

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

Date of Meeting	10 th March 2021
Application Number	20/05989/FUL
Site Address	Land Adjacent Church Court, Crow Lane, Wilton, SP2 0HB
Proposal	Erection of detached dwelling with garage parking (Resubmission of 20/02504/FUL)
Applicant	Jane Townsend
Town/Parish Council	WILTON
Electoral Division	Wilton & Lower Wylde Valley – Councillor Church
Grid Ref	409591 131300
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the Application being Considered by Committee

This application is brought to committee at the request of Councillor Church, 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

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

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

- Principle
- Heritage; Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- CIL/S106

The application has generated no comment from Wilton Town Council; and 12 letters of objection from third parties.

3. Site Description

The site is situated within the defined settlement boundary for Wilton, which is designated as a Local Service Centre by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP33 (Wilton Community Area). It is surrounded on all sides by other residential properties and their associated parking/amenity provision. All of the properties to the west; and a boundary wall opposite the site are Grade II listed buildings/structures. The whole site is also situated within the Wilton Conservation Area. The southern boundary is defined by a narrow lane (Crow Lane) which extends between West Street to the west and North Street to the south east of the site.

Some distance to the east of the site, the River Wylde exists with its associated ecological designations (a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)) and flood zones (Flood Zones 2 and 3). Flood Zone 2 extends from the river along Crow Lane towards the site but it does not encroach into the site which is solely in Flood Zone 1. The whole site is however situated within the catchment area for the River Avon SAC.



PLAN 1 – Site Constraints Plan

The site currently consists of garden land that formerly served the properties of 24-30 West Street to the west. However it appears that this parcel of land has subsequently been sold off as none of the adjacent properties are identified in blue or thus the same ownership as the site on the submitted plans. The site is predominantly laid to grass with numerous ornamental trees. In the south western corner of the site, an existing detached garage exists which is served from the Crow Lane boundary. The remainder of this boundary is defined by a high brick wall. This feature is of some age but is not a listed structure. A former chapel/church building, that has since been converted into flats, is situated immediately on the eastern boundary of the site and unusually, windows on its flank wall open out directly into this garden land. This building is also not a listed building.

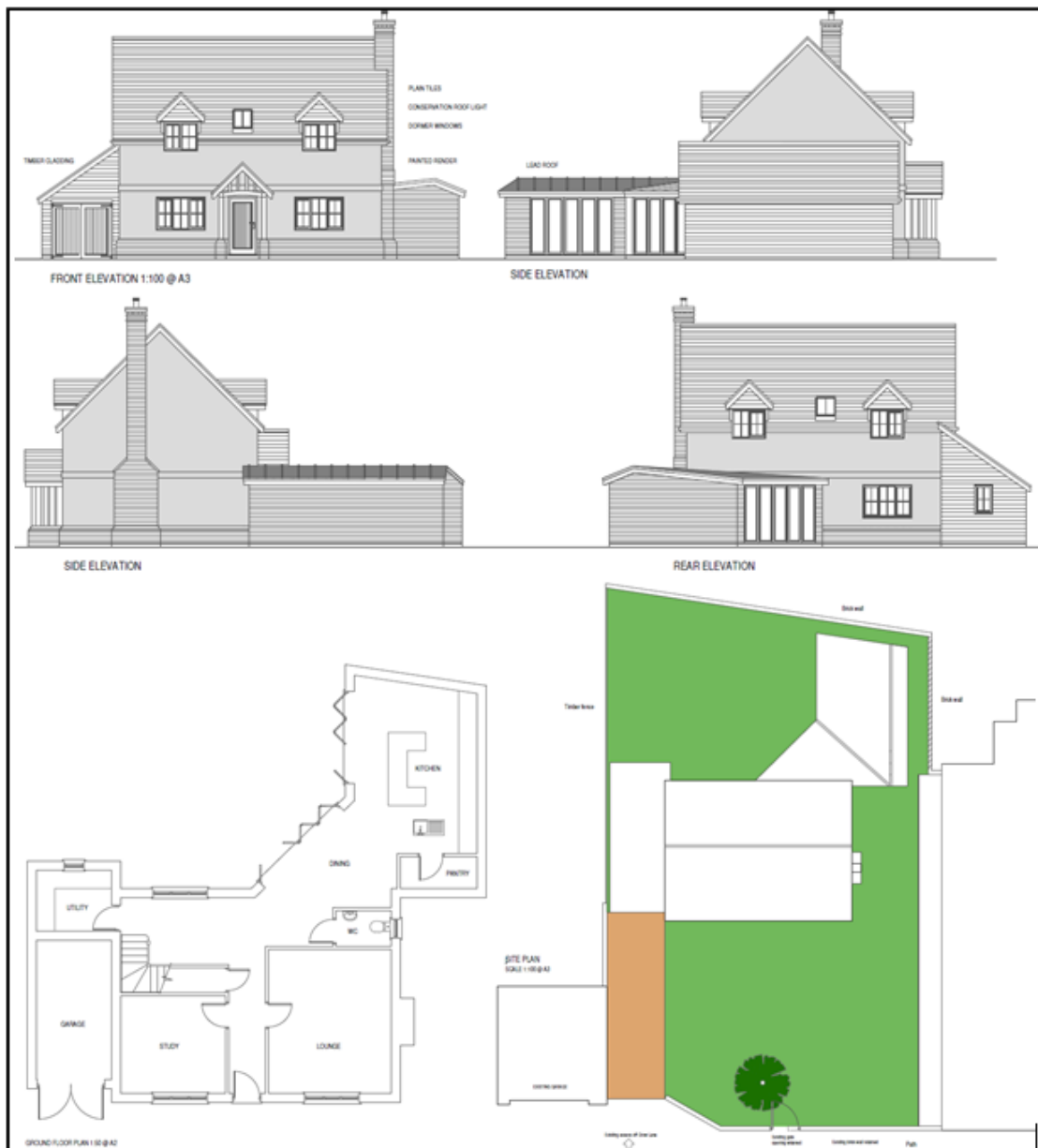
4. Planning History

S/2003/1859	Proposed new bungalow and alteration of existing access. Withdrawn
20/02504/FUL	Erection of detached dwelling with garage parking. Withdrawn

5. The Proposal

This is a full application proposing the redevelopment of this piece of garden land with an additional dwelling. During the course of the application, numerous amendments have been made to the plans in order to address conservation and highway concerns with the scheme. The latest scheme involves a 1.5 storey 2 bedroom dwelling that is to be situated in the rear half of the site. The dwelling has been designed in a traditional, double fronted, cottage style with breaking eave dormers, chimney and porch details. It is to be of brick and painted render construction with a plain tile roof.

To the rear a single storey, oddly shaped, contemporary addition is proposed which will be entirely glazed on one side, but is otherwise to be brick with a lead roof. A lean to, timber clad garage is also proposed on the western elevation. The dwelling is to be set back from the road by approximately 10.5 metres. The majority of the front boundary wall is to be retained, save for a new pedestrian access and a chamfering on one side to allow the required visibility splay from the garage/driveway onto Crow Lane.



PLAN 2 – Proposed Plans

The application is accompanied by a Design & Access Statement, which incorporates a Heritage Statement.

6. Local Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

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

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP43 (Providing Affordable Housing)

CP45 (Meeting Wiltshire's Housing Needs)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP67 (Flood Risk)

CP69 (Protection of the River Avon SAC)

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

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Affordable Housing SPG (Adopted September 2004)

Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of Consultation Responses

Wilton Town Council – No comments received

Highways – No Objection subject to conditions

- I have been informed of the revised drawing for the above application.
- I note that it is now proposed to provide a splay on the front boundary wall from the vehicle access.
- This addresses my concerns with regards to visibility from the vehicle access of pedestrians on the footway and vehicles approaching on the road as the vehicle is able to protrude from the garage onto the frontage and see using the visibility splay.
- 2 parking spaces are required to satisfy the adopted standards
- I wish to raise no highway objection to the proposal providing that conditions are imposed

Conservation – No Objection subject to conditions

- The site lies to the west of Crow Lane, a small historic back lane that links West St and North St, to the rear of properties fronting West St (nos 14-34 are all grade II listed).
- The site lies within the Wilton Conservation Area.

- The LPA has a duty to pay special regard to the desirability of preserving the character and settings of listed buildings, and to preserving or enhancing the character of conservation areas under sections 66 and 72 of the PLBCA Act 1990.
- The NPPF sets out advice on the historic environment in chapter 16.
- CP57 and CP58 of the Wiltshire Core Strategy provide design and heritage guidance.
- Immediately to the north of the site stands a former Congregational Chapel, converted to flats in the late C20, which is considered to make a positive contribution to the character and significance of the CA.
- This c1800 building (*VCH Wilts vi* describes it as 'by far the largest of the nonconformist churches [in Wilton]' with over 400 members in 1829 and 1851) has a distinct non-residential bulk and character and has generous space around it that emphasises its former social significance and simple but relatively grand architectural details.
- Pleasing views of its laneside frontage and adjacent boundary wall may also be had from West St, framed by listed buildings.
- Views from the area of Church Court toward West St and Wilton Place (II* LB) are also of significance to the CA, retaining a strong historic character (the roof terrace of 22 and the set-back garage entrance excepted).
- The length of the lane from West St to its south easterly turn by the river is characterised by 2m high masonry walls; the only obvious loss being the length in front no17.
- On the land to the north of Church Court stands the recently-closed historic felt factory – their large office building does not contribute positively to the character of the CA but is fortunately invisible from most of Crow Lane and is proposed for replacement by two-storeyed houses under S/2003/1016 (approved March 2018).
- NPPF para 189 states that applicants should provide an assessment of heritage significance and impacts in sensitive settings like this.
- Para 192 states that 'local planning authorities should take account of...the desirability of new development making a positive contribution to local character and distinctiveness'. Paras 193 and 196 also apply.
- Historic maps show the application site as a garden plot, at one time in the ownership of 32 West St, later associated with no 30.
- There was a narrow cottage facing the site across the lane, demolished in the mid C20, replaced by a two-storeyed house (no17) further back in the site in the 1980s; the 1980s section of brickwork roadside wall appears exactly to reflect the roadside position of the former cottage.
- A structure, possibly a pair of small cottages, was attached in line with the front to the NE side of the chapel, these were demolished in the late C20, evident today in the repointed side elevation.
- I welcome the revised scale of the proposed house and removal of the garage from the front of the site.
- I am happy to concede the modest length of the boundary wall revisions for highway purposes, it leaves a good length enclosing the street.
- Subject to satisfactory bricks, tiles and window details, I have no objections to this version.

Archaeology – Support subject to conditions

- The site lies within the late Saxon and Medieval town of Wilton, possibly on an original street.
- The site also lies just outside the possible extent of the early Saxon settlement.

- Recent archaeological work carried out within the immediate area of the site has also recorded medieval remains to the rear of street frontages.
- In light of the likely impact on hitherto unrecorded archaeological features and/or deposits by the proposed development I would advise that the site be made the subject of an archaeological evaluation prior to construction within the footprint of the proposed new building as well as any associated driveways and/or service trenches.
- This evaluation should be secured via a condition attached to any planning permission issued

8. Publicity

This application was advertised through an advert in the local press; a site notice; and letters of consultation.

Letters – 12 letters of objection received from the residents of 3 & 17 Crow Lane; Parker Bullen Solicitors on behalf of the residents of Church Court; Church Court Residents Association; Flat 1 & 2, Church Court; 18 The Hollows; 11 North Street; 1 Miller's Close; and 22, 26 & 30 West Street. The following comments were made:

- the new submission does not address many of my previous concerns
- the current use is not residential, it is a garden
- there are many other brown field sites that should be considered first
- It needs to reflect its location, conservation area, and surroundings of historic listed buildings.
- It needs to sit quietly and neatly, not compete with its height alongside an historic chapel and compromise the curtilage of the plot.
- It needs to reduce to single storey max
- The proposed new dwelling is massive compared to the size of the plot
- The new dwelling is not in keeping with the overall traditional character.
- once it becomes a domestic curtilage, there will be no control over future garden design style, expansion, change of land use or lodge/granny annex potential.
- why is there a chimney proposed?
- Materials are not known; how can we judge if they are high quality?
- Please can the colour of brick be confirmed? Are new or reclaimed ones?
- Concerned that the new front garden will be developed in the future, and may be turned into two independent houses/flats.
- the pitch of the roof is extremely acute. Concerned this will be converted into additional rooms and windows etc
- The design of the windows is not great
- A Design & access Statement is needed
- You must consult the Council's Conservation Officer
- The site is surrounded by listed buildings
- the site location and surrounding area is an historic area of interest
- this will not make any contribution to this area of historic special interest, in the heart of an historic town
- The Congregational Church referred to as "flats is listed and is a sensitive conversion of this 1700 building
- It will detract from this delightful back lane and the adjoining buildings will all feel a negative impact
- it feels totally wrong to be building on these ancient gardens
- the wall needs to remain to maintain character
- a new build will not be in keeping with the historical character of the area.
- over development and overcrowding in this peaceful conservation area

- this building will not be subject to the same Grade II restrictions that govern the residences that bound this property
- The 2 storey building will be less than 2 metres away from the neighbouring property/flats affecting their amenity and outlook
- Will create overlooking, loss of light and outlook to surrounding dwellings/flats
- Doesn't allow rear access for adjacent dwellings/flats. As listed buildings, access is needed regularly for maintenance and repair and for the council to access drains etc
- Now that the proposed new build sits further down the plot, it will affect more of my garden
- Overlooking from first floor windows
- the peaceful sanctuary to the rear of West Street will be lost and entirely overlooked.
- Large opening ground floor doors will overlook and cause noise, cooking smells, daily living noises, internal and external entertaining noise, noise from appliances
- My garden is currently totally dark at nighttime. I would lose this
- Concerned about artificial light from the vast amount of glass doors, windows, lights upstairs, any security lighting, garden lighting and car headlights.
- The height of the dwelling block out my natural light and sunshine considerably.
- My property is built on a much lower level than level
- My outlook will now be spoilt and will be of a brick wall
- A two storey brick wall will reduce light into my garden.
- The 2 metre high fence proposed on the Church Court side will block light and reduce amenity to the two ground floor flats
- loss of privacy for first floor flats that have windows opening out onto this land
- only low fences/walls exist between back gardens of West Street and this site
- This will create additional traffic noise
- Objection to the first floor window for Bedroom 2 and en-suite as they will overlook the garden of 17 Crow Lane causing lack of privacy and visual intrusion. They should be moved to the east and west elevations
- Crow Lane is a very narrow lane with difficult access and egress and has parking problems which would be exacerbated by the scheme
- Whilst bin storage is to be accommodated in the garage, they will still need to be put out for collection. This could impact on traffic and the safety of pedestrians
- Delivery vans will attempt to park right outside the house causing congestion.
- The garage might be converted to living accommodation in the future
- There is a regular problem that delivery vans, Co-Op deliveries and the existing factory traffic causing blockages along Crow Lane
- Cars entering Crown Lane from West Street regularly need to reverse back to the main road of West Street as faced with an oncoming vehicle
- I have witnessed pedestrians having near misses
- This lane is a single traffic lane and not one way.
- In the evening, the entire road and lane is taken up by parked cars, vans etc
- To add a further 2 cars coming and going to the current situation will exacerbate the issues
- It will bring additional traffic onto a restricted road
- Could double yellow lines be put along this stretch to stop on street parking
- No onsite turning provision is provided. Reversing onto this narrow lane will cause highway safety issues and/or will use my private parking area to turn
- No visitor parking. Parking on West Street is already limited
- The site is meters away from an active Flood Zone.
- Crow Lane is in Flood Zone 2 and ground water levels are high

- It will put additional pressure on an already maxed out drainage and sewer system
- I am concerned about 'run off' from the garage/utility room roof into my garden
- Building within the flood plain without any flood mitigation or compensation measures is wholly unacceptable
- gardeners were at the site before the application was submitted strimming away all of the wildflowers and trees
- an environmental impact study is needed
- concerned that any foundations will be detrimental to the root pattern and health of my weeping willow.
- Have utilities hidden at depth been considered?
- Have the 2 holly trees' status under the guidelines of English Nature been observed?
- Concerned about noise from construction

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:

As is identified above the site is situated within the existing built up area within the defined settlement boundary of the Local Service Centre of Wilton, as determined by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP33 (Wilton Community Area). WCS policy CP1 (Settlement Strategy) confirms that Local Service Centres '*...are defined as smaller towns and larger villages which serve a surrounding rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self-containment. Local Service Centres will provide for modest levels of development in order to safeguard their role and to deliver affordable housing*'. CP2 (Delivery Strategy) further states that '*Within the limits of development...there is a presumption in favour of sustainable development at...Local Service Centres*'. More specifically, WCS policy CP33 (Wilton Community Area) confirms that '*Approximately 255 new homes will be provided in the Community Area. Growth in the Wilton Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2*'. The proposed development of this site within the defined settlement boundary is therefore considered to be sustainable and is acceptable in principle within this policy context.

This principle acceptability is however subject to the detail in terms of the implications of the development for the character of the area; heritage assets; highway safety; and neighbouring amenities. These matters will therefore be addressed in more detail below.

9.2 Heritage, Character & Design:

As is identified above, whilst the site is in an inherently residential area consisting of an eclectic mix of vernacular, ages and plot types, it is also in a sensitive historic setting, being in close proximity to a number of Grade II listed buildings/structures; within the conservation area; adjacent to a former chapel which is considered to be an important feature in the conservation area; and possibly lying on an original street within the late Saxon and Medieval town of Wilton, just outside the possible extent of the early Saxon settlement. In such a location, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of

preserving a listed building or its setting. Section 72 of the Act further states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having 'special regard' and/or in paying 'special attention' the NPPF states that specific reference must be made as to whether the proposal causes 'substantial harm', 'less than substantial harm' or no harm to the asset.

In addition, WCS policies CP57 (Ensuring High Quality Design & Place Shaping) and CP58 (Ensuring the Conservation of the Historic Environment) confirm that whilst the designation of a listed building or conservation area does not preclude the possibility of new development, any such development needs to be consistent with the conservation of a heritage asset's significance. Consequently, it is expected that development will be of the highest standard in order to maintain and enhance the quality of the area or building, and be sensitive to its character and appearance. It is for that reason that a Heritage Statement and Design & Access Statement were requested, and have been submitted during the course of the application. It is also why the scheme has gone through numerous iterations and revisions to date, both during the course of this application and as part of the previously withdrawn scheme considered earlier in 2020 (under ref: 20/02504/FUL). The changes that have occurred to date can be seen in PLAN 3 and 4 below.



PLAN 3 – Proposed Street Scene for 20/02504/FUL (Previously Withdrawn)



PLAN 4 – Proposed Street Scene (Current Scheme)

The dwelling that is now proposed on this site is relatively modest in form and height. It now consists of a traditional, 1.5 storey, 2 bedroom dwelling that is to be situated towards the rear of the site. The design has been altered significantly so that the height, detail and set back from the road will now ensure that the dwelling will no longer compete with the adjacent chapel conversion and will be far more subservient in this narrow street scene, partially hidden behind the existing front boundary wall.

Whilst this wall is to be altered to allow vehicle visibility and pedestrian access, the majority is now to be retained which ensures that the sense of enclosure and intimacy in the lane is maintained. The proposed garaging has also been reduced in size and pushed back on the site so that it no longer dominates the street scene or the front façade of the new dwelling.

The design has also changed from a poor mock Georgian style design to a more modest, traditional cottage style vernacular that is more in keeping with the surrounding properties and again reduces the dwelling's competition with the grandeur and architectural detailing on the adjacent former chapel. Breaking eave, pitched roof dormer windows; chimney details; and a front porch have all been incorporated. Whilst other details such as the architectural features; windows; and finished materials can all be controlled by condition, the scheme identifies a mix of brick and render with a plain tile roof which again will result in a more simplified and modest/subdued contribution to the street scene and historic setting than was originally proposed.

In addition, the proposed dwelling has not only reduced in scale but also has been moved on the plot. It has been pushed back approximately 10.5 metres from the road edge and further away from the side elevation of the adjacent chapel building that exists on the immediate eastern boundary of the site. This has improved the space about the site and building resulting in a development that is far more respectful of the existing urban grain of development in the surrounding urban area.

Overall, whilst much local representation has been received about the proposed development and its design, the Council's Conservation Officer is now satisfied that the proposed dwelling will represent appropriate development in this street scene; for the setting of the surrounding listed buildings; and for the character of the conservation area. It also constitutes an effective use of land in a sustainable location. No objection has been raised to the detailed design of the proposals, or implications for the character of the area accordingly.

9.3 Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, daylight and sunlight, and living areas within private gardens.

As the site has historically derived from neighbouring gardens, it has many back land characteristics and is in close proximity to neighbouring properties and private gardens. The neighbouring former chapel also has an awkward relationship with the site in that it is built directly on the eastern boundary of the site with windows opening out into the site from both ground and first floor flats. In addition, the site is situated on a narrow lane with limited separation between the front boundary of the site and the neighbouring properties to the south of the site. As a result of these factors, a number of local objections have been raised with regard to the potential for loss of light, overlooking, dominance; and noise impact. The design and form/position of the new dwelling has therefore had to be carefully considered and managed and has also altered considerably during the course of the application/s to date.

With regard the residents in the adjacent converted chapel, a number of changes have occurred to the scheme so as to reduce the potential harm for these neighbouring amenities. Firstly the proposed dwelling has been pushed right back on the site so that only a small proportion of the new building is to be sited adjacent to the chapel building. The height and form of the development has also been altered so that a pitched gable (measuring approximately 4 metres to its eaves and 8 metres to its ridge) will now face the neighbouring building, rather than a flat roofed block. No windows are proposed on the facing elevation, which can also be controlled by condition; and the new dwelling has also been pulled back from this common boundary so that it will now be situated approximately 4.5 metres away from the side elevation of this neighbour. Given the orientation of the new dwelling, to the west of this neighbour; the set back and separation identified above; and the modest form of the development as now proposed, it is not considered that the potential for harm for these easterly neighbours will be significant so as to warrant a reason for refusal, especially given the urban nature of the location.

Concern has also been raised about a 2 metre fence that has been identified on the plans, along this eastern boundary which is to be off set from the neighbouring former chapel building by approximately 1 metre. It is feared that this will cause loss of light and outlook, particularly for the ground floor flats in the adjacent building. However a 2 metre high fence could be erected immediately on this boundary, right up to the windows on this flank wall, by the applicant without the need for planning permission, irrespective of the outcome of this decision. The proposed off set therefore represents an improvement to what could be undertaken on the site and in effect has given some of the site/land to this neighbouring property in order to enable them access and maintenance of their building. In addition, the existing relationship between the site and this neighbouring property is already awkward and undesirable, in that ground floor windows in the adjacent property open immediately out into this garden land meaning that there is limited privacy between the two sites. The proposed screening that will be created by the proposed boundary fence will therefore serve to improve privacy levels for all concerned.

With regards to the rear gardens/elevations of the properties fronting onto West Street to the west, again a number of alterations have been proposed. The set back from the road; the changes from a blocky flat roof box to a more traditional, 1.5 storey, pitched roof development; and the reduction in size and position of the proposed garage will all result in a better relationship for these neighbours to the west. Whilst the new development will inevitably result in these neighbouring properties being more enclosed and thus reduce the outlook of these properties, there is no right in planning to a view, and certainly not one that benefits from the openness of neighbouring property/land in a different ownership. The relationship that will be created is also appropriate given the site's position in an existing built up area. The fact remains that no windows are proposed on the flank wall of the proposed development, which can also be conditioned. The first floor windows on the front and rear elevations will be positioned at an oblique angle to these western neighbours; and the windows nearest will serve bathrooms, so any potential for overlooking will be minimal. The main 1.5 storey scale is also offset from this western boundary by the proposed, lean to style garage thus reducing the impact of the full 1.5 storey massing. Concern has been raised about the ground floor windows in the rear kitchen extension, but intervening boundary treatment and a separation of approximately 10.5 metres between these facing ground floor windows and the shared boundary, will sufficiently mitigate any potential for harm. Given that the dwelling is also to be situated to the east of these neighbours it is also considered unlikely that it will cause any significant potential for over shadowing or loss of light on these neighbouring amenities.

Finally, with regard the neighbours to the south, any potential impact for these neighbours will be mitigated by the set back of 10.5 metres which is proposed between facing windows and the site's southern boundary; plus the intervening road; and front gardens of these respective southern properties. In addition the orientation to the north will also reduce any potential for loss of light or over shadow.

Concerns have been raised about the potential future expansion of the dwelling; extensions; rooms in the roof; or subdivision of the plot and the potential additional impact that these could have for neighbouring amenities. However future extensions or windows can be controlled by condition, meaning that any such extensions or additional dwellings or changes of use would require planning permission and would be considered at that stage accordingly. The potential for future alterations would not therefore warrant a reason for refusal of the scheme.

9.4 Highway Safety:

The proposal involves a 2 bedroom property and therefore 2 on site parking spaces are required. These have been identified in the form of a driveway and a single garage. The access to the driveway is onto Crow Lane which is a very narrow lane for two way traffic with alleged parking and congestion problems and much local concern has therefore been raised about the potential hazard that would be created from vehicles reversing into this lane and/or additional traffic being generated from this development.

However the existing site already benefits from a garage that is served from Crow Lane in the same position as the proposed access, and its use would already involve vehicles reversing into the lane. Whilst this garage is currently under used, it could be sold off and/or used more intensively without planning permission being required. The proposed use of the new access/garage at this point is therefore unlikely to result in any additional impact for the lane, traffic congestion or highway safety issues than the existing use/potential use of the existing garage.

The Highway Authority has confirmed that as the required visibility splay has now been provided/improved, by the removal of a small part of the road boundary wall; and the required level of onsite parking has been identified, the development is unlikely to result in any significant implications for highway safety. No objection has therefore been raised in this regard accordingly.

9.5 Ecology:

As is identified above, whilst the site is not situated in Flood Zones 2 or 3 or within the specific ecological designations of the nearby River Wylfe, it is situated within the catchment area of the River Avon SAC. The proposed development therefore has potential to cause adverse effects on the River Avon SAC, either alone or in combination with other developments through discharge of phosphorus in wastewater.

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

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species

(Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7th January 2021.

As this application falls within the scope of the mitigation strategy and generic appropriate assessment, the Council's Ecologist has confirmed that it will not lead to adverse impacts alone or in-combination with other plans and projects on the River Avon SAC and is acceptable in this regard.

9.6 Flooding & Drainage:

Local concern has been raised about drainage and flooding. However, as the site is situated in Flood Zone 1, the application does not need to be accompanied by a Flood Risk Assessment or any site specific flood mitigation. The supporting documentation confirms that surface drainage is to be managed by use of a sustainable urban drainage system and that foul water is to link up to the existing mains system. Given that the site is under 1 hectare in size; is situated in Flood Zone 1; and involves non major development (less than 10 units), any further consideration of the drainage strategy for the site is a matter that will be dealt with at the building control stage and is not a planning matter.

9.7 Other Matters:

Local representation has suggested that the applicant should gift some of the site to neighbouring residents in order to provide rear accesses for the adjacent neighbouring properties and flats, so that maintenance and repair can be carried out on these properties in the future. However the site is private land. The existing properties do not currently benefit from a lawful rear access across this site at and there is no planning reason to insist that the applicant should provide some of the site for such a purpose. The scheme does propose the syphoning off of a small strip of land along the eastern boundary, but this has come about at the proposal of the applicant and is proposed in order to address an awkward arrangement whereby neighbouring windows directly open out onto the site which is an unneighbourly arrangement for both the neighbouring residents and the applicants and is thus of benefit to both. No such situation exists on the western boundary and it is not therefore reasonable to insist that such an access is provided as part of this scheme.

However whilst such an access arrangement cannot be secured by the planning system, civil rights exist where neighbours have the right to request and agree access on to neighbouring land temporarily for the purposes of maintenance etc. It is not therefore considered that the development of this land would prejudice any neighbour in this regard, or prevent access for maintenance in the future as required. This is however a civil matter between the parties concerned and is not a planning consideration for this application.

Other local concern has been raised about potential for noise and disturbance during construction, given the site's position and proximity to neighbouring properties. Planning law accepts that there will be a level of disturbance resulting from all and any new development but that this is of a temporary nature and so construction disruption cannot be used as a reason for refusal of a scheme. However the Local Planning Authority can control some aspects of the construction phase such as the hours of construction etc by condition. A condition will be imposed on the recommendation accordingly.

9.8 CIL/S106 Contributions:

WCS policy CP43 (Providing Affordable Housing) and saved SDLP policy R2 both require contributions towards affordable housing and public open space provision from any net gain in the number of dwellings in the area. However, following subsequent

ministerial advice and the updated NPPF, these policies now only apply to sites of 10 dwellings or more and therefore there are no longer any such requirements from schemes such as this proposing only a net gain of 1 new dwelling on the site.

However, as of May 2015, Wiltshire Council adopted the Community Infrastructure Levy (CIL). This proposal may represent chargeable development under the CIL Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A note will be attached to this recommendation highlighting this requirement to the applicant accordingly.

10. Conclusion

The site is situated within the main built up area and defined settlement boundary of Wilton; and the scheme has been carefully designed so as to limit any implications for the character of the area; surrounding heritage assets; neighbouring amenities; highway safety; or ecology. The proposals therefore represent an appropriate, sustainable and effective use of land and are recommended for permission accordingly.

RECOMMENDATION

Permission subject to conditions

1. **WA1** 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. **WM13** The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form & Certificate

Ref: LP/01 – Location Plan (Excluding Block Plan). Received – 17.07.2020

Ref: GF/03 – Ground Floor Plans. Received – 07.12.2020

Ref: FF/04 – First Floor Plan. Received – 03.12.2020

Ref: EL/05 – Elevations. Received – 03.12.2020

Ref: SS/06 – Street Scene. Received – 12.02.2021

Ref: SP/08 – Site Plan. Received – 03.12.2020

Ref: VS/08 – Visibility. Received – 03.12.2020

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

3. **WB1** No development shall commence above slab level on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission 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. **WB14** No development shall commence above slab level on site until full details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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/conservation area.

5. **WC1** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels, contours;
 - means of enclosure and boundary treatment;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. **WC2** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

7. The offset boundary identified along the eastern edge of the site on the approved plans, details of which shall be agreed as part of the satisfaction of Condition 5 above, shall be installed prior to occupation of the dwelling hereby approved. The offsite area created shall remain free of obstruction and the new boundary shall be and retained/maintained in situ in perpetuity.

REASON: In the interests of neighbouring amenities.

8. No development shall commence on site until:
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been 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, to enable the recording of any matters of archaeological interest

9. **WD1** The development hereby permitted shall not be first occupied until the first five metres 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.

10. **WD4** The gradient of the access way hereby approved shall not at any point be steeper than 1 in 6 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

11. **WD18** No part of the development hereby approved shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter in perpetuity.

REASON: In the interests of highway safety.

12. **WD20** No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

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

13. **WE15** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

14. **WG2** Notwithstanding the approved plans, the proposed development shall not be first occupied until means/works have been implemented to avoid private water from entering the highway.

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

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

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

16. **WE4** 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted on the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

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

18. No construction shall take place on Sundays or Bank or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To minimise disturbance to nearby residents during the construction period

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 applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.

- 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 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.