

AGENDA

Meeting: Southern Area Planning Committee

Place: The Pump Room - The Old Fire Station Enterprise Centre, 2 Salt Lane, Salisbury, SP1 1DU

Date: Thursday 27 April 2023

Time: 3.00 pm

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 George Jeans

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

Substitutes:

Cllr Sam Charleston
Cllr Ernie Clark
Cllr Kevin Daley
Cllr Bob Jones MBE

Cllr Ricky Rogers
Cllr Graham Wright
Cllr Robert Yuill

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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](#).

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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 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 30 March 2023.

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 20 April 2023, 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 24 April 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 19 - 20*)

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

Planning Applications

To consider and determine the following planning applications.

7 **Application No. PL.2021.09623 - Land at Chicklade Road, Hindon**
(*Pages 21 - 62*)

Erection of 31 dwellings and general practice surgery (Class E) and associated landscape and access works.

8 **Urgent Items**

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

Part II

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

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 30 MARCH 2023 AT THE PUMP ROOM - THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

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

140 **Apologies**

Apologies were received from:

- Cllr Charles McGrath

141 **Minutes of the Previous Meeting**

The minutes of the meeting held on 2 February 2023 were presented.

Resolved:

To approve as a correct record and sign the minutes.

142 **Declarations of Interest**

During consideration of Item 8b, Application PL/2022/09311 4 The Flood, Middle Winterslow, Cllr Nabil Najjar noted that he had previously retained the Agent for the application for his own personal work. He took part in discussion but abstained for the vote.

143 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public and drew attention to the presentation slides which had been uploaded to the website as Supplement 1 to the online agenda.

144 **Public Participation**

The committee noted the rules on public participation.

145 **Wildlife and Countryside Act 1981 - Section 53, The Wiltshire Council
Whiteparish Path no.42 Definitive Map and Statement Modification Order
2022**

Public Participation

Sheila Cook spoke in objection to the Application.

Graham Peacop spoke in objection to the Application.

Christine Davies spoke in objection to the Application.

Attention was drawn to the information contained in Agenda Supplement 1 which included late correspondence from the Applicant with a response by the Officer. Also, the notification of the withdrawal of support by a neighbour for non-evidential reasons.

The Senior Definitive Map Officer, Janice Green, presented the Application under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath to the Definitive Map and Statement of Public Rights of Way, between Common Road and Footpath no.6 Whiteparish, "The Drove", based on user evidence and some historical evidence.

As set out in the report and noted during the presentation, submissions in objection and support had been received, as detailed in para 8 of the report.

The Officer explained that where an Order received objections which had not been withdrawn, the Order must be forwarded to the Secretary of State for determination. The Order had come to Committee to make a recommendation to be attached to the Order when it was presented to the Secretary of State.

The Secretary of State would determine the Order by:

- Written representations;
- Holding a local hearing; or
- Holding a local public inquiry, to be presided over by an Inspector appointed on behalf of the Secretary of State, at which witnesses on both sides will give oral evidence and be cross-examined on their evidence.

Based on the evidence, the Inspector appointed on behalf of the Secretary of State would determine whether the Order was:

- Confirmed;
- Confirmed with modification/s; or
- Not confirmed.

The Committee was asked to consider the objections and representations received and the evidence as a whole, in order to determine whether or not Wiltshire Council continued to support the making of the Order under Section 53(2) of the Wildlife and Countryside Act 1981.

The Officer set out the options available, these were:

(i) Members may resolve that Wiltshire Council continues to support the making of the Order, based on consideration of the available evidence, in which case the Committee should recommend that the Order be confirmed without modification;

(ii) Members may resolve that Wiltshire Council continues to support the making of the Order with modification, based on consideration of the available evidence, in which case the Committee should recommend that the Order be confirmed with modification;

(iii) Members may resolve that Wiltshire Council no longer supports the making of the Order, based on consideration of the available evidence, in which case the Committee should recommend that the Order is not confirmed with clear evidential reasons given for this resolution;

(iv) Members may resolve to take a neutral stance, if the Committee considers on consideration of the available evidence that a Wiltshire Council recommendation cannot be attached to the Order when it is forwarded to the Secretary of State for determination.

The Officer explained the tests for Making and Confirmation of an Order and that it was appropriate to make the Order based on a reasonable allegation, however, in this case, upon the making of the Order, no additional evidence to support the addition of the route had been submitted and additional evidence had been submitted in objection to the Order, particularly with reference to:

- The presence of a two strand wire fence across the width of the way, at the south-west turn, which may have brought public use of the way into question at an earlier date; prevented use and/or affected qualifying user “as of right” from 1979.
- The junction with Footpath no.6 at the southern end of the Order route.

It was considered that where there was conflict in the evidence and the evidence was finely balanced in the balance of probabilities test to be applied at the confirmation of the Order, it was not possible for Wiltshire Council, as the Surveying Authority, to reach a recommendation to be attached to the Order when it was forwarded to the Secretary of State for determination.

Members had no technical questions to ask of the Officer.

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

Some of the main points included a statement from a family member of a 4th generation of farmers who had lived in the village for many years, noting that the Drove was not a footpath and had never been one, adding that their relative who had had lived in the Cottage Farm Bungalow between 1988 – 2006 would have prevented anyone attempting to use the path without permission.

During the 1983 – 2003 timeframe, cows were grazing in the field next to the Drove and there was an established fence in place to prevent them escaping on to Common Road.

The route was not linear and there was no access at one end or connection to path no. 6. The landowners only gave permission to residents of six specific dwellings, which backed on to the Drove, however those residents were not able to turn right as that would have been against the permissions of the landowner.

To link the Drove to footpath no. 6 would require clearance of vegetation, which was felt should act as evidence that the Drove had never connected to footpath no. 6.

As the Division Member, for Whiteparish was not in attendance, Cllr Hocking moved the motion in line with the Officer recommendation. This was seconded by Cllr Oliver.

The Chairman sought clarity on the options available to the Committee and that the Committee was not determining the Order, but the Wiltshire Council recommendation of a neutral stance, which would then accompany the Order when it was presented to the Secretary of State for decision.

The Committee discussed the application, the main points included agreement that it may be difficult to establish how the path had been used historically during the user period in question and so supported a neutral stance.

The Committee then voted on the motion to support the Officer recommendation.

It was;

Resolved:

That “The Wiltshire Council Whiteparish Path no.42 Definitive Map and Statement Modification Order 2022” be forwarded to the Secretary of State with a neutral stance from Wiltshire Council regarding the determination of the order, as it is not possible for Wiltshire Council to reach a decision where the evidence is finely balanced in the balance of probabilities test and may only be resolved by witnesses giving evidence and being cross-examined on their evidence at a public inquiry.

146 **Planning Appeals and Updates**

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

Resolved

To note the Appeals Update.

147 **Planning Applications**

148 **APPLICATION NUMBER: PL/2023/00213 3 Old Mill Close East Knoyle New dwelling**

Public Participation

Mrs Tarn Winstone spoke in objection to the application.

Mrs Thelma Tompkins spoke in objection to the application

The Planning Officer, James Repper presented the report on the application, which was for the construction of a single 2 bedroom cottage on part of a garden.

The main issues which were considered to be material to the determination of the application were noted as:

- Principle of development
- Scale, design, impact on character and appearance of the area
- Impact on AONB
- Residential amenities/living conditions

The application had generated an objection from East Knoyle Parish Council and 8 letters of representation from the public. The AONB had also raised an objection.

The application was for an infill development in a small village. The ground floor side window was not considered to be overlooking and the change in height was considered minor. The shadow path analysis was explained and detailed on the presentation slides.

The application was recommended for approval with conditions.

There were no technical questions asked of the Officer.

Members of the public as detailed above, then had the opportunity to speak on the application. Some of the main points included information relating to the separate matter of a boundary dispute between the applicant and an adjoining neighbour.

In addition, comments stated the development would be detrimental to the privacy and lighting of the neighbouring properties as well as being overbearing. If approved the development would overlook that outside space and would cause overshadowing and have an oppressive feel.

Other comments noted the negative impact to the AONB and a reduction to current views of hills and trees and increased traffic movements and issues. Traffic issues will arise from this build.

The design was considered out of character and too large for the small sized plot.

The Divisional Member, Cllr Bridget Wayman who was on the Committee spoke in objection to the application, noting the AONB concerns relating to light from the roof lights, and highlighted that the report had disregarded the concerns. Stating that it had no regard to para 185 of the NPPF. Cllr Wayman also explained what was required to retain a Dark Sky status.

In addition, the roof windows at the rear would be overlooking the neighbour behind. Overall, Cllr Wayman felt that it was a poorly designed property which would be better placed on the edge of the village where it could be more spaced out.

Cllr Wayman then moved the motion of refusal against officer recommendation, noting the following reasons:

- Overdevelopment and proximity to neighbouring properties.
- Out of character with the Streetscene
- Contrary to AONB Management Plan
- Contrary to Wiltshire Core Strategy policies CP51 & CP57

This was seconded by Cllr Hocking.

The Committee discussed the application, the main points included the AONB concerns and the importance continuing to preserve the Dark Skies status and how much weight this held in planning considerations.

The size and narrow layout of the site and the scale of the proposed development were felt to be too large for the space available.

At the conclusion of debate, the Committee voted on the motion of refusal, against officer recommendation, for the reasons as stated above.

It was;

Resolved:

That application PL/2023/00213 be REFUSED for the following reasons:

The site is a narrow plot located towards the southern end of the village within the Area of Outstanding Natural Beauty, a Dark Skies Reserve. Existing cottages adjacent to the site are of a traditional scale and design. The proposed new dwelling dwellinghouse is considered to be an overdevelopment and cramped form of development by reason of its excessive height and close relationship to neighbouring properties and would be an incongruous and unneighbourly addition to the street scene at odds with the character of surrounding residential properties. Further, the design of the proposal contains rooflights which are discouraged in the landscape of the AONB due to their contribution to light pollution. As such, the proposal is considered contrary to the aims of policies CP51 & CP57 of the Wiltshire Core Strategy, the aims of the AONB Management Plan, objective 22 of Wiltshire Council's adopted design guidance

'Creating Places', and the design guidance contained within the NPPF and associated design guidance and code.

149 **APPLICATION NUMBER: PL/2022/09311 4 The Flood, Middle Winterslow**

Public Participation

Mr Joseph Elder spoke in objection to the application.

Mr Michael Mallock spoke in objection to the application.

Mr Clive Duggleby spoke in objection to the application.

Mr Dan Roycroft (Agent) spoke in support of the application.

Clerk Jane Tier spoke on behalf of Winterslow Parish Council

The Senior Planning Officer, Lynda King presented the report on the application, which was for the erection of a dwelling house, associated access, hard and soft landscaping and associated works (Resubmission of 21/00943/FUL).

The main issues which were considered to be material to the determination of the application were noted as:

- Principle and planning history
- Neighbouring amenities
- Highway safety
- Ecology
- CIL/S106

The application had generated an objection from Winterslow Parish Council and 14 letters of objection from third parties.

The application was recommended for approval with conditions.

It was noted that the previous application which went to appeal had only been refused on Nitrates and on Overlooking, specifically from the rear bedroom windows on to the Middleton House conservatory area. As such, the Committee was advised that to refuse the application on any other grounds would not stand up to appeal.

The former reasons had been mitigated in the current application, as the development now included roof lights which served bathrooms and a stairwell and an agreement to resolve the nitrate issues.

Members then had the opportunity to ask technical questions of the Officer. It was noted that the S106 agreement involved an agreement to contribute to the councils strategy to mitigate nitrates.

The officer clarified where the subdivision of the site would be, using the presentation slides and explained that the development had moved approximately 1m forward on the plot.

In addition the Officer noted that the site was not in an area of flood risk and that other permission would be required to remove overhead wires, should the application be approved.

Members of the public as detailed above, then had the opportunity to speak on the application. Some of the main points included the scale of the development for the size of the plot, the general unkempt condition of the land, and the local concern relating to highways safety for varied users including, local families on their way to school, dog walkers, horse riders and general on foot pedestrian access due to there being no footpath or streetlights.

Other issues included heavy vehicular traffic access and an increased presence of large delivery vehicles which struggled to pass oncoming traffic due to there being only a few places where vehicles could pass each other along the road.

It was noted that there was no visitors parking and antisocial carparking would cause further issues.

The design was felt to be inappropriate, unsympathetic and out of character for area and the exits and entry were considered to be too close to the corner.

The privacy of the residents in Middleton House would be directly impacted by the development. It was stated that the Inspector had not had the opportunity to examine the traffic flow over any length of time.

The removal of hedges would result in destroying animals habitats and the overhead electric supply had not been addressed.

The agent highlighted that the only issues on the previous application which had been considered by an Inspector were the overlooking to the neighbours conservatory and the nitrates. The current application had been designed with upper windows changed from dormer windows to rooflights so could not look out directly on to the neighbour, due to serving bathrooms and roof light over a staircase. Other aspects for refusal were not for discussion this time. There were also no technical objections from the consultees.

The Parish Council statement was in objection to the application due to highways issues, overdevelopment and potential flood risks. The clerk also noted the level of calls and emails received from local residents concerned with the development.

The Divisional Member, Cllr Rich Rogers who was on the Committee spoke in objection to the application, noting the floor plans remained largely unchanged and that only the internal arrangements had been altered. The reasons for dismissal of the previous application by the inspector had not been satisfactorily resolved as there was still an element of overlooking possible from the roof windows. Cllr Rogers stressed the importance of safeguarding the amenity of the neighbour. It was Cllr Rogers view that only a single storey dwelling was suitable for the site and highlighted CP57 of the NPPF paras 124 & 130.

The Officer suggested that if minded to approve, the Committee could add a condition on the windows so that they could only be opened for ventilation. Cllr Rogers did not feel that the condition would safeguard the overlooking aspect.

Cllr Rogers then moved the motion of refusal against officer recommendation, noting the following reasons:

Contrary to Paragraphs 124 and 130 of the NPPF and Policy CP57 of the Wiltshire Core Strategy in that development should be compatible with and similar to adjacent properties and represent a high-quality design.

This was seconded by Cllr Najjar.

The Committee discussed the application, the main points included options for a condition on the Velux windows to be obscured/opaque and whether it was necessary to include the window above the staircase or to leave that clear to enable the maximum amount of light in that area of the dwelling. There were differing opinions around the ability to see out of roof light windows.

The ruling by the Inspector of the previous application was considered and it was noted that the nitrate issue would be resolved by the S106 agreement.

At the conclusion of debate, the Committee voted on the motion of refusal against officer recommendation for the reasons stated above.

For openness, Councillor Nabil Najjar noted that he had previously retained the agent of the application for his own personal work and decided not to take part in the vote on the application.

The motion failed.

Cllr Hocking then moved the motion of approval, in line with Officer recommendation.

This was seconded by Cllr Carbin.

The Committee then discussed the option of additional conditions.

Cllr Dalton proposed a friendly motion to include a condition to have fixed closed roof light windows or use obscured glass and for standard working hours during construction.

Clarification on the 5 levels of obscurity was sought and the Officer explained that at the highest level, level 5, light would still pass through but that you could not see through it.

Cllr Bridget Wayman objected to the stairwell roof window having obscured glass as it would limit the level of light on the stairs where she believed there should be as much light as possible

The original mover of the motion was asked whether he supported the friendly amendments put forward by Cllr Dalton. Cllr Hocking accepted the condition on standard hours of construction, however did not accept any condition to close or obscure the roof lights.

The Committee voted on the motion of approval, in line with Officer recommendation, with an additional condition to apply standard hours of construction. Final approval would be delegated to the Head of Planning pending the completion of the S106 agreement.

It was;

Resolved:

That application PL/2022/09311 be APPROVED subject to deferral to the Head of Planning, pending the completion of the S106 Agreement and 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:

Location Plan – Drawing no. 21/01/SK500 , received on 2nd December 2022

Block Plan – Drawing no. 22/22/SK200A, received on 12th December 2022

Proposed Floor Plans – Drawing no. 22/22/SK1, received on 2nd December 2022

Proposed Elevations – Drawing no. 22/22/SK3, received on 2nd December 2022

Proposed Roof Plan – Drawing no. 22/22/SK2, received on 2nd December 2022

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 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

REASON: In the interests of residential amenity and privacy.

5) The development hereby permitted shall not be first occupied until the first 2m 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.

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

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

7) No part of the development hereby permitted shall be first occupied until the access & 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.

8) Construction works on the site hereby approved shall take place between the hours of 8.00 to 18.00 only Monday to Fridays, 8.00 to 13.00 only on Saturdays and no works at all on Sundays or Bank Holidays.

REASON: In the interests of the residential amenities of occupiers of nearby residential properties.

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) The grant of the planning permission should be read in conjunction with the S106 legal agreement dated XXX entered into by XXX

3) The application involves an alteration to the existing vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The Page 504 applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

4) The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environmentagency.gov.uk

150 **APPLICATION NUMBER: PL/2023/01136 61 Moberley Road Retrospective application for the retention of a bike shed etc.**

Public Participation

Dr Nicholas Arnold spoke in support of the application.

Mrs Robyn Arnold spoke in support of the application.

The Committee noted a correction to the report due to typographical errors, which involved the applicants name and the recommendation as detailed in para 1.

The Planning Officer, Sarah Hill presented the report on the application, which was retrospective, for the construction of a painted timber bike store to the front of a dwelling and to install a window with rendered surround and painted cladding below.

The main issues which were considered to be material to the determination of the application were noted as:

- Principle of development, policy and planning history;
- Design, scale and impact on the amenity of the area;
- Other matters

The application had generated a response of no comment from Salisbury City Council and 3 letters of objection from members of the public.

The site had a previous 2016 permission for alterations to the garage, to implement a window and brick surround.

The timber bike store sat forward and was not covered under permitted development.

The application was recommended for refusal.

Members then had the opportunity to ask technical questions of the Officer. It was noted that the door in the wooden frontage to the old garage are led to underfloor storage, however no details had been included on the submitted plans.

Members of the public as detailed above, then had the opportunity to speak on the application. Some of the main points included that the applicant had not understood that alternative materials could not be used to those specified on permission, when carrying out the alterations to the garage conversion.

Reference was made to one of the objectors' positions at Wiltshire Council and that only 3 objections had been received, with the suggestion that the majority of local residents did not object.

The applicant believed that the lack of conformity was in line with the varied styles found along the street, adding that cladding was a material used on many houses in the locality and that they were willing to paint or stain in any way deemed appropriate.

The Bike shed was noted as providing storage for means of alternative transport and as such being supportive to the wellbeing of the family.

The Divisional Member, Cllr Dr Mark McClelland who was not in attendance, had called the application in to committee, to enable consideration in public, to ensure public confidence in the outcome.

Cllr Hocking moved the motion of Refusal, in line with Officer recommendation, noting that he did not mind the appearance of the bike shed, however it was the cladding on the garage which did not match the previous planning permissions which he did not approve of.

The motion was seconded by Cllr Bridget Wayman.

Cllr Hocking also noted the reason the application had been called to Committee, was so that the application could be debated in public for

transparency. Cllr Hocking asked for clarification on whether the Committee could approve the bike shed part of the application and not the garage, it was explained that the application could not be divided up and must be considered as a whole.

The Committee then discussed the application, some of the main points included concern that should the application be approved, it would set a precedent for other applicants to carry out works which were not within what had been granted permission for.

The Committee considered the misunderstanding of the applicant in not realising that the shed would require planning permission, noting that it was due to the position being forward of the Principal elevation of the dwellinghouse, however felt that if the garage works as approved in 2016 had been carried out as granted, then the shed may not have brought any objections.

At the conclusion of debate, the Committee voted on the motion of refusal in line with officer recommendation.

It was;

Resolved:

That application PL/2023/01136 be REFUSED for the following reasons:

The proposed amendments to the external material treatment of the converted garage to the front of the application site by reason of poor design, deviation from the previously approved plans and visual impact on the street scene, is considered of detriment to the character of the dwelling and broader setting. The inconsistency of materials, incongruous appearance and poor design quality is considered contrary to policy CP57 of the Wiltshire Core Strategy and guidance contained within the NPPF.

151 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.05 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

Wiltshire Council
Southern Area Planning Committee
27th April 2023

Planning Appeals Received between 17/03/2023 and 14/04/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
ENF/2022/00799	Rear of 53 London Road, Amesbury, Salisbury, SP4 7EE	Amesbury	Unauthorised scrap yard at rear	DEL	Written Representations	-	04/04/2023	No
PL/2021/11167	Church House, High Street, Tilshead, Salisbury, Wilts, SP3 4RZ	Tilshead	Installation of 14 solar panels on the roof of the garage	DEL	Written Representations	Refuse	05/04/2023	No
PL/2022/02490	River Bourne Community Farm, Cow Lane, Laverstock, Salisbury	Laverstock & Ford	Conversion and extension of an existing building, currently in use as composting toilets, to use as an essential rural worker's dwelling. Replacement toilets are to be installed within the large barn on-site.	DEL	Written Representations	Refuse	21/03/2023	No
PL/2022/03671	Land at St Osmunds Close, Salisbury, SP1 3RB	Salisbury	Construction of a house with associated parking, access and landscaping.	DEL	Written Representations	Refuse	22/03/2023	No
PL/2022/06387	Breaches Barn, Barrow Street, Mere, Warminster, BA12 6AB	Mere	Notification for Prior Approval under Class Q - Conversion of Existing Building to Create 1 Dwelling and associated operational development	DEL	Hearing	Refuse	06/04/2023	No
PL/2022/06741	Drove Cottage, High Post Road, Netton, Salisbury, SP4 6AP	Durnford	Removal of Conditions 5 & 6 of 16/03468/FUL (Proposed construction of new detached dwelling and relocation of existing access to serve new dwelling. Creation of new access to serve existing dwelling).	DEL	Written Representations	Refuse	17/03/2023	No
PL/2022/06742	Drove Cottage, High Post Road, Netton, Salisbury, SP4 6AP	Durnford	Removal of Conditions 4 and 5 of 20/11294/FUL (Change of use of agricultural land to domestic garden)	DEL	Written Representations	Refuse	17/03/2023	No
PL/2022/07702	Brooklyn 4x4 Ltd, Richmond Farm, Whiteparish, SP5 2QJ	Whiteparish	Retrospective change of use from Sui Generis (Equine) to Sui Generis (Car Sales and Repairs) together with the retention of a mobile home to provide on-site security and associated works	DEL	Written Representations	Refuse	17/03/2023	No

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Agenda Item 6

Planning Appeals Decided between 17/03/2023 and 14/04/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/07940	Snowflakes, Rectory Road, Alderbury, Salisbury, SP5 3AD	Alderbury	Demolition of domestic outbuildings and erection of two chalets to the rear of the bungalow Snowflakes, and associated parking, and hard and soft landscaping.	DEL	Written Reps	Refuse	Dismissed	29/03/2023	None

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	27/4/2023
Application Number	PL/2021/09623
Site Address	Land at Chicklade Road Hindon Wiltshire
Proposal	Erection of 31 dwellings and general practice surgery (Class E) and associated landscape and access works.
Applicant	CG Fry & Son Ltd and Mr & Mrs SEF White
Town/Parish Council	Hindon
Electoral Division	Nadder Valley - Cllr Wayman
Grid Ref	391093 133125
Type of application	Full Planning
Case Officer	Adam Madge

Reason for the application being considered by Committee

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

Scale of development,

Visual impact upon the surrounding area,

Relationship to adjoining properties

Design - bulk, height, general appearance

Environmental or highway impact

Car parking and -

This is a major development in Hindon and I would like to reserve my right to call in the application to the committee regardless of whether the application is recommended for approval or refusal at this juncture.

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

4. Planning History

The site has no previous relevant planning history although the site is allocated in the Hindon Neighbourhood plan for housing and a doctor's surgery (See policy section)

5. The Proposal

The proposal is for the erection of 36 two storey dwellings to be built in a relatively spacious layout to take up roughly two thirds of the site as shown on the masterplan below. Vehicle access will be along the B3089 at its junction with East Street. The Doctors surgery is to be situated further into the site and is shown indicatively on the layout plan below. There will be a further pedestrian access to the North along the line of the existing public footpath through an area of open space. To the far Northwest is proposed a community Orchard.

The application is made in full and as such show's elevations of properties in a vernacular style using a variety of materials and finishes. Further ecological enhancements are shown to the field to the North of the proposal as ecological mitigation.



6. Local Planning Policy

National Planning Policy Framework (**Updated July 2021**) (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (January 2021) (NDG)

Salisbury District Council Local Plan policies (Saved by Wiltshire Core Strategy)

Wiltshire Core Strategy

Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 3 – Infrastructure requirements
Core Policy 27 – Spatial Strategy: 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 55 – Air Quality
Core Policy 56 – Contaminated Land
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core policy 58 – Ensuring the Conservation of the Historic Environment
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and new development
Core Policy 62 - Development impacts on the transport network
Core Policy 64 – Demand management
Core Policy 67 – Flood Risk
Core policy 69 - Protection of the river Avon

Salisbury District Local Plan (‘saved’ policies)

Policy G7 – The Water Environment
Policy C6 Special landscape areas
Policy C18 Development affecting rivers and river valleys
Policy R1C Outdoor recreation
Policy R2 Open space provision
Policy R7 Dual use of educational facilities
Policy PS1 Community facilities
Policy PS5 New educational facilities.

Supplementary Planning Documents:

Hindon Parish Council Neighbourhood Plan 2020-2036 (NHP)

Affordable Housing SPG (Adopted September 2004) Affordable Housing SPG (Adopted September 2004)

Achieving Sustainable Development SPG (April 2005)

Wiltshire Local Transport Plan – Car Parking Strategy

Creating Places Design Guide

Conservation of Habitats and Species Regulations

7. Summary of consultation responses

Hindon Parish Council

Object

Hindon Parish Council has no objection to the nineteen changes made to the application dated 4th January 2023.

The village feels strongly that vehicle access to the surgery should be through East Street and exit should be by the Chicklade Road. The estimated flow of traffic per day to the surgery is one hundred vehicles including NHS service vehicles and surgery staff. This does not include traffic created by the proposed new housing. The exit from East Street is not considered suitable for both entry and exit, and a through flow to Chicklade Road, and subsequent exit onto the B3089, is a much safer and more reasonable solution.

Provision should be made for alterations to drainage if the proposed drainage is inadequate. This also applies to sewage for which there are concerns regarding the capacity of the existing sewage facilities for the village. (NB: the more recent houses in the village have been built with septic tanks, as the present facilities were considered to be incapable of additional load)

Pedestrian access to East Street from the village is inadequate and needs further thought.

Pedestrian access at the top of the site will also require some alterations and it is not clear who will have the financial responsibility for these works.

Spatial Planning

The statutory status of the local development plan is further reinforced at paragraph 47 of the National Planning Policy Framework ('the Framework').

What follows is a list of the key relevant plans, policies and supplementary information that address the principle of development. Other policies of the development plan may well be relevant and will be covered by specialist internal consultees.

Plan Relevant planning policies

Wiltshire Core Strategy, adopted January 2015 CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP27 – Tisbury Community Area Strategy

Wiltshire Housing Site Allocations Plan, adopted February 2020 Updated settlement boundary
Hindon Neighbourhood Development Plan Made, Policy 3 applies

Main issue(s) for consideration in policy terms Comments
The principle of development Erection of 31 dwellings and general practice surgery (Class E) and associated landscape and access works

The starting point is the development plan and specifically the Wiltshire Core Strategy. In this regard, the settlement strategy is set out in Core Policy 1 of the Wiltshire Core Strategy (WCS). Hindon is a Large Village in Tisbury Community Area.

Core Policy 2 sets out the delivery strategy for growth for the period 2006 to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development. Development proposals outside these defined limits would not be supported, except in certain specified circumstances set out in paragraph 4.25 of the WCS.

Circumstances include a Neighbourhood Plan which, since 2021, Hindon has benefitted from. The site in question is allocated as Policy 3.

CP27 anticipates that approximately 420 new homes will be delivered across Tisbury CA over the plan period 2006 to 2026, of which 220 in the CA 'remainder' (outside Tisbury). At April 2019 Tisbury CA 'remainder' was still able to accommodate 129 new housing units.

Archaeology

Thank you for consulting Wiltshire Council's Archaeology Service regarding this planning application. Please note that my comments relate solely to the buried archaeological heritage and not to the historic built environment or landscape, which are matters for your Conservation Officer.

In accordance with Paragraph 194 of the NPPF, this application is supported by an 'Heritage Statement' (Landgage Heritage, October 2021) and a geophysical survey report (Bartlett-Clark Consultancy, 2019). The Archaeology Service is also now in receipt of a report on the results of an exploratory archaeological investigation through trial trenching in relation to this proposal (Red River Archaeology, October 2021).

These phases of archaeological work have established that the site has limited archaeological potential. Buried remains identified during the trial trenching investigation comprised a single 19th-century field boundary, identified by geophysical survey and recorded on historic mapping, and a single worked flint flake. The area of proposed 'open space' in the west of the scheme proposal was not subject to exploratory investigation as it will not be subject to widespread below ground impacts.

On this basis, it would not be proportionate to require any further archaeological investigation if this application was permitted. No further action is therefore required as regards the buried archaeological heritage in relation to this application. The Archaeology Service should be re-consulted if there is any significant change to the layout of the proposal, especially in relation to the proposed area of green space in the west of the site.

Public Protection

There are residential properties in proximity to the proposed development and therefore we would recommend a Construction Management plan is submitted detailing how the site will be managed to mitigate the impact of construction on the amenity of the area.

The proposals include the construction of a GP surgery which may require associated plant that could introduce noise to the environment. Therefore, we would request that any externally mounted plant operates at 5dB below the background noise levels for the area to ensure that existing and future residents are not impacted by noise from any external plant.

Drainage

Support subject to condition - No building can commence until, at the detailed design stage maintenance tasks, responsibilities and frequencies for the entire drainage network, including private, adopted and SuDS drainage has been prepared and circulated to all purchasers, occupants and management companies

Ecology

At the time of writing this report the final comments of the council's ecologist were yet to be received. These will be circulated to members prior to the meeting along with any recommendations made. The council has received a response from Natural England as below.

Natural England

No Objection – Subject to Securing Mitigation

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Chilmark Quarries SAC. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, we have no objection to the proposals. All mitigation measures should be appropriately secured in any permission given.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence. Protected Landscapes – Cranbourne Chase AONB Natural England recommends that the Cranbourne Chase AONB Team is fully consulted over any implications of the proposals on the designated landscape of the AONB. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan. Any decision should take full account the AONB Team's advice and give the necessary weight to the relevant Cranbourne Chase AONB Management Plan policies.

Waste collection

The only issue would be the collection points for Properties 24, 25, 26, 27, 28 with the proximity to the main junction for 24,25,26. These need to be identified for the New residents and the collection team.

The Waste Management Team would support the development subject to the condition raised regarding the collections points. We have experienced problems where poor location has meant that services can't be delivered, which impacts on the quality of life of residents as waste accumulates.

Highways

Footpath HIND30 will be upgraded with a scheme of suitable street lighting. This will need to be agreed and approved by our street lighting consultants at Atkins. I know that the Rights of Way Officer has been involved and I assume will comment separately. I confirm that the required footpath work should be carried out by the developer rather than via a contribution and can be included in the S278 agreement. This has been discussed with the agent and a discussion is required with the Rights of Way Officer to determine the most appropriate mechanism for undertaking the work needed to the Rights of Way. It would be useful to receive a drawing detailing exactly what improvement work will be carried out on both Rights of Way.

2. The main walking route is via footpath HIND30 and a route has been identified on existing footways enhanced by a scheme of dropped kerbs. I have asked that the width of the footway in this area (particularly across no's.25 & 26 East St) is clarified with localised widening proposed if necessary. I confirm that a width of 1.2m is not generally acceptable especially where it is the main walking route and where widening is possible. A scheme of improvements to East Street has been provided on drawing 'Preliminary Access Arrangement' and are generally acceptable. I have not recently visited the site and it may be the case that a greater extent of East Street will require planing and resurfacing i.e. the full length of the site frontage, especially given that a new kerbline will be installed thereby impacting on the existing surface.

The drawing shows the existing 1.3m footway widened to 1.8m opposite the site entrance, this should continue to connect to the 'existing uncontrolled pedestrian crossing to be upgraded'.

The footway on the southern radius of the new access (adjacent to the infiltration basin) should be 2m, with a dropped kerb to allow pedestrians across the bellmouth.

3. Internally visitor parking spaces (for the residential element of the scheme) should be allocated and shown. The refuse collection vehicle tracking appears to show the vehicle taking up almost the entire carriageway width in places, the presence of parked vehicles could make it difficult for the refuse vehicle to manoeuvre around the site. I have received a revised plan showing visitor parking on the loop road. It would be acceptable for some of the visitor spaces to be on the road but also some should be within the parking courts. The allocation of visitor parking spaces is now considered acceptable. The internal swept paths for the refuse vehicle are acceptable. (see point 11 below for further swept path comment)

4. Internal road widths appear to be at or around 5.5m with 2m footways – this is acceptable.

5. The internal roads will be subject to a 20mph speed limit / zone and traffic calming measures should be added. Satisfied that the road layout, with visitor spaces and some localised narrowing, will keep speeds at or around 20mph.6. I require visibility splays to be shown on internal roads such as that serving plots 1-12 and parking for plots 22-31. The Adoptable Highway Layout plan shows visibility splays at

junctions except for the parking for plots 22-31 (now numbered 24-31). Splays are required at this point to ensure the garages (when doors are open) do not interfere with visibility for and of emerging vehicles.

7. I have now had the opportunity to consider the parking in detail. The rear parking area for plots 21-31 is not ideal, it is tight with an awkward parking layout. I would prefer parking spaces rather than garages in this location as garages take up more space and are less likely to be used for parking. It may then be possible to add a visitor space in this area. Furthermore, vehicles will be exiting through high walls of the double garage on one side and plot 23 on the other, with limited pedestrian inter-visibility this should be addressed. The garages for plots 24 & 25 are not well positioned and garage for plot 25 does not have a buffer strip/kerb around to prevent it being struck. I am concerned that if the parking is not readily accessible there will be a temptation to park on the B3089 or Chicklade Road. I would still prefer parking spaces or even car ports rather than garages especially in the rear parking courts and where parking is to the front of garages in parking courts (e.g. for plots 15-17). Garages should have an internal dimension of 3m by 6m to be acceptable for allocated parking (they are measuring 2.85m by 5.85m).

8. Throughout the site I would prefer to see parking spaces rather than garages, especially where they are not adjacent to the corresponding dwelling. As above

9. The section of road fronting plots 3-5 could be reduced in width with a feature to prevent vehicles parking. This road is not intended to be for vehicles and has been narrowed to discourage parking, a removable bollard or similar would be useful here too.

10. I suggest a path should connect the end of this road (plots 3-5) to footpath HIND6 across the Public Open Space.

11. The junction radius looks tight adjacent plot 15, I request a swept path showing the refuse collection vehicle exiting at this point without over-running the kerblines adjacent or opposite. There is no swept path showing the refuse vehicle accessing the site from the northern, top end of East Street, into the new northern access / or exiting the northern access and turning right. It looks like this would be a difficult manoeuvre without overrunning the kerbs, especially given the tight radius at this point.

12. The Proposed Floor Plan for the surgery shows a 'dispensary outlet' to the front of the building (fronting East Street). I am concerned that this will encourage parking on East Street.

13. 7 consulting rooms are shown, as per the Wiltshire Parking Strategy 35 parking spaces should be provided (5 per consulting room), only 25 spaces are shown. A parking reduction may be acceptable in this village location although consideration must be given to where overspill is likely to occur on the adjacent residential roads. This has not been addressed. Drainage. The principle of locating a highway adoptable soakaway beneath a private car park is not ideal but is acceptable in this instance, subject to an easement to allow access for future maintenance (to be shown yellow on S38 drawing).

Conservation

The site lies to the east of the core of the village which is focused around the High St. The CA boundary is about 50m to the west of the site where it abuts East St. This part of the site has a close visual relationship with the street and can be seen from the junction with High St, framed by several listed buildings. The PLBCA Act 1990 requires special attention to be paid

to the character and setting of LBs and to preserving or enhancing CAs, while the NPPF and CP58 cover all heritage assets and their setting. The LBs on the NE side of the High St above East St are all separated from the proposal site by earlier (mid-late C20) developments, and although these do not obscure all views between the countryside and the LBs, the relationship would reasonably be preserved by the relatively modest scale and density of the development. The retention of the areas closest to the LBs & CA at the NW end of the site as green spaces without buildings is welcomed. The proposal to use natural stone for the front elevations of units 27-31 is ideal and could make for a very attractive development if done well - the material will need to be conditioned and a sample panel agreed - the masonry should be brought-to-course, as is the local tradition, with appropriate sizes - those indicated on the coloured street elevations would be suitable. The timber windows for this sensitive location are also welcomed - details should be confirmed, they should be flush closing and have unobtrusive trickle vents if required and be set back from the face of the wall. Roof covering materials should also be conditioned. It would seem prudent to ensure that the front elevations of this group are not subject to any future alterations that could have an adverse impact on the streetscene, such as cladding, painting the stonework, concrete tiles etc, and to be explicit about the erection of satellite dishes (which could probably be mounted out of public sight on the garage block behind).

AONB partnership

Thank you for consulting the AONB on this proposal. Although the AONB Partnership has been engaged at a number of stages in the preparation of the Hindon Neighbourhood Plan and, therefore, the AONB's interest in development matters in and around the village is well known, the applicant has not sought pre-application advice from this AONB team.

The AONB Partnership has the following comments on this application.

1. 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 which straddles two County, two county scale Unitary, and three District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage.
2. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital.
3. 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, as required by section 89 (2) of the CRoW Act. The national Planning Practice Guidance [Natural Environment paragraph 040 (21.07.2019)] confirms that the AONB and its Management Plan are material considerations in planning.
4. The National Planning Policy Framework (July 2021) states (paragraph 174) that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, which include AONBs, commensurate with their statutory status. Furthermore, it should be recognised that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 11 and footnote 7, due to other policies relating to AONBs elsewhere within the Framework.
5. For decision making the application of NPPF policies that protect an AONB 'provides a clear reason for refusing development proposals' (paragraph 11[d]). Furthermore paragraph

11(b) explains that, for plan making, being in an AONB provides 'a strong reason for restricting the overall scale, type or distribution of development in the plan area'.

6. It also states (paragraph 176) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. This paragraph is also clear that the scale and extent of development within all the designated areas of AONBs and National Parks should be limited. Furthermore, development within their setting should be sensitively located and designed to avoid or minimise impacts on the designated areas.

7. Paragraph 177 is explicit that when considering applications for development planning permission should be refused for major development, other than in exceptional, public interest, circumstances. Footnote 60 also provides for the decision maker to regard development less than the threshold defined in the NPPF glossary as 'major' in the context of an AONB or National Park.

8. The Planning Practice Guidance, paragraph 042 highlights the importance of AONB and National Park settings, their contributions to natural beauty, and the harm that can be done by poorly located or designed development especially where long views from or to the AONB are identified. Paragraph 041 is clear that NPPF policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for development, and any development in an AONB will need to be located and designed in a way that reflects its status as a landscape of the highest quality.

9. Local government (including planning authorities), Ministers of the Crown, individual councillors, any public body, statutory undertakers and holders of public office also have a statutory duty in section 85 of the CRoW Act to have regard to the purposes of AONB designation, namely conserving and enhancing natural beauty, in exercising or performing any functions relating to, or so as to affect, land in an AONB. This is explained in NPPG [Natural Environment paragraph 039, (21.07.2019)] which also confirms this applies to the setting of an AONB.

10. More detailed information in connection with AONB matters can be found on the AONB website where there is not only the adopted AONB Management Plan but also Position Statements and Good Practice Notes (Planning Related Publications). In particular when considering construction within the AONB, I would draw attention to our Good Practice Note on Colour in the Countryside.

11. This AONB is, as I expect you know, 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 so that such impacts are eliminated.

12. The AONB is, therefore, 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. In this location that means all lighting complying with Environmental Lighting Zone E1 as defined by the Institute of Lighting Professionals 2011.

13. The site is in the West Wiltshire Downs landscape character area of the Open Chalk Downland landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the

Landscape Character Assessment 2003. That document can be viewed in full on our website.

14. The proposal is for 31 dwellings and doctors' surgery on land on the northeastern side of Hindon, north of the B3089 road, and between Chicklade Lane and East Street. The proposal appears to utilise the existing access from the B3089 to East Street with a new access made into the site from the eastern side of East Street. The red line is stated to encapsulate 2.05 hectares and, therefore, this is a major development. Obviously, the Hindon Neighbourhood Plan, made earlier this year, carries weight. Policy 3 refers to the provision of a new doctors' surgery and some 25 dwellings. However, the recently reviewed NPPF is clear at paragraph 177 that

'when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest'.

Obviously, that means that this is the stage when both exceptional circumstances and public interest need to be demonstrated. The two Design and Access Statements and the Planning Statement do not appear to address those two important matters in any detail.

15. Paragraph 177 of the NPPF then goes on to indicate that proposals for major developments in AONBs should cover the need for the development, the scope for developing outside of the designated area or meeting the need in some other way, and any detrimental effects on the environment, landscape and recreational opportunities. The submitted documentation does not appear to address all three of those aspects in the context of the main thrust of paragraph 177.

16. You will, I am confident, be aware the NPPF paragraph 176 indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. That paragraph goes on to indicate that the scale and extent of development within all of these designated areas should be limited.

17. The submitted application seems a little unusual in more ways than one. Whilst the Hindon Neighbourhood Plan clearly puts emphasis on the provision of the new doctors' surgery to serve not just the village but a much larger rural area, the submitted documentation has separate Design and Access Statements for the doctors' surgery and the residential development. The lack of consistency between the supporting documents seems to be potentially misleading. For example, whilst the AONB welcomes the provision of affordable housing it is noticeable that section 16 of the Application Form does not give any indication what type of affordable tenure would apply. That seems more than a little open ended, particularly when taking into account the concerns expressed in the Hindon Neighbourhood Plan that affordable dwellings should be available for members of the local community. Also in connection with section 16 of the Application Form, I see that 19 three bedroomed market houses are proposed, whereas the residential Design and Access Statement and plans indicate that there would be a number of four bedroomed dwellings.

18. I also see that section 18, the employment section of the Application Form, is answered in the negative, although clearly the surgery will have a number of employees and from the scale of the proposed surgery, being significantly larger than the existing one, it is highly likely that there will be a significant increase in employees. It also seems strange that section 19 of the Form is also answered in the negative when fairly obviously the surgery will have opening times, and the pattern of opening is likely to influence the flow of patients and their vehicles to and from the surgery.

19. The Application Form indicates that there would be 70 parking spaces for cars, presumably including garages and parking spaces for residents, along with an allowance for visitors, and then the surgery parking provision is indicated to be 25. I see, however, that one of the Masterplans shows the surgery parking at 22. I would, nevertheless, suggest that where a surgery facility is being planned with a dispensary and at least seven consulting rooms, as well as reception facilities, the staff parking requirement, in a rural location, is likely to account for half of that number of parking places. That seems to indicate that the parking provision is not future proofed and is too small.

20. It is also noticeable that the area allocated in the current application for the surgery seems to be quite a bit smaller than the area envisaged as necessary in the Hindon Neighbourhood Plan. Given that the majority of patients are identified as coming to the practice from outside of the village, it seems unlikely that many will arrive on foot. Clearly, there is minimal scope for on street parking, either in or around East Street or within the proposed development. It does seem, therefore, that the parking provision will be inadequate. The access to the proposed development is relatively close to two pinch points on the B3089, one to the west and one to the east, and parking and congestion at the access to the surgery from that road is clearly undesirable and needs to be avoided.

21. The Hindon Neighbourhood Plan clearly sees development in the village as both important and sensitive. Not only are there detailed policies in connection with development following a far-reaching Landscape and Visual Sensitivity and Capacity Assessment, but the HNP also includes a brief for the development site, emphasising that proposals must be landscape led. However, a number of the other documents do not give confidence that that important aspect of the Neighbourhood Plan has been followed. For example, I read in the D&AS for the surgery that the site has a steady gradient sloping west to east, when clearly the slope is from the northwest to the south east. A 45degree error in orientation does not give confidence that even basic geographical and landscape matters have been understood.

22. Furthermore, there do not appear to be any dimensions marked on plans and diagrams for the surgery, and although it appears as a single storey structure, the width of it means that the ridgeline is quite high and possibly higher than some of the nearby residential buildings. There also appears to be some vagueness about materials and it is exceedingly disappointing to see that section 6 of the D&AS does not include technologies for the capture and utilisation of renewable energy. Not only does that fail to comply with the AONB Management Plan but it is very disappointing that an important community building is not being future proofed, particularly at a time when the nation is being urged to focus to an increasing extent on the use of renewable energy.

23. As you know, the AONB looks at the glazing of new developments in the context of potential light pollution. However, in relation to the proposed surgery the design with full height windows to consulting rooms facing the public path and drop off layby, seems to create a significant privacy issue for patients and medical staff. Indicative hedge planting a short distance from those windows is not going to resolve that issue. That design problem may have come about from transferring a design from the layout that was promoted as the preferred solution through the latter stages of the preparation and making of the HNP. The southeastern sector of the development area, closest to the B3089 road, was the preferred site for the surgery, and there does not appear to be a clear explanation of the change.

24. The current proposal with housing facing directly onto the B class road, without any fencing or hedging to protect and screen it from not just the noise of the busiest road in the neighbourhood, but also the intrusive headlights of vehicles as they negotiate the bend coming into the village, suggests the proposed housing layout concentrates more on a glimpsed view of the church spire from the road than creating a positive living environment

for potential inhabitants. Reverting to the approved Neighbourhood Plan concept of the surgery in the lower, southeastern, sector could enable a design that incorporated surgery car parking in the areas nearest to the road, suitably screened by a combination of fencing and hedging, and with the surgery on the south eastern side of the new access road from East Street. That would also provide greater coherence to the residential proposals which are currently cut in two by the surgery and its associated, and limited, parking area.

25. It is noticeable that the separate Design and Access Statement for the residential development also fails to include technology to capture and utilise renewable energy. There is also no reasoning given why bat boxes, swift boxes and bee bricks are not built into all of the proposed dwellings.

26. The Planning Statement, however, covers both the residential and surgery elements of the application. It is, however, somewhat economical in section 2 on the planning history of the area as discussions (as evidenced by the work of the Neighbourhood Plan Group) around the idea of residential development on the northeastern side of East Street were underway well before 2019. Clearly, the Planning Statement is not having regard to the HNP requirement that development proposals must be landscape led when it states, paragraph 5.2, that the development site is 'over-washed' by the Cranborne Chase Area of Outstanding Natural Beauty and it gives little attention to landscape matters. The apparent mix up of the NPPF Natural Environment paragraphs and quotations from both the pre and post July 2021 versions in sections 5.10 and 5.12 do not build confidence that landscape matters are leading the development proposals. Nevertheless, those quotations from the NPPF indicate that the author is clearly aware of the three considerations that need to be addressed in NPPF 177 although the document does not do that. Furthermore, knowledge and understanding of the AONB is clearly lacking as paragraph 5.22 fails to recognise the existence of the International Dark Sky Reserve status. That is despite the landscape report highlighting that important designation.

27. Whilst an allocation may be made in a neighbourhood plan, as section 6.3 of the Planning Statement states, the NPPF is clear that the principle of development still needs to be tested at the application stage when development is in an AONB (NPPF 177). Furthermore, paragraph 7.4 fails to recognise that the AONB and its Management Plan are material considerations, and paragraph 7.5 fails to recognise that footnote 7 applies to paragraph 11 of the NPPF in an Area of Outstanding Natural Beauty.

28. The landscape team seem to have taken much more seriously the HNP where it indicates that development proposals must be landscape led. However, it is also clear that the landscape documents are submitted in support of the application. The main landscape report seems unclear what it intends to be. The footer to each page describes it as 'Landscape and Visual Appraisal'. The title page shows 'Landscape and Visual Impact Appraisal' with a secondary title of 'Landscape and Visual Effects of Development at East Street, Hindon'. However, a Landscape and Visual Appraisal is somewhat different from a Landscape and Visual Impact Appraisal or, for that matter, a Study of the Landscape and Visual Effects of Development. The HNP was quite clear that development proposals adjacent to East Street would need a Landscape and Visual Impact Appraisal to identify the impacts on the AONB. Paragraph 1.3.2 sets out the objectives of the landscape study which are

- to identify the existing significant landscape features and the landscape quality both of the application site and the surrounding study area,
- to assess the likely landscape and visual effects of the proposals taking into account any mitigation proposed.

Unfortunately, such an approach, no matter how thorough (and the landscape team have been diligent) will conclude that the landscape and visual effects of the proposals are unlikely to be problematic. A rigorous approach should firstly identify the effects of the proposals, consider whether by design and construction any or all of the effects can be avoided, and then consider which remaining effects need to be mitigated, and how mitigation will be achieved. If it is not possible to mitigate all effects, or to clearly define effects in a way that can be mitigated, then appropriate compensation should be proposed. There is no evidence that the LVA has influenced the design and layout of the development proposals.

29. The landscape document considers more relevant planning guidance and policies than the Planning Statement and the Design and Access Statements which, again, suggests the applicant sees the landscape matters as supporting their proposals rather than leading them. None of the documents submitted appear to take into account the final part of Wiltshire Core Strategy Policy 51 which directs applicants to demonstrate how they have taken account of AONB Management Plan aims and objectives.

30. The Neighbourhood Plan Group commissioned a Landscape and Visual Sensitivity and Capacity Assessment before finalising the potential development sites that are included within the made HNP. The current application site only scored 3 on a scale of 1 to 6, where 6 is the highest for development capacity. That study also provided the reasoning for limiting development on the higher ground to the northeast of the current application site.

31. As the landscape documents show the current application site has a fall from the northwest to the south east, but the larger site also has a slope upwards from the south to north and that is clearly demonstrated by the contours. Inspection of an OS map shows the 140m contour roughly follows the alignment of the Wessex Ridgeway along the northwestern boundary. However, a matter that does not appear to be explicitly considered in the landscape assessments is the height of the buildings above the existing ground level. Whilst the existing ground level may be relatively readily screened from viewpoints, one has to take into account that the proposed two storey buildings are going to be in the order of 9 metres higher than the existing ground level and distinctly different in shape, form and texture to the ground level. It is indicated that the finished floor level of the northwestern proposed dwellings would be around 141 metres so the ridgelines will be at 150 metres. That means that views from the Wessex Ridgeway north of the site southwards over the village will be interrupted, and probably blocked, by the development. It also means that the 'surface' of the development roofs, being effectively on the same level as the 150m contour, will be considerably higher, and more visible, than the existing ground level, particularly in longer views from southerly directions. Views of the proposed development from the PRoW running roughly north to south on the eastern side of the field beside Chicklade Lane are likely to be much more obvious than assessed.

32. Hindon is fundamentally a hidden village; it is a village that is hidden within the folds of the landscape. A significant issue that has not been addressed is the extent to which development on the northern side of the village, northeast of East Street, will expose the location of the village and thereby reduce the element of surprise associated with finding such an historic settlement hidden within the landscape.

33. The HNP also identified that site boundaries need enhancement and I have to advice that I have found little attention to site boundaries and the village entry, other than references to gapping up hedges and hedge planting. That all seems a little imprecise for a detailed planning application. Similarly, the indicative planting specification seems to lack precise numbers of trees and plants even though the species and sizes are adequately identified.

34. It is very helpful to have the assessment of the effectiveness of mitigation at one year, seven year and fifteen-year stages. However, in an AONB where conserving and enhancing natural beauty are the purposes of designation it is not appropriate to have to wait seven years for planting to become established and to have a meaningful effect. The mitigation and screening need to be achieved much more quickly in an AONB.

35. Whilst I read of references to a Landscape and Ecological Management Plan, I have not found that document within the submitted material. Nevertheless, that is an important document that needs to be provided before you come to a decision on the application because that is a key document in assessing whether or not the proposed amenity and mitigation planting are likely to achieve the swift establishment and site qualities needed in this sensitive location.

36. There appear to be some fundamental aspects of the proposals, particularly relating to NPPF paragraph 177 and Wiltshire Core Strategy Policy 51 that have not been addressed in the submitted application. It is also disappointing that the HNP and AONB Management Plan guidance on the capture and utilisation of renewable energy have not been incorporated in the details of the application. Whilst clearly considerable effort has been invested in the designs and on-site features, the changed location of the surgery and the potential short fall of parking spaces seem to be additional significant matters that need to be addressed if the vision of the Hindon Neighbourhood Plan is to be achieved.

Landscape

I have no objection to the proposed landscape scheme subject to some minor alterations I have noted as comments on the attached landscape masterplan pdfs. I will need a full planting plan noting species, densities, specification (to National Plant Specification), and numbers but am happy for this to be a reserved matter provided that the comments I have made here are picked up now as some affect the location of buildings.

Education

EARLY YEARS CONTRIBUTIONS REQUIREMENTS: Current pupil products: 0.04 per dwelling for 0-2-year olds (4 per 100 dwellings) and 0.09 per dwelling for 3-4-year olds (9 per 100 dwellings). Current capital cost multiplier = £17,522 per place. *(Please note however, that the cost multiplier quoted is due to be updated shortly for the 2021/22 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).

- Total required as per calculations above = £52,566 towards the development of Early Years provision in this area.
- This contribution is to be subject to indexation and secured via a Section 106 Agreement, to which the Council's standard terms will apply.

PRIMARY ASSESSMENT DETAILS:

- Capacity: 56 places.
- Jan 21 census number on roll: 54 pupils.
- Peak forecasts/numbers: 67 pupils in 2025. At all times throughout the 5 year forecasting period, this school is expected to be full/over-subscribed.
- In addition to this, current demand from new housing already registered/approved, but not yet started or in forecasts, requires a total of a further 1 place.
- So, there are no spare places available at the school.

PRIMARY CONTRIBUTION REQUIREMENTS: Current primary cost multiplier = £18,758 per place. *(Please note however, that the cost multiplier quoted is due to be

updated shortly for the 2021/22 financial year, and the new figure will apply to S106s signed in that financial year as per our S106 Methodology).

- St Mary's & St John's CEVA, Hindon is the only primary school within a 2 miles safe walking distance of the proposed development site.
- It has no spare capacity.
- Therefore, were we assessing this pre-app enquiry as an application registered today, we would require a full developer contribution towards 8 new places to be provided at the school.
- Using the current cost multiplier of £18,758 per primary place (but please see note * above): $8 \times £18,758 = £150,064$ (subject to indexation).
- This contribution would be subject to indexation and secured by an S106 agreement to which the Council's standard terms will apply.

Third Party Representations

87 letters of representation including one petition. received for this application; these are summarised as follows –

- A) Considered that seven years of villager's comments have been disregarded.
- B) Object to access from East Street as it is on a dangerous bend.
- C) All traffic including construction traffic will go past old people's bungalows.
- D) Should be an alternative access onto Chicklade Road which would be safer.
- E) Pedestrian access is not suitable for the disabled. Suitable access should be available for groups with scooters, powered chairs and those with other disabilities so that they can get to the site.
- F) Doctors' surgery was moved without consultation with the village. Would be better on the edge of the site.
- G) Houses are now too close to the road.
- H) No bungalows for the elderly
- I) Concern that school children will cross the road in a dangerous place to get to School Lane rather than down the High Street.
- J) Concern about the footpath width on East Street.
- K) Consider the speed limit through the village should be lowered.
- L) There is regular flooding on the B3089 which needs to be considered.
- M) Bus services to the village are inadequate and irregular.
- N) Disregard has been shown to the Hindon neighbourhood plan and the democratic will of the people of Hindon.
- O) Have not established the exceptional need required by paragraph 177 of the neighbourhood plan.
- P) Concern is expressed about groundwater flooding.
- Q) Sewage system will not be able to cope with the development.
- R) Concern that the development will not maintain the dark skies status of the AONB.
- S) The buildings are not positioned to maximise solar gain. Assume rules for houses having solar panels will be applied in this case.
- T) Considers the site could be built without the houses and just the surgery which would resolve a lot of issues.
- U) Train services are at Tisbury which is a drive away and parking is presently overstretched and oversubscribed. Using a train is therefore difficult.
- V) Plots 27 -31 may not accord with building regulations B5.
- W)

8. Publicity

This application was advertised by site notice and neighbour letters as well as statutory consultees.

9. 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.

9.1 Principle of development

Hindon Neighbourhood plan

The primary policy to be considered as part of this application is that of the Hindon Neighbourhood plan 2020 -2036 which was formally made on 19th May 2021. This allocates the site the subject of this application for housing and a doctor's surgery.

The policy in respect of this site is as follows –

Approximately 4.1 hectares (10.13 acres) of land off Chicklade is allocated as follows:

Site 1(i) is allocated for a mixed use development providing a Doctors' Surgery with associated parking to the eastern end and approximately 25 dwellings to the western end.

Site 1(ii) is allocated for public open space but may incorporate at the southern edge the balance of the Doctors' Surgery site (if required) and the balance of the approximately 25 dwellings that cannot satisfactorily be accommodated within

Site 1(i).Development will be subject to the following requirements:

a) Development proposals and the housing capacity of the site must be informed by a suitable

Landscape and Visual Impact Assessment attentive to the location within the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

b) The development footprint must allow adequate set back from corridors used by Annex II bat species. A possible arrangement for an Ecology Corridor is shown on an indicative layout included within the Chicklade Road Development Brief (Appendix 2) but the final layout and the housing capacity of the site should be evidenced through adequate survey and meet relevant Wiltshire Council principles for mitigation to ensure no adverse effects on the Chilmark Quarries SAC.*

c) No development should commence until a suitable nutrient neutrality strategy has been agreed with the Local Planning Authority. The strategy will need to calculate the nutrient budget for the proposed development and ensure the agreed permanent offsetting measures are in place and functioning prior to first occupation.

d) The development proposals will address and follow the guidance provided in the Development Brief included as Appendix 2 to this Plan.

e) A serviced plot of approximately 0.3 hectares will be reserved for the relocation of the enhanced Hindon Doctors' Surgery. If the housing and Surgery developments are not to proceed together, a masterplan should be prepared showing the intended interrelationship between the 3 uses of the site

- public open space, housing and Doctors' Surgery – and between these and the existing road and footpath networks.

f) A strategic landscaping scheme for the whole site will be agreed with the Local Planning Authority that appropriately mitigates the impact of the development on the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and the adjacent Wessex Ridgeway Long Distance Trail.

g) As there is potential for buried archaeological remains the site must be subject to a full heritage assessment and archaeological evaluation.

h) As the southern part of the site is predicted to be at risk of groundwater flooding and high groundwater levels may impact on infiltration techniques, a site drainage strategy should be agreed with the Local Planning Authority.

l) The range of housing to be provided should accord with the latest evidence on local housing need; in particular 40% of the housing should be affordable in compliance with Wiltshire Council Core Policy 43. When the legal agreement is concluded for affordable housing this should include provision for the first allocation of the affordable homes to be prioritised to eligible people (in accordance with Wiltshire Council's Allocations Policy) who have a local connection to the Neighbourhood Area. Any additional allocations may then be cascaded to those with a connection to the immediately adjoining Parishes or other areas of Wiltshire.

It is considered that the proposal accords with this policy the various elements of which are discussed throughout the officer report..

The Hindon neighbourhood plan allocates the site for “*approximately 25 dwellings*”. The proposal is for 31 dwellings. The 31 dwellings shown on the plans are not considered to be unreasonable in the context of the site and the applicants have made it clear that a lesser number of dwellings would make the scheme marginal if not unviable. It is considered that the number of dwellings is not so far removed from the policy requirement of approximately 25 as to warrant refusal of the application.

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

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

Wiltshire Core Strategy

Core Policy 27 confirms that development in the Tisbury Community Area (which includes Hindon) should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Tisbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries. Settlement boundaries are essentially defined as the dividing line between areas of built urban development (the settlement) and non-urban or rural development (the open countryside). This site situated in the large village of Hindon is outside the settlement boundary but allocated in the neighbourhood plan.

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

Given that the development is allocated in the Hindon neighbourhood plan the neighbourhood plan and the policies within it which have been conceived to apply specifically to Hindon take precedence over the Wiltshire Core strategy and allow the development of this site.

Principle summary

The principle of this proposal is considered acceptable by reason of its allocation within the Hindon neighbourhood plan for dwellings and a doctor's surgery. It complies with the principles of development contained within policies of the Wiltshire Core strategy and the NPPF.

9.3 Character & Design

Under the Council's adopted design guidance (Creating Places), Objective 16 states that proposals should clearly exhibit...

- The importance of space between dwellings and groups of buildings
- The relationship of the site to the wider landscape
- The relationship of dwellings to the street
- The variety and scale evident within groups of dwellings

- How the new dwelling(s) will relate to the context and to each other to create a particular place
- The scale and mass of dwellings providing the context
- The detail which typifies local buildings including treatment of window openings in terms of scale, pattern and ornamentation, eaves and gables, extensions and their materials
- Whether there are alternatives to standard designs, which could enhance even the non-traditional environment?

Poor designs, which take little, or no account of their local setting will be refused.

Core Policy 57 states “a high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality”.

The NPPF updated July 2021 puts greater emphasis on the need for good design than the 2019 Framework.

Paragraph 9 states Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 130 of the NPPF sets out that developments should function well and add to the overall quality of the area, be sympathetic to local character and establish a sense of place. It states at paragraph 134 that development that is not well designed should be refused.

The applicant has submitted a design and access statement with this proposal which explains in detail how the development has been designed. The council’s urban designer has also had significant input into the layout and design of the proposal and has raised no objections to the present design.

The architectural style chosen for the development is that of traditional buildings found locally trying to create a traditional streetscene and development to fit with the village aesthetic of Hindon.



An example of the traditional architectural style of one of the detached properties.

The application is accompanied by a suitable landscape and visual impact assessment which the LPA's landscape officer raises no objections such a landscape and visual impact assessment meets the criteria of the Hindon neighbourhood plan. It is considered that the proposal whilst it will be clearly visible in the landscape makes the most of the sloping nature of the site developing the majority of the built structures at the foot of the slope with larger open areas including a community orchard to the top of the site. Whilst no development is going to be invisible within the landscape of the AONB it is considered that this form and shape of layout makes the most of the site and the surrounding land and provides an excellent standard of development on this edge of village site complying with the local planning authorities and NPPF policies.

9.4 Neighbouring Amenities

WCS policy CP57 (Ensuring High Quality Design & Place Shaping) also requires new development to have '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'. The NPPF also confirms 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.

Clearly during construction there will be temporary short-term disturbance to adjacent neighbours which is inevitable with any development such as this. Beyond that it is not considered that there would be any significant adverse effects on the amenity of adjacent properties in East Street from this proposed development. Clearly there will be more traffic than at present and this will lead to more disturbance of neighbouring properties however this is unlikely to be at a level that would warrant refusal of a planning application.

Similarly, there will be noise and disturbance from the Doctors surgery and this will be throughout the day as patients arrive and leave the premises and vehicles arrive and leave but again this is unlikely to be of such significance as to prevent planning permission from being granted for the development.

9.5 Highway Safety

A primary concern for those living in Hindon is that of highway safety in particular two concerns primarily have been raised relating to pedestrian access to the new development and doctors' surgery and secondly the lack of secondary access out of the site onto Chicklade road and then the B3089.

Pedestrian access to the site

This is important because of the lack of pedestrian footway along the B3089 at its junction with East Street at present. It would be very difficult to introduce a pedestrian footpath on the B3089 and therefore it is important to have alternative pedestrian accesses to the site particularly as the site is intended to house a new doctor's surgery which may entail those with mobility issues potentially including wheelchairs needing to access the doctors surgery from the main village if they are not to arrive by vehicle. There is an existing footpath from

the main High Street between houses which the councils highways officers consider can perform this function subject to some upgrading a scheme for which will need to be provided. Such upgrading is likely to include lighting so that this path can be used during the winter months as it is needed. This it is considered will be adequate access for pedestrians to the site.

Secondary access

The secondary concern that has been raised by local residents is that there is no secondary access from this site onto Chicklade road. All access for traffic will be via East Street and then onto the B3089. The reason for this is there is simply no planning reason to require access onto Chicklade road. The development will not generate such significant levels of traffic that a secondary access onto Chicklade road is considered necessary or required. The development is obviously intended to house a doctor's surgery but even with that, it is not considered that the levels of traffic generated are of sufficient quantity to require a secondary access onto Chicklade road. Whilst it is appreciated that the parish and others would like such an access there is no planning reason either because of highway safety or because of amenity issues to residents to require such an access as such it is considered that the access as proposed onto East Street is adequate to serve the development.

The councils highways officer has identified a number of other concerns which have now been addressed these include the vehicle turning radius for refuse vehicles and some adjustments in respect of parking spaces. It should be noted as in the highways officers comments that there is a deficit in parking spaces for the surgery but given how close it is to the main village and the likelihood of many of those visiting doing so on foot this is considered acceptable.

9.6 Ecology

Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The council has carried out an appropriate assessment in respect of ecology and in particular bats which have been found at the site. The details of this can be found at Annex A. Natural England have responded to this appropriate assessment stating that provided the mitigation measures proposed are implemented they have no objections to the proposal, and it would comply with the habitats regs objectives.

At the time of writing the councils ecologist had yet to respond to the application with formal comments and therefore members will be updated with these prior to the committee meeting.

9.7 Drainage

Considerable concern has been raised by local residents about the existing drainage issues in the area in particular the fact that the B3089 regularly floods in the winter and concern that the proposals will exacerbate that issue. It was part of the detail and requirements of the Hindon neighbourhood plan that a full drainage strategy is agreed with the local planning authority prior to any development taking place and as can be seen from the drainage officers' comments they are now satisfied that the drainage proposals put forward by the applicant are satisfactory to address drainage issues at the site.

A full drainage plan and strategy have been submitted by the applicant along with a flood risk assessment and these have been assessed and found to be acceptable by the council's drainage officer subject to a condition which is included with the officer recommendation on this application.

9.9 Education

Clearly the development will generate the need for additional education space. At present there will be need to contribute to additional education space at both primary and early years level and there will be a need to incorporate this in the s106 agreement as specified at the end of this report in the officer recommendation. This will provide adequate education facilities for the likely numbers of children generated by this development.

9.10 Affordable housing

The applicant is proposing a mix of affordable housing which will be pepper potted through the site. 40% of the housing will be shared ownership or rented and will therefore contribute significantly to the needs of people in Hindon and the surrounding area. This complies with the requirements of the NPPF and the councils core strategy policies 43 and 45 which relate to meeting the demand for housing in Wiltshire and meeting the councils affordable housing need. The affordable housing would be secured using a legal agreement (see officer recommendation below)

9.8 Other

Doctors' surgery

Members should note that the council cannot force the applicant or the NHS to provide the doctors surgery on this site. What the applicant is providing and offering as part of this development is land for the doctor's surgery which the council can make sure is secured as part of this development. However, the funding for the surgery is coming from a third party and not from the applicant and therefore it would not be reasonable for the council to withhold planning permission or not permit development to take place unless the doctors surgery is provided. It is the councils understanding that funding is available for the doctor's surgery and therefore provided the land is secured as part of this development the Doctors surgery will be built.

Towards the end of last year, the council did enquire of the current GP whether the funding was still available for the surgery and received the following response –

"I can confirm that the funding offered by the CCG remains firmly in place and that they remain very supportive of the project. Fiona and I personally remain wholeheartedly committed to the project and have already committed significant finances to it.

I take on board your concerns that other projects have failed to deliver a surgery within a development. However, if we fail to deliver a surgery then it is very likely that within the medium term there will be no surgery at all in Hindon (and no place for us to work) so we cannot afford not to deliver it.

It is fair to say that in the current climate, with escalating building costs and interest rates, GP led builds (projects funded solely by the GPs themselves) are becoming increasingly more challenging and we may have to look at other models to make this project viable, but rest assured that the funding remains in place, as does our personal commitment to the project.

Whilst I am not familiar with the details of previous surgery proposals, clearly identifying and securing a site in Hindon via the planning process provides us as GPs, and the Integrated Care Board (as commissioners) the best opportunity to deliver a new surgery. It also ensures that the site allocation has a value in line with healthcare as distinct from a much higher residential value, which will be out of reach of normal NHS funding allocations. We have been working alongside the specialist healthcare advisory practice Osmond Tricks since day one of our involvement with this project. Osmond Tricks has a first-class reputation for delivering GP premises from conception and early planning right through to completion and have been responsible for many local GP builds. We are confident that our ongoing close collaboration with them will make this project a success. In summary, CCG funding remains in place, we have allied ourselves with a specialist team who have a reputation for delivering healthcare premises and we have personally invested heavily into achieving our aim of a new surgery in Hindon. I hope this is sufficient to reassure the Council".

Archaeology

Archaeological investigation of the site has taken place during 2019-2021 and this has shown that there is likely to be limited archaeological remains at the site. Tests were carried out both through geo physical surveys and trial trenching and a such no further archaeological work is required prior to construction.

10. Conclusion (The Planning Balance)

The Council has a difficult judgement to make. It has to determine applications in accordance with the development plan, except where material considerations indicate otherwise. This development provides for 36 potentially high-quality new dwellings in Hindon along with a site for a new doctors surgery which is a much needed facility which residents of Hindon wish to retain. It also provides for 40% affordable housing and largely fulfills the requirements of the allocation in the Hindon neighborhood plan.

Whilst there remain some concerns from the parish council and some residents as to the layout of this proposal, the positioning of the Doctors surgery and vehicular access to Chicklade Road. It is not considered that these matters are of such a concern that they outweigh the positive benefits of a site for a new surgery a substantial proportion of new housing (including 40% of which is to be affordable) and the addition of new housing stock to Hindon which will help to support local facilities. It is therefore recommended that the proposal is granted planning permission.

11. RECOMMENDATION:

To delegate to the Service Director, Economic Development and Planning to grant planning permission –

(A) Subject to the prior completion of the Section 106 legal agreement by all relevant parties to provide: -

- 1) 40% affordable housing provision to include shared ownership and rented.
- 2) £150,064 for primary school places subject to indexation

- 3) £52,566 towards early years provision subject to indexation
- 4) An agreement to set up a management company to oversee the open space
- 5) A contribution to Play facilities off site of - 357 sq.m= £51,408.00
- 6) A contribution to Sports facilities off site of - 2142 sq.m = £21,420.00
- 7) A contribution of £6000 to upgrading Footpath HIND6 to the development
- 8) A monetary provision for the provision of bins on the site in line with the Wiltshire council waste collection guidance for new developments.

And 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 and reports listed in the drawing register issued by CG Fry dated 6th February 2023 and received by the local planning authority on the 6th March 2023

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

- 3) No development shall commence above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission, in the interests of visual amenity and the character and appearance of the area.

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

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

- 5) No development shall commence above slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The matter is required to be agreed with the Local Planning Authority before commencement above slab level 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.

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) NO development above slab level shall commence until, at the detailed design stage maintenance tasks, responsibilities and frequencies for the entire drainage network, including private, adopted and SuDS drainage has been prepared and circulated to all purchasers, occupants and management companies

REASON: The application contained insufficient information to enable determination of this issue prior to approval.

8) No external light fixture or fitting will be installed within the application site until a Lighting Strategy has been submitted to and approved by the Local Planning Authority in writing.

REASON: In order to ensure compliance with the dark skies status of the AONB

9) No construction work (excluding the internal fitting out of dwellings) nor the movement of spoil from the site shall take place outside the hours of 0700 – 2000 Monday to Thursday, 0700 – 1800 on

Friday, 0800 – 1300 on Saturday and at no time on Sundays and Bank holidays.

REASON: In order to protect the residential amenity of future and adjoining residents.

10) The doctors surgery hereby permitted shall not be first brought into use until the 25 dedicated 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.

11) No part of the development shall be first occupied, until the visibility splays shown on the plan (Ref: Adoptable Highway Layout 01-PHL-1001 Rev B) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety

12) No development shall commence on site until construction details of the improvements to East Street to include localised footway widening, carriageway widening, tactile crossings and resurfacing as outlined on drawing ref: Preliminary Access Arrangement PHL-101 Rev E, have been submitted to and approved by the LPA; the improvements to East Street to include footway widening, carriageway widening, tactile crossings and resurfacing shall be constructed in accordance with the approved details prior to first occupation.

REASON: in the interests of highway safety

13) Prior to first occupation, footpath HIND30 shall be resurfaced along its entire route and street lighting installed in accordance with details which shall first be submitted to and approved by the LPA.

REASON: to provide an improved a pedestrian link from the site, in the interests of sustainable travel

14) A pedestrian link shall be provided from the gate on the northwest boundary adjacent to plot S05 and passing plots S04 & S03 to connect with the turning head to provide a continuous pedestrian link from footpath HIND6. The link shall be open for public use in perpetuity.

REASON: to provide and maintain a pedestrian link through the site, in the interests of sustainable travel.

Appropriate Assessment of Effects on a European Site

This is a record of the appropriate assessment of Wiltshire Council required by Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The project has been assessed as likely to have significant effects on one or more European protected sites and is not directly connected to or required for the management of such sites. This assessment is made in accordance with the relevant guidance documents (ref. *HRA Handbook*, David Tyldesley Associates).

PART A: INFORMATION REVIEWED	
Information about the plan or project	<p>PL/2021/09623 Land at Chicklade Road</p> <p>The final proposals are for the erection of 31 dwellings and general practice surgery (Class E) and associated landscape and access work.</p> <p>The development site is allocated in the ‘made’ Hindon Neighbourhood Plan HDP 2020-2026. Policy 3 of the HDP, Land off Chicklade Road. The proposals considered in the HDP are as follows:</p> <ul style="list-style-type: none"> • Site 1(i) allocated for a mixed-use development providing a Doctors’ Surgery with associated parking to the eastern end and approximately 25 dwellings to the western end. • Site 1(ii) allocated for public open space but may incorporate at the southern edge the balance of the Doctors’ Surgery site (if required) and the balance of the approximately 25 dwellings that cannot satisfactorily be accommodated within Site 1(i). <p>The relevant Policy 3 HDP details include:</p>

b) *The development footprint must allow adequate set back from corridors used by Annex II bat species. A possible arrangement for an Ecology Corridor is shown on an indicative layout included within the Chicklade Road Development Brief (Appendix 2) but the final layout and the housing capacity of the site should be evidenced through adequate survey and meet relevant Wiltshire Council principles for mitigation to ensure no adverse effects on the Chilmark Quarries SAC.*

To inform the design, bat surveys (static and transect) were undertaken in 2015, 2018 and updated in 2021 and three out of four of the Annex II species (barbastelle, lesser and greater horseshoe) were confirmed within the survey area which comprised both areas highlighted as Site 1(i) and Site 1(ii) in the HDP. Bechstein's were not confirmed (trapping undertaken in 2015) and the EclA concluded: '*whilst Bechstein's presence cannot be definitively ruled out, none of the recorded calls from 2015, 2018 and 2021 suggested it might occur.*'

The main locations where barbastelle was recorded were in the far northern corner and north-west / north-eastern edges of the upper field (Site 1(i)). Lesser and greater horseshoe were recorded in very low numbers in the upper field, for example in 2021, 2 bat passes were recorded in May and 6 in June, and for greater horseshoe, there was one bat pass in July.

The relevant ecology information submitted for the final design includes:

Ecological Impact Assessment (Andrew McCarthy Ecology, 28 September 2021, FINAL v00) and Appendices 1 to 3 which are included therein, as well as Appendices 4 to 8 which constitute separate documents/plans.

Tree Survey Report (Aspect Tree Consultancy, Ref. 04341, Survey Date: 13.08.2021) and accompanying Tree Constraints Plans

Site Layout (Drwg. No. SP-002. Rev D (CG Fry & Son Builders, Sept 2021).

Landscape Masterplan_Overall. Drwg No. 848-MP-01, Rev E.

	<p>(Indigo Landscape Architects Ltd, 09/12/0222).</p> <p>Street Lighting Strategy (Illume Design Ltd, Drawing No. 4261-ID-DR-1001, Rev P01 15/09/2021)</p> <p>External Lighting Strategy Levels of Horizontal Illuminance at Ground Level Full Output Shown (MF-1), Drwg. No. 4261-LB-EX-XX-DR-E-7080-41, Preliminary Issue 02. The Lighting Bee, 18/07/2022.</p> <p>Landscape Masterplan with Headline BNG Elements. Rev. C. Drwg. No. 848-MP-04 (Indigo Landscape Architects Ltd, 09/12/0222).</p> <p>Hindon Neighbourhood Plan (Made) 2020 – 2026.</p> <p>Fonthill Grottoes Site of Special Scientific Interest (SSSI) is located approximately 2.54km southeast of the application site, and therefore the application site is located within the 4km zone of influence (Zol) around Chillmark Quarries SAC in respect of greater horseshoe bats and the 6km Zol around the SAC in respect of barbastelle bats.</p> <p>The area where most barbastelle activity was recorded was the north of the survey area, now the blue-line area (Site 1(i)) will be retained and protected from the effects of development. There will be habitat creation and enhancement both within the red line area (Site 1(ii)) and the blue-line area (Site 1 (i)).</p> <p>The avoidance and mitigation measures for bats which have included (as detailed in the EclA, Andrew McCarthy Ecology, 28 September 2021, FINAL v00) and Appendices 1 to 3 which are included therein, as well as Appendices 4 to 8 which constitute separate documents/plans:</p> <ul style="list-style-type: none"> • <i>ensuring that development siting and layout result in light-averse bats being unaffected as a result of retention of dark foraging areas / commuting zones in appropriate locations and</i> • <i>to deliver appropriate habitat creation and enhancement measures within and outside the red line are in order to</i>
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	<p><i>enhance the functionality of retained habitats for bats.</i></p> <ul style="list-style-type: none"> • <i>Light spill modelling has been undertaken as a precaution to demonstrate that the proposed dark areas will be achievable.</i> <p>In addition, in light of the judgement in Case C 323/17 CJEU “people over wind” (12 April 2018) the Council has determined that the application should be subject to an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.</p>
Natura 2000 site(s)	Chilmark Quarries SAC
List of European Site interest features	<p>Qualifying Features:</p> <p>Annex II species that are a primary selection of this site</p> <ol style="list-style-type: none"> 1. Greater horseshoe bat <i>Rhinolophus ferrumequinum</i> 2. Barbastelle bat <i>Barbastella barbastellus</i> 3. Bechstein’s bat <i>Myotis bechsteinii</i>; <p>Annex II species present as a qualifying feature but not a primary reason for site selection Lesser horseshoe bat <i>Rhinolophus hipposideros</i></p> <p>The conservation objectives¹ for the site are to: “<i>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</i></p> <ul style="list-style-type: none"> • <i>The extent and distribution of the habitats of qualifying species;</i> • <i>The structure and function of the habitats of qualifying species;</i> • <i>The supporting processes on which the habitats of qualifying</i>

¹ Publication Date: 27th November 2018 – version 3. This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations in 2017. [Accessed on 14/03/2023]

	<p><i>species rely</i></p> <ul style="list-style-type: none"> • <i>The populations of qualifying species; and</i> • <i>The distribution of qualifying species within the site.”</i>
Information about the SAC	<p>Chilmark Quarries SAC comprises two separate SSSIs situated in the Chilmark vale to the west of Salisbury: Chilmark Quarries and, 2½ miles further west, Fonthill Grottoes. They form a complex of abandoned mines and subterranean follies regularly used by an important assemblage of bat species as a hibernation site. The current condition of the European site is favourable/unfavourable recovering. The extensive system of abandoned mines at Chilmark Quarries is undisturbed and displays constant temperature and humidity while the subterranean follies at Fonthill Grottoes also offer a wide range of niches. Together these sites provide suitable conditions for large numbers of hibernating bats.</p> <p>The SAC bats rely on a wider network of roost sites throughout the year. The SAC is considered to be one of the best in the UK for Bechstein’s bat, barbastelle, and greater horseshoe bats, and supports a significant population of lesser horseshoe bats. The surrounding woodlands, grassland and open water habitats provide vital roosting, commuting and feeding areas for these significant populations.</p>
PART B: IMPACT PREDICTION ALONE	
Impact	Predicted Effect of Impact
Temporary / permanent loss of foraging habitat and flight corridors	No bat foraging/commuting habitat will be removed. development.
Risk of collision and bat fatality	No.
Disturbance to bat flight/foraging activity from light spill	Yes, in the absence of avoidance and mitigation there was a potential risk of disturbance from development and lighting in the northern corner and along the north-west / north-eastern edges of the upper field where qualifying bats were recorded.

Disturbance to bat flight/foraging activity from noise or human presence – construction and operational phases	Yes, there is potential for disturbance to flight/foraging activity from noise and human presence during construction and operational phases.
Killing/Injury/disturbance to roosting bats	No SAC bat roosts were recorded within the survey area, so no effects anticipated.
PART C: IMPACT PREDICTION IN-COMBINATION	
In combination with other plans or projects?	
<p>All planning applications are subject to ongoing work to ensure no loss of foraging or commuting habitats for bats using the SAC hibernation sites, particularly by ensuring existing vegetation is left unlit as far as possible, maintaining existing vegetation along key potential flight lines and including additional planting to provide new commuting and foraging habitat for the future.</p> <p>Surveys and mitigation are carried out in accordance with the Council's HRA Guidance, which is regularly reviewed in light of new information and available to download on the council website. The Council's HRA Guidance includes buffer areas around the hibernation sites designated as part of the SAC and other key roost sites, which forms a consultation zone, highlighting where the Council Ecologist should be consulted on planning applications. This consultation zone is also broken down into buffer areas by SAC species.</p> <p>Other plans and applications that have been considered:</p> <ul style="list-style-type: none"> • Wiltshire Core Strategy (Adopted January 2015) • Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020). 	
PART D: CONSEQUENCES FOR CONSERVATION OBJECTIVES	
All of the risks below have been assessed in relation to habitat lying outside the SAC which is functionally related to the SAC either as roosting, foraging or commuting habitat.	
Does the project or plan have the potential to:	
Cause delays in progress towards achieving the conservation objectives	No: While two of the SSSI units are unfavourable recovering this is due to direct management/security of the SAC (Chilmark Quarries SSSI).

of the site?	
Interrupt progress towards achieving the conservation objectives of the site?	No.
Interfere with the balance, distribution and density of key species that are the indicators of favourable condition of the site?	Development, while linked functionally with the SAC is not linked with vegetation management or security issues at Chilmark Quarries SSSI.
Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	No.
Change the dynamics of the relationships that define the structure and/or function of the site?	It is believed the relationship between maternity and hibernation sites is currently stable. This could be disrupted if habitat between the known roosts and other sensitive features is removed or fragmented.
Interfere with predicted or expected natural changes to the site?	No. The distance of the closest SSSI component of the SAC (Fonthill Grottoes) is sufficiently far away (2.54k) from the application site.
Reduce the area of key habitats	Although, there will be no removal of commuting/foraging habitat functionally linked to the SAC, construction and operational lighting and noise disturbance from development in the upper field close to boundary features has the potential to lead to fragmentation of key habitats.
Result in disturbance that could affect population size or density, or the balance between key species?	As above, fragmentation of habitat that is functionally linked to the SAC could result in a change in the balance between species.
Result in the loss or reduction of key features?	In the absence of avoidance and mitigation, there will be a reduction in foraging/commuting habitat supporting the SAC bats.
PART E: MITIGATION FOR APPLICATION PL/2021/09623	

The overall design of the application has been informed by bat surveys as detailed as a requirement (Policy 3 of the HDP). The red line area now comprises the southern part of the site (Site (ii) in the HDP). The northern part of the site, the upper field (Site (i) in the HDP) now comprises the blue-line area. Identified core bat habitat corridors (far northern corner and north-west / north-eastern edges of the upper field) will be protected and enhanced. The eastern hedgerow bordering the entire eastern boundary (red line and blue line area) will be restored and enhanced.

The revised layout plan (Landscape Masterplan with Headline BNG Elements. Rev. C. Drwg. No. 848-MP-04 (Indigo Landscape Architects Ltd, 09/12/0222) now shows residential gardens now face west (rear of the plot) and this will greatly reduce the likelihood of external residential lighting and noise/people disturbance impacting the boundary features in the south-eastern corner of the development. Buffers have now been taken out of residential gardens within the red line area and amenity grassland alongside the newly created native species hedgerow in the south-eastern corner has been changed to wildflower planting to increase insect diversity in this location.

Plots 30 & 31 in the far south-eastern corner are now enclosed with estate railing. The buffers outside these two plots are 10.4 m and 6.9m respectively. While the buffer for Plot 30 is adequate, the buffer on Plot 31 does not meet the Neighbourhood Plan criteria. However, bat surveys have shown that Annex II bat activity recorded along the eastern boundary is in the majority confined to boundary habitats north of the group of trees.

With respect to potential disturbance impacts on commuting/foraging corridors, only at the far south-eastern corner of the red-line area would development extend as far as the eastern boundary of the field, and there was very little activity barbastelle activity recorded here during transects. The existing habitats in this location comprised of a sparse line of bramble scrub along a post and wire fence, and these habitats will be greatly enhanced with a new native species-rich hedge. In addition, the scheme layout in the south-eastern corner is designed such that there are no roads or lit features in the immediate vicinity. The modelled lighting for the development includes a Street Lighting Strategy (Illume Design Ltd, Drawing No. 4261-ID-DR-1001, Rev P01 15/09/2021) for the adoptable areas shows lighting is well contained. A revised lighting plan for the whole site (External Lighting Strategy Levels of Horizontal Illuminance at Ground Level Full Output Shown (MF-1), Drwg. No. 4261-LB-EX-XX-DR-E-7080-41, Preliminary Issue 02. The Lighting Bee, 18/07/2022) has been submitted. This includes the installation of one LED PIR light (timer of 1 minute) on the underside of each front door canopy. The lighting strategy demonstrates that lux levels of 0.5 lux (or lower) can be achieved over the newly created boundary features in the south-eastern corner.

A planning condition will ensure no construction working/lighting and will secure the proposed modelled operational lighting along with a post construction compliance lighting

assessment.

An Ecological Construction Method Statement will be secured under a planning condition to address the protection of all retained and replacement vegetation.

The on and off-site mitigation areas will be secured in perpetuity and maintained/managed under a Landscape and Ecology Management Plan.

PART F: CONCLUSION

Is the project likely to affect site integrity?

a) Alone?	No
b) In combination with other plans or projects?	No

Recommendation:

The appropriate assessment concludes no adverse effects on the site integrity of the Chilmark Quarries SAC providing all suitable mitigation measures are secured by condition/S106 and implemented.

Name of officer(s) making the assessment and date	Mary Holmes Ecologist, Landscape and Design Team, Wiltshire Council 14/03/2023
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Natural England Comments

Name of Natural England officer and date

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