

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

<b>Date of Meeting</b>	17 <sup>th</sup> October 2024
<b>Application Number</b>	PL/2023/07895
<b>Site Address</b>	Poles Farm, Swallowcliffe, Wiltshire, SP3 5NX
<b>Proposal</b>	Demolition of existing barns and erection of new four bed residential home and detached car port/garden store
<b>Applicant</b>	Mr & Ms Caryn and Kenneth Mandabach and Bolen
<b>Town/Parish Council</b>	Swallowcliffe
<b>Electoral Division</b>	Fovant and Chalke Valley – (Nabil Najjar)
<b>Grid Ref</b>	53.395034, -6.108227
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Joe Richardson

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

The application has been called-in before committee by Cllr Najjar if officers are minded to approve on the basis of the high levels of community tension by way of the proposal necessitating the need for public debate and transparent decision making.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved for the reason(s) set out below.

**2. Report Summary**

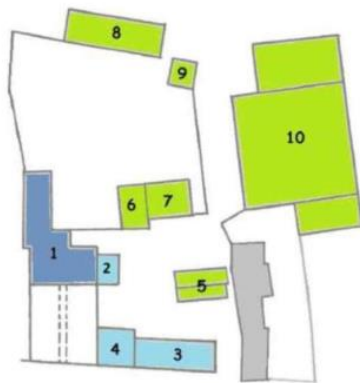
The issues in this case are:

- Principle of development including infill;
- Design and scale;
- Impact to the amenity of the area including the Swallowcliffe Conservation Area and NLCC/AONB including Archaeology;
- Loss of the Hosier outbuilding (Building 5);
- Ecological Impact including the River Avon SAC/nutrient neutrality;
- Parking/Highway Safety;
- Drainage/Flood Risk;
- Other matters

**3. Site Description**

The application site relates to buildings 5, 8 and 10 within the grade II listed building known as Poles Farmhouse. The Farmhouse forms part of an historic farmstead that comprises of the farmhouse itself, various agricultural buildings of differing ages that date back to the early 18<sup>th</sup> Century. The buildings subject to this proposal are identified within the extract below from the Wiltshire Building Record that identifies all buildings within the complex.

Poles Farm, Swallowcliffe



**Site Plan**

1. Farmhouse
2. Fuel store
3. Milking shed A
4. Cow shed
5. Milking shed B
6. Stable/office
7. Implement shed
8. Implement shed
9. Garden pavilion
10. Dutch barns



Poles Farmhouse is located within the village of Swallowcliffe and is within the Swallowcliffe Conservation Area and the National Landscape/Cranborne Chase formerly known as the AONB. The majority of the site including the buildings to be demolished are within Flood Zone 1. Part of the site within the northeastern corner is within Flood Zone 2/3.

The existing farmyard complex is shown below and has been subject to three applications in total. Two of these applications (PL/2023/07876 & PL/2023/08256) relate to Poles Farmhouse and the associated outbuildings shown in the red line site plan below and were approved in March 2024. The other application, subject to this report, PL/2023/07895 is for the erection of a new dwellinghouse and garage following the removal of buildings 5, 8 and 10 and the red/blue line plan is shown below.



**Red/blue line plan for approved apps PL/2023/07876 & PL/2023/08256 (above)**



**Proposed red/blue line plan for app PL/2023/07895 (above)**

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

**PL/2023/07876 & PL/2023/08256** – Erection of a proposed rear extension, the replacement conservatory and conversion of attached outbuilding to the existing grade II listed farmhouse, with other internal and external alterations; the conversion of a listed curtilage barn to ancillary accommodation; alterations to listed curtilage existing office, demolition of existing implement store and replacement with an attached WC and garage/car port and; alterations to the highway to add bollards A.C 27.03.24

**PL/2024/04451** – Partial discharge of condition 5 (Archaeology) and discharge of condition 8 (CEMP) of PL/2023/07876 APP 07.06.24

**PL/2024/04165** – Discharge of condition 3 and 5 of planning consent PL/2023/08256 APP 21.06.24

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

The proposal seeks planning permission for the change of use of agricultural land to residential land, the demolition of buildings 5, 8 and 10 as shown on the Wiltshire Building Record extract and the erection of a new dwellinghouse and detached garage with associated works.

#### **6. Local and National Planning Policy**

S66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 50 Biodiversity and Geodiversity

Core Policy 51 Landscaping  
Core Policy 57 Ensuring high quality design and place shaping  
Core Policy 58 Ensuring the conservation of the historic environment  
Core Policy 60 Sustainable Transport  
Core Policy 61 Transport and New Development  
Core Policy 62 Development Impacts on the Transport Network  
Core Policy 67 Flood Risk  
Core Policy 69 Protection of the River Avon SAC

Wiltshire Local Transport Plan 2015-2026:  
Car Parking Strategy

AONB Management Plan  
Wiltshire Design Guide  
Creating Places Design Guide SPD (April 2006)  
Emerging Local Plan

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

**Swallowcliffe Parish Council** – Objection with comments summarised as:

Concerns around authorisation to sub-divide land to site the new dwellinghouse;  
The revised application is only marginally smaller than the prior version;  
Development is out of keeping with the surrounding conservation area and will result in a loss of visual amenity to nearby residents;  
Light pollution within a sensitive area;  
North east elevation is not in-keeping;  
Outflow from the proposed package treatment plant does not have access to the river and rely on neighbour permissions;  
Contrary to Core Policy CP2 of the Wiltshire Core Strategy;  
Comparisons with other developments within the village are not valid

**WC Highways** – No objection subject to conditions with comments received stating:

*The site is located in the village of Swallowcliffe which does not have a development boundary and I will be guided by you as to whether you consider the proposal for the conversion of the barns to a two bed annexe to be contrary to policies CP57 (xiv), CP60(i) and CP61 of the Wiltshire Core Strategy and the NPPF 2021 paras 104, 105, 110-112 which seek to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods. Adequate off street parking is proposed for the dwelling to meet Wiltshire's current parking standards and turning is available within the site to enable vehicles to enter and exit the site in a forward gear. The existing vehicle access will not be altered but a proposal for bollards placed either side of the access in the highway verge will mark the vehicle access. There is currently planting within the highway verge that obstructs visibility from the vehicle access, this must be removed or reduced in height to under 900mm and maintained under this height. I wish to raise no highway objection providing the following conditions are imposed:*

**WC Ecology** – No objection subject to conditions as summarised below:

1. Development carried out in strict accordance with plans;
2. A construction environment management plan to be provided;
3. Installation of the Private Treatment Plant;

4. 110 litre per person water usage;
5. No additional external lighting

**WC Archaeology** – No objection subject to a condition (full comments within the report)

**WC Drainage** – No objection subject to conditions for surface water drainage

**WC Conservation** – No objection subject to conditions with comments summarised as:

*The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification. The impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met and there is therefore no objection to the approval of the application.*

**Environment Agency** – No comments received

**NLCC Group** – No objection subject to conditions around rooflights being fitted with blinds and external lighting in accordance with the Dark Skies Initiative

## 8. Publicity

The application has been advertised by way of letters to near neighbours of the site and by the displaying of a site notice around the site subject to this proposal.

Notwithstanding the original consultation period for this application, there have been two further separate re-consultations following the submission of additional information/revised plans and the publicity from the consultation periods have generated 79 letters of objection in total that are summarised below. It should be noted that some of the comments received make reference to approved applications PL/2023/07876 and PL/2023/08256 for Poles Farmhouse that are not relevant to this scheme

- Overdevelopment of the site;
- Property should not be split/sub-divided;
- Proposal is not in keeping with the Village Design Statement;
- The new dwellinghouse will contradict the Grade II status of Poles Farmhouse;
- Proposed dwellinghouse is too large with too many windows/wall of light;
- Scheme is not compliant with Wiltshire Council planning policy;
- Concerns over use of access/highway safety/use of bollards;
- Light pollution/AONB impact;
- Loss of the Hosier Milking Parlour (Building 5);
- Location of ASHPs proposed;
- Archaeological impact by proposed works;
- Inconsistencies with submitted documents;
- Ecological impacts of the proposal;
- Impact of proposal on the Conservation Area;
- Amenity impacts on the surrounding area including noise;
- Increase flood risk within the village;
- Comparison of other developments within the village for replacement dwellings is not valid;
- Concerns regarding construction traffic associated with any development;
- Drainage/Flooding concerns regarding PTP proposed;

- Party Wall concerns/ Land Drainage and Ordinary Watercourse Consent;

## 9. Planning Considerations

### 9.1 Principle of development including infill

Planning permission is required for the development. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework. The Wiltshire Core Strategy was adopted in January 2015.

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires there to be a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

The settlement boundary for Swallowcliffe has been deleted by the WCS. Core Policy 1 outlines the settlement boundary for Wiltshire and identifies the settlements where sustainable development will take place. Swallowcliffe is identified as a small village under CP1 of the WCS. Core Policy 2 of the WCS states:

*At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*

- i) Respects the existing character and form of the settlement;*
- ii) Does not elongate the village or impose development in sensitive landscape areas;*
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.*

#### Infill

Infill is defined in the Core Strategy (relevant paragraph in the Core Strategy is 4.29) *as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.* A previous Inspector's comments on infill for a similar site in the north of Wiltshire (application reference 16/04999/OUT) elaborated on the definition of infill:

'As 'infill' is defined in CP2 as the filling of a small gap within the village, it is reasonable to give those words their everyday meaning. A 'gap' implies a break or space between something'.

It is acknowledged that there is residential development to the north west and south east of the existing dwellinghouse within the farmyard. It is proposed to demolish the existing open sided Dutch barn at the rear of the site for the erection of a new detached dwellinghouse and utilise the remaining space associated with Poles Farmhouse as residential curtilage. The Dutch barn is located in between the dwellings known as Poles Farmhouse, Rosebank and Vine Cottage. Officers note the comments of the Parish Council and members of the public



that object to this proposal on the basis that the site is not considered as 'infill'. However, Officers consider that there is an obvious development gap in the built form (as intended by the WCS infill allowance) of the area. The aim of the policy also intends that the infilling of development is centralised around the core of the settlement which is likely to be better served with facilities.

Criterion i of the infill policy will be covered in depth in the next section (Design and Scale) of this report but broadly speaking officers consider this scheme is in keeping with the criterion requirements of this policy. In regard to criterion ii of the infill policy, this scheme would not elongate the village and by way of the submitted reports for archaeology, heritage and ecological matters, would not have any significant impact on these area constraints. Nor would the proposal consolidate an existing sporadic loose knit areas of development in terms of criterion iii of the infill policy.

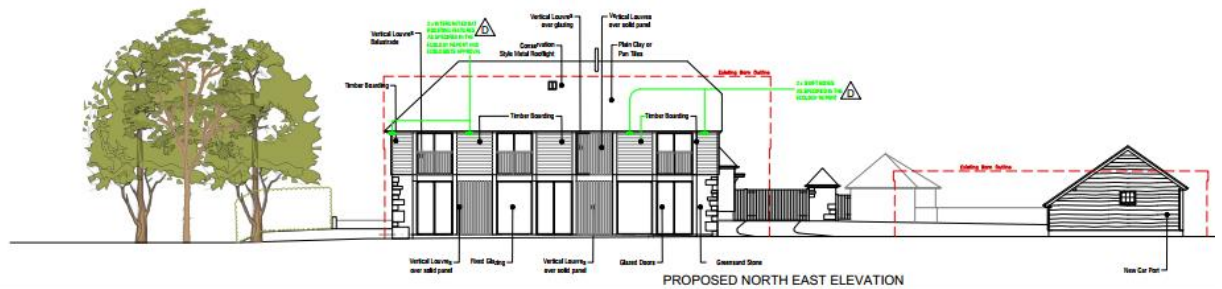
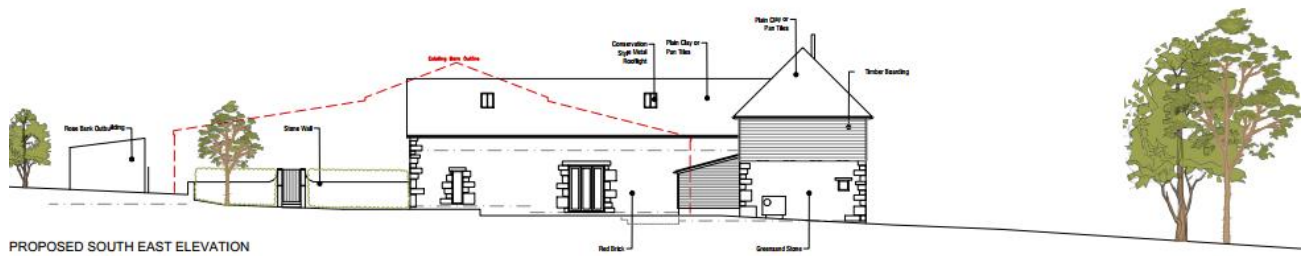
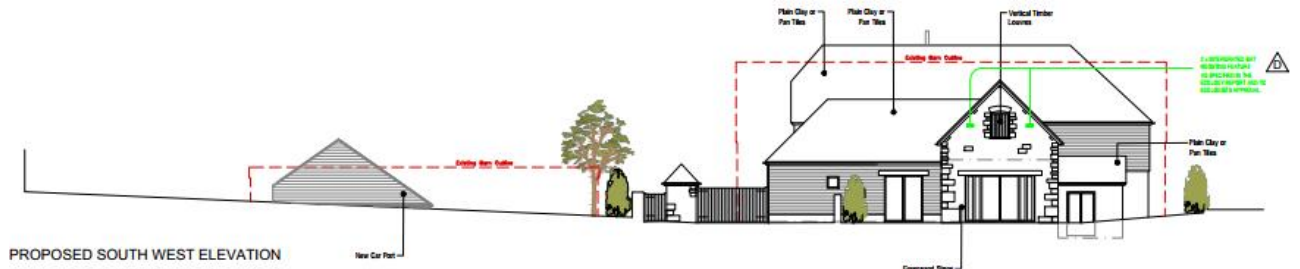
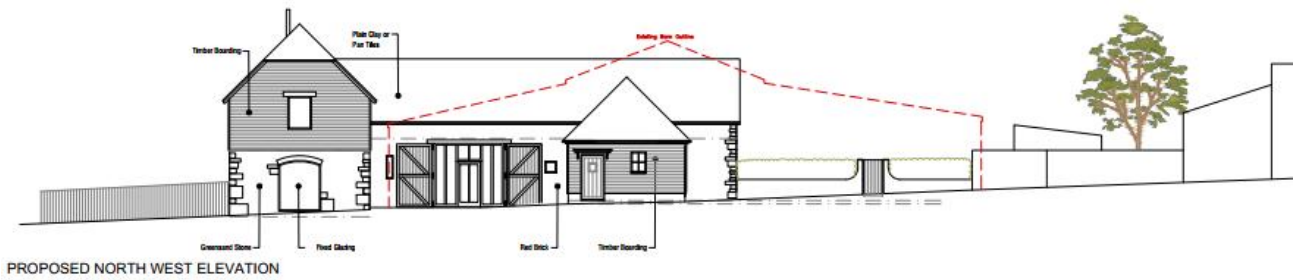
## 9.2 Design and Scale

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires there to be a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The layout of the site including the dwellinghouse is shown below:



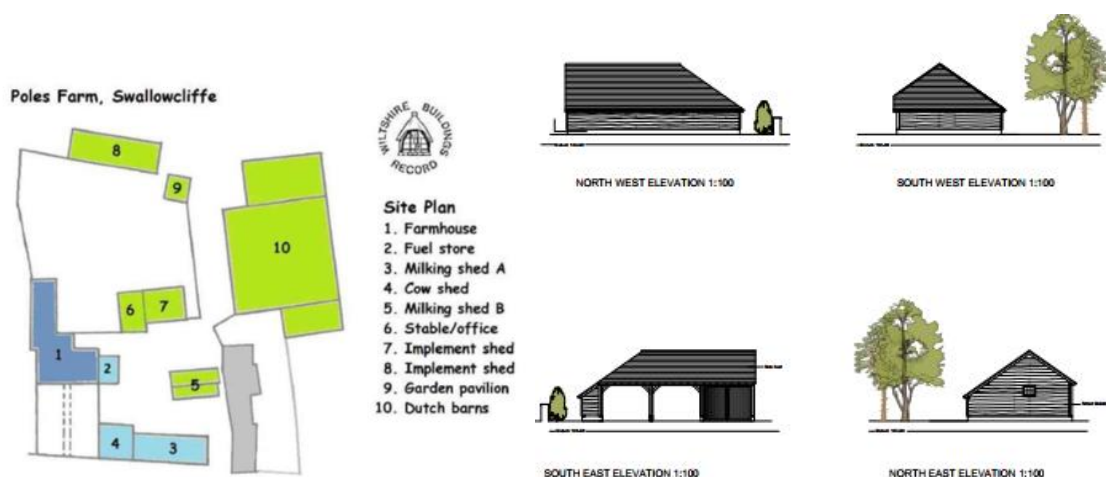
The design of the dwellinghouse is shown below:



The proposed new dwellinghouse to be erected within the footprint of the existing open sided Dutch barn (shown as No10 on the Wiltshire Buildings Record) following its demolition would have a floor space of circa 317m<sup>2</sup>. The massing and materials of the new dwelling are designed to resemble simple forms of traditional vernacular styled barns. The new dwellinghouse is 'C' shaped in plan with a single storey wing to the south, a storey and a half range in the centre and a two storey range at the rear. The ridge height of the highest part of the dwellinghouse is approximately 1.8 metres lower than the listed farmhouse maintaining a subservience to this building. The rear north elevation features stone returns on each side with a more open and glazed face allowing views into a tree lined garden area. The façade features proposed are more contemporary in appearance with glazing contained in a framed grid containing glazing elements, solid panels and louvred elements. Materials to be used include largely Greensand stone, larch timber cladding with a pan tile or plain clay tile. Confirmation of the materials to be used can be secured via a condition imposing onto any consent.



Other works include the erection of a new garage carport and log store. The erection of this building would replace an existing larger former cart shed (known as building 8 on the Wiltshire Building Records shown below) at the rear of the site that currently shares the boundary of Poles Farmhouse. The elevations of the proposed garage carport and log store are shown below. Materials to be used in the construction of this building would include a stone or brick plinth with timber framed and clad walls over and under a slate roof with hidden solar panels. The thermal system would be underneath the slate roof rather than on top or within the slates thus resulting in traditional slate roof with a solar roof.



In officer opinion, the proposed footprint of the new house roughly equates with a C shape comprising of three main elements of linear form and with pitched roofs. The form of the structures reflects a traditional agricultural building and the arrangement ensures that the structures are not too tall and overly dominant in the landscape.

By way of the works as identified and outlined above, officers consider the overall design, scale and layout of the proposed is in accordance with criterion i of the infill policy. The application is accompanied by a materials palette that subject to the imposing of this via condition and further clarity being provided on other materials to be used in the construction of any approved works, the scheme accords with the requirements of Core Policy CP57 of the WCS.

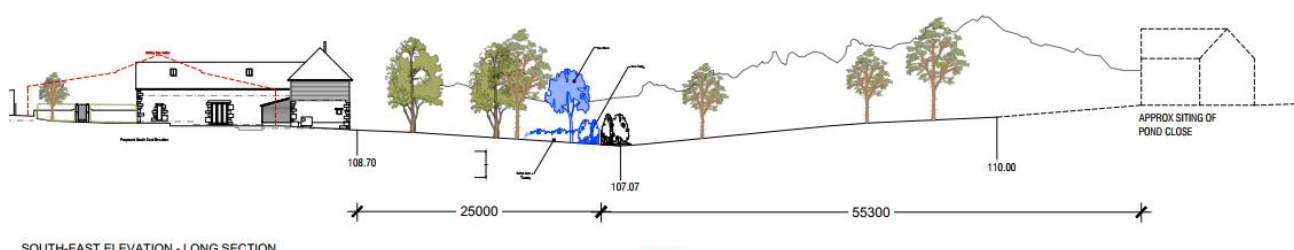
### 9.3 Impact to the amenity of the area including the Swallowcliffe Conservation Area and NLCC/AONB including Archaeology

Core Policy 51 of the WCS sets out the criteria to ensure that development will 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.

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 (paragraph 135f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The site is located within a residential area with dwellinghouses known as Alford's, Rose Bank and Vine Cottage in the immediate vicinity of the site. Following the removal of the existing Dutch barn, the location of the new dwellinghouse would be sited to the rear of the site. Given its relationship with the other residential properties to the south west, views from the first floor windows on the rear two storey elevation of the dwellinghouse would predominately be of open land to the rear dividing the adjacent properties known as Tanners Cottage, Pond Close

and Martin House. A section drawing showing an approximate separation gap of 80 metres between the rear façade of the proposed dwellinghouse and that of Pond Cottage is shown below.



In terms of other windows, a first floor window is to be inserted onto the north west elevation (side) to serve the master bedroom. Views from this window would be of Poles Farmhouse and to an extent, of Alford's. However, in officer opinion views from this window would not have any significant adverse impact on the amenity of either of the forementioned properties given the separation distances, approximately 43 metres and 51 metres respectively. One other first floor window serving bedroom two is proposed on the south west elevation (front) and would primarily provide views of the outbuildings associated with Vine Cottage. No other first floor windows are proposed.

Comments received in respect of the impact the scheme would have on the Dark Skies Initiative and light pollution are duly noted. This scheme proposed three rooflights in total. Two are proposed in the south east roofslope and one is proposed to be inserted into the rear north east roofslope. Whilst inevitably the proposal would in some additional light spill, it would in officer opinion be no more than what is experienced from other surrounding neighbouring properties within the area. As such a refusal of planning permission on this basis would be difficult to justify. Comments received from the NLCC Group (formerly AONB) regards the use of blinds on the rooflights are not enforceable. However, officers can impose a condition to limit the impact of any external lighting that would reduce light pollution from within the site onto the surrounding area.

To clarify, a table of the advice for the environmental zones is shown below where a condition can be imposed onto consent to preserve this. In terms of the nature of the site, any lighting would need to adhere to the E0 or E1 specification as shown.

Table 2: Environmental zones

Zone	Surrounding	Lighting environment	Examples
E0	Protected	Dark (SQM 20.5+)	Astronomical Observable dark skies, UNESCO starlight reserves, IDA dark sky places
E1	Natural	Dark (SQM 20 to 20.5)	Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc.
E2	Rural	Low district brightness (SQM ~15 to 20)	Sparsely inhabited rural areas, village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Well inhabited rural and urban settlements, small town centres of suburban locations
E4	Urban	High district brightness	Town / City centres with high levels of night-time activity

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Core Policy 58 of the WCS states development should protect, conserve and where possible enhance the historic environment.

As shown below, the site is within the Swallowcliffe Conservation Area and Poles Farmhouse is a grade II listed building.



Officers note the comments received from the Council's Conservation Officer that state:

*Further to conservation comments of 9/11/2023 and 4/10/2023 there are no further conservation comments to add. The case officer is referred to previous comments for consideration of conditions.*

*The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.*

*The impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met and there is therefore no objection to the approval of the application.*

Comments received in October 2023 from the Conservation Officer largely supported the scheme but concern was made to the boundary treatments that included a two metre high closed fence on the eastern boundary and a brick and stone base wall with fence atop on the south-western boundary. These elements have been amended and now show the lowering of

the wall and a post and fence on the respective boundary with hedging behind. These change are welcomed. On the basis of the views of the Conservation Officer and subject to the imposing of a condition around the use of further materials to be used in the construction of the works, notwithstanding the information already provided, officers consider the scheme accords with the requirements of Core Policies CP51 and CP58 of the WCS.

In terms of archaeological impact by of this proposal, the Council's Archaeologist has provided the following comments:

*Excavations in the garden of Vine Cottage between 1967 and 1971 and reported to CBA Group 12 (Wessex) found Mesolithic (8,000 – 5,000 BC) flint tools, Roman and Saxon pottery, including organic-tempered ware (i.e. Early/Middle Saxon – 5th- to 7th-century AD), and part of a medieval spur, along with quantities of medieval pottery. The context of these discoveries and the nature of the excavations are unclear other than our records note that the excavation was apparently overseen by S L M Jenkins. Archaeological observations in 2018 during the construction of extensions to Vine Cottage revealed a stone well, constructed of greensand blocks. Although in use until recently, the well may have been of earlier date and of 17th- or 18th-century origin. Poles Farm therefore has an archaeological interest. This application proposes the demolition of a modern (late 20th-century) barn and its replacement with a four bedroomed dwelling. Although the farm has a long history of use, the construction of the barn is unlikely to have caused substantial and deep below ground impacts. The construction of the new dwelling therefore has the potential to disturb, and harm buried archaeological remains that might elucidate on the history and origins of the farm and on the village of Swallowcliffe. This impact can be mitigated by an appropriate programme of archaeological work, should this application be permitted. It is noted that the Heritage Statement accompanying this application (Western Design Architects, May 2023) states (Para. 6.8.1) that ‘...a watching brief should be in place during construction’. A programme of archaeological work can therefore be secured by an appropriately worded condition.*

Subject to the imposing of a condition as outlined by the Council's Archaeologist, officers consider any impact to buried heritage would be suitably mitigated for.

#### **9.4 Loss of the Hosier outbuilding (Building 5)**

Concerns have been raised regarding the loss of the Hosier outbuilding (building 5 on the WBR report) in that this is a curtilage listed building. In response to the concerns raised, additional evidence from the agent associated with the applications at Poles Farmhouse (PL/2023/07876 and PL/2023/08256) was provided that confirmed the former milking parlour is a building that was constructed post 1948 and therefore is not a curtilage listed structure.

Within this building, is an old milking system used for cattle. The existing building consists of two elements, a concrete base containing the milking bays with a deteriorated timber frame structure over that is clad in timber and galvanised steel sheeting under a corrugated steel roof with a rendered blockwork lean-to to the rear under a corrugated steel roof.

The removal of this building is required to create better functionality within the site. The outbuilding to be removed is shown below in the photos obtained from the WBR report.





Officers note that the removal of this building was secured via condition associated with planning consents PL/2023/07876 and PL/2023/08256. Below is the relevant part from the officer report in relation to this:

*The Conservation Officer has reviewed this additional evidence providing the comments below and is satisfied that the outbuilding (building 5) to be demolished is not curtilage listed.*

*I am commenting on the recent WDA communication in respect of the milking parlour (building 5). As you are aware, whether it is considered curtilage listed depends on whether it pre-dates July 1948. Previously we did not know and so erred on the side of caution, treating it as 'curtilage listed'. However, the agent has now provided information that evidences a post 1948 date and as such it is not considered to be curtilage listed. As you are aware, in any case, I did not object to its demolition. The agent has offered a recording of the building prior to its demolition which I recommend is conditioned.*

*Subject to a suitably worded condition imposed onto any consent as outlined around the recording of the outbuilding with photographs and drawings, this would in the opinion of the case officer, provide a public benefit for the loss of the building. Furthermore, this would accord with the requirements of Core Policy CP58 of the WCS and the relevant guidance within the NPPF.*

Subject to the imposing of the same worded condition as imposed on consent PL/2023/08256, any heritage matters arising from this would be suitably mitigated for.

## **9.5 Ecological Impact including the River Avon SAC/nutrient neutrality**

CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The Council's Ecologist has assessed this proposal and has provided the following comments:

*The following submitted documentation was reviewed to inform this response:*

- i. New House- Proposed Site Plan Rev K. January 2023. WDA*
- ii. New House- Proposed Elevations Rev F. January 2023. WDA*
- iii. New House- Site Location and Block Plans Rev C. July 2022. WDA*
- iv. Nutrient Calculator-River Avon SAC. V-02-2-existing*
- v. Nutrient Calculator-River Avon SAC. V-02-2-proposed*

### **Protected Species/Habitats**

*I note that the red line boundary has been altered as reflected on 'New House Site Location Plan and Block Plan NH10 Rev C. July 2022. WDA.' In addition, there appears to be a change in design at the entrance gateway 'New House Proposed Elevation Rev F. January 2023. WDA'.*

*It is our opinion that these changes will not impact the ecology on the site assuming any decision is amended to include the most recent plan 'New House Proposed Site Plan Rev K. January 2023. WDA' which reflects the proposed vegetated boundary features. It is noted that these features are now out with the red line boundary but within the blue line boundary and will need to be secured in perpetuity for the lifetime of the application. Assuming this can be achieved, the AA undertaken previously is still applicable.*

*The ecology report (Ecological Assessment, Poles Farm, Swallowcliffe, Report Number: 0463b, Issue Number: 02, Date: 19th May 2023 by: Peach Ecology) submitted to this application is welcomed.*



The report confirms the presence of:

- Breeding birds (swallow, pigeon)
- A night roost for common pipistrelle within the main barn.

The site is in a great crested newt (GCN) amber risk zone however this species was scoped out of the assessment due to an eDNA survey on the adjacent pond returned negative results for GCN.

**Bat roosts have been confirmed in the structures on the site. Under the Conservation of Habitat Regulations, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a Natural England licence will be required before any work is undertaken to implement this planning permission.**

The adjacent application PL/2023/07876 confirmed the below bat roosts which is pertinent for this application since the area is functionally linked:

- Day roosts for individual common pipistrelle (max count 2) and soprano pipistrelle (max count 1) in the main farmhouse/eastern fuel store.
- A likely serotine maternity roost in the main farmhouse attic although no roosting serotine bats were recorded during the emergence surveys.
- A likely night bat roost (species unknown) in the southern barn/milking shed A.
- A flight corridor for greater horseshoe (GHS) in the courtyard and road

### **Habitat Regulations Assessment (HRA) - Chilmark Quarries Special Area of Conservation (SAC)**

The application has potential to result in significant adverse impact either alone or in combination with other projects on the statutorily designated Chilmark Quarries SAC. As required by the Habitats Regulations an Appropriate Assessment has been completed by the LPA with a favourable conclusion Natural England is satisfied with the conclusion of the AA and have no objection to the proposals, providing that all mitigation measures are appropriately secured in any permission given.

### **Hampshire River Avon Special Area of Conservation (SAC) Catchment**

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

It is proposed to replace the existing on-site septic tank with a new efficient PTP (Graf One2Clean, P<sub>tot</sub> = 1.6mg/l) to provide a sufficient reduction in Phosphorus to mitigate for the construction of an additional dwelling.

In summary:

Existing = 1.53 kg TP/yr

Proposed = 0.48 kg TP/yr

Resulting in a net reduction of 1.05 kg TP/yr.

*Provided that this mitigation proposal is secured by condition there will be a reduction in phosphorus burden from this proposal. It is considered that this approach delivers the required level of certainty to secure effective mitigation for the phosphorus burdens of this planning application. Natural England is satisfied with the conclusion of the AA and have no objection to the proposals, providing that all mitigation measures are appropriately secured in any permission given.*

Officers note the comments above from the Council's ecologist to this proposal that confirm subject to the imposing of several suggested conditions onto any consent, the scheme will mitigate for any harm caused to protected species and effective mitigation for the phosphorous burdens of this planning application. Therefore, subject to the imposing of the suggested conditions or suitably worded conditions (as outlined within the consultee response section of this report), officers consider the proposal accords with the requirements of Core Policies CP50 and CP69 of the WCS.

## **9.6 Parking/Highway Safety**

The scheme proposes to utilise an existing entrance/egress to the site that is currently used by Poles Farmhouse. To facilitate this, building 5 (the Hosier building) is proposed to be removed.

Officers note the concerns received in reference to the increase in vehicular movements to and from the site by way of the proposed, the use of bollards and construction traffic associated with any construction works.

The Council's Highways Officer has assessed the scheme and has provided the following comments:

*Adequate off street parking is proposed for the dwelling to meet Wiltshire's current parking standards and turning is available within the site to enable vehicles to enter and exit the site in a forward gear. The existing vehicle access will not be altered but a proposal for bollards placed either side of the access in the highway verge will mark the vehicle access. There is currently planting within the highway verge that obstructs visibility from the vehicle access, this must be removed or reduced in height to under 900mm and maintained under this height.*

As a result, subject to the suggested conditions as outlined above from the Council's Highways Officer (please refer to the consultee section of this report for the suggested conditions), it is considered that the proposed works will not cause any significant detrimental impact to highway safety or highway users to justify the refusal of planning permission for this scheme.

Officers note that there have been further concerns received from members of the public directly to the comments of the Highways Officer in relation to vehicle movements from the existing access/egress following the granting of consents PL/2023/07876 and PL/2023/08256. On advice from the Highways Officer, officers take the view that the recently approved development and the development proposal subject to this application will not generate a huge increase in vehicle movements through the shared access point. The buildings that are to be replaced not only by this development proposal but by the approved consents will have already in the past generated some vehicle movements. Therefore, any increase in vehicle movements for this development proposal would have a negligible impact on highway safety. Furthermore, the proposed bollards at the entrance of the access position will help identify this access point.

Comments received regarding any construction traffic associated with development works should this scheme be approved by members of the Southern Area Planning Committee are not a material consideration of this planning application.

## **9.7 Drainage/Flood Risk**

The majority of the site including the buildings to be demolished are within Flood Zone 1. Part of the site within the northeastern corner is within Flood Zone 2/3. Officers note that whilst this development (Change of use of agricultural land to residential, demolition of the existing barns and erection of a new dwellinghouse with associated works) would not require a sequential test, a site-specific Flood Risk Assessment (FRA) should be produced, to protect both the development itself and future occupiers from flood risk and to ensure that they could escape in the event of an emergency. The basis for this is in the NPPF, specifically paragraph 173 and footnote 59.

The application is accompanied by a Flood Risk Assessment that has been assessed by the Council's Drainage Team. No objection to this proposal is raised subject to the imposing of conditions requiring a surface water drainage scheme and a foul water drainage scheme. Conditions to this extent can be imposed onto any decision for this development proposal.

Officers note the concerns received regarding flood risk, concerns regarding the Private Treatment Plant (PTP) proposed and the relevant land drainage and watercourse consents required. For the reasons as outlined, any flood risk could be managed by way of a suitable condition. Matters around the relevant land drainage and watercourse consents are a matter for the Applicant to apply for Wiltshire Council Land Drainage Consent to discharge into any nearby ordinary watercourses or the Environment Agency for discharge into any main rivers. This issue is not a material consideration of this planning application.

### **9.8 Other matters**

The Local Planning Authority (LPA) can only consider comments received that are 'material considerations' which can generally be summarised as the impact of the proposed development on the surrounding environment and infrastructure. The LPA cannot consider comments that are not material to the applications that are outside the boundaries of the planning process, this includes reference to the submitted drawings not detailing surrounding properties or the Party Wall Act.

Comments received on the matter of all three applications being determined at the same time are duly noted. Application PL/2023/07895 has been called in by the local member to be determined by the Southern Area Planning Committee and therefore has not been able to be determined at the same time as approved applications PL/2023/07876 and PL/2023/08256.

Comments regarding the sub-division of the land are noted. Providing the land subject to the sub-division is within the ownership of the applicant or the relevant certificates have been served if it transpires that the land is not within the ownership of the applicant, any person(s) can submit an application for planning permission and listed building consent for consideration by the LPA. There is no separate process required to occur before formal applications for planning permission and listed building consent are submitted for consideration.

## **10. Conclusion and Planning Balance**

This proposal seeks planning permission for the change of use of land from agricultural to residential and the demolition of barns and the erection of a new four bedroom dwellinghouse with detached garage/carport and associated works.

Officers note the large number of objections received from members of the public and the Parish Council which are duly noted and have been carefully considered. Members are advised that this application seeks planning permission for essentially the demolition of an existing Dutch Barn and the erection of a new dwellinghouse in line with the infill policy as outlined in Core Policy CP2 of the Wiltshire Core Strategy within this report.

Therefore, the sustainable location of the site in the absence of any ecological or consultee objection affords significant weight in the determination of this application. Suggested conditions around highways safety measures, ecological enhancement, flooding mitigation and amenity issues as per the responses from the statutory consultees that have no objection to this proposal can be imposed via condition onto any consent.

As such, for the reasons as outlined within this report, officers consider the development proposal conforms to the objectives of Core Policies 1, 2, 50, 51, 57, 58, 60, 61, 62, 67 and 69 of the Wiltshire Core Strategy and the requirements of the NPPF. Taking the above into account, the application is not considered contrary to these policies as it does not cause any significant material harm that would justify a refusal of planning permission. Therefore, planning permission should be granted.

## **11. RECOMMENDATION:**

### **Approve with 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:

DWG No: NH10 Rev C Site Location Plan and Block Plan Date Received 05.08.24

DWG No: NH14 Rev K Proposed Site Layout Plan Date Received 05.08.24

DWG No: NH16 Rev F Proposed Dwellinghouse Elevations Date Received 05.08.24

DWG No: NH22 Rev D Proposed Dwellinghouse Sections and Roof Plan Date Received 05.08.24

DWG No: NH15 Rev E Proposed Dwellinghouse Floor Plans Date Received 05.08.24

DWG No: NH18 Rev D Existing and Proposed Streetscene Plan Date Received 05.08.24

DWG No: NH21 Rev C Proposed Material Palette for the Dwellinghouse Date Received 05.08.24

DWG No: NH17 Proposed Car Port, Garage, Garden and Log Store Elevations, Floor and Roof Plan Date Received 14.09.23

Nutrient Calculator Existing Date Received 15.03.24

Nutrient Calculator Proposed Date Received 15.03.24

Ecological Assessment undertaken by Peach Ecology and Environmental Services dated 23.01.24 Date Received 23.01.24

The installation of the biodiversity mitigation and enhancement features will be supervised by a professional ecologist. These measures will continue to be available for wildlife for the lifetime of the development

REASON: For the avoidance of doubt, in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

3. No development, other than demolition to ground level, shall commence within the area indicated by the red line boundary on Western Design Architects' Drawing No. NH10, Revision C, date received 05.08.24, until:

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

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

REASON: To record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible.

4. Notwithstanding approved DWG No: NH21 Rev C, no development above slab level shall continue on site until details of the following have been submitted to and approved in writing by the Local Planning Authority:

Details of the stone for the block openings that should match the existing walling;  
Brochure details for the windows, doors and conservation style roof lights;  
Approval of a metre built stone panel for the new dwellinghouse and stone wall;  
Details of the glazing that shall be recessed behind the timber/clad walls.

Development shall be carried out in accordance with the approved detail.

REASON: The matter is required to be agreed in writing with the Local Planning Authority in order to ensure that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the Conservation Area and associated buildings.

5. No development may commence until a detailed drainage strategy is submitted to and approved in writing by the Local Planning Authority which demonstrates that surface water flood risk including runoff from the proposed development and shall include the following:

Evidence that discharge rates are restricted in line with Wiltshire Council's betterment policy;

Evidence that the proposed attenuation is able to contain both flood water and required attenuation combined up to and including volumes arising from the 100 year + event and evidence that there is sufficient freeboard (300mm minimum) above the critical 1 in 100yr + climate change storm event;

Evidence of permissions to cross third party land and permissions from riparian owners to discharge to the watercourse/river in perpetuity;

Overland exceedance routes are to be shown on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event;

Additional details with respect to the gravelled areas to include details on the material specification, the level of compaction required and; cross sections through the proposed gravelled area

Development shall be carried out in accordance with the approved details.

REASON: To ensure the development is flood resilient.

Note above – please refer to the informative No 4 for additional information on Wiltshire Council's betterment policy.



6. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - i. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
  - ii. Working method statements for protected/priority species and habitats, such as the brook, nesting birds, amphibians, reptiles and bats.
  - iii. Mitigation strategies already agreed with the local planning authority prior to determination, such as for bats; this should comprise the preconstruction/construction related elements of strategies only.
  - iv. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - v. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - vi. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

7. The proposed package treatment plant (PTP) shall be installed, maintained and operated in accordance with approved drawing DWG No: NH14 Rev K Proposed Site Layout Plan. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future PTP is of an equivalent or improved standard.

8. The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

9. Notwithstanding the submitted lighting detail as shown on approved drawing DWG No: NH14 Rev K, Proposed Site Layout Plan, any external lighting that is installed across the site shall be designed and implemented to minimise sky glow, glare and light trespass. It shall be designed in a downward facing position at all times and shall meet the criteria for Environmental Zone E0 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. Any

external lighting installed at the site shall be retained and maintained as such thereafter for the lifetime of the development.

REASON: To ensure appropriate levels of amenity are achieved; to protect the Dark Skies Initiative and to avoid illumination of habitat used by bats.

10. The development hereby permitted shall not be occupied until any alteration to the surface of the vehicle access is that of a consolidated material (not loose stone or gravel) for the first 4.5m. The access shall be maintained as such thereafter. Any gates shall be set back 4.5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

11. No part of the development hereby permitted shall be occupied until the turning area & parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

12. The development hereby permitted shall not be occupied until the vegetation across the site frontage within the highway verge has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level and the Access Bollards have been installed either side of the vehicle access on the highway verge, and maintained as such thereafter.

REASON: In the interests of highway safety.

13. The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

14. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

15. No works shall commence on site until a full survey of the milking parlour (referred to as Building 5 within the Wiltshire Buildings Record Report) to include analysis, method of removal, and photographic record of the building has been submitted to and approved in writing by the Local Planning Authority. Removal of the milking parlour building shall be carried out in accordance with the agreed detail.

REASON: The matter is required to be agreed in writing with the Local Planning Authority prior to commencement of works in order to ensure the development is undertaken in an acceptable manner, to secure the proper recording of the building.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or

amending those Orders with or without modification), no development within Part 1, Classes A, B, C or E shall take place on the dwellinghouse hereby permitted or within its curtilage.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions or alterations to the roofslopes to the approved dwellinghouse or the insertion of first floor windows or rooflight other than as approved as part of a formal planning application by the Local Planning Authority.

REASON: In the interests of the amenity of the area and the wider AONB/NLCC.

18. 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:

- (i) location and current canopy spread of all existing trees and hedgerows on the land;
- (ii) full details of any to be retained, together with measures for their protection in the course of development;
- (iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- (iv) means of enclosure to include details of fencing and gates;
- (v) all hard and soft surfacing materials;
- (vi) minor artefacts and structures to include refuse storage units.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and wider AONB/NLCC.

19. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow 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 within the AONB/NLCC.

20. The development hereby approved shall be carried out in strict accordance with the submitted Arboriculture Impact and Mitigation Assessment dated May 2023

undertaken by Wadey Trees Chartered Consultancy.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of important trees, within the vicinity of the site are adequately protected during the period of construction.

## INFORMATIVE TO APPLICANTS

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)
2. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.
3. 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. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. 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.
4. In relation to condition 5, the drainage strategy, discharge rates are restricted in line with Wiltshire Council's betterment policy which states:
  - *With regards the control of surface water discharges from new development, Wiltshire Council requires post development discharges from greenfield sites to provide 30% betterment over pre-development discharges for all storm events between the 1 in 1year and 1 in 100year return period events.*

- *For greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.*
5. The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



