

AGENDA

Meeting: Southern Area Planning Committee

Place: Wylde Meeting Room, Five Rivers Health & Wellbeing Centre, Hulse Road, Salisbury, SP1 3NR

Date: Thursday 8 December 2022

Time: 3.00 pm

Note: Due to the limited space inside the meeting room, should there be a high number of public attendees for any specific application, we will rotate attendees in order of application of interest. Please contact the Officer below for further information.

Please direct any enquiries on this Agenda to Lisa Alexander, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.alexander@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Andrew Oliver (Chairman)
Cllr Sven Hocking (Vice-Chairman)
Cllr Trevor Carbin
Cllr Brian Dalton
Cllr Nick Errington
Cllr George Jeans

Cllr Charles McGrath
Cllr Ian McLennan
Cllr Nabil Najjar
Cllr Bridget Wayman
Cllr Rich Rogers

Substitutes:

Cllr Ernie Clark
Cllr Kevin Daley
Cllr Bob Jones MBE

Cllr Ricky Rogers
Cllr Graham Wright
Cllr Robert Yuill

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

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Parking

Parking is available at Five Rivers Health & Wellbeing Centre

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 26*)

To approve and sign as a correct record the minutes of the meeting held on Thursday 10 November 2022.

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**

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 **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. 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.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

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 no later than 5pm on Thursday 1 December 2022, in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 5 December 2022. 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.

Attendance

Due to the limited size of the venue, attendees may be rotated per application, allowing access to the consideration of the relevant application of interest only. There will be ample space directly outside of the room to wait until you are called by an Officer. If you have any queries, please contact the Democratic Services Officer named on the front of this agenda.

6 Planning Appeals and Updates (Pages 27 - 28)

To receive details of completed and pending appeals and other updates as appropriate.

7 Planning Applications

To consider and determine planning applications in the attached schedule.

7a APPLICATION NUMBER: PL/2022/00855 - Tisbury Sports Centre, Weaveland Road, Tisbury, Salisbury, SP3 6HJ (Pages 29 - 58)

Demolition of former sports centre (class E(d)) involving redevelopment to form 13 no. dwellings (class C3) & associated works.

7b APPLICATION NUMBER: PL/2022/04451 - Land at Whitsbury Road, Odstock, Salisbury (Pages 59 - 74)

Construction of two residential dwellings, with associated parking and landscaping, and community orchard

7c APPLICATION NUMBER: PL/2022/06794 - Hartmoor Barn, Underhill Wood Nature Reserve, Underhill, East Knoyle, SP3 6BP (Pages 75 - 98)

Conversion of an existing barn/equestrian building to form a 2-bedroom dwelling, with associated hard and soft landscaping (resubmission of PL/2021/10169)

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

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Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 10 NOVEMBER 2022 AT WYLYE MEETING ROOM, FIVE RIVERS HEALTH & WELLBEING CENTRE, HULSE RD, SALISBURY SP1 3NR.

Present:

Cllr Andrew Oliver (Chairman), Cllr Sven Hocking (Vice-Chairman),
Cllr Trevor Carbin, Cllr Brian Dalton, Cllr Nick Errington, Cllr George Jeans,
Cllr Ian McLennan, Cllr Nabil Najjar, Cllr Bridget Wayman and Cllr Rich Rogers

Also Present:

Cllr Richard Britton

106 **Apologies**

Apologies were received from:

- Cllr Charles McGrath

107 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 June 2022 were presented.

Resolved:

To approve as a correct record and sign the minutes.

108 **Declarations of Interest**

There were no declarations of Interest.

109 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public. Due to the larger capacity of attendees for the first application, the Chairman noted that public speakers and attendees would be rotated by application. Introductions and meeting procedure was therefore repeated for each application.

Attention was drawn to the late correspondence which had been circulated in hard copy at the meeting to all Members and made available at the meeting to the public. This was also summarised by the relevant case Officers during the Officer presentations.

110 **Public Participation**

The committee noted the rules on public participation.

111 **Planning Appeals and Updates**

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

Resolved

That the appeals update be noted.

112 **Planning Applications**

113 **APPLICATION NUMBER: PL/2021/09778 - Station works, Tisbury**

Public Participation

Dick Budden spoke in objection to the application

Gerald Blundell spoke in objection to the application

Patrick Durnford spoke in objection to the application

Simon Trueick (Agent) spoke in support of the application

Gerry Murray spoke in representation of Tisbury PC

Morag Macnair spoke in representation of West Tisbury PC

Tim Martin spoke in representation of Ansty PC (& the Access to Tisbury Group)

The Committee had attended a site visit earlier in the day.

The Planning Team Leader, Richard Hughes, summarised the late correspondence which had been circulated at the meeting, relating to third party reiteration of objections to the proposal, and a further response by WC Education, relating a withdrawal of their S106 requirement.

He went on to present the report, which set out the merits of the planning proposal against the policies of the development plan and other material considerations. It was explained that the committee was asked to consider, in light of the non-determination appeal, whether the application would have been refused as recommended.

The outline application was for the redevelopment of the Station Works site to provide a mixed development of up to 86 dwellings, a care home of up to 40 bedspaces with associated medical facilities, new pedestrian and vehicular access and traffic management works, a safeguarded area for any future rail improvements, and areas of public open space.

The issues in the case were noted as:

- Principle of development, policy and planning history;
- Design, scale and impact to the amenity of the area/AONB/heritage asset impacts
- General Amenity issues

- Parking/Highways Impact, rights of way
- Impact on railway station and line
- Archaeology
- Ecological Impact
- S106 matters

The case officer showed slides of the proposal and the site. The site position and size were noted as were the footpath location, Landscape study, proposed screening and historic flooding which occurred under the railway arches.

The slides indicated the grass bank to the rear which would be unaffected and the visual appearance of the site, set out on a series of images taken from various location points.

The site was included in the NHP for development and was in the Settlement Boundary. Policy BL7 was summarised.

This was an outline application with all matters reserved, except access.

The comments from the Ecology Officer were noted, around the various proposals for lighting in the scheme and that some additional work was being carried out to alleviate some issues.

A drainage feature was proposed at end of the site. It was confirmed that Network rail had no plans to introduce a bridge over the railway.

The applicant had submitted the application to the Planning Inspectorate, for appeal due to non-determination.

The Officer noted that the Committee was therefore asked to consider the application in order to conclude whether the outcome would have been in line with Officer recommendation, if the matter had been considered. The decision of the Committee would then form part of the evidence for the Appeal.

Members then had the opportunity to ask technical question of the Officer.

The Officer explained that as with any large application the process included a great deal of back and forth between officers, consultees and the applicant to establish the required areas of information necessary. In this case, the Viability Assessment was still ongoing and there had been a delay in receiving a response from Highways. In addition, further information was received from the applicant which led to discussions around flooding and consultation with the Environment Agency. The applicant had agreed the determination date of the application be extended until 30 June 2022.

It was confirmed that there had been no response from the neighbouring Dorset Authority regarding secondary school requirements.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the points included concern around the associated road traffic on the surrounding residents and villages. The road network running through Tisbury were felt to be too narrow and unsuitable, for the additional commuters, site traffic and deliveries the development would bring, with the possibility of making it dangerous for existing residents.

It was felt that the proposed alternations to the railway arches would have a negative effect and the provision of a care home as the only employment offer was inadequate and that there had been no evidence to suggest that there was a need for a facility of this size in the Tisbury area.

The Agent for the application stated that the outline application met the NHP requirements, engagement had been undertaken to resolve concerns. The wait for the consultees responses was felt to have been too long. The delivery of the proposed scheme would provide new homes and a care facility for the community, with the creation of a pedestrian and cycle route to the village, an improvement to the currently dangerous bend.

Parish Councils noted the site's potential for a development of some kind, however, they objected, based on several points, including, inadequate access, scale of development, lack of evidence to show a need for the care provision, lack of meaningful conversation with the community and parish councils surrounding Tisbury, the high level of objections submitted on the planning website, lack of adequate through roads, low level employment offer, density of dwellings, low level offer of affordable homes, and increased traffic.

Division Member, Cllr Nick Errington spoke in objection to the application, noting that the outline proposal had been in the public domain for some time and was of extreme importance to local residents.

Cllr Errington noted that he had abstained from any discussion or vote on the application when it was considered by Tisbury Parish Council, of which he was also a member.

An average assumption of 2.4 occupants per dwelling would equate to 276, a 12.3% increase to the population. Compared to a site in Salisbury, the proposals would be transformational for those in Tisbury, noting that the application would have been refused on Highways and Drainage grounds.

There had been a high level of responses with 259, with 258 in objection to the proposals, with 182 specifically noting an objection to the pedestrian proposal under the bridge.

Cllr Errington stated that there had been an incident of flooding in October 2021, which it was advised was not an isolated incident as there was a history of flooding there.

The site was listed as a suitable site for development in the Tisbury Neighbourhood Plan (NHP), however the vision in the NHP should be respected. The application failed to comply with the NHP as a whole.

The community engagement exercise, he felt could not be claimed to have fulfilled the consultation requirement and the provision of a care home was the only offer for employment solution, which was considered to be inadequate.

The level of Affordable Housing at 12% was much lower than the statutory 30% usually required.

The care home was not needed as Tisbury's statistics showed that the requirement was much less than the provision and would put strain on the local GP surgery which already had 204 patients registered. It would not be sustainable for the GP surgery, given the higher level of medical intervention that would be required by the care home.

Cllr Errington then moved the motion that the application would have been refused in line with officer recommendation, citing all the policies outlined in the report including the under-provision of affordable housing, but also on grounds of unsustainable housing density and blending with the existing environment, in contravention of NP policy BL7, paragraphs 4 and 7 and CP27 and CP57 of the WCS and also on the non-viability of a care home as employment provision at this location, in contravention of CP46, paragraphs viii, ix, x and xi.

This was seconded by Cllr George Jeans

The Committee discussed the application, the main points included the clarity of the concerns raised, the reasons for appeal, the suitability for development of the site to some degree, in harmony with the NHP and in conjunction with local consultation.

Overdevelopment of the site, whether there was an established need for a care home, access to the development site through the neighbouring villages on the small roads and through the railway arches.

Whether there was a need for improvement to the rail crossing with the inclusion of a bridge.

The Committee felt that the lack of a response from Dorset Council regarding secondary schools provision was inadequate and requested that the Officer check again with Dorset Council whether they wished to request a S106 commuted payment towards secondary school provision.

No defined drawings to consider and the proposal to block off one side of the railway arch, and the impact on traffic flow, flooding and safety.

The NHP's request for mixed development, and that the only commercial/residential provision proposed was for a care home which did not feature anywhere as a requirement.

The issue of historic flooding and no provision of a scheme to address this.

The weight of the NHP was discussed and a level of disappointment in the developers who it appeared had gone against it.

After discussion, the Committee voted on the motion of Refusal as set out in the Officers report, with additional 2 conditions as set out above, with the request that the following note also be included, directed to the applicant:

Further, to avoid any inference that the opinions expressed in the Officer Report might be misrepresented as a statement of common ground, Members requested that it was noted that the application had not been based on a site masterplan, agreed with the community and key partners, as contemplated by the Neighbourhood Plan and its Independent Examiner and that it was based on questionable principles for development, as set out in objections from the Environment Agency, Highways, Drainage, Economic Development, Spatial Planning, Urban Design and the Cranborne Chase AONB partnership.

The Committee also requested the Officer to approach Dorset Council again to ask whether they wished to request a S106 commuted payment towards secondary school provision.

It was,

Resolved:

That Application PL/2021/09778 - Station Works, Tisbury, would have been Refused by the Southern Area Planning Committee, for the following reasons:

1.The proposal envisages the closing off of one of the existing vehicular routes under the existing railway bridge, and the construction of a raised pedestrian and cycle structure. In terms of several critical aspects, the application does not contain sufficient information to allow proper consideration of the proposals. Notwithstanding the lack of detail, the principles of access for pedestrians and cyclists is unacceptable. The route proposed is unattractive and circuitous and is conditional on the road being close to vehicular traffic and the implications thereof, which is an unacceptable proposition.

Consequently, it has not been demonstrated that an acceptable and safe means of access for non-motorized users can be achieved to the site. Furthermore, insufficient information has been provided to demonstrate that the proposed pedestrian/cycle route meets the requirements set out within the Department of Transport's Local Transport Note 1/20 and Disability Discrimination Act 1995, and that the proposed signals can be accommodated within the existing highway.

As a result, the proposal is considered to be contrary to Tisbury Neighbourhood Plan policies BL3 (2), BL7 (3), Wiltshire Core Policies 60, 61 & 62 and NPPF Section 9, paras 104-106 & 110-112.

2. Notwithstanding the highway access issues, the highway and field systems around the site have a history of flooding issues. The proposal envisages the access via Jobbers Lane which is located in Flood Zone 3. Therefore, if residents or the emergency services needed to access the site during the design flood they would need to pass through floodwater, during a flood event. The proposed walkway access will need to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede water flows, and not increase flood risk elsewhere.

However, this matter has not yet been resolved, and the proposals do not address the flooding/drainage issues associated with the accessing of the site and hence how suitable linkage between the site and the facilities and services in Tisbury can be achieved. The proposal is therefore contrary to the aims of policy BL7 (criterion 3 & 5), and HNA 3 of the Tisbury Neighbourhood Plan, and also the aims of policy CP67 of the Wiltshire Core Strategy, and the NPPF guidance related to flooding matters.

3. Furthermore, at the present time, the viability assessment of the application remains ongoing. The applicant's assessment is currently indicating that a policy compliant percentage of affordable housing cannot be provided on site. Until this viability process is completed, the Council assume that the proposal can provide the required quantum of affordable housing required by policy. Notwithstanding, the applicant has also indicated that they would not wish to provide the required contribution towards mitigating the impact of the scheme on existing educational infrastructure. Consequently, and in the absence of a suitable legal agreement, the proposal would therefore not be able to contribute suitable mitigation towards off site educational facilities; onsite affordable housing; the management or enhancement of on or off-site open space facilities, on site waste and recycling facilities, the enhancement of highways access infrastructure, off site rights of way, public art provision, or any contribution towards nitrate mitigation.

As a result, the proposal is contrary to the aims of CP3, CP43, CP50, CP52, CP57, CP69 of the Wiltshire Core Strategy, the Council's Planning Obligations DPD, saved policies R2, D8, the waste and recycling core strategy policy WCS6, and the aims of policy BL1, BL2, and BL7 criterion 6 in relation to the quantum of affordable housing.

4. The site is allocated within the adopted Tisbury Neighbourhood Plan for comprehensive redevelopment to include an appropriate balance of housing and commercial industrial units. In the absence of information justifying the need for a residential care home, or any analysis of its likely impacts on local medical facilities, it is considered that the proposal would not be in accordance with aims and objectives of policies EB1 (1 & 5), BL3 (2), & BL7 (criterion 4,5,7 & 9) of the Tisbury Neighbourhood Plan,

and the general aims of Wiltshire Core Strategy CP27, CP35, & CP46 (criterion viii, ix, x, & xi).

5. The proposal envisages 86 dwellings and a residential care home, which does not reflect the scale, mix or density of development in the adopted Tisbury Neighbourhood Plan policy BL7. The proposed development would be inappropriate for the site's setting and out of keeping the character of the surrounding area in a way which would not be in accordance with the principles of sustainable development set out in the NPPF or the aims and objectives of policies BL7 (criterion 4,7) of the Tisbury Neighbourhood Plan; the general aims of Wiltshire Core Strategy CP27 and CP57, including the Council's adopted design guide Creating Places, and the design guidance provided by the NPPF in relation to Design Guides and Codes.

114 **APPLICATION NUMBER: PL/2022/02766 - Land to the rear of Caynton Lawns, Alderbury**

Public Participation

Nick Whines spoke in objection to the application

Ken Carley spoke in objection to the application

Patricia Durnford spoke in objection to the application

Simon Longhorn (Agent) spoke in support of the application

Elaine Hartford spoke in representation of Alderbury PC to object to the application

The Committee had attended a site visit earlier in the day.

The Planning Officer, Joe Richardson, summarised the late correspondence which had been circulated at the meeting, relating to a late submission of a third party, which was included in full as part of the hardcopies circulated at the meeting. This related to a complaint to the Ombudsman, regarding the handling of a previous application for the same site and continued concerns regarding the site and the current application.

The Planning Officer, then presented the report, which set out the merits of the proposal against the policies of the development plan and other material considerations. The application was recommended for approval.

The application was for a new dwelling with associated drive, carport/garage and garden amenity space (as approved under planning ref 20/07065/FUL with revised access position) – resubmission of PL/2022/02035.

It was noted that a previously approved application had not been implemented due to land ownership matters and that a ransom strip was in the ownership of someone else. In addition, the red line around the site had been amended as detailed on page 79 of the report.

The issues in the case were noted as:

- Principle of development, policy and planning history;
- Design, scale and impact to the amenity of the area;
- Parking/Highways Impact;
- Ecological Impact/River Avon Catchment Area;
- Flood Risk;
- Other matters

It was noted that there was no change to the layout or garage of the existing scheme.

Highways had no objection to the proposal subject to conditions.

Members then had the opportunity to ask technical question of the Officer. There were none.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the points raised, included a failure to provide an on-site turning provision and adequate parking for deliveries and the safety of the spur road.

The practicality of the proposed turning space and the possibility of destruction to the hedge and a change in character of the lane, with the secluded nature addition to possible accidents for users.

CP57 was raised, in regard to the protection of neighbouring amenity, convoluted vehicle manoeuvres and limitations for cyclist/pedestrian users to pass vehicles using the spur.

The site was in a remote conservation area where there would also be a negative impact on wildlife.

Damage caused by construction traffic to the track and any impacts on drainage, due to heavy rain causing flooding.

No option to widen the lane due to the large bank and trees either side and little space to leave refuse bins for collection.

A site visit and a feasibility study had been carried out, with the site being assessed as feasible.

The reports which were suggested as part of the pre-application had been carried out. Ecology had also reported there were no issues subject to conditions and the reports stated that the flood risk was low.

The application was thought to be an improvement on the original application which had already gained previous permission.

The Parish Council representative raised several points in objection, including the narrow width of the access track not suitable for emergency, refuse or other service vehicles, and that it was not possible to be widened.

Extra traffic which would be generated by the proposed dwelling would greatly increase vehicle movements along the track.

Inadequate visibility for road users approaching and egressing the site, with an increased safety risk.

The cutting through of a bank and the removal of mature hedgerow would have a harmful impact upon the landscape character of the rural location and involve the loss of valuable natural habitat.

Whether the proposed access could be achieved without third party consent.

The amendments did not resolve the substantive objections relating to the road width.

Division Member, Cllr Richard Britton, who was not on the Committee, noted that the spur at end of Oak Drive was in private ownership, suggesting that this should be a material consideration.

He went on to note the damage which would be caused by construction traffic on the unmade track.

Highways objections had been met by conditions; however they could not be delivered due to the issues associated with third party land ownership.

After clarification confirming that the application could not be refused on land ownership matters, Cllr Hocking moved the motion of Refusal, against Officer recommendation, on the grounds of access.

This was seconded by Cllr McLennan.

The Committee then discussed the application. Some of the points raised included the width of the lane, in comparison with others across the area. Whether the hedgerow was protected. The inclusion of the site in the settlement boundary, making it acceptable for development, subject to design.

The development was included within the scope of the Petersfinger Water Treatment Plant which provides mitigation from being restricted by phosphate restrictions.

Whether there was scope for a condition to request remedial action post works to repair/make good the track to previous conditions. It was noted that construction vehicles were not a planning matter, however a Construction Management Statement had been requested.

Whether the access could be provided through the applicant's other property as opposed to the lane.

The difference in access between this and the previous application, in that there had been a change to the access and movement of the red line by approximately 11m.

There were existing properties further along the track which would face the same issues yet had been approved planning at some point in history.

After discussion, the Committee voted on the motion of refusal. The motion failed.

Councillor Najjar then moved the motion of approval, in line with Officer recommendation. This was seconded by Cllr Rogers.

The Committee then voted on the motion of approval as set out in the Officers report. It was,

Resolved:

That Application PL/2022/02766 - Land to the rear of Caynton Lawns, Alderbury be Approved 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 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: 9466.121 Rev P2 Site Location Plan, Proposed Block Plan, Elevations,

Floor and Roof Plans Date Received 30.06.22

DWG No: 9466.130 Rev P5 Proposed Site Plan and Site Sections Date Received 05.08.22

DWG No: 2007044-TK05 Rev B Swept Path Analysis 7.5t Panel Van Plan Date Received 29.07.22

DWG No: 2007044-TK03 Swept Path Analysis 7.5t Panel Van Plan Date Received 24.05.22

DWG No: 9466.132 Rev P2 Proposed Garage Floor Plans and Elevations Date Received 01.04.22

DWG No: 20133-2 Tree Protection Plan Date Received 01.04.22

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

3.No development shall commence above DPC ground floor level of the development hereby permitted until details and sample panels of the external brickwork including the chimney and roof tile, timber cladding, doors, windows, rooflights and roof lantern to be used in the construction of the dwellinghouse and details of the external brickwork, timber cladding, oak posts and roof tiles for the detached garage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

REASON: To preserve and enhance the appearance of the countryside.

4.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, alterations or further window openings inserted to the roofslopes or first floor elevations to the approved dwelling 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.

5.No part of the development hereby permitted shall be first occupied until the access, turning areas and 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.

6.No development shall commence on site, until a Construction Management Statement, together with a site plan, that shall include details of the parking of vehicles of site operatives and visitors; Loading and unloading of plant and materials; Storage of plant and materials used in constructing the development; Wheel washing facilities; Measures to control the emission of dust and dirt during construction; Measures for the protection of the natural environment and; Hours of construction, including deliveries; has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: 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.

7.Prior to the commencement of construction of the development hereby permitted, details of the existing and proposed new lighting to include a

site plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate a level of 0.5Lux can be achieved at the boundaries of the site. The approved lighting shall be installed and maintained in accordance with the approved details.

REASON: In order to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

8.No development shall commence on site to include the removal of trees, shrubs or hedgerow until full details of a Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include:

(i) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds and pre-commencement checks for protected species including reptiles and amphibians.

(ii) Biodiversity net gain provision to include a plan showing the location(s) and type(s) of feature(s) to enhance the site for wildlife such as bats, nesting birds and hedgehogs.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

9.The development hereby permitted shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within three months of the development first being brought into use, a post construction stage certificate certifying that this standard has been approved shall be submitted to the Local Planning Authority for its written approval.

REASON: To ensure the development is nutrient neutral.

10.The development shall be carried out in strict accordance with Section 7 of the Preliminary Ecological Appraisal by Abbas Ecology dated August 2020, the Arbroicultural Appraisal and Method Statement by Barrell Tree Consultancy dated the 4th March 2022 and the Tree Protection Plan (Barrell Plan Ref: 20133-2) by Barrell Tree Consultancy.

REASON: To protect the trees on site in the interests of visual amenity of the area and for the protection, mitigation and enhancement of biodiversity.

11.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 to include species, size and density;
- (iv) means of enclosure;
- (v) all hard and soft surfacing materials to include details of refuse bin storage

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.

12. All soft landscaping comprised in the approved details of the landscaping scheme 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 any other 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.

INFORMATIVE TO APPLICANT(S):

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

2. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species 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 see Natural England's website for further information on protected species.

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

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

115 **APPLICATION NUMBERS: PL/2022/03968 & PL/2022/04157 Berrybrook Farm, Sedgehill**

Public Participation

Diana Berry spoke in objection to the application
Georgia Le Sueur spoke in objection to the application
Matthew Haley (Agent) spoke in support of the application

The Committee had attended a site visit earlier in the day.

The Planning Officer, Joe Richardson, presented the report, which set out 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.

The application was for a Proposed change of use of the Long Barn to holiday accommodation, including new fenestration, rooflight's, an extension, internal alterations and refurbishment of a granary.

The issues in the case were noted as:

- Principle of development;
- Design, scale and impact to the listed building;
- Impact to the amenity of the area and the special landscape area;
- Ecological Impact and Archaeological Impact;
- Parking/Highways Impact;

- Other matters

It was noted that a master plan was requested to show the overall potential for the site.

The application site is adjacent to Sedgehill House. To soften the impact of the proposed changes, boundary treatments were proposed, with the planting of hedgerow and 1.8m fence.

Members then had the opportunity to ask technical question of the Officer, where there were none.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the points raised included that the application site and that of the neighbours was originally one farm, which was broken up in 1931. The owners of Sedgehill House had lived there for 20 years.

The application site and that of the neighbouring dwelling were on split levels. Noise from the development site could impact on the amenity of the neighbouring property, Sedgehill House.

New planting would not create a suitable screen until it was fully established.

The Master Plan indicated further development. There had been a previous application in 2021 for 5 dwellings.

The proximity of the development site to the neighbouring property meant that talking could be heard in Sedgehill House, emanating from the milking barns.

Permissions on the Grade 2 listed house were in place. Works to complete the courtyard were planned. Following initial approval, the access had been moved further away. Parking was planned outside of long barn.

The barn would be converted into 2 units, so to preserve some natural features. There was some contention regarding the boundary due to the differing height levels.

The planned planting on the boundary of hedges would hide the fence and create a strong boundary screen. Advance nursery stock could be used.

Barn D at the top of the site obscured part of the house. The development was a sensitive and attractive low-key conversion of a heritage asset, which would improve the courtyard as a whole.

Division Member, Cllr Bridget Wayman, who was on the Committee, noted that Sedgehill was a small and rural parish with scattered dwellings and no obvious centre. The site was accessed by a single track lane.

The development site, Berry Brook Farm had been sold to the current owner by the owners of Sedgell House.

The barn conversion would produce 2 bedrooms in each loft space with Velux windows. Cllr Wayman felt that it was perverse that the Conservation Officer had supported the windows.

Sedgell House was on higher ground, despite the proposed screening the Velux windows would be significantly higher, thus giving views into Sedgell House from the proposed development.

With the planned 3 double bedrooms in each property, that could mean up to 12 people occupying the spaces.

The Master Plan includes a new wiggly driveway, whereas the original entrance to a farmyard would have been a straight entrance, a point not picked up by the Conservation Officer.

The rear elevation was equally important as the integrity of the farmyard would be lost.

Barn F would be replaced in future to create a courtyard development with barn I.

On a previous application it included new dormer windows to the front elevation of the farmhouse.

The floorplan for barn B was explained and conservation elements pointed out, which had not been questioned by the Conservation Officer.

If the application was to be approved, then the Velux windows should be moved to the front.

Cllr Wayman then moved the motion of Refusal, against Officer recommendation, for the reasons of overdevelopment CP48, detriment to the amenity of the adjoining owner CP48, poor access to local services CP48, CP57, design of the alterations to the barn and CP58 – historic environment.

This was seconded by Cllr George Jeans.

The Committee discussed the application, the main points included the scale of the proposed development in terms of overdevelopment of the site. The rationale of the extent of the holiday let.

The positioning of the Velux windows on the barn and the subsequent overlooking which would occur on to Sedgell House.

The Master Plan and the site as a whole in terms of further plans for development.

Noise issue associated with the use of multiple holiday lets and the impact on the neighbouring dwelling.

The options for conversion, including single floor, which would omit the requirement for roof lights.

Additional boundary treatments which could include a higher level of screening.

Conditions which could be applied to limit the opening or glass obscuration of the roof windows, with level 5 obscuration.

The Committee discussed the option to defer the application to allow time for a revised plan, which could include roof lights on the opposite side and amendments to address the issues raised. The Committee noted that a motion for refusal had been made and seconded. Cllr Wayman did not support a withdrawal of her motion to allow for a motion of deferral. Therefore, the Committee moved forward with the motion of refusal which was on the table.

The Committee agreed that preservation of listed and historic buildings was favourable rather than allowing them to go to ruin, however the scale and design of the proposed development would negatively impact the neighbouring dwelling.

After discussion, the Committee voted on the motion of Refusal for the reasons provided by Cllr Wayman.

It was,

Resolved:

That Application PL/2022/03968 – Berrybrook Farm, Sedgehill be refused against Officer recommendation, for the following reasons:

- 1. The existing barn known as Long Barn and granary building are set within the farmyard complex of Berrybrook Farm, a grade II listed building, and are considered to be curtilage listed. The site is not located within a settlement boundary and is therefore considered to be within the countryside for the purposes of the development plan.**

The works to the listed barn include the sub-division of the building, a rear extension, the conversion of its roof including new openings, and creation of two separate amenity spaces to the rear, with the associated use of the building as two holiday lets. The proposal is considered to be overdevelopment of the site, which detrimentally impacts on the amenity of the surrounding area, the character of the listed barn itself and the setting of the heritage asset. Consequently, the proposal is considered to be contrary to Core Policies CP48 (Supporting Rural Life), CP57 (Ensuring high quality design and place shaping) and CP58 (Ensuring the conservation of the historic environment) of the Wiltshire Core Strategy and the requirements of the NPPF.

With regards to the second application, PL/2022/04157, Cllr Wayman moved the motion of refusal. This was seconded by Cllr Jeans.

It was;

Resolved:

That Application PL/2022/04157 - Berrybrook Farm, Sedgehill be refused against Officer recommendation, for the following reasons:

1. **The existing barn known as Long Barn and granary building are set within the farmyard complex of Berrybrook Farm, a grade II listed building, and are considered to be curtilage listed. The site is not located within a settlement boundary and is therefore considered to be within the countryside for the purposes of the development plan.**

The works to the listed barn include the sub-division of the building, a rear extension, the conversion of its roof including new openings, and creation of two separate amenity spaces to the rear, with the associated use of the building as two holiday lets. The proposal is considered to be overdevelopment of the site, which detrimentally impacts on the character of the curtilage listed barn and the setting of the grade II listed Berrybrook Farm.

Consequently, the proposal is considered to be contrary to Core Policy CP58 (Ensuring the conservation of the historic environment) of the Wiltshire Core Strategy, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF.

116 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.20 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line (01722) 434560, e-mail lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

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**Wiltshire Council
Southern Area Planning Committee
8th December 2022**

Planning Appeals Received between 28/10/2022 and 25/11/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/00991/ENF	Nursery Farm Stock Lane, Landford Salisbury, Wiltshire SP5 2ER	Landford	Alleged unauthorised use of land	DEL	Written Representations	-	31/10/2022	No
PL/2021/09778	Land at Station Works, Station Road, Tisbury, SP3 6QU	Tisbury	Outline planning application for redevelopment of the Station Works site to provide a mixed development of up to 86 dwellings, a care home of up to 40 bedspaces with associated medical facilities, new pedestrian and vehicular access and traffic management	SAPC	Inquiry	Non-Determination	14/11/2022	No

Planning Appeals Decided between 28/10/2022 and 25/11/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/00983/FUL	Trickys Paddock Brickworth Road Whiteparish, SP5 2QG	Whiteparish	Change of use of land to use as a residential gypsy and traveller site for two pitches, each pitch accommodating two caravans, including no more than one static caravan/mobile home, and a dayroom, together with the laying of hardstanding and installation of a package sewage treatment plant.	DEL	Hearing	Refuse	Allowed with Conditions	04/11/2022	None
PL/2021/08548	Land to the rear of 127 East Gomeldon Road, Gomeldon, SP4 6NB	Idmiston	Conversion of existing barns to form a single storey two bedroom residential dwelling (Use Class C3) and associated works	DEL	Written Reps	Refuse	Dismissed	02/11/2022	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES Report No.

Date of Meeting	8 th December 2022
Application Number	PL/2022/00855
Site Address	Tisbury Sports Centre, Weaveland Road, Tisbury, Salisbury, SP3 6HJ
Proposal	Demolition of former sports centre (class E(d)) involving redevelopment to form 13 no. dwellings (class C3) & associated works.
Applicant	Stone Circle Development Company Ltd
Town/Parish Council	Tisbury Parish Council
Electoral Division	Cllr. N Errington
Grid Ref	
Type of application	Full
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee

The Scheme of Delegation requires this application to be decided by Planning Committee because whilst the applicant (and landowner) is a recognised and separate legal entity, the Company is affiliated with Wiltshire Council. As the Council is the shareholder of the Company and there are some outstanding comments on the proposal from local residents with concerns about highways, parking, tree retention, renewable energy and residential amenity and the application is being referred to committee for determination.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that the application should be **APPROVED** for the reasons detailed below.

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 and absence of 5 year housing land supply
2. Scale, design, impact on the character of the AONB and neighbouring amenity
3. Trees and Landscaping
4. Other S106 matters and contributions - waste, public open space, education and affordable housing
5. Highway safety
6. Biodiversity – Ecology, Chilmark bat SAC and River Avon catchment
7. Flood Risk and Drainage
8. The Planning Balance

The application generated a letter of support from Tisbury Parish Council, one letter of comment from West Tisbury Parish Council, 20 letters of support and 9 letters of comments from third parties.

3. Site description, site constraints and the proposals

The site is within and on the edge of the Local Service Centre of Tisbury, adjoining open fields to the west (Grade 3 agricultural land) and residential development to the north. St John's Primary School is positioned to the south and The Nadder Centre and its car park lie to the east.

The site is the former sports centre with its associated car park with grassed amenity areas. Morrison Avenue to the north and Weaveland Road to the east are adopted highways, but the proposed site access would be taken from within the Nadder Centre car park, which is unadopted. Bridleway TISB 1 forms the north boundary to the site and Footpath TISB 85 forms the west boundary, with mature trees and hedges forming the soft edges to the site.

The site lies within the Area of Outstanding Natural Beauty (AONB), in the Chilmark bat SAC and the River Avon SAC catchment and is a risk zone for great crested newts.

The Nadder Centre community campus facility was developed on the adjacent site under 14/04907/FUL and facilities include the library, a pre-school and police along with meeting spaces. The proposed new Sports Hall building adjoining the existing Nadder Hall and Middle School buildings were intended to replace the existing Sports Centre building, which was due to be demolished as part of the proposals. However, the applicant recently amended the ecological recommendations under 19/03260/VAR to enable retention and/or demolition of the building with enhancements for ecological benefit.

Planning permission is now sought in full to demolish the sports centre building and provide a *community led development* of 13 two storey dwellings (2x2bed and 3x3 bed with 6 affordable homes (2x1bed, 2x2bed and 2x3bed) with associated works.

The proposed materials include the use of quality facing brickwork and reconstituted stone, with slate roof tiles (dark), feature stone heads, arched brick heads and chimneys, white UPVC windows and French doors, charcoal timber porches and painted timber entrance doors, all to reflect the local vernacular. Bin and cycle storage, open spaces and a balancing pond are included.



Energy efficiency measures include:

- Air source heat recovery units to be installed with additional thermal enhancements to all dwellings.
- An electric car charging point is provided to each plot.
- The proposed dwellings will exceed the energy/carbon requirements currently set out in Part L of the Building Regulations. The dwellings seek to provide internal water recycling, this together with a 25% thermal enhancement over and above

the current building regulations document under Part L which includes high standards of glazing and insulation methods.

- A Drainage Strategy and (SuDS) Statement – prepared by Adama Consulting Limited accompanies the application

4. Planning Policy

The following national and development plan policies are considered to be relevant to the determination of this application:

National Planning Policy Framework (NPPF 2021) and the PPG

Tisbury and West Tisbury Neighbourhood Development Plan 2019-2036, made November 2019

Policy BL.8 Site Allocation: Site of the former Sports Centre adjacent to St John's Primary School

Policy BL.4 Design and Landscape

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 3: Infrastructure Requirements
Core Policy 27: Spatial Strategy for the Tisbury Community Area
Core Policy 41: Sustainable Construction and Low-Carbon Energy
Core Policy 43: Providing Affordable Homes
Core Policy 45: Meeting Wiltshire's Housing Needs
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 52: Green Infrastructure
Core Policy 57: Ensuring High Quality Design and Place-Shaping
Core Policy 60: Sustainable Development
Core Policy 61: Transport and New Development
Core Policy 62: Development Impacts on the Transport Network
Core Policy 69: Protection of the River Avon SAC

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

Saved Policy R2 (Open Space Provision)
Saved Policy PS5 (Education)
Policy D8: Public Art
Policy C8: Landscape (Trees and Hedging)
Policy C18: Development Affecting Rivers and River Valleys

Other:

- AONB Management Plan <http://www.ccwwdaonb.org.uk/publications/aonb-management-plan/>
- Wiltshire Housing Site Allocations Plan adopted Feb 2020:
Chapter 6 and Appendix A - South Wiltshire HMA (amended settlement boundaries)

- Wiltshire Local Transport Plan – Car Parking Strategy: Chapter 7: Parking Standards
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- The Community Infrastructure Levy Regulations 2010
- National Model Design Code July 2021
- Building for a Healthy Life - A Design Code for neighbourhoods, streets, homes, and public spaces (Homes England June 2020).
- Wiltshire Local Transport Plan and Parking Strategy
- Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022 identifies 4.72 years of deliverable supply in Wiltshire and 4.88 in South Wiltshire HMA. This has been recently updated to 4.7 years.

5. Relevant Planning History:

14/04907/FUL Proposed Community Campus development off Weaveland Road, to include the use of some of the existing council buildings on the site in conjunction with the addition of new build areas in order to house various council and community services
AC

19/03260/VAR Variation of Condition 8 of 14/04907/FUL in connection with the Ecological Management Strategy AC

6. Consultations

Drainage - no objection subject to conditions

Ecology- no objection subject to conditions

Education – No objection subject to S106 Agreement and contributions **£56,274** for primary places. No comments received from Dorset CC

Highways – no objection subject to S.106 Obligations and conditions
• **£10,000** towards PRow improvements on the adjacent right of way network

Housing- support - Affordable Housing Units which are required by policy should be secured through a S106 Agreement at nil subsidy.

Rights of Way - see highways. No objection subject to financial contribution via S106 of £10,000 which could be put towards clearing, width improvements and surface improvements on the adjacent right of way network.

Archaeology – no objection

Public Protection – no objection subject to conditions

Wessex Water – comments. LFRA to agree surface water, Points of connection with WW to be agreed.

Waste – no objection subject to S106. Provision of containers for waste and recycling
£1,183

Police Crime Prevention Design Advisor – suggested amendments below

AONB Partnership - suggested additions and comments/concerns – see below

Tisbury PC – Support

West Tisbury PC - Support subject to caveat

West Tisbury Parish Council broadly supports this planning application. However, this is on the condition that Stone Circle Development Company honours their commitments as set out in their letter to Tisbury Parish Council dated 8th March 2022.

7. Publicity

The application for major development was advertised by neighbour consultation, site notice and advertisement.

Salisbury and Wilton Swifts – swift bricks required

St Johns Primary School – comments as follows

- *Traffic management needs clear safe pedestrian priority. One way traffic and clearer crossings.*
- *Children's safety needs to be considered during the building phase – talk to the school during phase.*

20 letters of support and 9 letters with comments and suggestions from third parties:

- *Long term management and maintenance of the site in ecological terms required. Desire to maintain an ecologically sensitive development with measures retained in perpetuity. Hedgerows and soft edges to gardens. Allow good drainage. A key consideration is who or what body retains or takes on long-term ownership and responsibility for the common areas, hedgerows, tree groups and the pond.*
- *13 dwellings on this site, will create a suburban character and a hard edge to the village that is inappropriate and unduly harsh. 13 too many. Materials fall short. The development is on the rural boundary of a small rural settlement. It is essential to maintain a soft edge to the development.*
- *To allow migration of wildlife into and through the new development consideration should be given to ensuring garden boundaries are sympathetic to and porous to wildlife. Close boarded fences which prevent such passage should be avoided.*
- *Overall layout. This may be hard to fix given the location, the stage in the process and the proximity to the school but the overall layout is a suburban cul-de-sac, with parking too prominent and without use being made in design terms of the attenuation basis. It would be better to angle most of the homes round a small central green space.*
- *Design. Particularly, given the inappropriate suburban cul-de-sac design, the overall public realm design is far too suburban for an edge of village site. (NB. Whereas Wyndham Place is a good model to follow for house design it is not a good model to follow for street and public realm design.)*
 - *Some homes don't have lintels.*
 - *All homes appear to have slate tiles with no use of clay tiles.*
 - *Some first storey windows are too close against the roof.*
 - *Brick walls should have coping stones to add visual interest and protect the bricks.*

- Brick walls appear to be stretcher bond. They should be Flemish or English bond.
- There is incongruous detailing: for example, brick corbels on an otherwise stone house.
- Some street facing side elevations should have larger windows or some additional detailing to break up the over-large expanse.
- Though obviously cheaper, the use of reconstituted stone on façades will look cheap and not help homes fit in to their setting.

In short, the designs are not remotely as good as the house designs developed by Ben Pentreath for CG Fry in Wyndham Place.

- *Footpaths should not be tarmac. A contrasting material such as resin-bound gravel or brick paving would both enhance the quality of the public realm and visually narrow the width of the street.*
- *For such a small site, resin-bound gravel or block paving should be considered for the street as well, especially at the turn at the centre of the site where the expanse of tarmac is several metres wide*
- *Must existing trees at south of the site (trees #8-11) be removed?*
- *Height of plots 12 and 13 overlooking the front of our house and blocking of the sun. This building with 2 X 1 BR flats seems higher than the others. However, it's not easy to ascertain as the height is not shown on the plans.*

Officer note – many of the consultee and third party responses were received during the first round of consultations. The main design, drainage, waste and ecological issues have been addressed over the course of the application and this is described in the relevant sections below. Solar panels are not included but the other energy efficiency measures incorporated in the scheme are listed above.

8. Main Planning Considerations

Planning 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 tilted balance and presumption in favour of sustainable development envisaged under paragraph 11 of the NPPF would not apply where development would cause harm to protected sites defined under para 11 footnote 7, including the AONB, Chilmark bat SAC and the River Avon SAC.

8.1 Principle of development and absence of 5 year housing land supply

The site is located within the amended settlement boundary for Tisbury, identified as a Local Service Centre under Core Policy 1. New residential development within settlement boundaries is acceptable in principle under Core Policy 2:



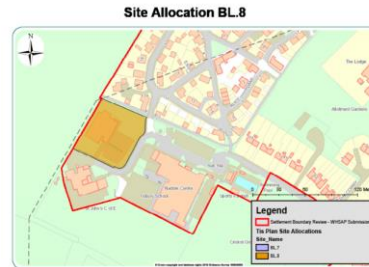
The site is allocated in the made Tisbury Neighbourhood Plan. The plan identifies the former Sports Centre as 0.35 hectares or 0.86 acres and its objective is to “To safeguard the

brownfield site of the former sports centre adjacent to St John's Primary School to allow for its future expansion or other community uses." Policy BL.8 states:

Policy BL.8 Site Allocation: Site of the former Sports Centre adjacent to St John's Primary School

The site of the former Sports Centre as identified on the adjacent map is allocated for redevelopment and, in principle, uses which meet community needs, such as community-led housing provision, will be supported subject to:

- i) appropriate alternative measures that address the condition relating to this site attached to Planning Consent 14/04907/FUL (Tisbury Nadder Campus), and
- ii) addressing of the reasonable requirements of St John's School relating to improved traffic circulation/parking arrangements, and
- iii) a design that is sensitive to the adjacent countryside and other uses, including the safeguarding of the children at the school



Community Led Housing

The proposal for **community led housing-provision** has been take forward by the applicant in consultation with the local community. The Planning Statement sets out the consultation exercises led by the Nadder Community Land Trust (a charity to promote community-led, affordable housing across the Nadder Valley) and the responses received at the two stages of the consultation have informed the design of the scheme. According to the Statement, 'NCLT' has informed St Johns C of E Primary School on a regular basis regarding the application and the proposals being put forward. The proposals are considered by the applicant to have addressed the BL.8 Policy criteria as follows:

- (i) appropriate alternative measures that address the condition relating to this site attached to Planning Consent 14/04907/FUL (Tisbury Nadder Campus), and

Housing is agreed in principle on the site making good use of the redundant site and building. Alternative ecological enhancement measures are proposed to address the condition.

- (ii) addressing of the reasonable requirements of St John's School relating to improved traffic circulation/parking arrangements, and

Additional and safe parking provision of 8 car spaces are offered under the proposals maintaining safe and secure access.

- iii) a design that is sensitive to the adjacent countryside and other uses, including the safeguarding of the children at the school.

Dwellings carefully orientated on site and windows positioned which avoids overlooking of playgrounds.

In conclusion, the proposal is considered to have satisfactorily addressed the policy criteria of BL.8 in the Neighbourhood Development Plan and is acceptable in principle under CP1 and CP2 of the WCS.

Housing Land Supply – tilted balance and protected sites

The LPA is unable to demonstrate a 5 year land supply (currently confirmed at 4.7 years) and the provision of additional housing in sustainable locations is generally supported in principle. The current situation in the South HMA (Housing Land Supply Statement April 2021 and published April 2022) is that there is a deficit of 68 dwellings to be provided or 4.88 years' supply.

However, the presumption in favour of sustainable development or tilted balance does not automatically apply to this site under para 11 footnote 7. Footnote 7 includes habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest. This includes the Area of Outstanding Natural Beauty, Chilmark bat SAC and the River Avon SAC catchment. Therefore, the tilted balance is not applicable in this case where any harm is identified to these sites. For decision taking in the absence of a 5 year supply, para 11 requires:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Policy principle summary

In policy terms, the proposal would be acceptable. The site lies within the settlement boundary for a Local Service Centre and represents development of an existing brownfield site for community led housing provision. The proposals are in general accordance with site specific criteria in the made Neighbourhood Plan. In the absence of a 5 year housing land supply, there is normally a presumption in favour of sustainable development, unless harm is identified to protected sites.

8.2 Scale, design, impact on the character of the AONB and neighbouring amenity

The is within the AONB. CP51 aims to ensure that:

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.

With specific reference to the AONB, the policy states:

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.

Adopted Wiltshire Core Strategy Core Policy 57 states:

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....

CP57 requires development to relate *positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.* It also seeks to ensure that development responds *positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.* Core Policy 51

requires that *any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.*

Policy BL.4 (Design and Landscape) of the Neighbourhood Plan states:

In line with Wiltshire Core Strategy CP51 and the Cranborne Chase and West Wiltshire Downs AONB Management Plan (2014-2019 and any subsequent revision thereof), great weight will be given to conserving and enhancing landscape and scenic beauty in the consideration of any planning application.

All forms of development must plan positively for the achievement of high quality design, for example the use of local and traditional building materials (the use of local stone is preferred) to ensure respect for the local vernacular.

Development proposals must appropriately demonstrate regard for the defining characteristics of the Neighbourhood Area as set out in the Salisbury District Landscape Character Assessment Settlement Settings Assessment 2008 or successor document.

Design, layout and materials

The Police Crime Prevention Design Advisor commented: *The rear access to plots 9 and 10 is via an alleyway created between the two homes. Although each plot has a gate shown for the access to the garden, the top of the alleyway is not protected with a lockable gate. This is required to remove hiding places for offenders and protect the vulnerable rear of the homes.*

The elevation of plots 12/13, which fronts onto public open space, must have a physical boundary, 1 mtr from the wall of the home to give the home defensible space. The public/private boundary should never be the wall of the home itself. The boundary could be provided by the inclusion of the 1.1 mtr 3 rail post and rail fence shown elsewhere on the development.

These two detailed points have been incorporated in the latest set of amended plans.

The design officer initially objected to the scheme on detailed design grounds:

I would have no objection to the proposed layout and design of this development subject to the following localised design matters being satisfactorily addressed for the overall design to be sensitive to the local character, landscape (countryside) and vernacular including bringing and ensuring the building detailing overall is up to the standard of the neighbouring relatively recent housing development S/2011/0322 (Morrison Avenue, Grosvenor Drive, Maryland Avenue) and therefore accord in design terms with Neighbourhood Plan Policy BL.4 and Policy BL.8 in the context and setting of the site.

I observe that it is unfortunate that the neighbouring housing development did not make a positive active set back building frontage facing the Nadder Centre and Sports Centre resulting in the public footpath from the countryside running between and alongside the rear garden high boundary fencing of plots and a high hedge which over time could result in a possible deterioration of appearance and upkeep and misuse of this route being not well overlooked from dwellings. However, given this existing situation the footpath bordering the site is a short, enclosed length between the field and road, not tightly enclosed on each side here, is straight with forward visibility along this length and on the proposed site layout appropriately only three houses are set on to this boundary and their facades set suitably back from the boundary behind a proposed hedgerow and retained trees and with a side accessway for plot 1 down this side.

In terms of the CCWWAONB Dark Night Skies Policy the windows in the development are traditionally sized and would be seen from the field PROW with the backdrop of lighting to

the first floor windows buildings in the urban area, the development appropriately leaves a significant public open space gap up to the site boundary between these two houses which would also provide an attractive visual connection of the close with the countryside.

The proposed design, materials and detailing for the dwellings has been subject to a series of amendments over the course of the application, following the initial public consultation responses and to address the detailed comments from the design officer. The design officer has confirmed that he has no objection to the design, layout and materials of the scheme as revised.

AONB

The AONB Partnership has considered the scheme and made the following points about the scheme in summary:

Light pollution - any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Notes on Good External Lighting and Paper by Bob Mizon on Light Fittings. That means all lighting complying with at least Environmental Lighting Zone E1 as defined by the Institute of Lighting Professionals 2021. Removal of permitted development rights for the installation of external lighting. Compliance with international dark sky reserve lighting criteria will ensure that concerns for the effects of lighting on wildlife will have been covered.

The current scheme proposes six affordable dwellings and seven that would be market housing. The current scheme offers 8 parking spaces to the school. That does not seem to be a particularly substantial offer by way of accommodation for the school.

There is no landscape plan or specification. Ecological Management Plan is three years out of date with generalised suggestions.

Neighbourhood Plan states the site should be used for school expansion or other community uses but the PD&AS rapidly moves to interpreting community uses as housing. Concerned that the 'community uses' in the policy of the Neighbourhood Plan is being interpreted particularly flexibly and not for the overall benefit of the whole Tisbury community.

The provision of 13 dwellings on a site stated to be 3558 square metres seems to be an urban density. Should be aiming for village character.

Current proposed scheme only allows for two visitor parking spaces, in addition to the parking for the 13 dwellings; this seems to be an under provision

Statement says landscaping need only be dealt with by a condition, paragraph 4.49. This is inappropriate in a sensitive location within an Area of Outstanding Natural Beauty. Lack of planting and species knowledge shown.

EMP is very basic and does not relate specifically to the current site or the current layout. Clearly without a definitive landscape plan it is difficult to prepare a relevant landscape and ecological management plan. Such documentation needs to be precise about what is provided and where, both in a landscape sense and in terms of providing net environmental gain. It seems not unreasonable to expect each dwelling to have at least one bird box, one bat box, and one bee block built into the physical structure in addition to the appropriate selection of plants and species

No attempts to capture and utilise renewable energy. Roofs could capture significant quantities of solar energy through the use of PV panels. Air source heat pumps are expensive initially and potentially noisy but they also rely on mains supply electricity.

Requires transparency in relationships between the Planning Authority, the developer, the Local Community Land Trust and the recognised housing provider.

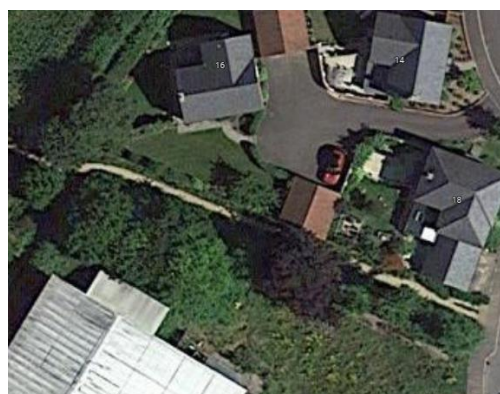
NPPF Para 176 states that great weight must be attached to the conservation and enhancement of the landscape character and scenic beauty of the AONB. The scheme has been carefully considered by the design officer, who has accepted the design and layout for the scheme, including the palette of materials and the density for the site at the edge of the settlement. The EMP and Ecological Assessment are up to date (Feb and July 2022) and the ecology team's comments and support for the scheme are noted. The public protection officer would also support a condition requiring any new lighting to meet the E0 requirement for Dark Skies. These matters can be conditioned along with a lighting condition to meet the AONB requirements for Dark Night Skies.

With regard to community led housing, the policy wording of BL8 explicitly states, "...and, in principle, uses which meet community needs, such as community led housing provision, will be supported." Officers can therefore find no conflict with this policy.

The application is being brought to committee in the interests of transparency and comments and objections from third parties have been raised in this report for Members' consideration. Overall, the scheme on this brownfield site within the settlement is not considered to have any significant adverse effect of the character or setting of the AONB and great weight has been attached to this consideration. Existing vegetation for the site would be retained and enhanced to ensure that the soft edge of settlement retains its character and appearance for the benefit of the community and users of the rights of way which adjoin it.

Neighbouring amenities

Policy CP57 (vii) also considers neighbouring amenities: *Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).*



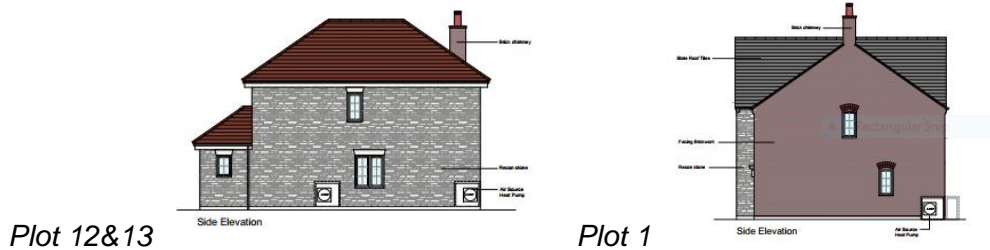
16 and 18 Morrison Drive

Nos 16 & 18 Morrison Drive are the closest dwellings to the proposed development, plots 12 & 13. No 16 is separated from the site by the bridleway and the existing boundary planting which is shown to be retained. There would be more than 22m between the corner of front elevation of No 16 and the rear elevation of the proposed Units 12 & 13. These new units would present one

first floor hallway window towards No 16, and given the separation, the development is not considered likely to harm the amenities of the occupiers of No16 Morrison Drive.



No 18 presents a side elevation with a garage towards the site. Proposed plot 1 also presents a side elevation to the dwelling with one first floor bathroom window:



This relationship, orientation and separation is considered to be acceptable and would not result in any undue overlooking or overshadowing to No 18.

The public protection officer has recommended a condition regarding noise limitation for the air source heat pumps.

Other properties including the school and community centre are sufficiently distant from the development not to be unduly affected by dominance, loss of light, noise, disturbance, overlooking or other loss of amenity. Sufficient levels of amenity are achievable within the development in accordance with CP57.

Future Amenities

The public protection officer has considered the impact of the proposals on the site and future amenities under CP57. They stated:

I understand the former sports hall building has already been demolished following damage to the structure in recent storms, and all resulting waste has been removed from the site.

A contaminated land report has not been submitted with this application, and I have therefore recommended that an investigation is carried out to determine the likelihood of the existence of contamination arising from previous uses of the land.

Tisbury is in the Cranbourne Chase Area of Outstanding Natural Beauty which also has International Dark Sky Status. Therefore, any external lighting scheme proposed for the development should adhere to Environmental Zone 0 as detailed in the Institute of Lighting Engineers Guidance for obtrusive light.

I recommend below conditions which should be applied to any approval of this application.

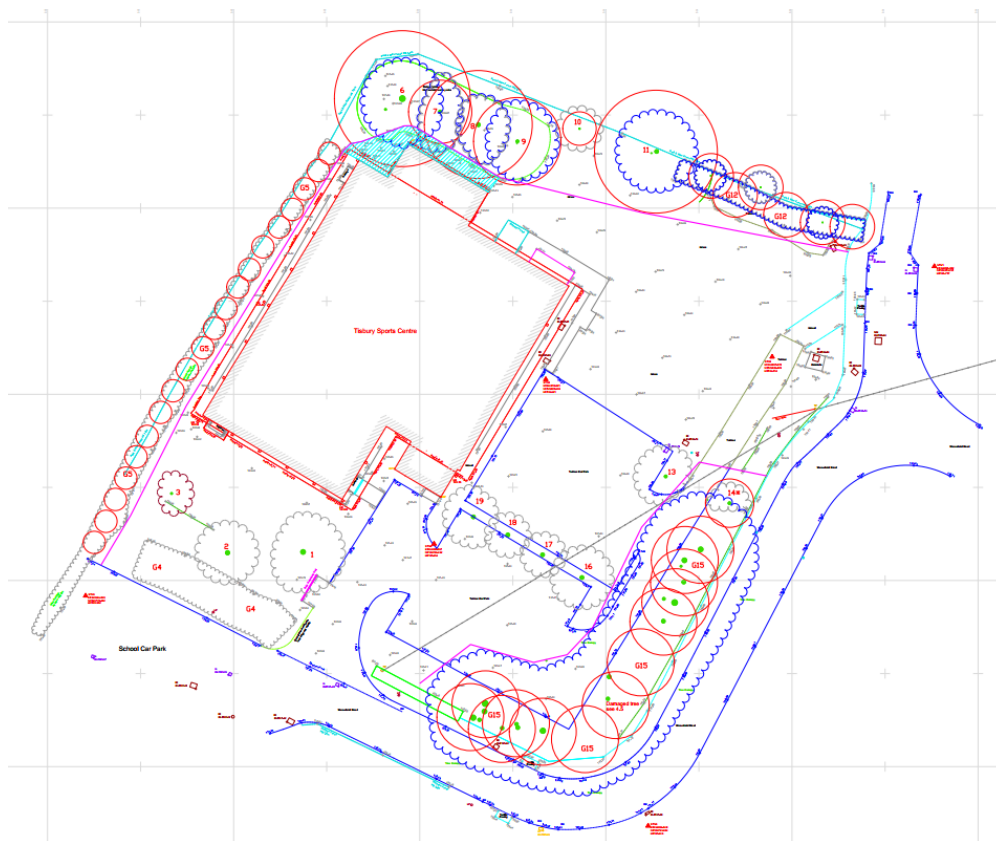
The conditions relate to lighting, provision of a Construction Environmental Management Plan (CEMP), provision and maintenance of Ultra Low Energy Vehicle infrastructure and the standard contamination condition. In conclusion, subject to conditions, the potential impacts of the development on future amenities are acceptable.

In conclusion, the proposal as amended is considered to comply with Policy BL.4 of the Neighbourhood Plan and CP57 and CP51 of the WCS. The great weight that is required to be given to conserving and enhancing the landscape and scenic beauty of the AONB under para 176 of the NPPF has been given to the determination and consideration of conditions. Appropriate levels of amenity are considered to be achievable within the development.

8.3 Trees and Landscaping

The site has soft edges along its boundaries, which separate it from the existing rights of way and the school. There are a number of mature trees and hedges which should be retained. An Arboricultural Impact Assessment, Tree Constraints Plan and Method Statement have been submitted to support the application. There are no *neighbouring* trees close enough to be affected by the development. One tree is showing signs of Ash dieback. The report also states that:

It will be necessary to remove eight Trees 1 - 3, G4, 13, 16, 17, 18, and 19 to facilitate the development proposals. Their removal will be mitigated with high quality replacement planting.



Grey – to be removed Red - root protection areas Pink - protective fencing

The retention of trees on site will provide the new development with maturity and screening. Groups G5, G12 and G15 all have foliage which encroach on the new site plan and will require pruning. G5, Tree 6 and G12 all

have demolition or construction work proposed close to or over their RPA's. The measures detailed in this Arboricultural Method Statement will minimise the impact of this.

The group G5 is a native hedge which makes up the western boundary, it provides good screening and biodiversity. G12 is a Beech hedge, it has recently been reduced with 3 stems retained to mature into trees. This provides screening and the 3 trees should mature into specimen trees.

Group 15: This group of Beech trees was planted as a hedge but has not been maintained as one. One tree has suffered significant bark damage, although this is not an immediate safety concern it has shortened its life expectancy. The location of this tree is indicated on the Tree Constraints Plan, it should be removed as part of the tree removal works.

An indicative landscape plan is included with the tree report and shows areas for new planting.

It is considered that the proposals have adequately acknowledged the quality of existing trees and hedges on the site and the contribution that they make to visual amenity and screening. The AIA and Method Statement have made reasonable provision for tree and hedgerow protection and retention where appropriate. The planting details for the indicative landscape plan can be conditioned to ensure suitable species are provided for the development. In conclusion, no objection is raised under saved policy C8, CP57, CP51 and BL.4.

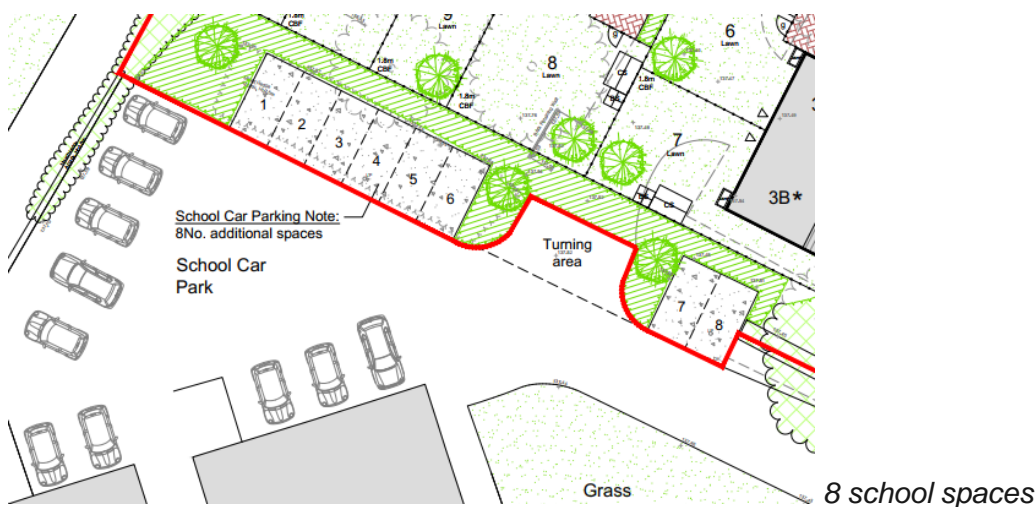


8.4 Highway Safety and Rights of Way

Core Policies CP57, 60 and 61 are relevant to the application and the highways officer has stated:

I note the proposal seeks the redevelopment of the former disused sports centre. The proposal seeks the provision of 13 residential dwellings, consisting of two x 1 bed, six x 2 bed and five x 3 bed units, served by a new estate road that connects to Weaveland Road via the Nadder Centre car park. The site does not appear to connect to the existing public highway at Weaveland Road nor Morrison Avenue, but the wider Nadder Centre car park/circulatory roads are owned by Wiltshire Council. As the site does not connect to the existing public highway, the estate road cannot be adopted as public highway and maintenance should thus be secured through a management company.

The site is allocated within the Tisbury Neighbourhood Plan (BL.8), which states that community led housing on the site would be supported subject to a number of conditions. The submitted site plan includes additional car parking provision for the school, which appears adequately located.



In highway terms, the principle of the development is accepted and it is noted that the former use of the site would have created a much greater traffic demand and at times, parking demand.

The proposed road layout and geometry, which is in a shared space form is considered suitable and I am content with the refuse vehicle swept paths provided. Car parking has also been provided for all plots to meet Wiltshire's Car Parking Standards, as well as two visitor car parking spaces. I note that one of the visitor spaces will require the amendment of the existing footway leading from Morrison Avenue – this is not public highway, but it is Wiltshire Council land and as such, the construction of this will need to be supervised accordingly. I note that cycle parking will be provided per plot, which is welcomed.

The site is bound by an existing public bridleway (TISB1) to the North and an informal footpath that is currently going through the process of becoming a formalised right of way to the North-West. As is stated, these routes are overgrown, but do provide useful, traffic free leisure routes. The existing bridleway was improved as part of the Morrison Avenue development and as the route is primarily a leisure route, not utility route, the surface of the bridleway is considered adequate. The forthcoming right of way to the North-West is much more overgrown and has an unmade and uneven surface, yet it is a pseudo-rural route. As part of this development, I would think it reasonable that the developer provides a financial contribution towards the improvement of the local rights way in the vicinity of the site, as per the request from the Council's Public Rights of Way Team.

Therefore, I recommend that no Highway objection is raised subject to obligations and

conditions: £10,000 towards PRow improvements on the adjacent right of way network.

The Rights of Way officer supported this stance and said:

The site is bound by a public bridleway (TISB1) to the north and public footpath TISB85 runs to the north-west of the site. The existing bridleway was improved as part of the Morrison Avenue development and as the route is primarily a leisure route, not utility route, the surface of the bridleway is considered adequate. TISB85 is much more overgrown and has an unmade and uneven surface, yet it is a pseudo-rural route. I would request a financial contribution in the region of £10 000, which could be put towards clearing, width improvements and surface improvements on the adjacent right of way network.

Therefore, no highway safety or rights of way objections are raised under Core Policies CP57, 60 and 61 subject to conditions and a proportionate S106 contribution being secured for improvements to the rights of way network.

8.5 Other S106 matters and contributions - waste, public open space, education and affordable housing

Waste

Core Policy 3 of the Wiltshire Core Strategy (adopted January 2015) provides overarching policy support for securing developer contributions towards 'waste management services such as recycling and collection facilities', which is classed as 'essential infrastructure'. The Wiltshire Planning Obligations Supplementary Planning Document (SPD) (Adopted May 2015) supports Core Policy 3 and provides further detail on the council's approach to developer contributions.

Policy WCS6 requires developers to provide facilities for separation and storage of waste for recycling and composting. It also states that any such provision must "have regard to the existing Municipal Waste Management Strategy". The council's waste strategy expects that new developments are designed to enable waste collection services to operate safely and efficiently and, to this end, the waste SPD sets out what is deemed to be safe and efficient. Meeting the requirement of WCS6 can be achieved by following the guidance in the waste SPD. As developers cannot directly provide the facilities for the separation and storage of waste, instead the requirement under WCS6 is met by securing a section 106 contribution.

The waste team have considered the latest revised scheme which included vehicle tracking details and waste collection locations and concluded:

The Waste Management supports this application subject to a S106 contribution of £1,183 towards provision of waste and recycling containers.

Public Open Space

Saved Policy R2 states:

New residential development will be required to make provision for recreational open space (comprising facilities for communal outdoor sport and children's play) in accordance with a standard of 2.43 hectares per 1000 population. Additional amenity open space (including landscaped areas, public gardens and roadside verges) will be sought as appropriate. The Local Planning Authority may consider reducing this requirement where developments comprise accommodation for those

with special needs. Further details of the District Council's open space requirements are contained in Appendix IV.

The leisure officer response is awaited and will be presented as **late correspondence** to committee.

Education

Para 13.6 of the supporting text for saved Policy PS5 states:

Where a proposed residential development will take the school over its current capacity, the Local Planning Authority will seek contributions from developers for new education facilities to serve the development.

The Educational requirements for this development have been assessed by Wiltshire Council as being 3 primary spaces and 2 secondary spaces. Current early years provision is sufficient to meet demand generated by the proposed development.

- Primary - £56,274. This contribution is subject to indexation and will be secured by an S106 agreement to which the Council's standard terms will apply
- Please could Members note that the closest secondary school is in Shaftesbury and Dorset CC has not responded to the planning consultation request. Dorset haven't made a case and Wiltshire cannot therefore justify any secondary school place contributions with any school data.

Therefore, no objection is raised subject to S106 contributions being secured as set out above.

Affordable Housing

Core Policy 43 is applicable to the proposals and the Housing team have commented:

Core Policy 43 of the Wiltshire Core Strategy (as amended by the National Planning Policy Framework) sets out a requirement for 30% on-site Affordable Housing provision within the 30% Affordable Housing Zone on all sites of 10 or more dwellings. There is therefore a requirement to provide 4 affordable units within a scheme of 13 dwellings. This would meet the policy requirement of the Wiltshire Core Strategy and would assist in addressing the need for affordable housing in Tisbury where there is need for both affordable rented and shared ownership housing. The four Affordable Housing Units which are required by policy should be secured through a S106 Agreement at nil subsidy.

*The site is located within the Tisbury framework boundary. Policy BL8 of the Tisbury and West Tisbury Neighbourhood Plan allocates the site for redevelopment, supporting uses which meet community needs such as community-led housing. It is noted that the applicant is working with Nadder Community Land Trust to deliver the Affordable Housing. **In addition to the four units to be provided at nil subsidy in accordance with policy, it is proposed that two additional Affordable Housing units will be provided.** The S106 should not restrict the input of grant funding for the additional Affordable Housing units.*

In accordance with Core Policies 43 and 45 of the Wiltshire Core Strategy the tenure mix should reflect local need for affordable housing. I understand that the following mix is proposed:

Policy Requirement - S106 AH Units:

<i>Affordable Rent:</i>	<i>2 x 1 bed / 2 person flats 1 x 2 bed / 4 person house</i>
<i>Shared Ownership: Additional AH Units:</i>	<i>1 x 2 bed / 4 person house Affordable Rent: 2 x 3 bed houses</i>

I confirm that this mix meets demonstrable need and is therefore supported.

Therefore, no objection would be raised under CP43 subject to the applicant entering a Section 106 Agreement to provide affordable homes in line with the Council's standard requirements set out in the full response from housing. The additional two units are also welcomed.

CIL

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. An informative would be placed on any permission.

Summary of S106 matters

The education, waste, affordable housing (and public open space to be confirmed) teams have all made representations regarding the proposals. No objections have been raised to the details of the application, subject to the appropriate Section 106 terms and contributions being made and agreed to, as set out in their published recommendations. Therefore, these matters can be dealt with by suitable S106 Agreement terms and conditions. The proposal would comply with policies CP3, CP43, PS5 and R2 of the WCS, the adopted Planning Obligations DPD, and policy WCS6 of the Waste Core Strategy.

8.6. Biodiversity – Ecology, Chilmark bat SAC and River Avon catchment

Ecology and Chilmark bat SAC

Core Policy 50 of the WCS states:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development should seek opportunities to enhance biodiversity.

The 2014 approval of the Nadder Centre development was conditional on the sports centre building to be demolished and replaced by a wildflower meadow. Condition 8 required the approved Ecological Management Strategy (EMS) by Ecosulis Ltd. dated 23 April 2014 to be implemented and Condition 6 required any planting measures to take place in the first planting season or after completion of the development, whichever is the sooner.

In 2019, the applicant sought to vary the condition by amending the EMS under 19/03260/VAR. A revised Ecological Assessment (March 2019) was submitted along with a revised Ecological Management Plan (March 2019) and the sports centre was to be retained as part of the revisions. The report stated:

In reviewing the existing habitats on sites and local wildlife supported by these habitats, it is advised that the creation of a wildflower meadow is not the most appropriate enhancement to

the context and scale of the site. Generally, where there is scope to do so, it is recommended to enhance existing habitats, rather than seek to create new habitat.

A replacement Ecological Management Plan (EMP) has been prepared to set out prescriptions for the revised enhancement measures set out within this report. The habitat enhancements together with species provisions are considered to provide a net gain of biodiversity on site in line with the requirements of the NPPF and the Tisbury and West Tisbury Neighbourhood Local Plan.

Pre and post demolition ecological improvements were proposed in the report and conditioned under the 2019 consent. The principles for the demolition of the sports centre and alternatives to the provision of a wildflower meadow were therefore established by the 2019 consent.

An updated Ecological Assessment (2022) has been submitted with the current application. It concludes that the site has negligible potential for bats. It also found that:

- The habitats on site were dominated by common and widespread habitats; the key features were assessed to be the hedgerows which are being retained and enhanced.*
- The site was assessed to provide suitable habitat for hedgehog, reptiles, and birds. Recommendations have been provided within this report to mitigate the effects of the development on protected species. There is scope to enhance the hedgerows on site by introducing greater diversity and structure which would, in turn, increase the habitat suitability and ecological connectivity of the site for a range of notable species.*
- An Ecological Management Plan (EMP) has been produced alongside this report regarding the variation of Condition 8; and this older report has been included to secure a net gain in terms of biodiversity on site. As proposed within the EMP, the northern and western boundary hedgerow will be retained, enhanced and subject to a management plan. Two areas of species-rich grassland lawns will be created and maintained within the carparks offsite to the east. An attenuation pond will also be created within the west of the site and buffered from the development by grassland with newly planted trees and hedgerows.*

The draft report concludes:

The building on site is not assessed to support any bat roosts and offers negligible potential for bat roosting features. Therefore, the building can be demolished without the need for further targeted bat surveys.

The building was found to support nesting birds; therefore, any demolition works must have due regard to presence/potential presence of active nests. Works must take place outside of breeding bird season, or following precheck for nests and if present, not until all young chicks have fledged.

An updated Ecological Management Plan has been designed and agreed in consultation with Wiltshire's County Ecologist to compensate for the loss of nesting opportunities and to enhance the site for protected species.

The proposals are not predicted to result in an impact to bat related to Bath and Bradford-on Avon Special Area of Conservation, Chilmark Quarries SAC and Mottisfont SAC.

The Council's ecologist considered the submissions and stated:

The site is within the 4km greater horseshoe bat buffer and the 6km Barbastelle bat buffer for Chilmark Quarries Bat SAC. The site does not support suitable habitat or features for roosting and although it supports some habitat which is connected to other suitable habitats in the wider area and therefore potentially used for foraging and commuting by both these species, the habitats are of low quality and limited function for this purpose. Adjacent habitat areas, particularly those closer to core roost sites and hibernation sites offer better quality and function. No habitats potentially likely to be used by bats are to be removed from within the site boundary and the landscape plans propose an increase in available, functional habitat for bats by increasing the quality of hedgerows through gap planting, provision of some replacement trees and the addition of the attenuation pond. Gardens associated with the residential development will offer greater function for bats than the area of hard standing and limited boundary features currently present. Since no habitats suitable for bat use will be removed, the application will not result in likely significant impact to bats associated with the bat SAC and is therefore screened out of Appropriate Assessment under the Habitats Regulations.

Conditions to secure ecological enhancement are recommended and no objection is raised under CP50.

Hampshire River Avon SAC Catchment

The ecologist also concluded on this matter:

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. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period.

Following the Cabinet's resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, I conclude it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

The strategic mitigation is being delivered by the council on behalf of developers, providing that burdens are avoided and mitigated on site as far as practicable, such as the use of sustainable urban drainage systems (SuDS). For this application the above criteria have been met. I request conditions be applied to any permission you are minded to give this application:

In conclusion, the development would provide enhancements to biodiversity and a SUDs scheme is included in the drainage strategy. The development would not harm the interests of the Chilmark bat SAC and the Hampshire River Avon SAC catchment, in accordance with para 180-183 of the NPPF and CP50.

8.7 Drainage and Flood Risk

The site is within Flood Zone 1 of the River Avon catchment and there are no identified sources of flood risk. A Flood Risk Assessment, Drainage Strategy and Drainage Technical Note have been submitted to support the scheme. The FRA concludes:

A surface water drainage strategy has been developed and hydraulically modelled incorporating sustainable urban drainage systems (SUDs) in line with the NPPF and EA standing advice. The strategy is based on a reduction in the surface water run-off rates thus ensuring that the re-development does not increase the risk of flooding from the site.

The report assesses the potential flood risk sources to and from the site and details the drainage strategy for implementation on the scheme.

The report also outlines a conceptual foul water drainage strategy which can be implemented for the proposed foul water discharge associated with the development. A new foul water drainage network is proposed to serve the development with a new connection to the existing private foul sewers in Weaveland Road.

The Drainage team as LLFA commented:

Further to our previous correspondence (dated 24 March 2022), the drainage team have reviewed the additional provided drainage technical note (dated 7-7-22). As a result of the information detailed within this technical note we are now in a position to be able to remove the drainage objection to this application, subject to conditions requiring approval of the finalised drainage design and a Construction Environmental Management Plan to demonstrate how water quantity and quality will be managed throughout the construction process.

The proposal is considered to comply with CP52, 57 and para 020 of the NPPG.

8.8 Conclusion and Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks consent for 13 dwellings within the settlement boundary of the Local Service Centre for Tisbury, in the AONB, the Hampshire River Avon SAC catchment and the Chilmark bat SAC. The tilted balance would not automatically apply under para 11 footnote 7 where harm is identified to these protected sites.

The development would secure 13 new dwellings including 6 affordable homes, in compliance with the made Neighbourhood Plan for Tisbury. Para 60 of the NPPF seeks to significantly boost the supply of housing and encourages a variety of land to come forward. This can be afforded significant weight in the determination as the development would have some positive impact on housing supply in the South HMA whilst providing 6 affordable homes which is over and above the policy requirement of four.

The Wiltshire Core Strategy and the NPPF set out the other policy considerations for the application and the LPA cannot currently demonstrate a 5 year housing land supply. Irrespective of the extent of such shortfall, this means that the WCS policies relating to the delivery of housing are out of date. Paragraph 11(d) of the NPPF is therefore engaged, which says planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The provision of biodiversity enhancement measures and additional planting to complement the retention of the majority of the significant trees and hedges on the edges of the site as part of the scheme can be afforded moderate weight. There would be some modest harm to the setting of the AONB as a result of the development on the edge of the settlement adjacent to open fields and there is some conflict with the aims Dark Skies Reserve initiative which actively seeks to reduce light impact in the AONB. However, lighting can be conditioned to meet the E0 standard and so this harm can be afforded only some weight, given the importance placed on the AONB and its setting by the NPPF.

The development is unlikely to cause material harm to neighbouring amenities and the highways and rights of way matters have been addressed. The additional 8 spaces for the primary school are a community benefit of the scheme. Drainage and flooding matters have been considered and can be suitably conditioned to ensure that the dwellings can be adequately served by on site infrastructure and a SUDs scheme provided.

Education, waste and open space contributions could be secured with the provision of affordable housing and funds to improve the rights of way surfaces through a Section 106 Agreement and these benefits can be afforded weight in favour of the development.

The River Avon catchment area is a European site and every permission that results in a net increase in foul water entering the catchment could cause further deterioration to it. However, the scheme falls within the agreed Strategic Mitigation Strategy and together with the SUDs scheme, this would help to offset the harm.

Therefore, officers consider that any adverse impacts of approving the development would not significantly or demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. The planning balance weighs in favour of the development and that planning approval should be granted.

9. RECOMMENDATION:

Subject to the applicant entering into a Section 106 Agreement to secure the following financial contributions:

- **£56,274** for primary school places
- **£10,000** towards Public Right of Way improvements on the adjacent right of way network
- **£1,183** for provision of containers for waste and recycling
- **Public open space contribution** – to be confirmed

and to secure a scheme of 6 Affordable Housing Units with the agreed tenure mix, at nil subsidy, meeting NDSS design and floorspace standards, subject to the nomination rights remaining with Wiltshire Council and the homes being transferred to a Registered Provider, approved by the Council, or to the Council.

APPROVE 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 the Planning and Compulsory Purchase Act 2004.

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

Location (red line) Plan ref 2827 001 dated Nov 2021
Proposed Site Plan ref 2827 120 Rev C dated Nov 2021
(Proposed Site Plan in context ref 2827 121 Rev C dated Nov 2021)
Proposed Floor Plans and Elevations Plots 1-3 ref 2827 125 Rev B dated Nov 2021
Proposed Floor Plans and Elevations Plot 4 ref 2827 126 Rev A dated Nov 2021
Proposed Floor Plans and Elevations Plot 5 ref 2827 127 Rev B dated Nov 2021
Proposed Floor Plans and Elevations Plots 6-7 ref 2827 128 Rev A dated Nov 2021
Proposed Floor Plans and Elevations Plots 8-9 ref 2827 129 Rev A dated Nov 2021
Proposed Floor Plans and Elevations Plots 10-11 ref 2827 130 Rev B dated Nov 2021
Proposed Floor Plans and Elevations Plots 12-13 ref 2827 131 Rev B dated Nov 2021
Proposed Car Barn and Cycle Store ref 2827 132 Rev A dated Nov 2021
Proposed Street Scenes ref 2827 140 Rev B dated Nov 2021
Boundary Treatments ref 2827 150 dated June 2022
Ecological Assessment, Ethos Environmental Planning ref ETH21-105 V 3 dated July 2022
Drainage Technical Note ref Acl665/21020/TN dated 7th July 2022
Planning Design and Access Statement ref 2827/DAS dated Jan 2022
Arboriculture Impact Assessment, Constraints Plan and Method Statement, by Sharples Tree Services dated Jan 2022
Transport Statement v2 by Entran Ltd dated Jan 2022
Preliminary Drainage Strategy ref 21-020-003 dated Sept 2021
Flood Risk Assessment and Drainage Strategy ref Acl589/21020/FRA/DS dated Sept 2021

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

3. No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls and roofs of the dwellings and car ports 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: In the interests of visual amenity and the character and appearance of the area and the setting of the AONB.

4. Any new external street and artificial (domestic) security lighting shall achieve a level of 0.5 lux or less at the edges of the site's boundary features (hedges, tree lines and all other linear features at the site boundaries). External light fittings throughout the site shall be low level wherever possible, pointing downwards and avoiding any increase in the ambient light within, adjacent to and particularly above the site.

Any new external street light fixture within the site shall be installed in accordance with the appropriate Environmental Zone standards (E0 for the AONB) set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)" and shall be maintained thereafter.

REASON: In the interests of the amenities of the AONB and its setting, to minimise unnecessary light spillage above and outside the development site and to avoid excessive illumination of habitat used by bats.

5. No part of the development hereby permitted shall be first occupied until the access, 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.

REASON: In the interests of highway safety.

6. The development hereby permitted shall not be first occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

7. The development hereby permitted shall not be first occupied until a scheme for the future maintenance of the roads and other communal areas has been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To ensure that satisfactory arrangements for the future maintenance of those areas are in place.

8. 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. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation and wheel washing for vehicles;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.
- x. Confirmation that there shall be no burning undertaken on site at any time.
- xi. Details to demonstrate how water quantity and quality will be managed throughout the construction process.

and also:

a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.

- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. 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.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The development shall be implemented in accordance with the agreed details in the CEMP.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. 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. To protect the water environment during construction.

- 9. The proposed scheme for Ultra Low Energy Vehicle infrastructure shown on the Proposed Site Plan and drawings hereby approved shall be implemented in full before the dwellings are occupied and maintained at all times thereafter.

Reason: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

- 10. 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 (including asbestos) 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 and any adjacent sites for at least the last 100 years and a description of the current condition of the sites 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 and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be 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 must be 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: Core policy 56, To reduce the risks associated with land contamination

11. The hours of construction for the development shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Reason: In the interests of neighbouring amenities.

12. The development hereby approved shall not commence until detailed drainage design drawings & calculations, demonstrating the finalised drainage design have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed drainage details before the dwellings are occupied.

Reason: It is noted that the drainage strategy drawings submitted are "preliminary for planning" and finalised details are required to be agreed by the LLFA before development commences.

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

- Section 8 (Recommendations) of the updated Ecological Assessment, Former Sports Centre, Tisbury, dated July 2022 by Ethos Environmental Planning and
- Ecological Management Plan (EMP), Former Sports Centre, Tisbury, dated July 2022 by Ethos Environmental Planning.

All enhancement measures (for bats, swifts, bees and other birds) shown in Figure 3 of Section 3 (Management Prescriptions) and the nesting and roosting provisions in Table 3 shall be implemented before the dwellings are occupied and maintained for the lifetime of the development.

The post demolition management prescriptions in Table 2 shall be implemented in accordance with the management prescriptions for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity

14. The development hereby approved (including site clearance, storage of materials and other preparatory work) shall be implemented in accordance with the Arboriculture Impact Assessment, Constraints Plan and Arboricultural Method Statement (AMS), by Sharples Tree Services dated Jan 2022. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The approved AMS shows the areas which are designated for the protection of trees, shrubs and hedgerows, hereafter referred to as the Root Protection Area (RPA). Unless otherwise agreed, the RPAs will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2012) and no access will be permitted for any development operation.

REASON: To protect the amenity value of the trees, shrubs and hedgerows growing within or adjacent to the site.

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

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure in plan form (all railings, fences, gates, walls or other means of enclosure)
- car park layouts;
- all hard and soft surfacing materials;
- All new trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, 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. In the interests of good design to reduce the risk of crime and antisocial behaviour, visual amenity and the character and appearance of the area.

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

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

17. The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the elevations and roof slopes of the dwellings hereby approved.

REASON: In the interests of residential amenity and privacy.

19. No air source heat pumps shall be installed on the dwellings hereby approved until a Microgeneration Certification Scheme (MCS) accredited installer has demonstrated the Air Source Heat Pump (ASHP) installation will meet the requirements of the MCS Planning Standard; and the ASHP will produce a noise level of no more than 42dB LAeq (5mins) at the nearest bedroom/lounge window when operating; through source noise level data, distance attenuation and screening calculations. MCS compliance certification must be submitted to the LPA within 3 months of installation.

Reason: In the interests of neighbouring amenities.

Informative

SuDS features should be constructed in line with the guidance provided within the CIRIA SuDS Manual Infiltration drainage features must be constructed in accordance with Wiltshire Council's soakaway guidance.

For guidance on external lighting – please visit <http://www.ccwwdaonb.org.uk/publications/aonb-management-plan/> and view Dark Night Skies.



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES Report No.

Date of Meeting	8 th December 2022
Application Number	PL/2022/04451
Site Address	Land at, Whitsbury Road, Odstock, Salisbury
Proposal	Construction of two residential dwellings, with associated parking and landscaping, and community orchard
Applicant	Mr. D. Canty
Town/Parish Council	Odstock Parish Council
Electoral Division	Cllr R Clewer
Grid Ref	
Type of application	Full
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee

Cllr Clewer has called the application to committee to be determined if recommended for refusal by officers, on the following grounds:

- *Whilst the proposed development is outside of the settlement boundary for the village it is supported by the Parish Council (at the time of call in) and residents and as such I think should be resolved by committee if recommended for refusal. I appreciate the River Avon catchment area may further complicate this.*

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that the application should be **REFUSED** for the reasons detailed below.

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, absence of 5 year housing land supply and infill at small villages
2. Scale, design, impact on the character of the AONB and neighbouring amenity
3. Highway safety
4. Biodiversity – Ecology, River Avon catchment and New Forest SPA
5. Drainage and flood risk
6. CIL
7. The Planning Balance

The application generated a letter of support from Odstock Parish Council, one letter of no objection/comment from a neighbour and support from Salisbury and Wilton Swifts.

3. Site description, site constraints and the proposals

The site is on the edge of Odstock, which is defined as a small village without a settlement boundary under Core Policy 1. Manor Cottage to the north is a Grade II listed building and Odstock Manor to the east is Grade II* listed. The site is within the AONB and is classified as Grade 2 agricultural land (best and most versatile). It is within the 13.8km buffer for the New Forest SPA, and within Flood Zone 1 of the River Avon SAC catchment,

in an area susceptible to groundwater flooding, where levels are between 0.5m and 5m below the surface. Whitsbury Road is an adopted unclassified highway and footpath ODST7 crosses to the rear of the site.

219 Whitsbury Road is a residential property which separates the site from the street frontage. A property called Thickets lies to the north and Chalk Pit Cottage lies to the south. Odstock Manor is separated by the fields to the east.



The application site is a section of grassland to the east of 219 Whitsbury Road. The land is positioned between a row of trees which appear to have been thinned to increase the development plot size.

The site has an existing vehicle access which serves the existing dwelling and permits an access to the rear agricultural field. The site rises in gradient up from the highway but the application site is largely flat with tree lined boundaries to the north and east and an open boundary to the southern field.

The application is essentially a resubmission of the 2016 scheme which was refused by Southern Area Committee (see reasons in history below), with amendments to the scheme. A pair of traditionally styled, semi detached, two storey dwellings are proposed for the site with provision of a 0.2ha community orchard on a field to the east:



The access to the dwellings has been revised in order to maintain the existing right of way at a 2m width and provide better visibility.

The proposed materials for the dwellings include red brick, horizontal dark-stained timber boarding on the dormers and plain clay tile roofs. Bin stores are proposed to the east and

west of the proposed dwellings. Car parking is proposed to the front of each property. Cycle parking is located within the garage area of the dwellings.

The site's boundaries would be reinforced through the planting of native hedgerows and trees. The proposed areas of amenity space would be landscaped with patio areas and lawns to the south of the dwellings. Soft landscaping is proposed to be implemented to soften the proposed built form on site including feature trees which would be planted to enhance the ecological value of the site.

A "community" orchard extending to 0.2ha is to be provided to the east of the site. This orchard would comprise 20 – 30 heritage fruit trees to create a natural area of amenity space for "existing and future" residents to encourage healthy, sustainable lifestyles. The proposed orchard would create views from the public footpath to the north. No details are provided to explain how the orchard would be used and whether the existing and future residents refer to the occupiers of the new dwellings or the wider community of Odstock. The revised plans show the footpath running through the orchard but it is unclear whether it's entire length would be enclosed by a fence.

4. Planning Policy

The following planning policies are considered to be relevant to the determination of this application:

National Planning Policy Framework (NPPF 2021) and the PPG

Neighbourhood Plan status – area designated

Adopted Wiltshire Core Strategy

CP1 Settlement Strategy
CP2 Delivery Strategy
CP24 New Forest National Park
CP23 Spatial Strategy for Southern Wiltshire Community Area
CP57 Design
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP61 Transport and new developments
CP67 Flood Risk
CP69 Protection of the River Avon SAC


Other:

- AONB Management Plan
- Wiltshire Housing Site Allocations Plan adopted Feb 2020:
- Chapter 6 and Appendix A - South Wiltshire HMA (amended settlement boundaries)
- Wiltshire Local Transport Plan – Car Parking Strategy: Chapter 7: Parking Standards
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- The Community Infrastructure Levy Regulations 2010
- National Model Design Code July 2021

- Building for a Healthy Life - A Design Code for neighbourhoods, streets, homes, and public spaces (Homes England June 2020).
- (*) Wiltshire Council INTERIM RECREATION MITIGATION STRATEGY FOR THE NEW FOREST INTERNATIONALLY PROTECTED SITES January 2022
- Wiltshire Local Transport Plan and Parking Strategy
- Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022 identifies 4.72 years of deliverable supply in Wiltshire and 4.88 in South Wiltshire HMA
- Wiltshire Council, Level 1 Strategic Flood, Risk Assessment, May 2019

5. Relevant Planning History:

16/12123/FUL Construction of two residential dwellings Refuse

	<ol style="list-style-type: none"> 1 The proposal is located within a small village which the Wiltshire Core Strategy identifies as having a low level of services and facilities. This proposal for two dwellings does not meet the definition of permitted infill development within small villages and the development will result in the creation of back-land development contrary to the established linear pattern of development along the eastern side of Whitsbury Road. The development will consolidate the existing loose knit sporadic development along Whitsbury Road and the proposal fails to promote a sustainable pattern of development with the resultant occupiers dependent on the use of private car for day-to-day activities and journeys. Therefore, the proposed development is considered contrary to Core Policies 1, 2, 44, 48 and 60 of the Wiltshire Core Strategy and paragraph 14 of the National Planning Policy Framework. 2 The creation of two back-land dwelling houses would result in the introduction of direct overlooking to the side elevation of the application dwelling known as No.219 Whitsbury Road and undue overlooking across the rear garden area to the detriment of the privacy currently afforded to the neighbouring dwelling. The creation of the realigned vehicular entrance will bring an increased number of vehicles within close proximity to the front elevation of the neighbouring dwelling to the detriment of amenity. The proposed development is considered contrary to Core Policies 57 of the Wiltshire Core Strategy and paragraph 17 of the National Planning Policy Framework.
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6. Consultations

Highways – no objection subject to conditions

Rights of Way – no objection

Drainage – no objection

Odstock Parish Council – Support

Salisbury and Wilton Swifts – Support subject to conditions *Salisbury & Wilton Swifts (SAWS) welcome the ecological enhancements recommended in section 5.4 of the Preliminary Ecological Assessment, particularly regarding nesting provision for house martins and swifts. SAWS asks that should the application be granted, the nesting provision and Appendix G showing their locations, be conditioned with photographic evidence required for discharge.*

7. Publicity

The application for minor development was advertised by neighbour consultation only.

1 letter of **no objection** received on the following grounds:

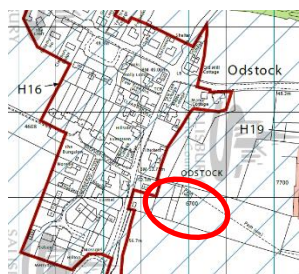
- *No objection, but would be good if the shared drive to the properties and "219" were made solid rather than loose as it currently is, i.e. use tarmac, bricks, stone? With 3 houses the gravel/scalplings that are currently there will quickly deteriorate.*

8. Main Planning Considerations

Planning 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 tilted balance and presumption in favour of sustainable development envisaged under paragraph 11 of the NPPF would not apply where development would cause harm to protected sites defined under para 11 footnote 7, including areas at risk of flooding, the AONB and the River Avon SAC.

8.1 Principle of development, absence of 5 year housing land supply and infill at small villages

Odstock previously had a settlement boundary under the Salisbury District Local Plan. The application site is located adjacent to the former settlement boundary:



The settlement boundary for Odstock has been deleted by the Wiltshire Core Strategy (WCS). Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Odstock is identified as a small village under CP1 and CP23 and further to the adoption of the Wiltshire Housing Site Allocations Plan in Feb 2020, Odstock's boundary has not been extended to include the site. Core Policy 2 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*. Officers do not consider that this site constitutes a gap in the existing built area and that this repeat application is tantamount to backland development on what appears to be garden land. 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. In this case there is a field, albeit a small one, immediately adjacent to the site to the west. Furthermore, though there is a school playing field, there is no built form to the immediate north and mainly garden land to the south. Therefore, I disagree with the appellant's view and do not consider that the proposal could be classified as infill within the existing built area.

The Inspector felt that a 'gap' implies a break or space between something. In this case the only gap in the street form is for a vehicle entrance which serves a rear agricultural field and the existing dwelling house. Officers do not consider that there is an obvious development gap in the built form (as intended by the WCS infill allowance). 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. This site is arguably located a distance from any notable centre of the village and the access road to the site is narrow and does not include any footpaths to promote safe pedestrian access through the village. In considering this application site, officers do not consider that the scheme is appropriate as an infill plot and the development would consolidate the sporadic loose knit residential development that forms the village character by expanding into the countryside towards Odstock Manor.

Officers note that Parish Council has not objected to the scheme. It is also noted the village does not have a Neighbourhood Plan or any plan in draft where sites can be locally identified for development and as such the village has not expressly identified where new residential development would be acceptable. It is considered that the balance of consideration rests on whether the site fully meets the criteria 1-3 as set out CP2. The village could indeed be characterised by the loose knit development and that the open gaps in residential ribbons and clusters do help to reinforce the rural organic character of the village which lies within the AONB.

Housing Land Supply – tilted balance and protected sites

The LPA is unable to demonstrate a 5 year land supply (currently 4.72 years) and the provision of additional housing in sustainable locations is generally supported in principle. CP2 comments that for residential development outside the limits of development, those 'infill' dwellings should meet housing needs of settlements. The current situation in the South HMA (Housing Land Supply Statement April 2021 and published April 2022) is that there is a deficit of 68 dwellings to be provided or 4.88 years' supply.

However, the presumption in favour of sustainable development or tilted balance does not automatically apply to this site under para 11 footnote 7. Footnote 7 includes habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest. This includes the Area of Outstanding Natural Beauty, the River Avon SAC catchment and the New Forest SPA. Therefore, the titled balance is not applicable in this case where any harm is identified to these sites. For decision taking in the absence of a 5 year supply, para 11 requires:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Policy principle summary

In policy terms, the proposal appears to be unacceptable. The site lies outside the existing built area for the small village and conflicts with the overarching sustainable development principles of the Settlement and Delivery Strategies of the WCS. The proposal for a pair of new dwellings in this location is not considered to represent infill development under Core Policy 2. The site is not contained within an adopted or emerging Neighbourhood Plan. It therefore conflicts with the development strategy in the Core Strategy.

The NPPF states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there appear to be no material considerations which outweigh the policy presumption against unacceptable unsustainable development.

The core strategy includes exception policies (as set out under Paragraph 4.25) under which development *may* be acceptable outside of the settlement strategy – for example, sites which would deliver a high percentage of affordable units. Again, none of the exceptions policies appear to apply in this case. The proposal should be refused as there are no material considerations which merit making an exception to adopted planning policy in this case.

In the absence of a 5 year housing land supply, there is normally a presumption in favour of sustainable development. However, for this site, the tilted balance would not automatically apply under para 11 footnote 7 due to its location within protected sites.

8.2 Scale, design, impact on the character of the AONB and neighbouring amenity

The site is undeveloped land within the AONB. CP51 aims to ensure that:

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.

With specific reference to the AONB, the policy states:

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.

Heritage value, important views, visual amenity, tranquillity and the need to protect against intrusion from light pollution, noise, and motion are all important landscape considerations under CP51.

Para 176 of the revised NPPF 2021 places emphasis on the setting for the AONB and states that great weight *should be given to conserving and enhancing landscape and scenic beauty* in AONBs.

Adopted Wiltshire Core Strategy Core Policy 57 states:

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....

CP57 requires development to relate *positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.* It also seeks to ensure that development responds *positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.* Core Policy 51 requires that *any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.*

Whilst no objection is raised to the particular design of the dwellings, the materials or detailing proposed, their presence and their new residential curtilages are considered to be unjustified in policy terms and they represent an unnecessary incursion into the countryside of the AONB, which would be detrimental to its existing open character and setting. Furthermore, the land is currently undeveloped and is Grade 2 agricultural land (best and most versatile). It is further desirable to resist residential development on the site.

NPPF update, Setting of AONB and Dark Night Skies

The 2016 decision was made whilst the NPPF 2012 was in force. The AONB paragraphs have been updated in the latest 2021 iteration. Whilst not previously included as a reason for refusal, Members may also wish to consider the potential impact of the development on the *setting* of the AONB. The issue of *setting* as a consideration has been introduced in government planning policy in 2021 (since the 2016 decision was taken) and NPPF 2021 para 176 regarding AONBs states:

The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

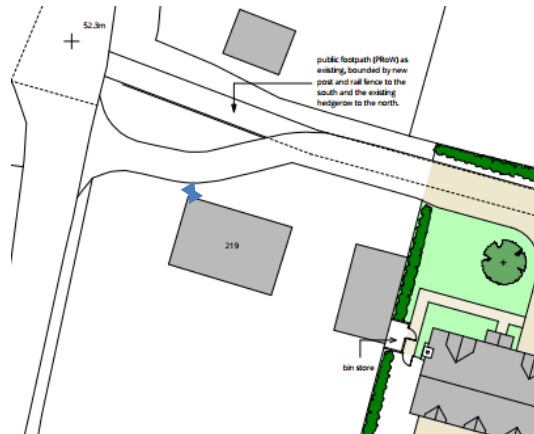
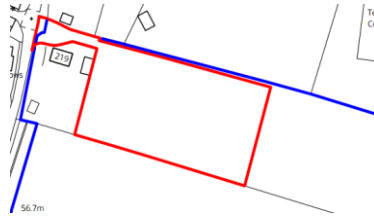
The AONB is a dark night skies reserve and Wiltshire Council has an obligation to reduce light pollution and not just minimise increases. No details have been submitted to show how the proposed dwellings would be compliant with the requirement not to increase lighting levels on and around the site, which lies outside the existing built area and could adversely affect the AONB's setting.

Neighbouring amenities

Policy CP57 (vii) also considers neighbouring amenities: *Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).*

The previous 2016 scheme was refused on amenity grounds, including the potential for overlooking into 219 Whitsbury Road and its garden and disturbance to the occupiers from increased vehicles using the new access. The 2016 included side elevation first floor windows, and these have been omitted from the latest scheme. However, the development still includes south facing dormer windows which would enable a degree of oblique overlooking into the southern portion of the neighbouring garden. Whilst this is a material consideration for the application, the level of harm is not considered to be sufficient to raise an objection on this ground.

The second issue relating to the *very* close proximity of the new driveway to the corner of No 219 has not changed. Members may consider that this harm is undesirable and potentially unacceptable, although it is noted that the site and No 219 are all in the applicant's ownership:



A noise impact assessment has also been submitted which concludes:

6.3 An assessment of noise from car movements associated with the proposed site has been undertaken. A recommendation has been made for a perimeter barrier, in order to reduce noise levels from vehicle movements created by the new development.

6.4 With the barrier in place as specified, calculations show that noise levels from car movements, as assessed at the nearest residential property, will be significantly lower than existing ambient noise levels and hence unlikely to cause disturbance.

On balance, it is noted that the revised scheme would require a noise barrier and the scheme as a whole could still cause a small degree of harm to the existing amenities of the occupiers of No 219 through overlooking and disturbance from the proximity of the new access. However, in the absence of any objections from the occupiers and the land all being under one ownership, no objection is raised under CP57 (vii).

8.3 Highway Safety and Rights of Way

Core Policies CP57, 60 and 61 are relevant to the application and the highways officer has stated:

I note the proposed provision of two new 3 bedroom dwellings. I also note that a new access is proposed for the site, to enable improved visibility splays to be provided. A similar application (16/12123/FUL) previously proposed the same access arrangements and these were previously accepted by my former colleague to serve two new dwellings and the existing dwelling. I concur that the proposed access arrangements would be sufficient for the development at the scale proposed.

I note that an existing public rights of way runs through the site and will, to some extent at least be affected by the proposals. I recommend that you consult the Council's Public Rights of Way team directly on this application.

Therefore, I recommend that no Highway objection is raised, subject to the following conditions and informative being added to any consent granted.

The Rights of Way officer initially objected to the scheme which affects an existing public footpath running through the proposed community orchard:

The path should be accommodated on the line shown below at a minimum width of 2 metres. If bounded by trees, fences or hedges it should be a minimum width of 3 metres. The applicant will also need to confirm how they intend to accommodate the section of path that runs along the existing access drive (between the road and the proposed new access drive). This should include details of width and surfacing and any proposed fences or hedges.

Revised plans have been received and the rights of way officer has removed their objection.

Therefore, no highway safety or rights of way objections are raised under Core Policies CP57, 60 and 61.

8.4. Biodiversity

Ecology

Core Policy 50 of the WCS states:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development should seek opportunities to enhance biodiversity.

A Preliminary Ecological Assessment has been submitted and has been welcomed by the Salisbury and Wilton Swifts group. In summary, the PEA concluded:

- A phase 1 survey was undertaken in October 2021 which found no evidence of protected species or habitats on the site but there is potential for reptiles and nesting birds at the site perimeters.*
- The plot was mainly short grass with sub-optimal habitat for reptiles. There was a section of ruderals at the west side of the plot which was suitable for reptiles.*
- No uncommon or rare plant species were found.*
- No evidence of protected species was found on site or nearby.*
- The potential for nesting birds should be considered when removing any scrub or hedging.*
- The proposed works are unlikely to affect any protected species.*
- Enhancement measures have been recommended and these will be implemented to increase the habitats and achieve a net biodiversity gain.*
- As part of the development, 0.2ha of the adjoining paddock will be turned into a community orchard with heritage tree species and wildflower areas. This will also help increase the net biodiversity gain*

Appendix G contains the proposed biodiversity enhancement measures for the elevations of the dwellings. However, detailed planting plans for the community orchard have not been included and this matter should be the subject of a condition if Members are minded to approve the

scheme with the community orchard included. A condition should also be attached to any planning application to secure the biodiversity enhancement measures contained in the PEA.
River Avon SAC catchment

This site 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. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all **planned** residential development, both sewered and non sewered, permitted during this period.

Following the Cabinet's resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021.

Essentially, plan-led development that complies with *in principle* policies in the Wiltshire Core Strategy includes the following:

- (i) Allocations within the development plan - Wiltshire Core Strategy (including saved policies listed at Appendix D), Wiltshire Housing Site Allocations Plan and Neighbourhood Plans (Core Policy 2)
- (ii) Proposals within settlement boundaries and infill at Small Villages (Core Policy 2)
- (iii) Rural exception sites (Core Policy 44) [NB. this is only those defined by Core Policy 44 and not entry level exception sites in paragraph 71, NPPF]
- (iv) Outside settlement boundaries - only specialist accommodation, gypsy and travellers, rural workers dwellings, conversion and re-use of rural buildings consistent with policy (Core Policy 46,47 and 48)

It does not cover speculative residential development and this would require a bespoke AA, with mitigation funded by the developer.

For the reasons set out in this report, the site is not considered to lie within the existing built area of the small village and for this reason, it would be considered to be "speculative" residential development and not "planned" development for the purposes of the strategic Appropriate Assessment agreed with Natural England. In conclusion, as this application falls outside the scope of the mitigation strategy and strategic appropriate assessment, it is concluded that it could lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC, contrary to CP50 and CP69.

New Forest Special Protection Area, SAC and Ramsar

Applications for new residential development and visitor accommodation within the New Forest SPA buffer zone have potential to lead to a significant adverse effect on the SPA on account of additional recreational/visitor pressure upon the SPA which is likely to detrimentally impact qualifying features of the SPA, namely ground nesting birds. It can be expected that even a single unit could give rise to impacts in-combination with other plans and developments.

As such the application is screened into Appropriate Assessment and adequate mitigation will be required before the assessment can be concluded favourably, and the application can be lawfully approved.

The ecology team has drawn up an interim mitigation strategy(*) and the mitigation for developments of under 50 dwellings would be secured through CIL funding towards Strategic Access Management and Monitoring (SAMM). The Appropriate Assessment can therefore be concluded favourably on this matter. As this application would fall within the scope of the mitigation strategy and generic appropriate assessment, it is possible to conclude that it will not lead to adverse impacts alone and in-combination with other plans and projects on the New Forest SPA.

8.5 Drainage and flood risk

The site is within Flood Zone 1 of the River Avon catchment, in an area a low risk of groundwater flooding, where levels are between 0.5m and 5m below the surface. The guidance in the Strategic Flood Risk Assessment for this flood zone describes it as *having a risk of flooding to subsurface assets but surface water manifestation of groundwater is unlikely*. The LPA is required to consider the potential for flood risk from all sources of flooding under para 162 of the NPPF. As the site is shown to be at low risk from groundwater flooding, a sequential test and exceptions test are not considered to be required for this site as it would be located in an area with a lower risk of flooding, in compliance with para 163 of the NPPF.

However, the LPA is still required to consider the potential risks of flooding on the development and ensure that it does not increase the risk of flooding elsewhere under Core Policy 67 and NPPF para 167. The Drainage team initially commented:

While I can understand the applicant's logic with regards to groundwater levels likely to be significantly below the ground level of the site, however from what was submitted in support of this application, no borehole logs to confirm the applicant's claims have been provided (they state that there are logs to the East and West of the site which have recorded levels in February and June).

In addition, there needs to be a plan showing that the soakaway testing has been carried out in the area of the proposed soakaway, and that a plan needs to be provided to demonstrate where the soakaway will be positioned.

With regards to construction of soakaways within chalk, the below is an extract from the CIRIA Guidance. I would suggest that the applicant needs to provide the GI to demonstrate the density of the chalk if they wish to construct a soakaway within 10m of buildings / public highways.

Please note that we would be able to condition the application once we have received copies of the above requested information: borehole logs to substantiate the applicants claims, soakaway testing location plan

Infiltration testing was duly carried out on site and the results were submitted in a report, which concluded:

The soakage rate identified is (as to be expected in chalk) a high rate and confirms the suitability of soakaways which can be a minimum of 10m away from any building or road, and which will not intercept the water table as a means of draining the development.

On this basis it is clear that there is no impediment to providing an infiltration based surface

water drainage solution for this planning application and, as such, it would be entirely appropriate for any planning permission to be conditioned with a standard planning condition requiring the surface water drainage arrangements to be submitted and approved prior to development commencing.

The Drainage team as LLFA are content with the report findings and raised no objection.

It is noted that a package treatment plant is proposed to serve the dwellings which would comply with para 020 of the NPPG. There is sufficient space within the applicant's ownership to accommodate a PTP and this should be conditioned as part of any permission, along with surface water disposal.

8.6 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. All development containing at least 100 square metres of new build is chargeable, although residential extensions which are built by 'self builders' are exempt from CIL. An informative would be placed on any permission to advise the developer regarding CIL.

8.7 Conclusion and Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks consent for two dwellings outside the existing built area for the small village of Odstock, in the AONB, the New Forest SPA, SAC and Ramsar and the River Avon SAC catchment. The tilted balance would not automatically apply under para 11 footnote 7 where harm is identified to these protected sites.

The Wiltshire Core Strategy and the NPPF set out the policy considerations for the application and the LPA cannot currently demonstrate a 5 year housing land supply. Irrespective of the extent of such shortfall, this means that the WCS policies relating to the delivery of housing are out of date. Paragraph 11(d) of the NPPF is therefore engaged, which says planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The development would secure two additional dwellings. Para 60 of the NPPF seeks to significantly boost the supply of housing and encourages a variety of land to come forward. This can be afforded some limited weight in the determination as the development would have only a very modest impact on housing supply in the South HMA. However, this modest benefit is considered to be outweighed to the harm that the development would cause by undermining the settlement and delivery strategy policies of the WCS for infill at small villages.

The provision of biodiversity enhancement measures as part of the scheme can also be afforded modest weight, although it is unclear at this time how the community orchard could be secured in perpetuity for wider community benefit and no unilateral undertaking has been offered to secure this. There would also be some harm to the setting of the AONB as a result of the development in this open part of the settlement, and contrary to the aims of the Dark Skies Reserve initiative which actively seeks to reduce light impact in the AONB.

The development is unlikely to cause significant material harm to neighbouring amenities and the highways and rights of way matters have been addressed. Drainage and flooding matters have been considered and can be suitably conditioned to ensure that the dwellings can be adequately served by on site infrastructure.

The River Avon catchment area is a European site and every permission that results in a net increase in foul water entering the catchment could cause further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. Significant weight is attached to this potentially adverse impact at the present time.

Therefore, officers consider that the planning balance weighs against the development at present due to the identified harm to a protected site and the likely harm that would be caused to the settlement and delivery strategies in CP1 and CP2 of the WCS, which would be undermined by approving this proposal as an infill development at a small village.

9 RECOMMENDATION: REFUSE for the following reasons:

1. The proposal is located on the edge of a small village within the AONB, which the Wiltshire Core Strategy identifies as having a limited level of services and facilities. This proposal for two dwellings does not meet the definition for infill development within small villages and the development would result in the creation of backland development in an open area, contrary to the established linear pattern along the eastern side of Whitsbury Road and to the detriment of the setting of the AONB. The development would consolidate the existing loose knit sporadic development along Whitsbury Road and the proposal fails to promote a sustainable pattern of development, with the resultant occupiers being reliant on the use of the private car for day to day activities and journeys. Therefore, the proposed development is considered contrary to Core Policies 1, 2, 44, 51 and 60 of the Wiltshire Core Strategy and paragraphs 11(d) and 176 of the NPPF.
2. The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 11d(i), 180-182 of the National Planning Policy Framework.



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES		Report No.
Date of Meeting	8 th December 2022	
Application Number	PL/2022/06794	
Site Address	Hartmoor Barn, Underhill Wood Nature Reserve, Underhill, East Knoyle, SP3 6BP	
Proposal	Conversion of an existing barn/equestrian building to form a 2-bedroom dwelling, with associated hard and soft landscaping (resubmission of PL/2021/10169)	
Applicant	Mr Jonathan Thomson	
Town/Parish Council	EAST KNOYLE	
Electoral Division	Nadder Valley – Cllr Bridget Wayman	
Grid Ref	51.075659, -2.189381	
Type of application	Full Planning	
Case Officer	Georgina Wright	

Reason for the application being considered by Committee

This application is brought to committee at the request of Councillor Wayman, for the following reasons:

- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental or highway impact;
- Other – Inappropriate conversion of a barn to residential use in a rural location in the Cranborne Chase AONB

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.

2. Report Summary

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

- Principle & Planning History
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- CIL/S106

The application has generated an objection from East Knoyle Parish Council; and 5 letters of Objection and 1 letter of support from third parties.

3. Site Description

The site is situated in the countryside and is outside of any settlement as defined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP17 (Mere Community Area). A small cluster of neighbouring residential properties exist to the immediate south and east of the site, but otherwise it is surrounded on all sides by countryside/fields/woodland. Some of which to the south and west are identified within blue land (meaning that they are within the applicant's ownership) and are/were last used as equestrian paddocks. The site and surrounding land are all within the designated Cranborne Chase & West Wiltshire Area of Outstanding Natural Beauty (AONB). The site is accessed via a long track leading from the main road to the south of the site. A public footpath (Ref: EKNO22) extends away from this road/the southern boundary of the site in a south easterly direction.

The site currently consists of a traditional, brick and clay tile detached building that is situated on open paddock land which is on a significantly lower land level than the road. The planning history confirms that the building has until recently been used for an equestrian stable use along with the associated paddock. Planning permission was refused for the reuse of the barn for residential purposes in 2019 (under ref: 19/08823/FUL). The current applicant allegedly bought the building/site soon afterwards. A further scheme was refused earlier in the year for the barn's extension and conversion into a residential unit in association with the adjacent, newly established, nature reserve (under ref: PL/2021/10169).

4. Planning History

S/2007/1575	Create hard surfaces access track and hard surfaced area around barn and alter existing field access. Withdrawn	Withdrawn
S/2008/0074	Hard track across field to stables.	Permission – 10.03.2008
13/03614/FUL	Erection of detached 2 bed dwelling with garage (at the top of the site, adjacent to the road).	Refused – 08.11.2013
14/10339/FUL	Creation of wildlife pond (adjacent site)	Permission – 06.01.2015
19/08823/FUL	Conversion of former equestrian building into a dwelling.	Refused – 06.12.2019

This 2019 application was refused for the following reason:

- The site is situated in an isolated, countryside location where new unsustainable development is resisted without clear justification. No robust evidence has been provided to demonstrate that either the existing building is redundant and therefore that this development will not lead to the requirement for subsequent new development in the countryside in the future; or that the building is unsuitable for an alternative employment, tourism, cultural and community use in the first instance. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP17 (Mere Community Area); CP48 (Supporting Rural Life); CP60 (Sustainable Transport) and CP61 (Transport & Development).*

PL/2021/10169	Conversion of existing barn/equestrian building to form a new dwelling with ancillary landscaping and associated works.	Refused – 08.02.2022
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This 2021 application originally involved the conversion and extension of the existing barn to create a new 1 bedroom dwelling; a writer’s studio; and attached 2 bedroom holiday let. It was also originally to serve a number of purposes including a home for the applicant who manages the adjacent nature reserve; to enable cattle to be farmed on the adjacent land; to enable evening educational workshops to take place at the adjacent site; to improve security at the wider site; to create a writing retreat; to provide eco tourist accommodation; and to contribute towards the County’s identified housing land supply deficit.

During the course of the 2021 application, the proposals were significantly changed so that the scheme ultimately involved a straightforward conversion of the building into a 2 bed dwelling with no extensions to the existing barn (as per the description identified above). The application was ultimately only put forward and justified on the basis of Paragraph 80 of the National Planning Policy Framework (NPPF) which states:

‘c) the development would re-use redundant or disused buildings and enhance its immediate setting’

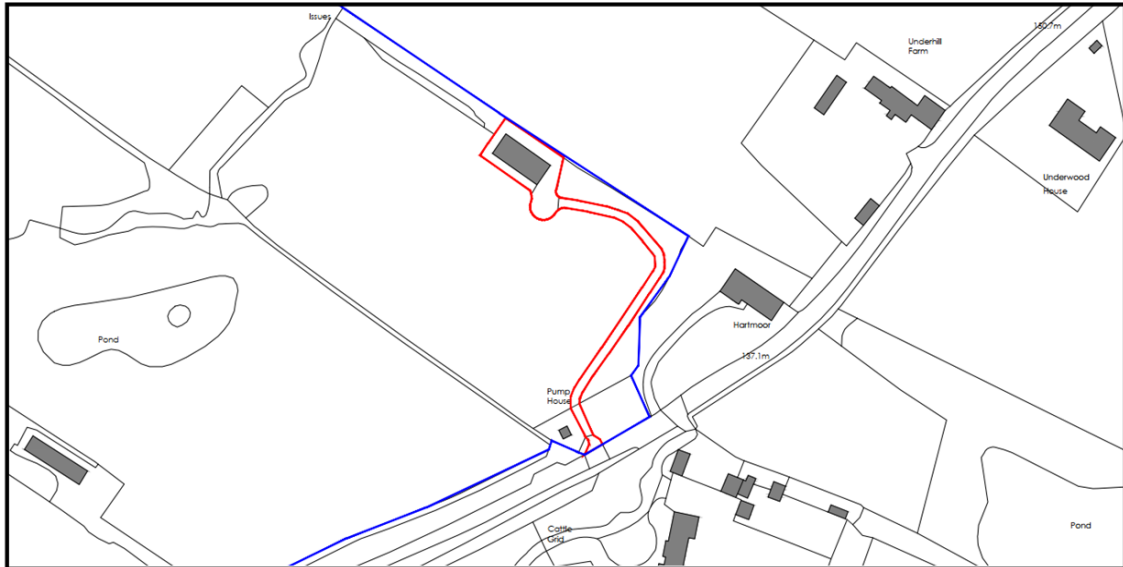
However, the 2021 application was refused for the following reason:

- 1 *The site is situated in an isolated, countryside location where new unsustainable development is resisted without clear justification. No robust evidence has been provided to demonstrate that either the existing building is redundant or that the building is unsuitable for an alternative employment, tourism, cultural and community use in the first instance. The proposals are also not considered to represent an enhancement of the building’s immediate setting. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) (Delivery Strategy), CP17 (Mere Community Area); CP48 (Supporting Rural Life); CP60 (Sustainable Transport) and CP61 (Transport & Development)*

5. The Proposal

This is a full application now only proposing a straightforward conversion of the existing barn into a residential dwelling. Unlike the previous application (considered under PL/2021/10169), no justification has been put forward to suggest that the new dwelling is needed in association with the adjacent nature reserve; or that it is needed to enable cattle to be grazed on the land; or that it is needed to improve security/safety to the wider site; or that it is needed to provide a writing retreat for local writers/poets; or that it is to provide a unit of holiday accommodation to enable eco tourists to visit the nature reserve. It is also, no longer being put forward under Paragraph 80 of the NPPF.

Instead, like the application considered in 2019 (under ref: 19/08823/FUL), the proposals are now purely being put forward in line with WCS policy CP48 (Supporting Rural Life), as a conversion of an existing rural building into an alternative use. In this case as a residential dwelling.



PLAN 1: Proposed Site Plan

In detail, the current application involves a conversion of the existing brick built stable building into a 2 bedroom dwelling with private writer's studio, over 2 floors. No extensions are proposed to the existing, former equestrian building; and the proposed dwelling is thus to be contained within the existing height/footprint/form of the existing building. Glazing is proposed on all elevations, but this will essentially utilise existing openings within the building. The only 'new' elements consist of 4 new roof lights and a flue, all of which are to be positioned on the north eastern elevation. The latter is to serve a new wood burning stove.



PLAN 2: Proposed Elevations



PLAN 3: Proposed Floor Plans

As can be seen in PLAN 1, the 'site' and thus land that is the subject of this proposed change of use, is shown relatively tight around the existing building with a small area of hardstanding and a small residential garden on the north western and south western sides of the building, respectively. The long access track and an area of parking/turning is also incorporated into the 'site'. The remainder of the paddock/field is shown to be off site and is thus to remain in non residential use. A comprehensive landscape plan has been submitted for this remaining area identifying a new orchard, rough grassland meadow; and additional trees and hedgerow planting.

The application is accompanied by a Planning Statement; a Preliminary Ecological Appraisal & Bat Survey (September 2021); and a Viability Statement setting out why alternative uses, other than a residential use, are not practical propositions for the barn. During the course of the application, amended plans have also been received which have identified the proposed ecological mitigation discussed in the Ecological Appraisal, in situ on the site.

6. Local Planning Policy

- National Planning Policy Framework (NPPF)*
- National Planning Practice Guidance (NPPG)*
- National Design Guide (January 2021) (NDG)*

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy) (SDLP):
R2 – Public Open Space Provision

Wiltshire Core Strategy (January 2015) (WCS):

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP17 (Mere Community Area)

CP39 (Tourist Development)

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP52 (Green Infrastructure)

CP57 (Ensuring High Quality Design & Space Shaping)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

East Knoyle Village Design Statement (VDS)

Cranborne Chase AONB Management Plan 2014-2019

Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of consultation responses

7.1 East Knoyle Parish Council – Objection

- The application does not meet the required NPPF criteria for conversion from agricultural use to housing for agricultural dwelling purposes

7.2 Highways – No Objection subject to Conditions

- The application is the same in highway terms as the previous application and therefore my comments are similar to those for PL/2021/10169.
- The sustainability of the site is a concern as the site is located outside of any development boundary and I will be guided by you as to whether you consider the proposal 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.
- As the rural lane used to access the site, is of sufficient width along its majority to allow two vehicles to pass with informal passing places and wide verges, it is considered that the use of the barn for residential accommodation and the vehicle movements associated with it is acceptable.
- Should you be minded to support the proposal, I wish to raise no highway objection providing that conditions are imposed

7.3 Ecology – No Objection subject to Conditions

- The ecology report and landscape plans submitted with this application are considered sufficient to assess the ecology baseline with suitable mitigation measures proposed

7.4 Landscape – No comments received

7.5 AONB – Objection

- The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area
- Natural beauty includes wildlife, scientific, and cultural heritage.
- This AONB's Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils.
- It sets out the Local Authorities' policies for the management of this nationally important area and the carrying out of their functions in relation to it
- The NPPF confirms that the AONB and its Management Plan are material considerations.
- The 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 11 and footnote 7
- For decision making the application of NPPF policies that protect an AONB 'provides a clear reason for refusing development proposals'
- Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection
- The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas.
- The scale and extent of development within all the designated areas of AONBs and National Parks should be limited.
- development within their setting should be sensitively located and designed to avoid or minimise impacts on the designated areas.
- This AONB is in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB.
- On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world.
- Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified to eliminate its impacts.
- The AONB is concerned about light pollution.
- Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Notes on Good External Lighting and Paper by Bob Mizon on Light Fittings. And maintained in perpetuity
- In this location that means all lighting complying with Environmental Lighting Zone E1 as defined by the Institute of Lighting Professionals 2011
- The site is at the interface of the Donhead – Fovant landscape character area of the Greensand Hills landscape character type and the Vale of Wardour landscape character area of the Rolling Clay Vales landscape character type of the AONB's landscape character assessment
- The perceived need for accommodation in and around this AONB is for affordable dwellings.
- Although the proposal is for a 2 bedroom residence it is clear from the plans that it would not be categorised as 'affordable'.
- Looking at the Application Form, the 'unknown' response to foul sewage matters suggests that the proposal has not been thought through, and potential impacts on the landscape proposals or nearby water courses have not been considered.
- The lack of storage space for waste and recyclable materials between collections and the lack of technologies for the capture and utilisation of renewable energy mean the application fails to comply with the AONB Management Plan.
- I read that the existing gross floor space is 141 square metres. However, the additional first floor provision in the conversion is not included in the calculation.

- Somewhat strangely, the calculation on the application form shows there would be no new floor space and a net loss of floor space.
- The Planning Statement refers to the land and building being redundant in terms of equestrian use simply because no horses are being kept there at the moment.
- Without a change of use the equestrian use could be revitalised on the land and, if the current application is approved, an argument put forward for new stables.
- It would seem that until such time as the equestrian use is formally revoked the existing building, cannot be regarded as redundant.
- I see the planning consultant seeks to promote a case on the basis of NPPF paragraph 80c, and that reuse of a redundant building with enhancement of the immediate setting could be acceptable.
- The submitted landscape plan and specification, apparently aimed at reinforcing the natural characteristics of the location, includes a large number of *Berberis darwinii* which is not a native or naturalised species.
- Most of the landscape proposals would be outside the application, red line, area which could create confusion about the extent of the curtilage of the dwelling
- The AONB is very disappointed that the proposal continues with the insertion of roof lights into the proposed converted barn. As you know, roof lights have a considerable capacity to contribute to light pollution, and this AONB is the 14th International Dark Sky Reserve in the world.
- There is, therefore, an obligation on all the AONB partners, including Wiltshire Council, to reduce light pollution and not to facilitate developments that contribute to light pollution.
- It is not a case of minimising additional light pollution; unless reductions in light pollution can be demonstrated the AONB risks losing the IDSR status.
- It is also noticeable that there are areas of floor to ceiling glazing. Again, this has considerable capacity to contribute to light pollution and none of the submitted documentation indicates how that pollution would be prevented
- The submitted documentation seems to be just a little too relaxed when it comes to key points. For example, the reference to Wiltshire Core Strategy Policy 51 omits a key element that development proposals should demonstrate how they take account of the AONB Management Plan.
- The reference to NPPF Paragraph 11 and the possible shortage of a five year land supply does not take account of the fact that a shortfall in housing land supply does not negate policies in the NPPF that protect AONBs
- The AONB Partnership is very concerned about the number of the gaps within the submitted documentation.
- In this sensitive location all Permitted Development Rights should be removed
- Mindful of the AONB Management Plan objectives, any provision of services should be underground.
- Floor to ceiling glazing should incorporate integral blinds or louvres that can be closed at night to prevent light pollution.
- Roof lights should be designed out of any conversion.
- If there is an exceptional case for roof lights then, again, they must be fitted with integral blinds or louvres that are automatically closed at dusk and open at dawn.
- The application as currently submitted is not policy nor AONB Management Plan compliant, and is not good enough to approve.

7.6 Letters – 5 letters of objection received. The following comments made:

- How can so many applications be made for such an unnecessary and unwarranted development. This is the 4th application in 3 years
- Objections were raised to the previous planning applications in November 2021 and again in January 2022

- The revised design is very similar to the 2019 and final 2021 proposal. Both of which were refused. What has changed?
- The barn on the adjacent site was 'signed off' by Planning Enforcement as no unauthorised residential conversion had taken place. Yet the developer told East Knoyle Parish Council that both he and his employee regularly stayed overnight in the barn
- The conversion of an agricultural building of historical interest into a 2 bedroom dwelling is against the spirit and principles of development on rural land.
- This proposal is at variance with the principles of re-wilding and wildlife protection as it will disperse wildlife from the barn
- This barn could still have a purpose as a new barn has been constructed next to the reserve's administration and meeting centre in the adjacent field.
- The plans show a room layout that is more suitable for short term or ad hoc living than a permanent residence
- Eco tourism in this spot is ludicrous
- The building has been made redundant over the last 3 years by the current owner but there is demand in and around the village for horse/pony accommodation.
- All offers from local horse owners have been rejected
- The needs for accommodation to extend the activities of the Underhill Wood Nature Reserve are now not mentioned
- Windows on all elevations will all face at least one other house.
- A hedge is needed on the north side of the building where the windows are to be situated otherwise overlooking will occur
- The first-floor roof lights overlook the neighbours at Underhill Farm
- The barn is an interesting example of our horse based agricultural history and should not be developed into a house or for any other purpose.
- It is a valuable cultural asset to the village as an agricultural building.
- The applicant has not been maintaining or looking after the building.
- Development here is unnecessary, unwanted and is a creeping urbanisation of a beautiful and currently unspoilt setting.
- The barn can be seen from the public highway and converting it into a dwelling and landscaping the surrounding field will destroy what has been a beautiful and tranquil part of the village for hundreds of years.
- It will set a precedent that is unwelcome and unwarranted in this rural location
- Any screening effects of the proposed landscaping will be destroyed by the removal of hedgerows
- The barn is a haven for wildlife with swallows, barn owls, bats etc
- Maintaining the barn as it stands is far more beneficial to the surrounding area and the flora and fauna and wildlife than converting it into a dwelling
- Roof lights will increase the light pollution in this area from what is currently a dark field and woodland
- The site is within the International Dark Sky Reserve and this proposal is counter to their principles.
- Due to lack of space in the existing building, extensions, garages and outbuildings are likely to be required in the future
- Concerned about the volume of traffic on a narrow, single lane, country lane between Underhill to West Knoyle with a 60 mph speed limit
- The road is part of the Wiltshire Cycleway and attracts many cyclists
- Riders and horses, including the local hunt with their hounds, are regular users of the road along with farm traffic
- The 'writing studio' will become a meeting room for the nature reserve (cf. the 2021 proposal) causing further traffic movement and human activity

7.7 Letters – 1 letter of support received. The following comments made:

- My wife and I have been to Underhill Wood Nature Reserve several times to learn about rewilding.
- We have recently attended a very valuable workshop which gave us many ideas about how to support nature on our own property.
- Having the owners living on the site would enable the Nature Reserve to play an even greater role in combatting the climate and biodiversity crises

8. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

8.1 Principle:

As is identified above, the site is situated in the countryside, as defined by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP17 (Mere Community Area); and is some distance from any local services or facilities. Any future occupier of this building will therefore be reliant on the private car to access the site and any local services. It is therefore considered to be in an unsustainable location where there is a general presumption against new development, particularly of a residential nature.

However, there are a number of exceptions to this general policy of restraint listed in paragraph 4.25 of the WCS. One such exception policy is WCS policy CP48 (Supporting Rural Life). WCS policy CP48 (Supporting Rural Life) is generally supportive of the conversion of an existing building in the countryside. This support is however subject to a number of criteria, as follows:

‘Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy the following criteria:

- i. The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*
- ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*
- iii. The building can be served by adequate access and infrastructure.*
- iv. The site has reasonable access to local services.*
- v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy’.

It is clear that the policy has 2 parts. The first provides a hierarchical consideration of alternative uses and insists that alternative employment, tourism, cultural or community uses are considered and discounted before a residential reuse of a building will be considered acceptable. The second part looks at the building and the level of work involved to convert the building for an alternative use; and the potential impact of the proposed conversion for landscape character; appearance; and highway safety. If

both parts of this policy can be satisfied, then the principle of the building's conversion, including for a new residential dwelling, could be accepted in this location, even though it is an unsustainable countryside location within an AONB.

8.2 Planning History:

At this point it is necessary to briefly discuss the planning history for this barn, as a number of proposals have failed so far to convince the Local Planning Authority that the conversion of this building is acceptable for residential purposes.

The 2019 Application:

As per the current application, the previously refused 2019 application was put forward purely on the basis of WCS policy CP48 (Supporting Rural Life). The 2019 application was however refused because it was not considered that enough evidence had been submitted to demonstrate that alternative uses could not be made viable; or therefore that a residential reuse was the only viable reuse option for this building. Whilst the policy does not set out how this can be tested/demonstrated, it is normally expected that a robust marketing exercise should be undertaken to test the market in these regards. In the absence of any such evidence, it was considered that its conversion to a dwelling was not justified.

In addition, the 2019 scheme was refused because the remaining site, at that point entirely unrelated to the adjacent nature reserve and not in the current applicant's ownership, was relatively large and would still need managing/maintaining either with horses or machinery. It was therefore considered that a new building to provide replacement stabling or machinery storage would likely be needed if the existing barn was converted for other purposes. The application was therefore refused and the decision was not challenged at appeal.

The 2021 Application:

As is identified above, the subsequent 2021 application was submitted by the current applicant who purchased the barn following the refusal of the 2019 application. The 2021 application was still not accompanied by any market evidence to confirm that any alternative uses had been properly considered and/or would not be viable. However, this scheme went through many iterations during the lifetime of the application process, but was refused because it was not considered that a dwelling was necessary to enable cattle grazing to occur on the wider site; nor was a dwelling deemed to be necessary for the operation of the adjacent nature reserve.

This previous application also tried to argue that the proposals were acceptable in line with Paragraph 80 of the NPPF as a 'special circumstance' because of the isolated nature of the building, in line with the last paragraph of WCS policy CP48 (Supporting Rural Life). However the Local Planning Authority were not convinced that the building was redundant, as required by Paragraph 80. In addition, the proposed landscape works, which are part and parcel of most developments and could have happened irrespective of the development, were not considered to cause an enhancement of the immediate setting of the building, which is already an attractive building and is already situated in an attractive AONB landscape and setting.

It was however conceded that as the current applicant owns and sensitively manages the adjacent nature reserve site, the loss of this barn for an alternative, non equestrian/agricultural use is less likely to result in the need for a new building on the site. Any such machinery could be stored in other building/s on the wider site; and/or this remaining paddock could be managed as part of the wider nature reserve. Thus that concern was overcome by the previous application.

8.3 The Current Application:

The current application now seeks to convert the barn purely in line with WCS policy CP48 (Supporting Rural Life). Whilst it is clear that the site has still not been marketed for alternative uses, this application *is* now accompanied by a Viability Appraisal and a Planning Statement which together set out why alternative uses would not be suitable or viable for this barn.

Alternative Uses:

Employment/Cultural or Community Uses:

The supporting documentation argues that an employment, cultural or community reuse of the building would not be appropriate because of the isolated nature of the site; the unsuitability of the access and access track for use by potentially large vehicles; the level of car parking that would be required to serve such an office/business use; the compatibility of commercial uses adjacent to residential uses; and that the nearby village is already well served by community buildings and meeting rooms.

Given that the existing use of the site is for equestrian, it is not considered that the potential for large vehicles to use the site access is a realistic concern for these potential uses. Likewise the site could be made larger to accommodate the amount of car parking provision that would be required from such uses, especially as the applicant owns the whole surrounding paddock. The likely compatibility of an office use of the site, comparative to a stable is also unlikely to be worse for adjacent neighbouring amenities, especially as the former B1 office uses (now Class E(g)) are by their very nature considered to be compatible with residential uses.

However the isolated nature of the site does make these uses impractical. The site is not closely related to any village or settlement. The roads leading to it do not benefit from pavements and no bus services actively serve the site or link it to any nearby settlement. In addition, whilst the building is in good condition, it needs a large initial investment to make it water tight and suitable for office or community accommodation, which would be beyond the latter; and the end product would not really be large enough for a viable business/office use to offset this initial cost. It is therefore accepted that these alternative uses would not really be appropriate.

Equestrian Use:

In addition, much local representation has also suggested that this building should be retained in an equestrian use and that there is a lot of local demand for stabling in the area. Whilst it is accepted that the applicant has actively left the barn empty for the past 3 years which is the only reason it is now vacant; the planning system cannot insist that the applicant provides the associated land for such an equestrian use. Furthermore, despite assertions to the contrary, planning permission is not required to change the use of the surrounding land from equestrian uses, back to an agricultural use (including the creation of a wildlife/nature reserve) as this does not constitute development. Therefore whilst the building is suitable and could still be used as a stable; and there is no doubt that there is some demand for this locally, the site no longer provides sufficient grazing land associated with the stable building and certainly not enough to meet the animal welfare guidelines set out by the British Horse Society. Without the associated land it is not therefore considered that the building's continued use as a stable is suitable. In any event it must be noted that WCS policy CP48 (Supporting Rural Life) does not actually require the building to be redundant before an alternative use of the building will be accepted, but actually only requires them to be rural.

Tourist Use:

Finally there is the suitability of the building to be used for tourist accommodation. Indeed the last application originally proposed its conversion into a 2 bed holiday let in association with the adjacent nature reserve. However the application is now accompanied by a Viability Assessment which details the potential costs and thus viability of both a holiday let and a residential use.

There are a number of anomalies and errors in the submitted Viability Assessment, for instance it refers on numerous occasions to the 2018 NPPF, which is now out of date. It also assumes an end market value for a residential dwelling of nearly £1 million, which is considered unrealistic as it is unlikely that a 2 bed barn conversion of this size, even in this location, would be worth nearly £1 million. This cost appears to be based on an arbitrary cost per sqm calculation rather than on the actual market rate for such a property in this location. The report also aims for a 17.5% profit margin for a residential dwelling but only achieves 11%.

However, the policy does not require a residential use of the site to be viable, but merely that all other uses are found to be not viable before a residential reuse will be accepted. In addition, the assessment clearly demonstrates that a holiday let use of the building would not be viable given the initial costs involved to convert the building versus the potential return.

The submitted Viability Assessment and discussion regarding other potential uses for the site has therefore satisfactorily demonstrated that on balance, a residential reuse of this building is the only practical long term option for this building. Having a viable function for the building is essential and supported in this instance because it will ensure the long term safeguarding, investment, maintenance and thus retention of this attractive building, which as much local representation has confirmed, is of local importance. The previous reasons for refusal outlined in 2019 for a similar scheme have therefore been satisfactorily addressed and the requirements of the first part of WCS policy CP48 (Supporting Rural Life) has finally been fulfilled so that a positive recommendation can now be made.

8.4 Character & Design:

The site is situated in undulated countryside some distance away from the small village of East Knoyle. The whole site is also situated within the AONB which has recently been designated as the 14th International Dark Sky Reserve in the world. The existing building has an agrarian character of traditional brick and tile construction. It is an attractive, simple building within an open field setting. It nestles into the topography and as a result of the existing woodland and field boundaries that exist, it is fairly discreet from the wider public domain/surrounding footpath network.

As was established as part of the assessment of the previous applications, whilst no structural evidence has been submitted with the applications, the Council is satisfied that the building is in good order and appears to be capable of conversion without significant rebuild/addition. Any alterations to the building that are identified are kept to a minimum, with minimal new openings proposed; no changes to the height or form of the existing building identified; and the existing agrarian character is thus respected. Whilst a new external flue and 4 rooflights are proposed in the roof slope, these are to be on the northern elevation and the flue is of low height meaning that it will not protrude above the ridge or thus be particularly obvious from the public domain (and could be conditioned to be finished in a non reflective material). Therefore, it is considered that the resultant conversion works will still retain the rural character of the building; will not be too domestic; and are unlikely to result in significantly different implications for the character of the area or AONB, especially when seen from the

public domain, as the building will retain its existing agrarian character and relatively discreet presence in the landscape.

The existing building is located on one side of an attractive valley. The building is not listed but is of traditional agrarian character and is very attractive. Whilst not really prominent in the wider landscape the existing building is already considered to positively contribute to the character and rural nature of its setting. The identified 'site' and thus proposed residential curtilage is kept tight around the building and the access track, thereby limiting the impact of any domestication or encroachment of domestic paraphernalia into the remaining paddock land/countryside. A comprehensive landscape scheme has also been submitted, which proposes the planting of an orchard on the frontage part of the wider site; a supplementation of existing site boundaries with additional hedging and mature trees; and the creation of a rough grassland area on the rear part of the wider site. Whilst these areas of landscaping are off site, they are identified as being in blue land and thus in the applicant's control. Conditions can thus be imposed to ensure that these works are implemented. The AONB has suggested that the offsite landscape proposals will blur the edges of the residential curtilage meaning that in the future the residential curtilage will extend into this area. However the red line defines the residential curtilage and conditions can also be imposed to secure a boundary fence or field hedgerow along the site boundaries to physically delineate these areas on the ground. Whilst the provision of the proposed landscaping is not required in order to screen or enhance the building in this setting, they are considered to be appropriate for this landscape and are acceptable.

Much local concern has been raised by local residents and the AONB about the level of glazing proposed and in particular the rooflights identified as these could prejudice the AONB's dark skies initiative. However whilst the Council are very supportive of the dark sky initiative, there are no policies in the adopted development plan that prevent the insertion of rooflights in such structures in such locations; and indeed such features can be installed under a property's permitted development rights without the need for planning permission. It is not therefore possible or reasonable for the Local Planning Authority to prevent all roof lights in an AONB location.

In any event the insertion of a few modest rooflights was accepted as part of the previous conversion schemes on this site, albeit that the previous schemes were ultimately refused, as rooflights generally enable the agrarian character and form of the original barn to be retained; are less domesticating than standard windows; and involve minimal intrusion to the physical fabric of such a building. Given the position of the rooflights on the northern elevation, against a well defined hedged boundary, it is not considered that they would result in any significant implications for the dark sky setting of the site/AONB. It would also not be reasonable or enforceable to impose conditions regarding window coverings/blinds etc. However given that the four roof lights serve the 'writer's studio', a stairway, and a bathroom; and are proportionally small, it is likely that they will either be fitted with coverings or not be lit up constantly throughout the evening. Any potential light spill from these 4 roof lights will therefore be minimal. All other glazing/fenestration is to utilise existing openings in the building and is again therefore accepted.

Local concern has also been raised about the potential for future extensions or alterations to the dwelling if approved. However, the property's permitted development rights could be removed by condition meaning that any such alterations/extensions would require planning permission and thus these could be considered on their own merits at that point and prevented where harm was identified.

8.5 Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensure that appropriate levels of amenity are achievable within the development itself. The NPPF 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, daylight and sunlight, and living areas within private gardens and this therefore needs to be carefully considered accordingly.

The nearest residential property to the site is that of *Hartmoor* to the south east. This property is situated on higher ground and adjacent to the main road. The existing barn is however situated some distance from this neighbouring property. It is not therefore considered that the proposals would result in any implications for this neighbour in terms of overlooking, loss of light or dominance. There is scope for the use of the access track to lead to some noise or disturbance as it is adjacent to this garden boundary. However, this track already exists and is presumably already and/or was once in use by agricultural or equestrian vehicles. It is considered that the use of the access for a residential purpose is likely to result in less noise/disturbance than its previous use and would thus result in an improvement for these neighbouring amenities. The submitted landscape plan also identifies supplemented hedgerows between the two sites in order to increase/supplement screening and mitigate any potential impact for these closest neighbours in this regard.

Concern has been raised about the level of windows that are proposed on the building, as it is suggested that each elevation looks towards a neighbouring property. However as is discussed above, other than the 4 new rooflight, all other windows are to be positioned in existing openings in the building. In addition, whilst the windows may face in the direction of neighbouring properties, planning does not protect the right to a view, but rather tries to mitigate or resist the potential for harm that might arise from a development. Therefore just because the building and windows may be visible from neighbouring properties, this does not mean that a scheme should be refused. In this instance the existing building is nestled in a valley in the middle of a large paddock site and is surrounded by fields. The nearest neighbour, as is discussed above, is *Hartmoor* which is approximately 73 metres away to the south east of the existing building. This level of separation is considered to be more than sufficient to mitigate any potential impact in terms of direct overlooking or loss of privacy. Other neighbouring properties, including *Underhill Farm*; *Underwood House*; and *Brickyard Farm* (now *Windmill Farm*), are 100+ metres away from the site. Even if tree removal is proposed or views will be afforded, it is considered that, given this level of separation, any potential concern regarding overlooking, loss of privacy, dominance, or over shadowing would not be significant to justify a reason for refusal of this scheme.

8.6 Highway Safety:

The Highway Authority has raised concern regarding the sustainability of the site as it is situated outside of any defined settlement and some distance from any local services. It has also been confirmed that there are no facilities within easy walking distance of the site and little opportunity to travel by means other than the private car. The Highway Authority however rightly confirm that this matter would be overridden if the provisions of WCS policy CP48 (Supporting Rural Life) were to be satisfied because the reuse of redundant buildings is a sustainable objective in its own right. As is identified above, this policy has now been satisfied by the current proposals and thus the conversion of this building into a dwelling is accepted as an exception to the general presumption against development in this unsustainable location.

Local concern has been raised about the proposed access and its position on a bend in the narrow lane which is well used by walkers, cyclists and horse riders. However, the access already exists and is/has been used to serve an equestrian/agricultural use of the site which could require large/slow/more cumbersome traffic and machinery visiting the site. It is therefore considered that these proposals would not result in any additional implications in this regard and is more likely to improve the existing situation due to the level and type of vehicles likely to be generated by this proposed use. The Highway Authority has raised no highway safety objections to the proposal, in terms of the access or onsite parking provision and therefore this local concern cannot be upheld in this instance.

8.7 Ecology:

Known local species records identify bats and badgers in the vicinity of the site. The site is also located in a rural area adjacent to mature hedge/tree with connectivity to surrounding woodland areas. WCS policies CP50 (Biodiversity and Geodiversity) and CP52 (Green Infrastructure) and the NPPF requires that the Local 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.

For this reason, the application is accompanied by an ecological appraisal and bat survey. This has identified that the building is being used as a bat roost. Mitigation and enhancement measures are therefore identified in this document. During the course of the application, amended plans have also been received which identify these features on the building/site. The Council's Ecologist has raised no objection to the proposals in this regard, accordingly.

8.8 Drainage/Flooding:

The site is situated in Flood Zone 1; and is not in an area that is at high risk of ground water flooding. The scheme also involves the provision of 1 dwelling and is thus a small scale development. Whilst the AONB has questioned how the site is to be drained; in such a location and with such a scale of development, this is a matter that is dealt with at the building regulation stage. It is not a matter for consideration at this planning stage,

8.9 CIL/S106:

WCS policy CP43 (Providing Affordable Housing) and SDLP policy R2 require contributions towards affordable housing and public open space provision from any net gain in the number of dwellings in the area. However, following subsequent ministerial advice, the updated NPPF confirms that these policies now only apply to sites of 10 dwellings or more and therefore there is no longer a requirement for such contributions from this application proposing only 1 new dwelling.

However, as of May 2015, Wiltshire Council adopted the Community Infrastructure Levy (CIL). Therefore this proposal may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A note highlighting this requirement to the applicant is therefore imposed on the recommendation.

9. CONCLUSION:

The building appears to be in good order and is capable of conversion; and the proposed conversion works are minimal, sensitive and will retain the agrarian character of the building. Enough evidence has also now been submitted to confirm that the building is not suitable for alternative purposes and that a residential reuse of the building is the only way to ensure its long term future/retention. Previous concerns

and reasons for refusal have therefore be adequately addressed and the proposals are therefore recommended for permission accordingly.

10. RECOMMENDATION:

Permission 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:

Application Form & Certificate

Ref: 21/747/P001 Rev B – Proposed Site Location Plan. Received – 31.08.2022

Ref: 21/747/P002 Rev B – Proposed Site Block Plan. Received – 31.08.2022

Ref: 21/747/P100 Rev A – Proposed Ground Floor Plan. Received – 31.08.2022

Ref: 21/747/P101 Rev A – Proposed First Floor Plan. Received – 31.08.2022

Ref: 21/747/P102 Rev A – Proposed Roof Plan. Received – 31.08.2022

Ref: 21/747/P110 Rev B – Proposed North & South Elevations. Received – 14.11.2022

Ref: 21/747/P111 Rev A – Proposed East & West Elevations. Received – 14.11.2022

Ref: 21/747/P120 Rev A – Proposed Sections A-A and B-B. Received – 31.08.2022

Ref: 348_PN_01 Rev B – Landscape Plan. Received – 31.08.2022

Ref: 348_PN_02 Rev A – Planting Schedule & Specification. Received – 31.08.2022

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

3. The materials to be used in the construction/repair of any external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building; and/or shall accord with the material details identified on the approved plans.

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

4. The flue hereby approved shall be finished in a dark, non reflective finish

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

5. Notwithstanding the approved Landscape Scheme, the dwelling hereby approved shall not be first occupied until details of any hedgerows or boundary treatment that will be used to delineate the 'residential curtilage' of the dwelling on the ground have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with an agreed timetable or in accordance with the timings identified in condition 6, whichever is sooner. The boundary treatment shall be retained in perpetuity.

REASON: To ensure that the domestication and residential development of this site does not encroach into the surrounding paddocks/countryside to the detriment of the landscape character of the area/area of outstanding natural beauty.

6. 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.

7. The ecological mitigation measures, bat roosts and bat access points identified on Plans Ref: 21/747/P110 Rev B – Proposed North & South Elevations and 21/747/P111 Rev A – Proposed East & West Elevations (Received – 14.11.2022); and as outlined in pages 24-30 of the Preliminary Ecological Appraisal and Bat Survey Report, (Date: September 2021 by Stark Ecology Ltd), shall be installed in accordance with the approved details, or as otherwise specified in a relevant European Protected Species Licence superseding this permission. They shall be installed before the dwelling hereby approved is first occupied. The installation of the approved mitigation measures, bat roosts and access features will be supervised by a professional ecologist. The mitigation measures, bat roosts and access points shall be maintained and retained in situ in perpetuity for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity and protected species.

8. No new external artificial lighting shall be installed at the site.

REASON: In the interests of conserving biodiversity.

9. The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level, and maintained as such thereafter.

REASON: In the interests of highway safety.

10. The development hereby permitted shall not be first 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.

11. Any gates shall be set back 5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

12. The development hereby approved shall be occupied until enough space for the parking and turning of 2 vehicles 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/turning.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A-E, G or H shall take place on the dwellinghouse hereby permitted or within its curtilage.

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

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

REASON: In the interests of amenity of the area and to retain the attractive agrarian character of the existing building.

INFORMATIVES

- 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.

- 2) Please note that the drainage strategy for the development will be considered at the building regulation stage and has not been assessed as part of this planning application. Please note that should changes be required to the final approved scheme in order to achieve a satisfactory drainage strategy for the site, this may require the submission of a revised/amended scheme to be considered by the Local Planning Authority accordingly.

- 3) The barn is used bats as a roost. Under the Conservation of Habitats and Species Regulations 2017, 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 replacement of the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

- 4) 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.

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