

# AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Wednesday 10 January 2018  
**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email [lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk)

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

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## Membership:

Cllr Fred Westmoreland (Chairman)	Cllr Mike Hewitt
Cllr Richard Britton (Vice-Chairman)	Cllr Sven Hocking
Cllr Brian Dalton	Cllr George Jeans
Cllr Matthew Dean	Cllr Ian McLennan
Cllr Christopher Devine	Cllr John Smale
Cllr Jose Green	

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## Substitutes:

Cllr Trevor Carbin	Cllr Bridget Wayman
Cllr Ernie Clark	Cllr Graham Wright
Cllr Tony Deane	Cllr Robert Yuill
Cllr John Walsh	

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## **Recording and Broadcasting Information**

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**County Hall, Trowbridge**  
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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](#).

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 32*)

To approve and sign as a correct record the minutes of the meeting held on

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 by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed 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 **Wednesday 3 January**, 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 **Friday 5 January**. 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 33 - 34)**

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

**7 Planning Applications**

To consider and determine planning applications in the attached schedule.

**7a 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN (Pages 35 - 44)**

Retrospective application for grass planted bunds in south western corner of the site

**7b 17/09192/FUL: Land at Manor Farm House, Newton Toney, SP4 0HA (Pages 45 - 64)**

Erection of one two storey dwelling; associated access, turning, parking, landscaping and private amenity space

**8 Urgent Items**

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

**Part II**

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

SOUTHERN AREA PLANNING COMMITTEE

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**MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 DECEMBER 2017 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

**Present:**

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale and Cllr Robert Yuill (Substitute)

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229 **Apologies**

Apologies were received from:

- Cllr Matthew Dean who was substituted by Cllr Robert Yuill

230 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 16 November 2017 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes.**

231 **Declarations of Interest**

There were none.

232 **Chairman's Announcements**

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

233 **Public Participation**

The committee noted the rules on public participation.

234 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda, for the period 03/11/2017 to 01/12/2017.

**Resolved**

**To note the update.**

235 **Planning Applications**  
236 **17/02198/OUT - Rose Farm, Hurdcott Lane, Winterbourne Earls, Salisbury, SP4 6HR**

**Public Participation**

Gaenor Nokes spoke in objection to the application

Robyn Harper spoke in support of the application

The Senior Planning Officer, Georgina Wright, introduced the report, which recommended that the application for Outline Planning Permission Including Access Details for 2 Four Bedroom Detached Dwellings be refused.

It was noted that it had previously been refused due to access reasons and the site was also outside the village boundary of the adopted core strategy. The village has started the NHP process, however this was in the early stages and had not yet adopted.

Member then had the opportunity to ask technical questions of the Officer. It was clarified that the site was one of the 11 sites which had been identified as possible locations for development, but the 11 sites which were to be considered had not yet gone out for public consultation.

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

The Unitary Division Member Cllr Mike Hewitt then spoke in support of the application, noting that the A338 ran through the village. It was always difficult to build in these villages without upsetting something. The proposal was for 2 houses which were needed. These could be used as accommodation by workers at Porton Down. The development included the proposal to expand the footpath. The only reason for refusal was due to the site being out of the Housing Boundary.

Cllr Hewitt then moved the motion of approval, this was seconded by Cllr Devine.

A debate followed where key issues raised included, that as the NHP had not been adopted it could not be used as a planning consideration, as it was too early in the development of the NHP to speculate what would or would not be included. The development was supported by the parish council.

The Committee then voted on the motion of approval.

**Resolved:**

**That application 17/02198/OUT be approved, against Officer's recommendation with the following conditions:**

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

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

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

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

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

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

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

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

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

**Application Form & Certificate**

**Ref: REH/4374/101155/008 Rev A - Visibility Splay & Retained Hedge.  
Received -  
12.10.2017**

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

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

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

- 6 **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:-**
- **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;**

**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.

- 7 **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.

- 8 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

- 9 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 No part of the development shall be first occupied until the visibility splays shown on the approved plans (ref: REH/4374/101155/008 Rev A) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

**REASON:** In the interests of highway safety

- 11 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** 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 that the development can be adequately drained.

- 12 No development shall commence on site until details of the footway widening across the frontage of the site have been submitted to and approved in writing by the Local Planning Authority. The footway widening works shall be completed prior to first occupation of the development.

**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 highway and pedestrian safety.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending 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 in the northern elevation of plot No.1 of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

#### **INFORMATIVES**

- 1) Please note that the submitted illustrative elevation plans contain a number of errors. The matter of appearance is however a detailed reserved matter and this concern will therefore need to be addressed by any subsequent reserved matter application. The design of the dwellings hereby approved has not therefore been agreed at this stage and the Council will not be bound by the elevation plans that have been submitted to date.
- 2) The application involves the requirement of dropped kerbs to create the vehicular access. 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](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.
- 3) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

237 **17/00842/OUT - Land opposite Horefield, Idmiston Road, Porton, Wiltshire, SP4 0LD**

Public Participation

David Neal spoke in objection to the application  
Adrian Dibden spoke in objection to the application  
Valerie Creswell spoke in support of the application  
Tony Allen spoke in support of the application  
Simon Zielonka spoke in support of the application  
Cllr James Humphries spoke on behalf of the Parish Council

The Senior Planning Officer, Lucy Minting introduced the report, which recommended that the application for Outline Planning Application for residential development of 16 dwellings with all matters reserved. Provision of new footways and dropped kerb crossings to Nicholas CofE Primary School and 15 public car parking spaces for Horefield residents/school use, be refused.

It was noted that the proposed site was outside the limits for development. The site was currently in agricultural use, and school parking had been identified as an issue.

The Parish Council was in support of the application and the site had been included in the NHP.

Attention was drawn to late correspondence circulated at the meeting, relating to a response to late submission of ecological data provided by the applicant. The reasons for refusal had been altered, as listed on late correspondence.

The Ecological Officer had considered the new submission and concluded there would not be an adverse impact.

Members then had the opportunity to ask technical questions of the Officer. It was clarified that the applicant did not have control over some sections of the land, which was why the planned footpath would cross over twice. Specific details of the type of crossing would be conditioned as part of the decision should the application be approved; however it was understood that the crossing would be unmanned.

The plan showed the proposal to retain the verge along the roadside, except where the accesses were to the front dwellings.

There was no right to park on the verge at present, so there would be no loss to residents. The proposal included 15 public spaces for use.

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

The Unitary Division Member Cllr Mike Hewitt then spoke on the application, noting that it was not an easy application and if he had not called it in it would

have been refused. He believed there was a place for houses along the site, being built properly with appropriate consideration of the road.

The site was outside of the housing boundary, and there were flooding issues, but these could be overcome. The Water company had been working in the village, to make improvements over last few years. If the application was approved, there were still lots of questions to be asked. With additional parking and further consideration to the cars dropping children off for school along that road, as it was unsafe.

Cllr Hewitt then moved the motion of refusal, in line with Officer's recommendation, this was seconded by Cllr Britton.

A debate followed where key issues raised included the support of NHP Group and the Parish Council. The parking problem on this narrow road was a major issue. The extra spaces proposed would not go anywhere near solving the problem.

The proximity of the houses to the road compared to the houses on the diagram, was a material consideration. A proposal where the houses were set a little further back or perhaps less of them may be more favourable.

The right-hand side of road was open country, giving a country feel to the area, putting this number of houses there would change that feel.

There was a flooding issue on that stretch of road, if you build there the water would have to go somewhere else.

The Committee then voted on the motion of refusal in line with Officer's recommendation. This motion was not carried.

The Chairman then moved the motion of deferral until spring, in order to consider the application, once the additional ecology information was available, this was seconded by Cllr McLennan.

**Resolved:**

**That application 17/00842/OUT be deferred until spring 2018 to allow for the ecology report to be submitted.**

238 **17/05578/FUL & 17/06125/LBC - 3 Silver Street, Wilton, SP2 0HX**

**Public Participation**

Lucy Patterson spoke in support of the application

Melanie Latham spoke in support of the application

The Senior Planning Officer, Lucy Minting introduced the report, which recommended that the application for proposed alterations, replacement ground floor & new 1st floor rear extensions (Resubmission of 17/00328/FUL and 17/00693/LBC) be refused.

It was noted that the site was in the Wilton conservation area and the special regard to preserving listed buildings.

The application proposed to demolish all of the red brick range, and the demolition of the roof structure over the garden room.

Member then had the opportunity to ask technical questions of the Officer. It was clarified that the veranda would be re-roofed.

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

The Unitary Division Member Cllr Pauline Church then spoke in support of the application, noting that this prop has laid derelict for 20 years, unloved and unlive in. The proposed quality of materials craftsmanship and design was superb.

The rear elevation did not have the same grandeur as the front. Historic England had made their recommendations but had not been on site.

Cllr Westmoreland moved the motion of approval this was seconded by Cllr Hewitt.

A debate followed where key issues raised included that the proposed development was sympathetic to the building, which had been deteriorating quite rapidly, putting new life in to this building that could last another 100 years.

The Conservation Officer was not in support of the proposals. This was a major re-invention, far more major than an alteration to just window frames.

The Committee then voted on the motion of approval.

**Resolved:**

**That application 17/05578/FUL be approved against Officers recommendation, with the following conditions:**

**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:  
Plan Reference: Design and Access Statement, received by this office 09/06/2017**

**Plan Reference: Heritage Statement, received by this office 09/06/2017**

**Plan Reference: 16-05-02-01, received by this office 09/06/2017**

**Plan Reference: 16-05-02-02, received by this office 09/06/2017**

**Plan Reference: 16-05-02A-05, received by this office 09/06/2017**

**Plan Reference: 16-05-02A-04 , received by this office 09/06/2017**

**Plan Reference: 16-05-02A-06, received by this office 09/06/2017**

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

- 3 **The development shall be undertaken in accordance with the Bat Survey report, dated 13 January 2017, prepared by Davidson-Watts Ecology Ltd which has already been submitted with the planning application and agreed in principle; and prior to the commencement of works on site, a detailed method statement and work schedule as per paragraph 5.3.4 of the aforementioned report shall be submitted to the local planning authority for review.**

**REASON: To ensure appropriate and adequate protection and mitigation for bats.**

**Resolved:**

**That application 17/06125/LBC be approved against Officers recommendation, with the following conditions:**

**Subject to the following conditions:**

- 1 **The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

**REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:**

**Plan Reference: Design and Access Statement, received by this office 09/06/2017**

**Plan Reference: Heritage Statement, received by this office 09/06/2017**

**Plan Reference: 16-05-02-01, received by this office 09/06/2017**

**Plan Reference: 16-05-02-02, received by this office 09/06/2017**

**Plan Reference: 16-05-02A-05, received by this office 09/06/2017**

**Plan Reference: 16-05-02A-04 , received by this office 09/06/2017**

**Plan Reference: 16-05-02A-06, received by this office 09/06/2017**

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

- 3 **Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:**

- (i) Large scale details of all external joinery (including the lantern rooflight) and metal railings to comprise 1:5 elevation and 1:2 section plans;
  - (ii) Large scale details of proposed eaves and verges (1:5 section); (iii) Full details and samples of external materials.
- The works shall be carried out in accordance with the approved details.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

- 4 The development shall be undertaken in accordance with the Bat Survey report, dated 13 January 2017, prepared by Davidson-Watts Ecology Ltd which has already been submitted with the planning application and agreed in principle; and prior to the commencement of works on site, a detailed method statement and work schedule as per paragraph 5.3.4 of the aforementioned report shall be submitted to the local planning authority for review.

**REASON:** To ensure appropriate and adequate protection and mitigation for bats.

239 **17/05736/FUL - Longacre Farm, Figsbury, Salisbury, SP4 6DT**

Public Participation

Naomi King spoke in support of the application  
Susan Smith spoke in support of the application  
Colin Burrows spoke in support of the application  
Cllr Brian Edgeley spoke on behalf of Firsdown Parish Council

The Senior Planning Officer, Richard Nash introduced the report, which recommended that the application for Proposed portal frame building for hen house, service link, rearing shed and feedstore. Landscaping work. Work in connection with access. Stationing of mobile home all in connection with free range egg production flock, be refused.

Attention was drawn to late correspondence circulated at the meeting.

The site was accessed by a bridal way. The front of the site was in the same ownership of development site. The height of the newly proposed building was greatly reduced. The development would be screened by bund and planting on top of building.

A previous application including proposals for 2 mobile homes had been refused, this new proposal was for a smaller footprint single dwelling cabin style accommodation. The applicant had overcome the previous reasons for refusal.

The Parish Council had confirmed they support the proposal.

Member then had the opportunity to ask technical questions of the Officer. It was clarified that the planting on top of the bund was conditional, native species of trees and shrubs were suggested.

The dwelling was a full time dwelling, but this would be conditioned for staff use only.

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

The Unitary Division Member Cllr Chris Devine then spoke in support of the application, drawing attention to the access in and out of the site. The applicant had gone out of their way to ensure the access was as safe as could be.

Highways were concerned that in the future the adjoining land owner may take back that section of the splay to the site. However that was highly unlikely. The applicant has a good proven track record and had a good business plan. The site was ideally suited to this type of business.

Cllr Devine then moved the motion of approval, this was seconded by Cllr Hewitt.

A debate followed where key issues raised included the concerns of Highways, were not just over ownership, but included highways safety. This would need to be considered.

The Committee then voted on the motion of approval.

**Resolved:**

**That application 17/05736/FUL be approved against Officers recommendations 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:  
02917 1 (LDS/14107-TP3) (Topographic Survey showing Location Plan)  
02917 3 A (Alterations to Access)  
02917 4 (Proposed Buildings)  
02917 4 (Plans showing ownership of land required for visibility splay)  
REASON: For the avoidance of doubt and in the interests of proper planning.**



- 3** No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs of the development hereby approved 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** 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:  
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;  
boundary treatments;  
finished levels and contours;  
means of enclosure;  
car park layouts;  
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.
- 5** 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.**

- 6 No development shall commence on site until a scheme for the discharge of foul water from the site, including details/testing/calculations of effluent disposal system, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.**  
**REASON: To ensure that the development can be adequately drained.**
- 7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**  
**REASON: To ensure that the development can be adequately drained.**
- 8 The development hereby permitted shall not be first brought into use or occupied until splays have been provided on both its sides of the access in accordance with the details shown on approved drawing 02917 3 A (Alterations to Access). The splays shall be kept free of obstruction above a height of 600mm at all times.**  
**REASON: In the interests of highway safety.**
- 9 The development hereby permitted shall not be first brought into use or 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 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.**  
**REASON: In the interests of highway safety.**
- 11 No construction or demolition vehicles may access the site by way of FIRS3 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.**  
**REASON: To ensure the Public Right of Way remains available and convenient for public use.**

- 12** No materials, plant, temporary structures or excavations of any kind shall be deposited/undertaken on or adjacent to the Public Right of Way that obstructs the Public Right of Way whilst development takes place.  
**REASON:** To ensure the Public Right of Way remains available and convenient for public use.
- 13** Before the first use of the agricultural building hereby approved, a manure disposal and fly management plan shall be submitted for the approval of the Local Planning Authority. The use of the building and site for keeping chicken shall not be subsequently carried out otherwise than in accordance with the approved plan.  
**REASON:** In the interests of the amenity of the locality.
- 14** Within twelve months of the first occupation or use of the development hereby approved, the site shall be cleared of all building materials and related items in accordance with the Schedule of Works prepared on 17 July 2017.  
**REASON:** In the interests of visual amenity and the character and appearance of the area.
- 15** The mobile home hereby permitted, and any ancillary works or structures associated with it shall be removed and the land restored to its former condition on or before 31 December 2020 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.  
**REASON:** Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

240 **17/06734/FUL - Former Piggery Buildings at Cotswold Farm, West Dean Road, West Tytherley, SP5 1QA**

Public Participation

Ian Donoghue spoke in support of the application

The Senior Planning Officer, Matthew Legge introduced the report, which recommended that the application for Conversion of former agricultural buildings to 9 residential dwellings be approved.

It was noted that the site had been used as a piggery and had been left derelict for a number of years.

The applicant already had permissions for development of other dwellings on the site. The site entrance was approved in 2013.

Attentions was drawn to the late correspondence circulated at the meeting.

Member then had the opportunity to ask technical questions of the Officer. It was clarified that the reason for the application coming to committee had been omitted from the report, it was detailed in the late correspondence as:

*Councillor Chris Devine has called this application into the planning committee with the following concerns that the development is contrary to:*

- *The Wiltshire Core Strategy – as published*
- *This is not in the `emerging` Neighbourhood Plan*
- *This is an Agricultural site*
- *The current planning policy does not state that agricultural brown field sites may become housing*
- *This is an SLA and such a development would detract from that*
- *The local highways infrastructure would not support another 35 cars*
- *Outside the current HPB*

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

The Unitary Division Member Cllr Chris Devine then spoke in objection to the application, noting that this was never in the plans for Wintersow. There was an emerging NHP, which was due to go out on a final run around the village before going to Wiltshire Council for adoption.

The proposed site was way outside of the village, on a narrow road. There were issue with infrastructure in Winterslow. The parish council did not support this application. There would be 36 vehicles on this site, making up to 150 movements on and off the site each day, which would impact on the road which was used by horses.

These homes would bring lots of additional people into the area, which was next to Benley Wood. It was never meant for development. It could be turned back in to agricultural land. This was a corruption of CP48. There was not the highways infrastructure to take another 35 cars.

The NHP was nearly completed and identified other sites for development.

Cllr Devine then moved the motion of refusal this was seconded by Cllr McLennan.

A debate followed where key issues raised included that the site was not included in the emerging NHP and was not supported by the parish council.

The development was of an attractive design, an imaginative and was a good reuse of this land.

The NHP was never intended to stop things from being developed, Wiltshire Council had core policies designed to do that. The NHP was the communities option to add to that, not to detract.

This does not need the support of a NHP, the application stands or falls on CP48. We should have life in the countryside. The use of buildings was better than demolishing them.

The Committee then voted on the motion of refusal. The motion was not carried.

The Chairman then moved the motion of approval with conditions, this was seconded by Cllr Green.

**Resolved:**

**That application 17/06734/FUL be approved with 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:**

<b>DRG No. Site Location Plan</b>	<b>29/08/2017</b>
<b>DRG No. SL01C (Site Layout Plan)</b>	<b>24/10/2017</b>
<b>DRG No. SL02A (Drainage Layout)</b>	<b>24/10/2017</b>

<b>DRG No. P.1-5.pe (Proposed units 1-5)</b>	<b>03/08/2017</b>
<b>DRG No. P.6-7.pe (Proposed units 6-7)</b>	<b>03/08/2017</b>
<b>DRG No. P.8-9.pe (Proposed plots 8-9)</b>	<b>03/08/2017</b>
<b>DRG No. GAR.pe (Garage – plots 5&amp;6)</b>	<b>24/10/2017</b>

**Demolition Plan in Page 9, Section 3.0 of the Planning Statement (Southern Planning Practice Ltd) received on 17 November 2017**

**Ecology Report by Kingfisher Ecology. Ref CFS-021117 and dated 29/11/2017**

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

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

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

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

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

**4.** No part of the development shall be occupied/first brought into use until all the existing buildings on site (as identified for demolition within page.9/section 3.0 of the updated Planning Statement (Southern Planning Practice Ltd) received on 17 November 2017) have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

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

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

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

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

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

**7. 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:-**

- 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;
- 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**

**8. 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.**

**9. No development shall take place on site, including site clearance, storage of materials or other preparatory work, until an Arboricultural Method Statement, has been submitted to the Local Planning Authority and approved in writing, Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.**

**The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as the Root Protection Area. Unless otherwise agreed, the RPA will be fenced, in accordance with the British Standard Guide for Trees in**

**Relation to Construction (BS.5837: 2005) and no access will be permitted for any development operation.**

**The Arboricultural Method Statement should specifically include details of how demolition (of buildings and hard surfacing) will be carried out without causing root damage to adjacent trees.**

**The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.**

**REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.**

**10. No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

**REASON: In the interests of highway safety.**

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

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

**12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouses hereby permitted or within their 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.**

**13. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the**



access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

14. No development shall commence on site until details of the works for the disposal of sewerage including the point of any connection to existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

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

15. The development hereby approved shall be carried out in strict accordance with the recommendations made in sections 4.4, 5, 7.3 and Appendix A of the approved Preliminary Ecological Appraisal, Preliminary Roost Assessment and Phase 2 Bat Survey Report (Kingfisher Ecology Ltd, updated 29<sup>th</sup> November 2017), and with liaison with a suitably qualified and competent ecological consultant. This must include precautionary working methods during site clearance as well as during the construction and operation of the development.

**REASON:** To ensure adequate protection and mitigation for wildlife including protected species, and to ensure compliance with wildlife legislation and Core Policy 50 of the Wiltshire Core Strategy.

16. There shall be no removal of trees or vegetation along the eastern margin of the application site as this habitat has been stipulated as being retained within the approved Preliminary Ecological Appraisal, Preliminary Roost Assessment and Phase 2 Bat Survey Report (Kingfisher Ecology Ltd, updated 29<sup>th</sup> November 2017). In the event that removal of trees or vegetation within this area is required, this cannot be undertaken without prior written approval from the local planning authority who will require the submission of plans accompanied by details of ecological mitigation measures.

**REASON:** To ensure retention of habitats likely to be used by wildlife, potentially including protected species.

17. No development shall commence on site until a detailed Ecological Mitigation and Enhancement Strategy has been submitted to, and approved in writing by the local planning authority. The strategy must include:

- i) Details of habitat retention and protection and illustrated on a plan.

- ii) Pre-construction and construction method statements including full details of avoidance and mitigation measures and any pre-commencement checks and surveys required to provide adequate mitigation for wildlife, including protected species. This must include details of the 'destructive search' recommended with respect of B7 in section 7.3 of the approved Preliminary Ecological Appraisal, Preliminary Roost Assessment and Phase 2 Bat Survey Report (Kingfisher Ecology Ltd, updated 29<sup>th</sup> November 2017).
- iii) Comprehensive details of ecological enhancement measures recommended in section 5 of the approved Preliminary Ecological Appraisal, Preliminary Roost Assessment and Phase 2 Bat Survey Report (Kingfisher Ecology Ltd, updated 29<sup>th</sup> November 2017), including planting to encourage wildlife and bat roosting provision, with specifications and proposed numbers and positions to be shown on accompanying plan(s).

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

**REASON:** To ensure appropriate protection and mitigation for ecological receptors, including species and habitats, and to provide biodiversity gain in line with NPPF and Core Policy 50 of the Wiltshire Core Strategy.

18. No new external lighting shall be installed at the application site without prior written approval from the Council. Any plans for new lighting must be submitted to the Council for consideration and approval and must include details of mitigation measures to minimise the potential for impacts on roosting bats at the site. Thereafter, new lighting must be installed and operated in strict accordance with the approved lighting plan.

**REASON:** To ensure appropriate mitigation for roosting bats, and to ensure compliance with wildlife legislation and Core Policy 50 of the Wiltshire Core Strategy.

19. Before development takes place, a lighting plan and design strategy for biodiversity shall be submitted and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for wildlife, especially bats, and that are likely to be sensitive to disturbance as a result of light spill, including commuting/foraging/dispersal routes and;
- b) Illustrate on associated plan(s), the position of proposed luminaires together with lux plot/lighting contour plans so that it can be clearly demonstrated that areas identified as likely used by protected species, notably bats, will not be subject to disturbance as a result of light spill.
- c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**REASON:** To minimise light spillage and to ensure no illumination of sensitive areas for protected species.

20. Before development takes place, a Landscape and Ecology Management Plan shall be prepared and submitted to the local planning authority for approval. The development site shall be managed and maintained in accordance with the measures set out in the approved plan in perpetuity unless otherwise agreed in writing with the local planning authority.

**REASON:** To ensure the appropriate management of priority habitats and mitigation for protected species.

#### **INFORMATIVE**

1. Wiltshire Council Waste Management will require an indemnity signed in order to operate on any roads that are not adopted and Wiltshire Council would need vehicle tracking to prove that Wiltshire Council's Refuse Collection Vehicles can move through the development and turn at the ends of roads.

2. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any [protected species](#), or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced [ecologist](#) and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's [website](#) for further information on protected species.

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

4. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory

protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please visit the following websites for more information:

- <http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>
- <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

241 **17/04001/OUT - Land off Firs Road, Alderbury**

Public Participation

E Harris spoke in objection to the application

B Sloane spoke in objection to the application

N Miles spoke in objection to the application

A Whalley (Agent) spoke in support of the application

Cllr Elaine Hartford spoke on behalf of Alderbury Parish Council

It was noted that the senior planning officer left the room for transparency, due to him residing within the community area for this application.

The Senior Planning Officer, Warren Simmonds introduced the report, which recommended that the application for Outline application for residential development of up to 50 dwellings, associated parking and access (off of Firs Road) , open space and infrastructure; relocated guide hut, new pre-school building and land to extend existing primary school playing fields be approved subject to the land owner entering into a S.106 agreement with the Council addressing the heads of terms as detailed in the report.

Attention was drawn to late correspondence circulated at the meeting.

It was noted that there would be pedestrian only access off the junction road. An already approved development of new sports pitches and a pavilion on the field beyond, had already commenced.

The site was outside of the housing boundary for Aldrebury, and did not meet any of the exceptional circumstances, however it did meet some of the community benefits.

The proposal included 9 Affordable Housing units, the relocation of the existing guide hut to a more suitable location with parking. The gifting of land to the school, and a source of new pupils for the school as it was currently undersubscribed. The roadway to the football pitches and club would double as an additional Drop off facility, at school times.

Member then had the opportunity to ask technical questions of the Officer. It was clarified that there was not a turning circle at the end of the drop off track for vehicles to turn and exit. The application site was quite boggy, but it was used for football.

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

The Unitary Division Member Cllr Richard Britton then spoke in objection to the application, noting that the Policy reasons for refusal, don't just revolve around HPB but also CP1, which states that development will be restricted to infilling and small developments (10 houses or less).

Alderbury had several more sites for development in the pipeline and with the development at Matrons College of 28 dwellings, Alderbury would continue to develop.

He felt that there was no policy justification for this.

There were Highways considerations associated with the problems on the A36. Highways England said the road was operating at capacity and they would oppose significant development if put forward. This proposal was for 50 dwellings, which was a significant proposal.

There was already a rat run through Whaddon to bypass the traffic build up. A real and significant increase of traffic through the village was inevitable.

The recommendation for approval depended solely on the community benefits. A new guide hut and a preschool, would both be welcomed but not a benefit to the wider community.

More parking spaces were proposed, whether they would be used was another matter.

The lease on the new football fields was already signed and going ahead so not linked to this application.

The majority of the members of the football club did not come from the village but drive in on match days. It was recognised that the club did play an important role in the village.

A real benefit would have been the provision of 40% affordable homes, which would be 20.

Cllr Britton then moved the motion of refusal, this was seconded by Cllr Westmoreland.

A debate followed where key issues raised included that the community had refused the gains offered and the proposal was not supported by the parish council.

The applicant needed to talk to the community to see what they need and want. A 40% of affordable homes was the requirement everywhere else, the community wants that. It was not acceptable that the proposal for 18% had been signed off.

The site was wet and could get even worse. Ideal place near the school for affordable homes.

The Committee then voted on the motion of refusal.

Resolved:

That application 17/04001/OUT be refused, against Officer's recommendation for the following reasons:

The site of the proposed development is outside of the defined limits of development of the settlement of Alderbury - a Large Village as defined within the adopted Wiltshire Core Strategy (WCS). Within the WCS, Core Policy CP1 (The Settlement Strategy) envisages a limited level of development at Large Villages, predominantly in the form of small housing and employment sites within the settlement boundaries. Small housing sites are defined as "sites involving less than 10 dwellings (i.e. not a major application)". Development outside the settlement boundary will be strictly controlled.

The proposal to erect up to 50 new dwellings outside of the settlement boundary is considered contrary to Core Policies CP1 & CP2 of the adopted WCS and the aims and objectives of the NPPF & NPPG insofar as it would constitute an unsustainable form of development outside of the settlement boundary that would place undue strain on the limited existing services and facilities within the settlement.

The harm that would be caused by the unsustainable nature of the proposed development would not be outweighed by the community facilities and benefits put forward as part of the proposed development.

242 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 7.30 pm)

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

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

**Wiltshire Council  
Southern Area Planning Committee  
10<sup>th</sup> January 2018**

There are no Planning Appeals Received between 01/12/2017 and 21/12/2017

Planning Appeals Decided between 01/12/2017 and 21/12/2017

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Decision</b>	<b>Decision Date</b>	<b>Costs Awarded?</b>
17/04218/FUL	40 Kilford Close AMESBURY SP4 7XS	AMESBURY	Convert and extend garage to give residential accommodation for dependent disabled relative	DEL	House Holder Appeal	Refuse	Allowed with Conditions	01/12/2017	Costs Applied for by Applicant - <b>ALLOWED</b>

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 1

<b>Date of Meeting</b>	10/01/2018
<b>Application Number</b>	17/10079/FUL
<b>Site Address</b>	Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN
<b>Proposal</b>	Retrospective application for grass planted bunds in south western corner of the site
<b>Applicant</b>	Mr C Chambers
<b>Town/Parish Council</b>	GRIMSTEAD
<b>Electoral Division</b>	ALDERBURY AND WHITEPARISH – Cllr Richard Britton
<b>Grid Ref</b>	421094 128179
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Legge

### Reason for the application being considered by Committee

Cllr Richard Britton has called this application into the planning committee due to the widespread public concern and differing views between Environment Agency Wiltshire Council Ecology and:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- 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

This retrospective application for the continued siting of an earth bund is noted to contain contamination of asbestos the creation of which has resulted in the clearing of some peripheral trees associated with ancient woodland. Officers having considered the available information have on balance concluded that the scheme is in this instance not so harmful as to warrant refusal of planning permission.

### 3. Site Description

The application site is located in the open countryside outside of an adjoining compound of buildings currently being partly used by a local business for storage. The site is located on the edge of ancient woodland and is positioned between remaining woodland trees and the perimeter fence for the adjacent storage units.

### 4. Planning History

**16/08790/VAR** – Variation of Condition 3 to Planning Application 15/06705/FUL, to allow for changes to materials and changes in positions of some windows. Approved with conditions

**16/08573/FUL** – Retrospective application for addition of concrete hard standing to provide turning circle for vehicles, galvanised steel security fence, lamp posts and gate. With grass planted bunds to define a clear line between business and the surrounding woods. Withdrawn

**15/09867/FUL** – Re cladding (walls) of two Class B8 storage use buildings. Approved with conditions.

**15/06729/FUL** – Change of use of three agricultural buildings to Class B8 storage use. Refused

**15/06705/FUL** – Creation of 2 properties from one including detached double garage, conservatory, 2 storey extension and associated alterations. Approved with conditions

**S/2012/0403** – Change of use from B8 (storage and distribution) to D2 for martial arts training facility. Approved with conditions

**S/2010/0197** – Retrospective application for the change of use of two former agricultural barns to a B8 use and variation of the occupancy condition attached to Primrose Patch and cowslip cottage to allow occupancy by persons employed in the business use undertaken on site. Approved with conditions

**S/2009/0391** – Removal of occupancy condition relating to two semi detached farm workers dwellings. Withdrawn

**1976/0063** – Erection of two semi-detached farm worker dwellings. Approved with conditions

## **5. The Proposal**

This is a retrospective application for the creation of an earth bund. The bund appears to be at a height of around 1.8m – 2m and sits on an elevated earthed platform above the ground levels of the surrounding woodland. From the ground level of the woodland the total height to the top of the earth bund appears to be in and around the height of 5m. Also proposed as part of the remediation strategy is a covering of clean earth over the bund.

## **6. Local Planning Policy**

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

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP24 (Spatial Strategy for the South Wiltshire Community Area)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP56 (Contaminated Land)

CP57 (Ensuring high Quality Design and Place Shaping)

CP67 (Water resources)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF) March 2012

National Planning Policy Guidance (NPPG)

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

44 letters of objection: (*the following summary of main themes*)

- Objection to the deposit of asbestos in an ancient woodland
- The proposed remediation strategy is inadequate and flawed
- Concerns of risk to health from airborne particles

- Objection to the size and number of vehicles serving the B8 unit (In-Excess) and the impact on the amenity of the residential users of the track.
- Objection to the loss of ancient woodland
- Objection to loss of ecological habitat
- Any approval of this application will give the wrong signal to any future illegal dumping of waste and create an unacceptable precedent.
- Concerns of Wiltshire Council's handling of the situation relating to the dumping of pollution waste and questions the Councils ongoing liability
- There is no justification for the siting of the bunds and they should be removed by a licensed asbestos contractor
- The land should be returned to woodland and the pollution completely removed
- Objection to potential impact to water course and threat to fish

## 8. Publicity

**East Grimstead Parish Council** – Object to the dumping of hazardous waste due to danger to health and pollution to water course.

**Aldbury Parish Council** – Object to potentially hazardous waste material being dumped on the site of ancient woodland.

**WC Public Protection** – No objection subject to condition to secure the implementation of the remediation strategy.

**WC Ecology** – No objection

**WC Highways** – No objection

**Natural England** – None received

**Environment Agency** – None received

**Woodland Trust** – None received

**Forestry Commission** – No recommendation expressed

**Health & Safety Executive** – None received

**Highways England** – None received

## 9. Planning Considerations

The application site is currently occupied by a local business and has in the recent past received a number of planning permissions in relation to the creation of and redevelopment of worker dwellings on the site together with the cladding of two of the B8 buildings. This application retrospectively seeks to gain a formal planning consent for the creation of an earth bund along the western boundary of the application site outside of erected security boundary fencing.

The primary issues for consideration for this retrospective application is site contamination, loss of woodland and neighbouring amenity:

### ***Contamination***

The applicant has provided some background information as to the reasoning for the creation of the earth bund. The applicant has undertaken renovation works to the buildings within the site which included the repair of the guttering. Between the buildings on the site were grassed margins which were too soft to support the equipment need to repair the gutters. As result the grass margins were removed and replaced with recycled concrete. The bulk of the materials in the bund are from these grass margins. The applicant states that the reason the material was not removed

off site was to limit the number of vehicle movements along the access track so to reduce disturbance to neighbouring dwellings.

The development of the bund has received a large number of local letters of objection which without much exception have objected to the creation of the bund which included asbestos cement materials. The letters of objection wish for the bund to be removed by a duly licensed asbestos contractor and the site restored to woodland.

This application has submitted a number of assessment reports covering soil sampling, air monitoring report and a remediation method statement. The soil report has identified the presence of asbestos cement and that the highest concentration is closest to the surface:

The soil results indicate that the presence of asbestos below the laboratory quantification method is widespread throughout the bund. However concentrations above the quantification method detection limit were only recorded within TP3, however the highest concentration was recorded within the shallowest sample.

This indicates that elevated concentrations of asbestos are present at the surface of the bund and during dry weather it is possible that these asbestos could be mobilised if disturbed. The results also indicate that there is potentially a significant volume of asbestos material within the bund, which may not necessary be hazardous due to its concentration but may require specialist disposal should the soil be excavated.

The report continues to comment:

The results would indicate, based on the lines of evidence detailed above, that the risks from asbestos fibres may be limited, although the actual level of risk will require further assessment in order to quantify it by a suitably experienced contractor. For example air monitoring around the site to sufficiently low detection limits may be required to determine if the widespread presence of asbestos in the mound is giving rise to measurable concentrations within the air. Remedial works cannot be ruled out at later stages.

Following the soil report an air monitoring report has been prepared. The air monitoring report concludes that the *air test is satisfactory*. Given the professional assessment of the air monitoring, the current air quality is considered to be acceptable. However the soil report did highlight possible future concerns over the release of air borne asbestos due to the surface level of the contaminant. A remediation strategy has been suggested to cover the bund with further 'clean' earth cover. Wiltshire Council Public Protection has also considered the submitted report and the application as a whole. The comments from WC Public Protection (contamination) is to raise no objection to the scheme subject to a condition being attached to any approval granted to ensure that the remediation works proposed are carried out and validated in accordance with the submitted remediation strategy.

Officers note that Wiltshire Council Ecology appears to provide conflicting advice "*I question the need for remediation works to the bund. The remediation process of adding further foreign topsoil and grass species would set back the natural colonisation that has already occurred. No imported soils, grasses or non-native species should be brought onto the site, which remains part of an area of ancient woodland. Addition of topsoil may further increase the encroachment of the bund into the woodland. The bunds must not be extended or increased in size*"

However if the remediation strategy is needed then Wiltshire Council Ecology have commented *“the process should be strictly supervised by an on-site ecologist to avoid injury to protected species which may be present; this should be conditioned”*

This application has not received any comments from Natural England, Environment Agency or the Woodland Trust. Given the evidence before officers, the submitted remediation strategy has been accepted as an appropriate mitigation against potential further harm to the mobile contaminants. The Council can condition that an ecologist is on site at the time the remediation strategy is implemented. Whilst officers recognise the wide spread local concern over the contamination within the bund the remediation strategy is considered to be a suitable method of mitigation that has been accepted by the Council's Public Protection team and such the aims of CP56 and CP57 are considered to be adhered to.

Officers note the wide spread objection to the contamination and the widespread objection of the perceived lack of compliance to the lawful disposal of waste. Nevertheless officers have to determine an application based on the evidence before the Council and in this instance professional advice at this stage is to condition the implementation of the remediation strategy.

### ***Loss of woodland***

Officers are aware that the letters of objection also comment on the loss of ancient woodland and the large amount of local comments provide a strong direction that the loss of the woodland is not to be supported. The Forestry commission have commented on this application and have commented that the development has resulted in a loss of ancient woodland. A number of the letters of local objection have referenced this loss of the ancient trees and made reference to the sites encroachment into the woodland.

Officers are not disputing the loss of trees in the periphery location and note that Wiltshire Council Ecology has recognised this loss *“It appears that the creation of these bunds has resulted in the loss of a very small amount of ancient woodland habitat. However as this area was on the periphery of the woodland itself, and likely already affected by the existing adjacent land use, it is likely less than top quality in condition. On balance, the lost woodland within the red line boundary does not need to be re-instated.”*

The intentional loss of any ancient trees within the woodland is indeed unwelcomed and officers have to now judge the development's impact on the landscape setting. The site is understood to be closely connected to the surrounding woodland being only separated by fencing with limited physical openings. It is clear that the woodland and the site area have continued in co-existence for a number of years and it is a balanced view that the character of the peripheral woodland can only be correctly interpreted by accepting the inter relationship the landscape has with the built environment. The loss of a “very small amount of ancient woodland habitat” is recognised by WC Ecology and officers note that WC Ecology have also commented that the balanced opinion is that the lost woodland does not need to be reinstated and as such this scheme before the Council is unlikely to result in a direct conflict with CP50 of the Wiltshire Core Strategy.

However the loss of trees has received a large amount of local objection and the applicant has agreed to the Council imposing a condition to require a scheme of replanting of trees should the application be approved. The applicant's agreement to provide a scheme of replanting is considered to be gain to the current situation and one that could go some way to mitigate local objection.

It is clear to officers that the development of the bund further erodes the woodland around the application site and this is not to be encouraged or endorsed in any way. However the level of impact to the woodland is judged by WC Ecology to be limited and a refusal of this application on this matter is considered to be difficult to fully justify. The applicant has stated they own the adjoining woodland and that the use of the woodland will be limited to their personal enjoyment. It is clear from the comments of the Woodland Trust that any loss of any ancient woodland is discouraged and the Government's intention is to protect or mitigate against such loss.

Officers are aware of the ability of the applicant to fell trees without approval of the Local Planning Authority as the site is not the subject of a blanket TPO and is not protected by any area designation such as a Conservation Area. The ability to fell trees is nevertheless subject to a licence from the Forestry Commission and the issuing of any such licence is not a planning matter.

### ***Neighbouring amenity***

Officers note the comments of local objection to the bund with comments relating to risk to health and loss of residential amenity. Officers consider that the bund has a limited vertical height of between 1.8m – 2m and is enclosed by the application site's buildings, yard, security fence and partly encompassed by established ancient woodland. Whilst officers note comments that the bund will impact upon residential amenity it is considered that there is a reasonable distance to the closest neighbouring residential boundary and any permitted views will be masked by existing woodland. The ability to see development is not of itself harmful and in this instance officers are unable to substantiate any objection to the application based on an impact to residential amenity. The comments of concern relating to health are considered to be covered in the above section on contamination. The application is considered to be consistent with the requirements of CP50 of the Wiltshire Core Strategy.

## **10. Conclusion**

This retrospective application for the continued siting of an earth bund is noted to contain contamination of asbestos and whose creation has resulted in the clearing of some peripheral trees associated with ancient woodland. Officers note the widespread local objection to this retrospective application but also note the received consultee comments do not amount to a professional objection to the proposals. Clearing of ancient woodland is not endorsed and the Applicant has agreed to the Council imposing a condition to secure a scheme of tree replanting. The recognised harm though contaminates can be mitigated through the implementation of a remediation strategy which has been approved by Wiltshire Council Public Protection. Officers having considered the available information have on balance concluded that the scheme whilst not encouraged or indeed endorsed is in this instance not so harmful as to warrant the refusal of this application that could be duly defended.

**RECOMMENDATION:** Approve subject to conditions:

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

DRG No. Location Plan 16/10/2017

DRG No. 09 B - Proposed Site Plan 16/10/2017

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

2. The remediation work proposed in section 3.2.8 of the remediation method statement as submitted (Reference number of the RMS is: RMS – 20916-17-298 REV B) shall be fully carried out and validated in line with the proposals in section 4.2 of the remediation method statement and shall remain in perpetuity. The works shall be strictly supervised by an on-site ecologist to avoid injury to any protected species.

REASON: In the interests of public health and prevention of contamination.

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

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

4. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored within the wooded side of the application site on the western side of the earth bund.

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

5. Within 3 months of the date of this notice, a scheme of soft treed landscaping (within the wooded side of the application site on the western side of the earth bund) shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- A detailed planting specification showing all tree plant species, supply and tree planting sizes and planting densities;

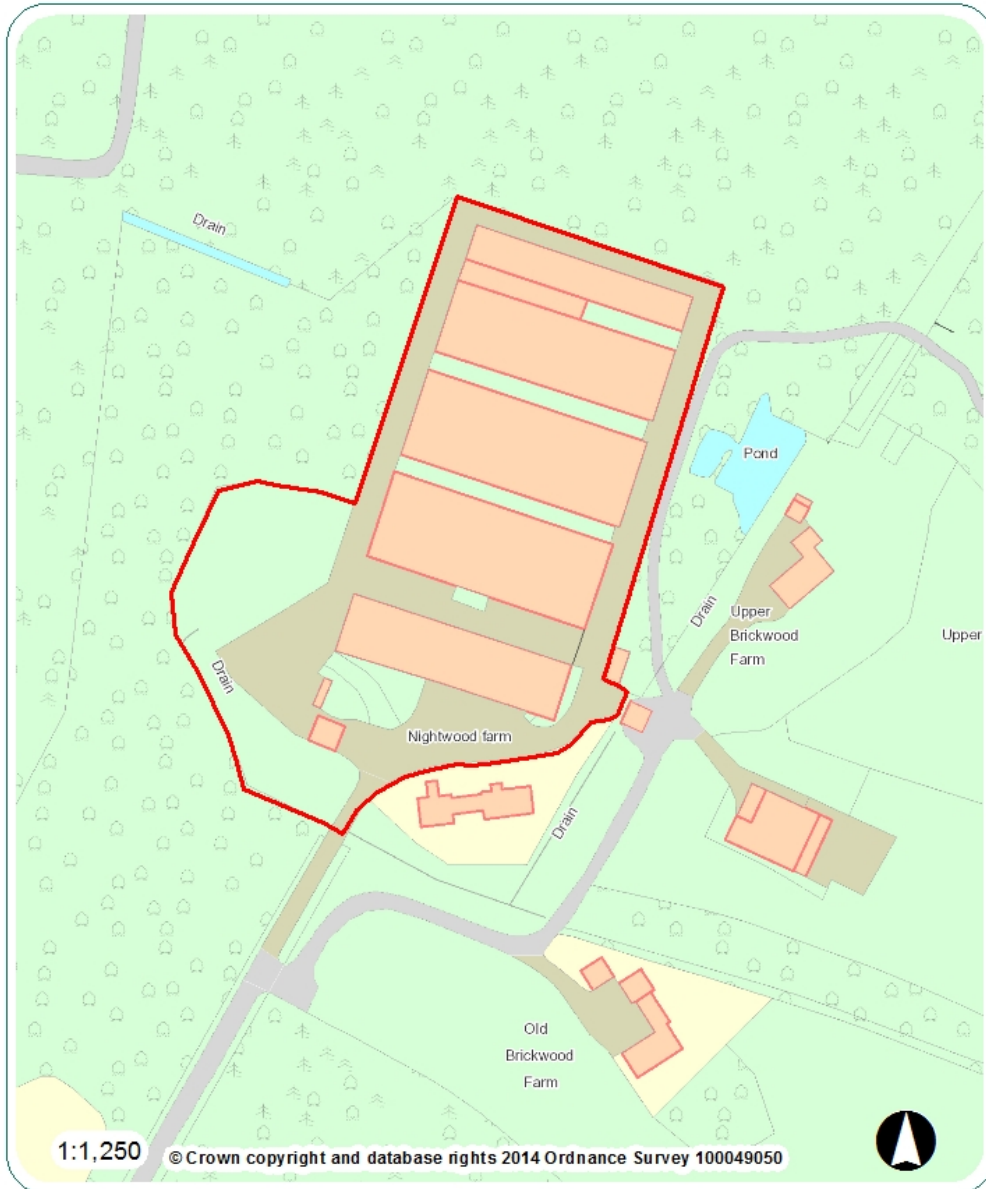
REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

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.

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

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	10 <sup>th</sup> January 2018
<b>Application Number</b>	17/09192/FUL
<b>Site Address</b>	Land at Manor Farm House Newton Toney SP4 0HA
<b>Proposal</b>	Erection of one two storey dwelling; associated access, turning, parking, landscaping and private amenity space.
<b>Applicant</b>	Mr & Mrs S Hunt
<b>Town/Parish Council</b>	NEWTON TONEY
<b>Electoral Division</b>	BULFORD ALLINGTON AND FIGHELDEAN – Councillor Smale
<b>Grid Ref</b>	421910 140077
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Georgina Wright

### Reason for the application being considered by Committee

Councillor Smale has called the application to committee should it be recommended for refusal for the following reasons:

- The Parish Council are in support of this development.

#### 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 refused.

#### 2. Report Summary

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

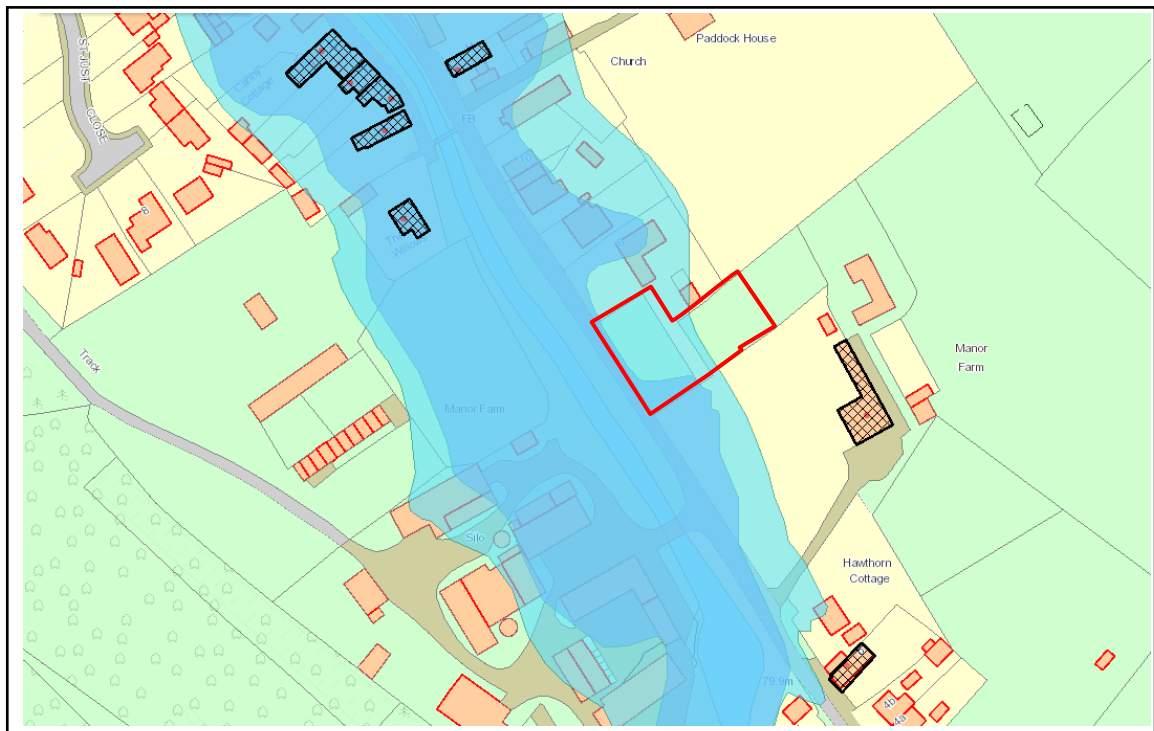
- Principle of development
- The Council's Housing Land Supply position
- Character of the area
- Heritage assets
- Design
- Residential amenity/living conditions
- Highway safety/parking
- Flooding & drainage

The application has generated support from Newton Toney Parish Council; and 5 letters of support.

#### 3. Site Description

The site is situated in the countryside on the edge of the village of Newton Toney, which is defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). To the north west the site abuts a row of residential dwellings and their associated amenity/parking provision, which front onto the village street. To the north east and south east the site is surrounded by the extensive grounds of Manor Farm House, which is also within the applicant's ownership (and is therefore outlined in blue on the

submitted location plan). To the south west the village street separates the site from the banks of the River Bourne which runs through the village, beyond which are the complex of farm buildings known as Manor Farm. As can be seen in the Site Plan below, the flood zones of the River Bourne extend into the road frontage half of the application site with this frontage part being partly within Flood Zone 3 and entirely within Flood Zone 2. The rear half of the site is however outside of both of these zones and is only in Flood Zone 1. The site is also situated wholly within the Newton Toney Conservation Area. The existing dwelling on the wider plot, Manor Farm House, is also a Grade II listed building.



**Site Plan**

The site currently forms part of the extensive grounds surrounding Manor Farm House. It is an L shaped site with the road frontage part currently forming a walled garden, predominantly laid to grass. This element currently has a tumble down greenhouse extending along the wall that sits parallel to the road. The rear part of the site is outside of this walled garden and is on higher ground. It is a mown area but appears to have once formed more of a paddock than formal gardens, with an access at the top to the fields to the rear of the farm house. The road frontage is defined by railings which are supplemented by hedging and create a soft edge to the village street before continuing as a cob wall to the front of the formal gardens of the adjacent Manor Farm House.

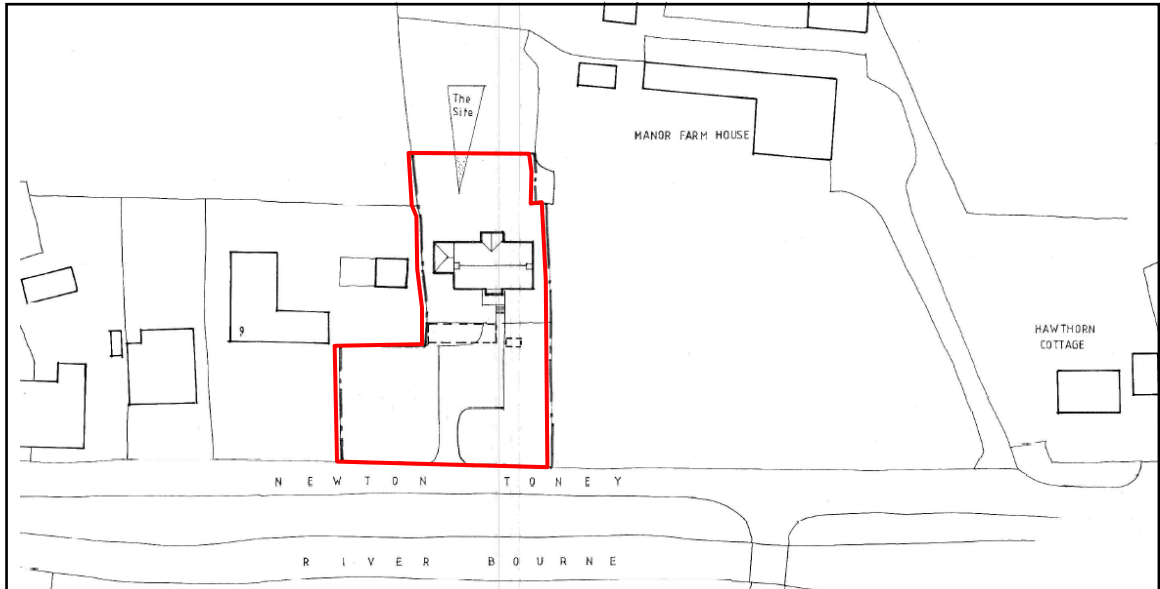
**4. Planning History**

Application Ref	Proposal	Decision
S/2001/0079	Demolition of unsound concrete block wall to be replaced by fence and beech hedge (Retrospective)	Permission – 22.03.2001

**5. Proposal**

This is a full application proposing the subdivision of the Manor Farm House plot and the redevelopment of part of the existing gardens surrounding the farmhouse with an

additional dwelling. It is proposed that the new dwelling (consisting of a two storey, double fronted, flint and brick, detached, four bedroom property), will be constructed on the rear, slightly elevated, part of the site. A new pedestrian access to the dwelling will be created through the existing part cob/render/blockwork wall from the front part of the site but otherwise the existing walls, defining the existing walled garden, will be retained.



**Proposed Block Plan**

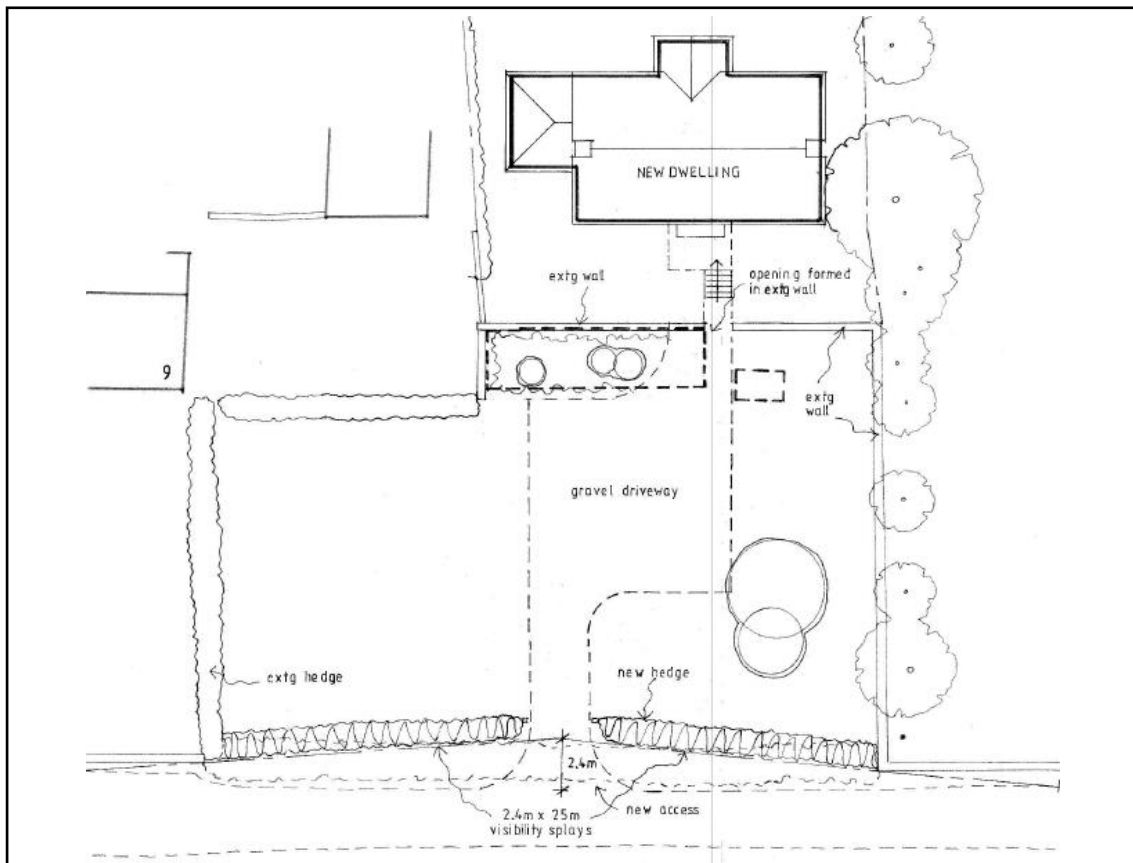


**Proposed Elevations of the New Dwelling**

The walled garden element of the site along the road frontage will then serve to provide an expanse of driveway/front gardens to serve the new dwelling. A three bay, part enclosed, cart shed was previously proposed in this frontage part of the site but

this has recently been omitted from the scheme. A smaller, more private garden will be provided to the rear of the new dwelling.

A new vehicular access is to be created in the front railing/hedgerow boundary that extends along the village street. The supporting documentation confirms that this is in the position of an original (now overgrown) garden gate. Amended plans have been received during the course of the application which show the required visibility splays for the new access. This plan identifies that the existing hedgerow (and presumably railings) along the road frontage will need to be removed and replaced in its entirety in order to accommodate the required visibility.



**Proposed Site Plan**

The application is supported by a Design & Access Statement; and a Flood Risk Assessment. As is identified above, during the course of the application a set of amended plans, which have omitted the proposed front sitting garage and have identified the required visibility splays for the access, have been submitted. A Heritage Statement has also been submitted during the course of the application. No tandem application for listed building consent has however been submitted as yet for the creation of the pedestrian access into the rear part of the site (through the walled garden wall); or the removal of the road frontage railings in order to create the vehicular access to the site.

## 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 – Recreational Open Space in new development

*Wiltshire Core Strategy:*

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)
- CP4 (Amesbury Community Area)
- CP43 (Providing Affordable Housing)
- CP48 (Supporting Rural Life)
- CP50 (Biodiversity and Geodiversity)
- 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)

*Supplementary Planning Documents:*

- Creating Places Design Guide SPG (April 2006)
- Achieving Sustainable Development SPG (April 2005)
- Wiltshire Local Transport Plan – Car Parking Strategy:

**7. Summary of consultation responses  
Newton Toney Parish Council – Support**

**Conservation – Objection**

- Manor Farmhouse is a grade II listed building within the Newton Toney Conservation Area.
- The village core is focused around the church, while Manor Farm, its farmhouse and associated cottages lie slightly separated as a cluster to the south.
- The form of development in the village is nearly entirely tight to the village street which runs along the winterbourne's banks, whereas the two most socially-important of the village houses, the Manor Farmhouse and the (now Old) Rectory are set on higher ground in large private gardens.
- Wilbury House, a fine grade I listed house, was the home of the lords of the manor, and stands wholly separated in a grade II registered Historic Park to the north of the village.
- This degree of contrast and separation is an important factor in the visual significance of the listed building.
- The proposal is for a new detached dwelling within the gardens of the farmhouse. This would entail the demolition of the remains of a greenhouse, inspected and considered to be of no historic interest, and the formation of a new doorway through the rear wall of the greenhouse; this wall is a mixture of traditional flint, cob, brick, and in recently repaired sections, rendered blockwork.
- In positional terms, the new dwelling should be closely related to its northerly neighbour and the street scene; unfortunately though, it is proposed for a location further back into the site, behind the cob wall, apparently in order to avoid an otherwise inescapable issue with flooding policy.
- This location means that the ground floor of the property would be largely obscured from the road, rather than integrating with the street scene and its neighbour; greater concern relates to the incursion into the more precious space that gives the farmhouse its setting and reflects its historic significance, by visually bridging the gap between the houses fronting the road and the farmhouse.

- The buildings that comprise nos 8-10, 7 and 6 gradually step back from the road, the proposed building would continue that trend and fill the gap to the farmhouse, thereby impacting on its important separation.
- Compounding this injury, was the proposed detached garage building that would have been forward of the wall, and being more prominent than its host dwelling. However this has now been omitted from the scheme.
- To the roadside, the site currently has an historic metal railing with a hedge now grown through it; this green boundary contributes positively to the character of the street, and marks a degree of separation between the garden of no6 and the traditional roadside cob walls of the farmhouse.
- Removal of the railing, and formation of the new doorway through the cob wall, would require Listed Building Consent and no such application has been forthcoming
- The revised plans show the removal of these railings in their entirety in order to satisfy highways requirements. I object to the complete revision of the roadside boundary
- The deviation from the existing line of separation between public and private realm significantly weakens its enclosing character and introduces suburban highways treatments into a quiet rural location, wholly unnecessarily.
- It seems that flooding and highways wishes are being interpreted as trumping all heritage considerations, despite prime position actually being held by the latter by virtue of the requirement to 'have special regard to the desirability of preserving the building or its setting', (section 66 re LBs), and in section 72 re CAs: 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- If the proposal had been for a modest new dwelling aligned with the neighbouring property to the north, without incursion to the east of the greenhouse's rear wall, and with only a small access opening tight to the northern boundary, I consider it likely that a scheme could have been designed with significantly lesser impact on the character and setting of the listed building and the conservation area.
- As submitted though, it is a large dwelling, by comparison with its near-neighbours, that would have an unfortunate impact on the setting and curtilage of Manor Farmhouse, visually assimilating the latter with the historically separate village cottages, and thereby having an adverse impact on the character of the CA.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character of Conservation Areas, while sections 16 and 66 require special regard to be paid to preserving the character of Listed Buildings and their settings.
- Paragraph 128 of the NPPF states that applicants should provide an appropriate level of information regarding the heritage significance of a site; this has not been provided, there is for instance no professional assessment of the nature and extent of the setting of the listed farmhouse.
- NPPF134 allows the possibility of allowing 'less than substantial' harm where public benefits have been identified that demonstrably outweigh that harm. These benefits must be public and not achievable by other less harmful means. No such public benefits have been identified; removal of the greenhouse, claimed in the D&A to be a major benefit to the CA, could of course be carried out without constructing a new dwelling.
- I therefore consider that the application fails to meet the expectations of CP58, doesn't meet the requirements of the NPPF (especially paras 128 and 134), and is contrary to sections 66 and 72 of the PLBCA Act 1990.



- Listed Building Consent is also required for some of the works.
- In the event that this application finds its way to approval, despite the level of professional concerns that are raised in the longer term interests of the community, it would be essential to control the roadside boundary treatments, and all materials for construction – flint work in particular must be carried out traditionally, the use of flint block would be completely inappropriate in such a sensitive location and in such close proximity to good examples of traditional flint work.
- It is also important to note that all of the site would remain within the curtilage of the listed building for planning purposes, so no new structures (fences, oil tanks, pergolas, greenhouses, sheds etc) could be erected without requiring planning permission.
- A heritage statement has been provided, apparently in order to address all of the concerns I have raised about the scheme. Unfortunately there seems to have been a lack of appreciation of what I'd written, and the report is unnecessarily dismissive of my comments.
- I have no argument with the evidence that there were formerly modest roadside cottages as shown on the title map, one to either side of the application site; this only serves to reinforce what I had already said, that the 'village' properties were all on the roadside, while the higher status houses were set back (the minor differences between the Rectory and Manor Farm are irrelevant). I had even suggested that a new property in the location of that shown in plot 115 (the land between the roadside railings and the greenhouse) would be acceptable as it wouldn't harm the setting of the LB by blurring the distinction between lower and higher status buildings.
- The section arguing that being hidden from the road is common seems to overlook the obvious fact that all of the examples are set behind a roadside boundary and completely visible at one point or other, rather than a substantial boundary further back into the site that completely obscures part of the building (but not enough to render it invisible), and all of those boundaries are predominantly parallel with the road, preserving the rural character to the CA.
- Regarding the question of curtilage and the railings, I have been given no reason to doubt that these are associated with Manor Farmhouse, the plot enclosed formed part of the land prior to 1948, it was and remains in the same ownership, and the greenhouse presumably served a useful domestic function.
- I welcome the evidential aspects of the report but I'm afraid I don't consider that it overcomes my earlier objections

#### **Highways – Objection**

- The site is located outside of village policy limits and I therefore have significant concerns with regards to sustainability and the reliance on the private car for any occupiers.
- Additionally, a range of essential services are not available within Newton Toney village and this proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 4, paras 29, 30 & 37 of the National Planning Policy Framework.
- If however, you do not feel that a refusal on sustainability grounds is appropriate in this instance, I would comment that I am satisfied that adequate parking provision is shown on the submitted drawings
- I have reviewed the submitted revised plans and can confirm that they address my concerns over visibility at the site access.
- I also note that the proposed garage has been removed, however, I am satisfied that adequate parking and turning provision remains on site.

- Therefore, assuming you do not consider the issue of sustainability to bare much weight, I recommend that no Highway objection is raised, subject to conditions

#### **Drainage – Objection**

- This is a FULL application yet the application form states that the means of disposal for foul drainage is unknown – this is not acceptable as a full application should contain information on foul drainage disposal – objection recommended
- Application form states site is within FZ 2/3 and within 20m of a water course – Drainage team do not support the construction of dwellings in FZ 2/3 – Objection recommended, although it should be noted that the proposed dwelling would appear to be in FZ 1 with cartshed in FZ 2/3
- The removal of Cartshed on revised plans satisfies the ‘no construction in FZ 2/3’. As the remaining construction of dwelling is likely all to be in FZ1, this section could be conditioned from this point to attenuate risk of flooding.
- EA mapping shows some of the site in FZ 2/3 as indicated on the application form
- Area at risk of potential flooding is now permeable surface, and contains no dwellings or buildings. Possible condition that no buildings or impermeable areas are to be constructed between the proposed garden wall in front of the dwelling and the highway.
- Site is also shown to be in an area affected by high ground water levels yet the application form states a proposal to discharge the storm water drainage to soakaways – unlikely to be achievable and any soakaway base MUST be at least 1m of unsaturated soil above the top level of ground water level taking into account seasonal variation – FRA does suggest a potential limited discharge rate to the water course – may be an issue with riparian owner and right to discharge
- Mapping shows the road outside of the site in FZ 2/3 and affected by surface water flooding for 1 in 30/100 events thus access/egress will be an issue – a point highlighted in the FRA with suggested mitigation measures

#### **Wessex Water – No Objection subject to conditions**

- New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).
- The applicants will need to survey and plot any onsite sewers on plans submitted for Planning or Building Regulations purposes.
- It is also important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements
- Separate systems of drainage will be required to serve the proposed development.
- No surface water connections will be permitted to the foul sewer system.
- The proposal is located in a groundwater flood risk area where there is a high risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding.
- Wessex Water will be seeking higher levels of design and construction to ensure that the proposed drainage is resilient to the impacts of groundwater infiltration when the water table rises.
- The applicant has indicated that surface water will be disposed of via infiltration or direct to the River Bourne. Due to the high levels of groundwater and underlying geology infiltration to ground is unlikely to work in this area. It is recommended that a surface water strategy is agreed in principle with appropriate bodies prior to planning determination to negate the possibility of a permission which cannot be implemented due to a surface water strategy which cannot be agreed.

- Both the Environment Agency and Lead Local Flood Authority must be consulted on this application.
- There must be no surface water connections to the public foul sewer.
- On this occasion Wessex Water will not object to this application where the points above have been addressed and the inclusion of a planning condition:

**The Environment Agency** – No Objection subject to conditions

- The applicants' Flood Risk Assessment (FRA), in paragraph 2.3, states '*The area for the erection of the proposed dwelling is a plateau of land which appears to have been historically levelled, this is well elevated above ground levels to the west.*' This comment is confirmed by the applicants' submitted site plan, and site topographic survey, which both indicate the proposed dwelling will be positioned within Flood Zone 1.
- However we also note, in paragraph 3.1, that the proposal is to lower the existing raised plateau of land '*by approximately 0.6m from its existing mean level of circa 81.50m AOD to 80.89m AOD*'. The FRA includes predicted river (fluvial) flood levels based on hydraulic modelling and states that the design flood level (the fluvial design flood level including an appropriate allowance for climate change) is 80.74 metres AOD, hence below the intended reduced ground level of 80.89m AOD.
- Based on this data we have no objection in principle to the proposed lowering of ground levels because the intended (final) reduced ground level will still be above the design flood level.
- The lowering of ground level within the site will result in excess spoil, and possibly other material, and the FRA is not clear where this will be deposited. It is important the spoil is not deposited within the floodplain of the River Bourne because this can increase flood risk due to loss of floodplain storage and/or reduction of flood flow conveyance.
- The FRA includes indicative depths of flooding of around 0.5m within that part of the site shown to lie within the floodplain during a major flood event, and confirms in paragraph 4.13, that during a major flood event '*it will not be possible for prospective residents to safely evacuate the site via the adjacent Newton Tony public highway*'.
- The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site.
- We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants.
- The site lies adjacent the River Bourne, designated a 'main' river,
- The submitted application form states that the method of foul drainage is unknown.
- The applicant should be made aware that the site is located within a Source Protection Zone 1 (SPZ1). This is a groundwater zone (surrounding a nearby drinking water borehole) delineating extreme sensitivity to pollution.
- If it is not feasible for the applicant to discharge foul drainage to a mains sewer, they will need to install a private treatment system.
- We would point out at this stage that this would require the Environment Agency to grant an Environmental Permit for this activity.
- Suggest conditions and informative to address these points.

## 8. Publicity

This application was advertised through the use of site notices, a press notice and letters of consultation.

**Letters** – 5 letters of support received from the residents of The Old Chapel, Appletree Cottage (6), Honeysuckle Cottage (14) & 10 Newton Toney; and 21 Beechfield. The following comments made:

- Thoroughly support the application fully.
- The piece of ground on which the building would be erected, has lain dormant and somewhat unsightly for all the time that we have been in the village.
- It represents an excellent location for a new house of the size and type stipulated.
- The design has been done with significant consideration for the local architecture and in keeping with the fact that it is situated within a conservation area.
- The style and size of the proposed dwelling is very much in keeping with its surroundings
- It will enhance the village and will remove a rather unsightly greenhouse that, in reality, detracts from the conservation aspects of the area.
- it will not increase traffic or disturb the neighbourhood in anyway
- The owners of the land have gone out of their way to ensure that everyone that the building could affect has been correctly consulted.
- This construction, perhaps unusually in a conservation area, will enhance the local situation and can only be of benefit to this part of our village
- It seems to me to be a perfect use for this sizeable but hitherto unused plot of land.

## 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

The site is situated in the countryside on the edge of the Small Village of Newton Toney. WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area) confirm that Small Villages are designated as such because of their low level of services and access to employment opportunities with WCS policy CP2 (Delivery Strategy) confirming that the new built development should be directed towards the main settlements and be delivered in the most sustainable manner. WCS policy CP2 (Delivery Strategy) also confirms that proposals for development in Small Villages will only be supported where they seek to *'meet the housing needs of settlements or provide employment opportunities, services and facilities'* and only then, such development is limited *'to infill within the existing built area'*. The delivery strategy for Small Villages that is set out in WCS policy CP2 (Delivery Strategy) further confirms that development should *'respect the character and form of the settlement; not elongate the village; or consolidate an existing sporadic, loose knit area of development'*.

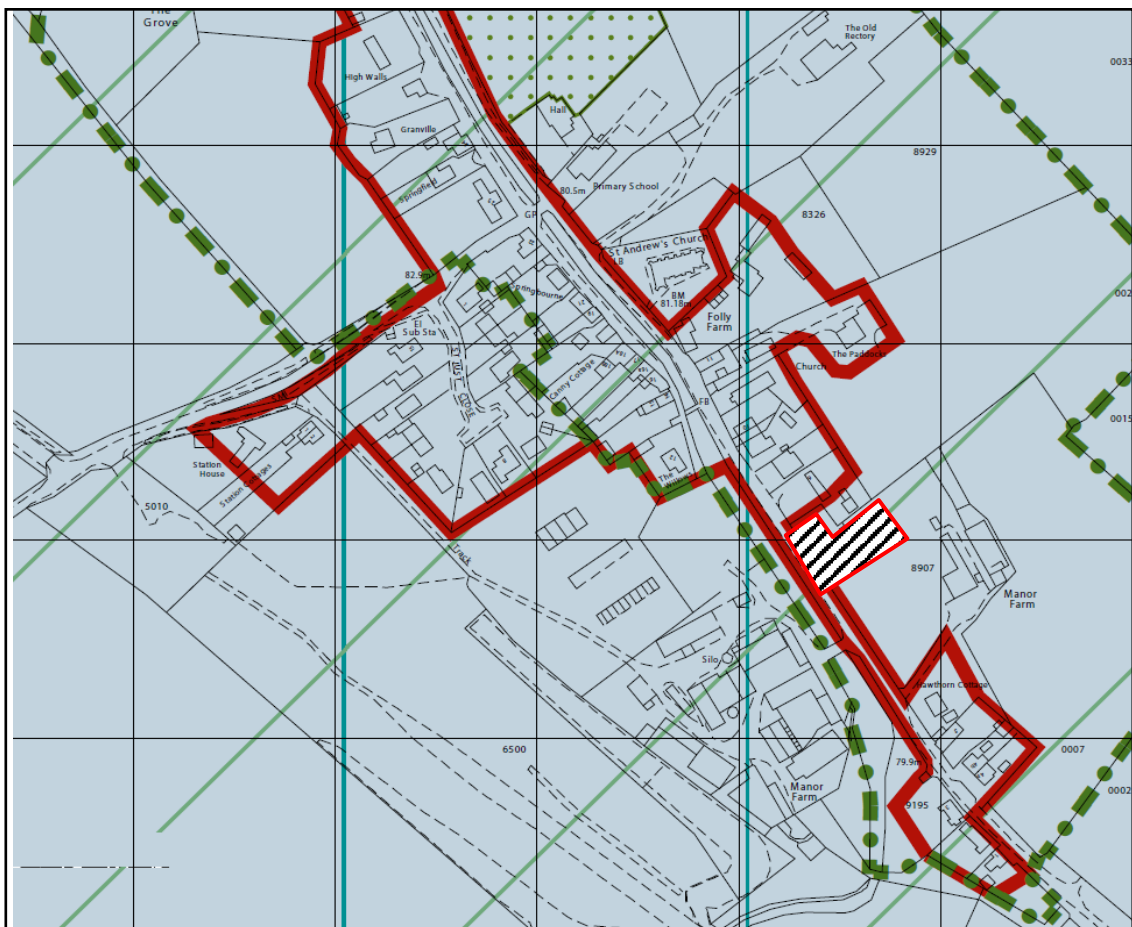
In this instance, no evidence has been provided to demonstrate how the proposals, involving a large, 4 bedroom family dwelling house, will help meet the housing needs of the settlement or how it will improve employment opportunities, services or facilities. In addition, as will be discussed in more detail below, the site is considered to be outside of the existing built up area and the detailed scheme does not constitute infill development, and therefore the proposals are considered to be contrary to the

provisions of WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area) as a matter of principle.

The Existing Built Area:

Whilst no housing policy boundaries now exist to identify the existing built up area of a Small Village, as these boundaries were superseded (insofar as they relate to Small Villages) by the adoption of the WCS, the previous housing policy boundaries provided by the SDLP do provide a good starting point for assessing new development in such villages and for establishing the 'existing built area' for the purposes of considering WCS policy CP2 (Delivery Strategy). In this instance, as is shown on the plan below, it is clear that the site is outside of the original housing policy boundary that was previously identified for the village of Newton Toney. The reason it was excluded, was that Manor Farm House is/was part of a farm and/or was a grand plot with extensive grounds. Such sites usually have a different character to the main built up area of the village and were therefore excluded from such housing policies boundaries.

Whilst these policy boundaries no longer exist, it is not considered that the situation in Newton Toney, or indeed on this site, has changed significantly since the previous boundary was considered and defined. The principle reasons for its definition as shown are still therefore considered to be applicable. It is therefore considered that, whilst the site is situated adjacent to existing housing development to the north west, it remains outside of the existing built up area of the village and therefore its redevelopment would be contrary, in principle, to the provisions of WCS policy CP2 (Delivery Strategy).



**Former SDLP Housing Policy Boundary for Newton Toney**

#### Infill:

In addition, it is not considered that the proposed development would constitute infill development. Infill development is normally development that is positioned between two existing dwellings and serves to 'infill' a gap in the existing *built* development. As will be discussed in more detail in the Heritage, Character & Design section below, in this instance, as is typical of the functional and grand characteristics of the existing farm house, the existing dwelling sits right back on its plot and is surrounded by extensive gardens, paddocks and walled gardens, which all form part of its setting. The proposed plot; and the position of the proposed dwelling on the newly defined plot, will neither closely relate to the existing fairly tightknit frontage development that exists to the northwest of the site, nor will it closely relate to the farmhouse development on the back of the wider plot. The proposals will not therefore serve to infill a gap in the street scene and will instead serve to introduce a completely new form/pattern of built development that will technically serve to elongate the north western cluster of development as well as consolidate a sporadic more open interlude between tight clusters of development that make up the character of this part of the village.

#### Sustainability:

Given that no evidence has been provided about how the proposals will help to meet the local housing need; the site is considered to be outside of the main built up area of the village; and the proposals are not considered to constitute infill development, it is considered that the proposals represent unsustainable development in the countryside. Very few essential services are available for the residents of Newton Toney and the village is not well served by public transport. The Highway Authority has therefore raised significant concerns about the sustainability of the site and the probable reliance on the private car for any future occupiers of the new dwelling. The proposals are therefore also considered to be contrary to the provisions of the NPPF and WCS policies CP60 (Sustainable Transport) and CP61 (Transport & Development) in this regard.

#### Housing Land Supply:

As a counter argument to the principle concerns raised above about the sustainability of the plot, the Applicant's Agent has raised doubt about the Council's ability to demonstrate a 5 year Housing Land Supply. They have highlighted a recent appeal decision at Hilltop Way in Salisbury (Ref: 16/04126/OUT (Aug 2017)) where the Inspector, relying on the 'Sedgefield' method of calculating housing land supply, suggested that there is a shortfall in the Council's demonstrable supply for this part of Wiltshire. As a result of this the Agent for this application has suggested that, in line with paragraphs 14 and 49 of the NPPF '*Relevant policies for the supply of housing should not be considered up-to-date*' and as such WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area) should be set aside and are not relevant for the consideration of this application.

However there are a number of other recent appeal decisions, some of which have been tested at Public Inquiry and Hearing, which have confirmed that it is appropriate for the Council to use the 'Liverpool' method of calculating housing land supply instead of the 'Sedgefield' method (including refs: 15/11153/OUT at Forest Farm, Chippenham (Jun 2017); 16/01633/OUT at The Granges, Devizes Road, Hilperton (Aug 2017); 16/12099/OUT at Deverill Road, Sutton Veny (Nov 2017); and 16/05783/OUT at North of Pound Lane, Semington (Dec 2017)). When using the Liverpool method of calculation, the Council is currently able to demonstrate 5.69 years of housing land supply, which thus satisfies the requirements of the NPPF. The Inspector's conclusions on the recent November appeal decision (at Deverill Road, Sutton Veny)

further confirmed that *'The Council's 5 year housing supply position is not able to be refuted'*. It is not therefore considered that paragraphs 14 or 49 of the NPPF are triggered and the adopted policies within the WCS policies remain to be up-to-date and are the primary policy context in which to consider this application for a single dwelling. The principle objections to the scheme that have been identified above, therefore stand.

Notwithstanding this principle objection to the proposals identified in this section, it is also necessary to consider the implications of the proposals for the character and heritage value of the area; neighbouring amenities; highway safety; and flooding. These matters will also therefore be considered in more detail below.

## **9.2 Heritage, Character & Design:**

As is identified above, Manor Farm House is a grade II listed building and it and its gardens are within the Newton Tony Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA Act) requires *'special regard'* to be given to the desirability of preserving a listed building or its setting. Section 72 of the PLBCA 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'*, and in line with the NPPF, an assessment must therefore be made as to whether the proposals cause *'substantial harm'*, *'less than substantial harm'* or *'no harm'* to the asset/s.

In this instance, the village core is focused around the church; while Manor Farm, its farmhouse and associated cottages lie slightly separated as a cluster to the south. The form of development in the village is nearly entirely tightly framed to the village street which runs along the winterbourne's banks, whereas the two most socially-important of the village houses, the Manor Farm House and the (now) Old Rectory are set back from the road on higher ground and in large private gardens providing looser more open spaces between the tighter knit clusters of development through the village. This degree of contrast and separation, as well as creating concerns for the principle acceptability of the proposals (as discussed above), is also considered to be an important factor in the visual significance of the listed building on the wider site.

This proposal involves the development of a new detached dwelling within the gardens of the existing listed farmhouse. The proposals involve the demolition of the remains of a greenhouse, which the Council's Conservation Officer has inspected and considers to be of no historic interest; and the formation of a new doorway through the rear wall of the walled garden in order to gain a pedestrian access to the rear part of the site (where the new dwelling is to be positioned) from the front half of the site. This wall is a mixture of traditional flint, cob, brick, and in recently repaired sections, rendered blockwork.

Listed Building Consent would be required to create the access through the wall to the rear part of the site and this will therefore need to be considered separately (although application has been submitted as yet). However it is considered that the proposed siting of the new dwelling behind this walled garden would be at odds to the existing grain and pattern of development in this part of the village that is otherwise more intimately related to its respective street scene. Given its height and the level changes in this rear part of the site, the new dwelling will be apparent from the street scene. However, the suggested location means that the ground floor of the property would be largely obscured from the road, and the dwelling will fail to integrate effectively with its street scene or northern neighbour. The proposed set back of the dwelling also means

that the much larger, front half of the site will be underused, lacking any clear reason or function. The proposals would therefore be out of keeping with the otherwise tightknit arrangement of development that exists along this road.

Of greater concern, from a heritage point of view, is the incursion of the new dwelling into the more precious space that gives the farmhouse its setting and reflects its historic significance. The new dwelling will serve to visually bridge the gap between the houses fronting the road and the farmhouse. The buildings that comprise nos 8-10, 7 and 6 Newton Toney gradually step back from the road. The proposed building would continue that trend and fill the gap to the farmhouse, thereby impacting on its important separation. The proposed detached garage building that was originally to sit forward of the wall was considered to compound this injury, but this has now been omitted from the scheme.

It is clear from the submission and the assessment of the application that the siting of the dwelling is rather contrived in that it has been dictated by a desire to avoid a flooding risk and objection to the scheme in that regard rather than from any heritage, design or good planning reasoning. Indeed the Council's Conservation Officer has confirmed that if the proposal had been for a modest new dwelling aligned with the neighbouring property to the north, without incursion to the northeast of the greenhouse's rear wall, and with only a small access opening tight to the northern boundary, it is likely that a scheme could have been designed with significantly lesser impact on the character and setting of the listed building and the conservation area. As submitted though, the scheme involves a large dwelling (by comparison with its near-neighbours) that would have an unfortunate impact on the setting and curtilage of Manor Farm House, visually assimilating the latter with the historically separate village cottages, and thereby having an adverse impact on the character of the area and Conservation Area. It seems that flooding and highways wishes are being interpreted as trumping all heritage considerations, despite prime position actually being held by the latter by virtue of the requirements of section 66 and section 72 of the PLBCA Act. The Council's Conservation Officer has confirmed that the proposed siting of the dwelling will result in '*substantial harm*' for the significance of the listed building and is therefore contrary to the provisions of WCS policies CP57 (Ensuring High Quality Design & Space Shaping) and CP58 (Ensuring the Conservation of the Historic Environment).

In addition, to the roadside the site currently has a historic metal railing with a hedge now grown through it. This green boundary contributes positively to the character of the street, and marks a degree of separation between the garden of no6 and the traditional roadside cob walls of the farmhouse. The amended plans identify the removal and replacement of the existing hedgerow in order to accommodate the required visibility splay for the new vehicular access. No mention is made of the railings within the hedgerow but it appears that these will also need to be removed and/or replaced. The removal of the railings would also require listed building consent but their loss would result in a greater impact for both historic fabric and the character of the conservation area which the Council's Conservation Officer has confirmed would result in '*less than substantial harm*' for the heritage asset. Paragraph 134 of the NPPF allows the possibility of allowing less than substantial harm where public benefits have been identified that demonstrably outweigh that harm. These benefits must be public and not achievable by other less harmful means. No such public benefits have been identified in this instance. It is therefore considered that the application fails to meet the expectations of WCS policy CP58 (Ensuring the Conservation of the Historic Environment); doesn't meet the requirements of the NPPF; and is contrary to sections 66 and 72 of the PLBCA Act.



A Heritage Statement has been submitted to try to address these concerns. However whilst the additional evidential information is welcomed, the Council's Conservation Officer has confirmed that it does not address or overcome their assessment objection. The scheme is therefore also recommended for refusal on the grounds of heritage.

### **9.3 Neighbouring Amenity:**

Given the position of the proposed dwelling relative to the neighbouring properties on either side; the reduced levels of fenestration on either side elevation of the proposed dwelling; and the level of separation/boundary treatments between the two, it is not considered that the proposals will result in any significant or particular concern for neighbouring residential amenities in terms of loss of light or overlooking.

### **9.4 Highway Safety:**

The Highway Authority has confirmed that adequate parking provision is shown on the submitted drawings and has raised no objection in that regard. Objection was originally raised about the visibility for the proposed site access, but the amended plans have now been received which address this concern from a highway point of view (although as is identified above, there are concerns with the level of hedgerow loss and removal of the existing, historic, boundary railings that is required to achieve this visibility from a heritage and character perspective). The Highway Authority are now happy with the detailed design of the proposals, but as is identified in the 'Principle' section above, are still raising an objection to the application because of the sustainability of the site.

### **9.5 Flooding & Drainage:**

As has been identified above, the site is partly situated within Flood Zones 2 and 3. Paragraphs 100-104 of the NPPF deal with the issue of flooding and confirm that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (i.e. in Flood Zones 2 and 3), to areas with a lower probability of flooding (i.e. in Flood Zone 1). Paragraph 103 of the NPPF further confirms that *'when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test'*.

The current scheme however is accompanied by a Flood Risk Assessment (FRA). In addition the scheme proposes no physical development within Flood Zones 2 and 3 with the proposed dwelling being positioned on a part of the site that is wholly outside of Flood Zones 2 and 3. The Council's Drainage Officer has raised concern about possible access to the site should it flood, however as this is the site rather than any habitable accommodation the proposals do not make any future resident vulnerable of a risk of flooding. In this instance it is not therefore considered that a Sequential Test needs to be undertaken in this regard. The Environment Agency has also raised no objection in this regard.

Wessex Water and the Council's Drainage Officer have also raised concern about the effectiveness of the proposed drainage system. However it is clear from the comments made that these can be resolved and will be agreed at the building control stage of the application. If the application were to be recommended for permission, a notwithstanding condition would suffice to address the concerns raised by the consultees but it is not considered that the concerns regarding the proposed drainage system would warrant a reason for refusal of the scheme at this stage.

## 9.6 S106/CIL

WCS policy CP43 (Providing Affordable Housing), requires contributions towards affordable housing provision from any net gain in the number of dwellings in the area. However following subsequent ministerial advice, this policy now only applies to sites of 10 dwellings or more and therefore there is no longer a requirement for such contributions from this application proposing only one dwelling. The same applies to saved SDLP policy R2 which requires off site contributions towards public open space. No Legal Agreement would therefore be required from this particular development were it to be recommended for permission.

The Council has however adopted the Community Infrastructure Levy (CIL), and therefore any development involving new residential development that is implemented after May 2015, may be subject to CIL. If the application were to be recommended for permission, an informative would be attached to the decision accordingly.

## 10. Conclusion

The site is situated outside of the existing built up parameters of the Small Village of Newton Toney; the proposed dwelling would not represent a form of infilling; no evidence has been submitted to demonstrate that the proposals would meet a local housing need; and the proposed development would only serve to elongate and/or consolidate the village. The proposals are therefore considered to represent an unsustainable form of development that would be contrary to the provisions of the NPPF and WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy); CP4 (Amesbury Community Area); CP61 (Transport & Development) and CP62 (Development Impacts on the Transport Network) and are thus considered to be unacceptable in principle.

The proposals are also considered to be out of character with the existing pattern and form of development in this part of Newton Toney and the contrived position of the proposed dwelling would serve to impinge on the precious space that gives the adjacent Grade II listed farmhouse its setting reflecting its historic significance and status. It is thereby considered that the proposals would result in *substantial harm* for the significance of this listed building and the setting of the Newton Toney Conservation Area. The proposals will also result in the loss of an historic frontage boundary which is unjustified and would result in less than substantial harm for the heritage assets. The proposals are therefore considered to be contrary to the provisions of the PLBCA Act, the NPPF, and WCS policies CP57 (Ensuring High Quality Design & Space Shaping); and CP58 (Ensuring the Conservation of the Historic Environment). The application is recommended for refusal accordingly.

## RECOMMENDATION

### REFUSAL

- 1) The site is situated outside of the existing built up parameters of the Small Village of Newton Toney; the proposed dwelling would not represent a form of infilling; no evidence has been submitted to demonstrate that the proposals would meet a local housing need; and the proposed development would only serve to elongate and/or consolidate the existing development within the village. The proposals are therefore considered to represent an unsustainable form of development that would be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP4 (Amesbury Community Area), CP61 (Transport & Development) and CP62 (Development Impacts on the Transport Network).
- 2) The proposals are considered to be out of character with the existing pattern and form of development in this part of Newton Toney and the contrived position of the

proposed dwelling would serve to impinge on the precious space that gives the adjacent Grade II listed farmhouse its setting, reflective of its historic significance and status. It is thereby considered that the proposals would result in *substantial harm* for the significance of this listed building and the setting of the Newton Toney Conservation Area and are therefore considered to be contrary to the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990; the National Planning Policy Framework; and Wiltshire Core Strategy policies CP57 (Ensuring High Quality Design & Space Shaping); and CP58 (Ensuring the Conservation of the Historic Environment).

- 3) The proposed access (and required visibility) to the site will result in the loss of an historic frontage boundary which is unjustified and would result in less than substantial harm for the heritage assets that would be detrimental to the character of the street scene in this part of the village. The proposals are therefore considered to be contrary to the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990; the National Planning Policy Framework; and Wiltshire Core Strategy policies CP57 (Ensuring High Quality Design & Space Shaping); and CP58 (Ensuring the Conservation of the Historic Environment).

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Land at Manor Farm House  
Newton Toney  
SP4 0HA



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