information with the application to explain why the applicant considers the building to be of a high design standard. There are a series of paragraphs in the applicants submission which state "The design of the dwelling takes it's references from key aspects of the local context in its traditional design features and choice of materials" and "The dwelling has been designed utilising traditional materials and local vernacular appropriate to its rural surroundings and is of a scale in accord with the overall size of the plot and the rural character of the area." There is no explanation about which materials are traditional to the surrounding area or which part of the design uses the local vernacular and it is not clear how this new property would be of a high standard of design. It appears to be a design which is partly vernacular and partly contemporary. The first floor windows with their large glazing and pyramidal appearance are modern in style as is the integral garage whilst the veranda style porch and chimney are more of a traditional design. The applicant's agent has clarified that the entire property is to be timber clad. The roof covering is to be "Slate or similar" At present therefore there it is not clear that the building would be of a high quality design.

(iii) The siting of the dwelling has to be closely related to the existing and in this respect it is. The applicant's agent has stated that the new dwelling is directly adjacent to the old property and therefore whilst not within the footprint of the new dwelling it would comply with this part of the policy as it is close by. The applicant's submitted statement suggests that the existing building will be demolished/removed prior to work commencing on the new dwelling and if the application is approved it would be appropriate to condition this.

(iv) Current parking standards can be met see highways below

(v) The existing dwelling has not been abandoned.

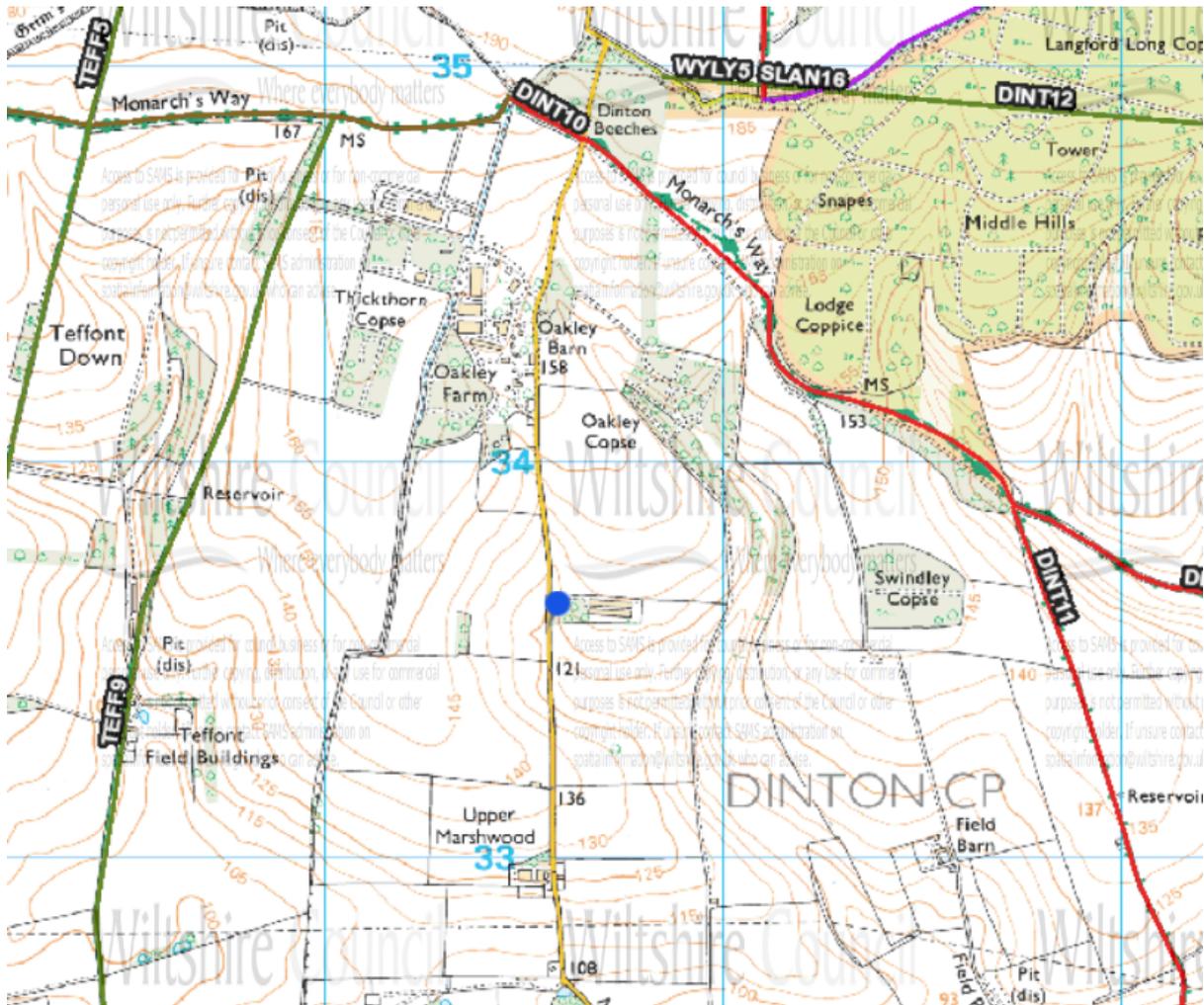
It can be seen from this that the proposal does not meet saved policy H30 in respect of the existing footprint and there is insufficient information to be satisfied that the dwelling is of a high design standard. However it does meet the policy in respect of car parking, siting close to the existing, and has not been abandoned.

## **9.2 Scale and impact on the landscape**

The surrounding landscape is an area of Outstanding Natural Beauty and as such it is important to consider the impact of this proposal on this landscape. In this respect the existing dwelling cannot be seen from the surrounding area. The existing screening of the site from most directions is therefore very good. However the proposed new building is 7M tall compared to the existing buildings approximate 3M height and as such and with a depth of 9M it will be seen from the surrounding area most likely from its roof and parts of the first floor.

The most obvious views are when driving up or down the Dinton to Wyllye road on which it is situated and there will be views of the building's roof and partially of its upper floors when nearing the site in either direction. The existing screening on site providing it is retained in the future will do a good job of screening the buildings lower floors but parts of the upper floors and roof will still be seen.

Other limited views exist on the public footpaths close to the site as below. There are no views of the site from Teff9 the public footpath to the west. There is a distant view from Three Barns road to the South East and again midway along DINT11 to the East of the site. The site is glimpsed through trees on part of DINT10 (Part of the Monarchs Way) but probably only during the months of the year that the trees have no leaves. Therefore views from the surrounding footpaths and public rights of way are limited.



The primary public view will be on the approaches to the site along the Dinton to Wylve road and as stated above, the roof and possibly upper floors will be seen from both directions. However it is considered given the potential for slate tiles on the roof and the walls to be some form of wood cladding which will weather in time. It is not considered that what will be seen in the AONB would cause substantial harm to the landscape. A slate grey colour to the roof and some form of wood cladding that will weather to a silver colouring has the potential to be relatively unobtrusive and therefore would be appropriate in this context.

### 9.3 Highways Access

The highways access is considered acceptable, it will not be substantially different to that currently in operation and the council's highways officer has raised no objections to the application. The internal access within the site will alter slightly from present in order that the access is separated more from the poultry sheds at the top of the site. This will make it safer. There are no issues with regard to access.

## **9.4 Amenity Issues**

Amenity issues potentially arise from the new dwellings location close to the existing chicken sheds and any noise smell or general disturbance associated with these that may affect the occupiers of the new dwelling. There is an existing dwelling on this site which if such issues arose would also be affected by these issues and this is unrestricted in its current form. It would therefore be unreasonable to restrict the new dwelling in terms of noise or disturbance through the use of conditions if it was considered that there were any amenity issues associated with the existing poultry sheds.

The other amenity issue to consider is that of overlooking and in this respect there would only be one other property that could potentially be overlooked and this is the agricultural workers bungalow at the bottom of the site close to the road which is in the same ownership as the application site. Although the new dwelling is situated on higher land than the bungalow it has been angled so that the main windows do not overlook the bungalow below and it is considered that the distances between the properties even taking account of the levels changes in the land would be sufficient to prevent overlooking.

## **9.4 Issues raised by the parish council**

The parish council has raised concerns about this proposal these were as follows -

- 1) The site is outside of the housing policy boundary.

As explained above under the principle of development. The principle of a new dwelling has been established under the certificate of lawfulness and cannot be reconsidered now whether or not the dwelling is outside the housing policy boundary.

- 2) The proposed building is considerably larger than the existing dwelling

The proposed dwelling is considerably larger than the existing dwelling and as such does not comply with Saved Policy H30 as explained above.

- 3) The existing dwelling is of such unique character it should remain

This is an odd comment as the existing building is a former mobile home and is of no particular architectural or other interest.

- 4) The existing dwelling is not visible from the road.

It is agreed that the existing building is not visible from the road and that the new building at least in part of its roof and upper floors would be visible. (See scale and impact on the landscape above.)

## 10. Conclusion

In conclusion there is an established residential dwelling on the site which is of poor construction and it would seem reasonable to replace. The new dwelling is substantively larger than that which it replaces in particular its height and as such it would be seen in public views in the surrounding area and AONB. However these views would be limited and would primarily relate to those from the C road on which the site sits as such whilst not complying with saved policy H30 for replacement dwellings it would none the less create an acceptable development that would not be entirely out of character with the surrounding area.

### **RECOMMENDATION Grant planning permission subject to the following conditions -**

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2)Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

3)No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. 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

Reason: In the interests of the character and appearance of the area.

4)No development shall commence on site until the trees on the site which are shown as being retained within the submitted site plan have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be

approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

Reason: In the interests of the character and appearance of the area

5) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

6) The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

Hd/p/03 Block plan and site sections

Hd/p/02 Plans as proposed

Planning design and access statement

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

8) Prior to commencement of development on site the existing dwelling to be replaced by this proposal shall be removed in its entirety from the site as stated in the applicant's submitted design and access statement.

REASON: In order to ensure that two dwellings do not remain on the site.

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<b>Application Number</b>	15/11589/FUL
<b>Site Address</b>	Mobile Home site at Lime Kiln Farm, Dinton, Wiltshire.
<b>Proposal</b>	Demolition of an existing dwelling (with certificate of lawful development) and outbuilding and erection of a replacement dwelling.
<b>Case Officer</b>	Adam Madge



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