

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 7 February 2019
Time: 3.00 pm

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

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

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

Membership:

Cllr 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	

Substitutes:

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

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request.

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

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 - 16*)

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 **Thursday 31 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 **Monday 4 February**. 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 Applications**

To consider and determine planning applications in the attached schedule.

6a **18/10244/FUL - Kiln Close, Whaddon, SP5 3HE** (*Pages 17 - 24*)

New dwelling with integral garage for access

6b **18/10741/VAR - Caddens, Barbers Lane, Homington, SP5 4NG**
(*Pages 25 - 44*)

Variation of condition 2 of planning permission 18/00525/VAR to allow for amended design including insertion of window to west elevation and additional rooflight to bedroom 5 (18/10741/VAR)

6c **18/11174/FUL - Former Lloyds Bank, Mere, BA12 6DP**
(*Pages 45 - 54*)

Conversion of existing bank to create 3 no. x 1 bed and 1 no. x 2 bed flats with parking.

6d **18/11534/FUL - 138 Winterslow Road, Porton, SP4 0JX**
(*Pages 55 - 66*)

Extension and renovation of 1950's chalet bungalow to form a family home (Resubmission of 18/08676/FUL)

7 **Planning Appeals and Updates** (*Pages 67 - 82*)

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

appropriate, for the period of 30/11/2018 to 25/01/2019.

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

This page is intentionally left blank

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 DECEMBER 2018 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Ian McLennan, Cllr John Smale, Cllr Trevor Carbin (Substitute) and Cllr Robert Yuill (Substitute)

Also Present:

Cllr Mary Douglas

337 Apologies

Apologies had been received from:

- Cllr Brian Dalton – who was substituted by Cllr Trevor Carbin
- Cllr Sven Hocking – who was substituted by Cllr Robert Yuill
- Cllr George Jeans

338 Minutes of the Previous Meeting

The minutes of the meeting held on Thursday 15th November 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes.

339 Declarations of Interest

There were none.

340 Chairman's Announcements

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

The Committee noted its respects for former Wiltshire Councillor, Cllr Bill Moss, who had passed away the previous week.

341 **Public Participation**

The committee noted the rules on public participation.

342 **Planning Appeals and Updates**

Cllr Green – Why do the weekly lists no longer include the agents name on the list? Answer: The Planning Team Leader would circulate a response following the meeting.

Cllr Britton - For members benefit our refusal of 50 houses at Firs Road in Alderbury had been lost at appeal. The Inspector had determined quite clearly that Wiltshire Council did not have a five year land supply, and that obviously has serious ramifications for us.

Cllr Devine – Was there now a loop hole where every developer can quote that as a material consideration? Answer: Legal Officer - We would need to take this into account – however all applications have to be taken on their own merits.

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

Resolved

That the report on Appeals and Updates for the period of 02/11/2018 to 30/11/2018 be noted.

343 **Planning Applications**

344 **18/07328/VAR - Land north of Hilltop Way, Salisbury, SP1 3QX**

Public Participation

John Gateley spoke in support of the application

Keith Leslie spoke in support of the application

The Senior Planning Officer, Becky Jones presented the application which was for a Variation of Condition 4 (affordable housing scheme) of planning permission for 16/04126/OUT (Outline application for the proposed erection of 10 semi-detached bungalows, new footpath link, and creation of public open space incorporating 20 off street parking spaces and 5x laybys to Hilltop Way.

It was noted that the Inspector had allowed the original application at appeal, with the condition to provide some level of affordable housing, and at the time the applicant had offered 100% affordable housing.

A further application for variation then came in which proposed to remove the affordable housing condition and have no affordable housing on the site, however as the site was subject to CPC which required 40% affordable housing, the applicant was advised to retain a provision of 40%, and a subsequent application for variation, providing this was then submitted, and is for consideration today.

The application was recommended for approval.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that the Inspector had not made a specific recommendation as to the level of affordable housing required on the site.

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

The main points raised included that the site had been brought into the Housing Allocations Plan, and that the proposed 40% of affordable housing would be at the level expected in the Core Strategy.

Local residents supported a 40% allocation of affordable housing. It was noted that the road had recently been resurfaced and works to provide utilities would see this road dug up and patch filled. Residents asked the Committee to consider whether a condition could be applied to resurface the road completely rather than patch work.

The Division Member Cllr Douglas then spoke to note the public concern and the integrity of the planning process. The 100% of affordable housing as approved by the Inspector should be upheld. The original decision of the Committee was overturned on the grounds that it met housing need, on the basis of 100% affordable housing. The applicant then offered 0%, this was a mockery of the planning process. With Officer intervention they have now offered 40%. This Committee is the means by which we can iron out these creases.

Cllr Hewitt then moved the motion of Approval in line with Officer recommendation. This was seconded by Cllr McLennan.

A debate followed where the key issues raised included that the 100% could not be upheld as the Planning Inspector noted in his report that the Council could not demonstrate a five-year housing supply, he was attracted to the 100% affordable housing, but that was the overarching reason he allowed the appeal. We can apply CP43 and that requires 40%.

The local resident's enquiry on the inclusion of a condition to reinstate the road surface, was not possible as the Committee could not include a condition to the application at this stage. Consideration was solely on the variation of the provision of affordable housing.

The Committee then voted on the motion of Approval in line with Officer recommendation.

Resolved

That application 18/07328/VAR be Approved in line with Officer recommendation, subject to

- i) the applicant entering a Section 106 Agreement to secure 40% on site affordable housing provision in compliance with CP43 and CP45 and**
- ii) the following conditions:**

1) The development hereby permitted shall take place not later than 3 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) Details of the appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

- (i) Design and Access Statement, Savills, November 2015;**
- (ii) Site Plan Ref L001 Rev B, dated May 2016;**
- (iii) Illustrative Layout Ref. UD003, dated 12/04/2016;**
- (iv) Parking Laybys on Masterplan Ref. 4279-SK-005B;**
- (v) Ecological Appraisal & Reptile Mitigation Strategy by ECS, November 2015 (final report)**
- (vi) Waste Statement, Savills, November 2015;**
- (vii) Tree Survey and Constraints Assessment by Mark Hinsley Arboricultural Consultants Ltd, dated 4 August 2015;**

- (viii) Archaeological Desk based Assessment by CGMS Consulting, April 2015;
(ix) Transport Statement by WSP Parsons Brinckerhoff, April 2016.

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

5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Reason: To Safeguard the character and appearance of the area

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

Reason: To safeguard the character and appearance of the area

7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To Safeguard the character and appearance of the area

8) All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To Safeguard the character and appearance of the area

9) The development hereby approved shall be single storey in height, with no accommodation or windows in the roof.

Reason: To Safeguard the character and appearance of the area

10) No development shall commence until further details for the proposed footway, its connection with the existing footway and details of the laybys have been submitted to and approved in writing by the local planning

authority. The development shall be implemented in accordance with the approved details before there is any occupation of the dwellings.

Reason: In the interests of highway safety.

11) Details of the new right of way between the existing and proposed bungalows are to be submitted to and approved in writing by the local planning authority, and the scheme is to be completed and surfaced in accordance with the approved details before there is any occupation of the dwellings.

Reason: In the interests of amenity and to secure appropriate access to the proposed Country Park.

12) No development can commence until a scheme for the provision and management of compensatory habitat creation (as an extension to the proposed Hampton Park Country Park to provide a receptor site for existing reptiles) has been submitted to and approved in writing by the local planning authority. The scheme shall include the 0.22 ha of land in the Appellant's ownership to the south-east of the development (shown in green as 'Country Park' on the plan on page 11 of the Design and Access Statement). The scheme shall be completed in accordance with the approved details, before development is first occupied, or in accordance with the approved timetable in the approved scheme. The receptor site shall be retained for that purpose in perpetuity.

Reason: To safeguard the natural habitat with particular reference to reptile conservation, in the context of an extension to the proposed Country Park.

13) Before works commence, a mitigation scheme for the translocation of reptiles and enhancement of the reptile receptor site shall be submitted to and approved in writing by the local planning authority. The scheme will identify the receptor site, specify how it will be prepared and confirm elements of the scheme which will be undertaken and/or overseen by an ecologist. The works will be completed in accordance with the approved scheme.

Reason: To safeguard the natural habitat with particular reference to reptile conservation, in the context of an extension to the proposed Country Park.

14) At no time before, during or after the construction of the development, will land to be made available for the Hampton Park Country Park shown on the illustrative masterplan (Savills, Job. No. WIPL350874 Drawing L002) be used for temporary or construction works.

Reason: To safeguard the natural habitat with particular reference to reptile conservation, in the context of an extension to the proposed Country Park.

15) No development shall commence above ground level on site until a scheme of water efficiency measures (to include the water consumption of the development to no more than 110 litres per person per day) has been submitted to and approved in writing by the local planning authority. Before any of the dwellings are occupied, the approved measures shall be implemented in accordance with the approved scheme and thereafter retained.

Reason: In the interests of safeguarding the character of the River Avon SAC.

16) No development shall commence on site until a scheme for the discharge of foul water from the site 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 prevent increased flood risk and safeguard public health

17) 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To prevent increased flood risk and safeguard public health.

18) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction of the development. It shall include details of:

- (i) the movement of construction vehicles;**
 - (ii) the cutting or other processing of building materials on site;**
 - (iii) wheel washing facilities;**
 - (iv) the transportation and storage of plant, waste and building materials;**
 - (v) the recycling of waste materials (if any);**
 - (vi) the loading and unloading of equipment and materials;**
 - (vii) the location and use of generators and temporary site accommodation; pile driving;**
 - (viii) the parking of vehicles of site operatives and visitors;**
 - (ix) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- The approved Construction Management Plan shall be adhered to throughout the construction period for the development.**

19) Demolition or construction works shall take place only between 07:00 and 18:00 hours on Mondays to Fridays and between 08:00 and 13:00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interests of safeguarding the living conditions of existing neighbouring occupiers.

20) No development shall commence until the Appellant has completed an assessment of ground gas at the site. Any remediation measures to the proposed development identified as a consequence of the investigation shall be approved in writing by the local planning authority and implemented in accordance with the agreed measures.

Reason: In the interests of public safety and amenity.

345 **18/09164/VAR, 18/09004/VAR & 18/09012/VAR - Land North & North East, Matrons College Farm, Castle Lane, Whaddon, SP5 3EQ**

Public Participation

Mr Speer (Agent) spoke in support of the application

Senior Planning Officer, Warren Simmonds presented the application for a Variation of conditions 4 & 15 of 13/02543/OUT to remove the requirement for the use of a building as a proposed health centre, and 17/11704/REM - 28 dwellings and health centre, which had been approved in 2016.

It was noted that a Section 106 legal agreement was entered in to by the land owner to provide these things on the site.

Since the original applications were approved in 2016, quite extensive efforts had been made to find a user for the proposed health centre provision, with no avail.

It was recommended that the applications 18/09004/VAR and 18/09164/VAR be approved subject to the landowner entering into a modified Section 106 legal agreement to provide a one-off financial contribution of £200,000 to Wiltshire Council to be used for community project(s) in the Alderbury and Whaddon village area.

Attention was drawn to the late correspondence circulated at the meeting which detailed the updated proposal of a three-staged schedule of payments from the developer and the type of use for the funds.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that this site differed from the Old Sarum site, in that the medical centre had not yet been built here, whereas at Old Sarum the build Doctors Surgery had been completed and laid empty for some time. The £200k set

aside to build the medical centre here could be transferred to the parish council for use on the village hall which was central to the village, unlike the land where the medical centre had been proposed.

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

The main points included that the owners had instructed extensive work be undertaken to try and identify potential users, however this had been fruitless. They had also been determined that there should be a benefit to the village, and therefore had supported the proposal to transfer the original £200k towards a facility elsewhere which would benefit the village more.

The Division Member, Cllr Richard Britton spoke noting that when this application had originally come to committee, he had felt it should be deferred until evidence showed that a medical centre could be provided, and here we are now being told the medical centre cannot be provided.

He was thankful to the land owner for continuing to support the village by allocating the £200k to a meaningful benefit for the village. The first tranche payment would allow work to get underway on the village hall.

He supported the proposal as it would enable work on the village hall, which was a benefit for the wider village community.

Cllr Britton moved the motion of approval in line with Officers recommendation. This was seconded by Cllr Hewitt.

A debate then followed, where the key issues raised included that the original proposal had been supported by a local doctor, the reality of a viable medical centre on the site had not come to fruition, fortunately, something good would come out of this.

The Committee then voted on the motion of approval in line with Officers recommendations, with delegated authority to the Head of Development Services in line with late correspondence.

Resolved

Members resolved to delegate authority to the Director of Economic Development & Planning for:

- 1. The variation of approved planning applications 13/02543/OUT and 17/11704/REM (the outline planning consent and reserved matters planning consent) to remove the requirement for the provision of an on-site local health centre (leaving the local health centre site undeveloped), subject to:**
- 2. The modification of the existing Section 106 legal agreement to remove the requirement to provide the local health centre but instead to provide a financial contribution of £200,000 to Wiltshire Council (to be paid in three**

increments as described), the financial contribution to be used for improvements to the Alderbury Village Hall and/or other community project(s) in the Alderbury and Whaddon village area(s).

346 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 3.50 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

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

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	07 February 2019
Application Number	18/10244/FUL
Site Address	Land Adjacent Kiln Close Whaddon Aldebury Salisbury Wiltshire SP5 3HE
Proposal	New dwelling with integral garage for access
Applicant	Mr P Cope
Town/Parish Council	ALDERBURY
Electoral Division	Alderbury & Whiteparish – Cllr R Britton
Grid Ref	419730 126321
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Britton due to concerns in respect of:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact

1. Purpose of Report

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

2. Report Summary

The application proposes a new detached dwelling within the defined limits of development. There are no objections from consultees which undermine the principle of the proposed development. The application is recommended for approval, subject to the Conditions set out at the conclusion of the report.

3. Site Description

The application site constitutes a parcel of land of approx. 1080 square metres being part of an area of former railway land (dismantled around 1970), within the settlement boundary of Whaddon.

4. Planning History

15/05362/PREAPP Two new dwellings with access and car parking

16/04217/PREAPP New dwelling and access.

5. The Proposal

The application proposes the development of the land by the construction of a single detached dwellinghouse with integral garage, accessed off Kiln Close, together with associated alterations to ground levels and boundaries.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) Core Policies CP1, CP2, CP23, CP50, CP51, CP57 & CP64

NPPF & NPPG

7. Summary of consultation responses

WC Highways – No Highway objection, subject to a Condition

Highways England – No objection

Drainage officer – Holding objection (details to be obtained by Condition)

Public Protection – No concerns, Conditions recommended

Ecology – No objection, subject to Conditions

Archaeology – No objection: *“The proposed development is within the line of the former railway. Works connected to the construction of the railway are considered likely to have destroyed any pre-existing archaeology.”*

Alderbury parish council – Object to the proposed development on grounds including overlooking, not in-keeping, plot too small, drainage concerns and amenity concerns.

8. Publicity

The application was publicised by site notice and neighbour notification letters.

Four representations were received from third parties, each in objection to the proposal on grounds including:

- Overlooking, overshadowing and other amenity concerns
- Overdevelopment
- Out of keeping
- Construction traffic concerns
- Impact on wildlife
- Drainage concerns
- Lack of need for additional housing

9. Planning Considerations

9.1 Principle of the proposed development

The application site is within the defined limits of development for the village of Alderbury as described within Core Policy 23 of the adopted Wiltshire Core Strategy. Therefore the

principle of the development of the land for a dwelling is considered acceptable in the broadest of planning policy contexts.



Above left – WCS defined limits of development. Above right – location of site (within defined limits)

9.2 Scale, design & materials

The application proposes a single detached four bedroom dwelling with integral garage, set within a proportionate garden curtilage with access from Kiln Close to the immediate east.

The proposed building is of chalet style with first floor accommodation within the roof void, served by rooflight windows, dormer windows and gable end windows.

External materials proposed include brickwork under a plain clay tiled roof. Boundary treatments to the eastern boundary include a section of hedge, closeboard fence, post and wire fence supplemented with mixed hedging.

Existing dwellings in Kiln Close and the surrounding area are of varied scale, materials and design. Officers consider the proposed new dwelling would be acceptable in terms of its scale, design, materials and impact on the existing character of the surrounding area.

9.3 Impact on amenity

To facilitate the siting of the proposed dwelling, a degree of partial excavation of the railway embankment would be required on the eastern side, however this would be limited to the eastern 'half' of the embankment and secured by a retaining wall.

The proposed dwelling would be situated on the opposite side of Kiln Close to the two closest existing houses. By reason of the distance, orientation and general relationship between the proposed new dwelling and the closest neighbouring properties in Kiln Close, and by reason of significant mature natural screening along the eastern side boundary of Kiln Close, it is considered the proposed new dwelling would not result in the undue overlooking or overshadowing of neighbours in Kiln Close.

With respect to adjacent properties on the other side of the embankment (to the west), the distance between the proposed new dwelling and existing properties (more than 20 metres to the rear of the closest dwelling to the west), taken together with the presence and screening effect of the embankment, it is considered the proposed new dwelling would not result in the undue overlooking or overshadowing of neighbouring properties to the west.

Concerns have been raised in representations that the partial excavation of the embankment would result in increased traffic noise for properties to the west. Officers note the excavation of the embankment relates only to the area where the new dwelling is to be sited, and the excavated area would be subsequently 'filled' by the physical presence of the new dwelling (being of a greater height and density than the section of existing embankment) and therefore conclude an adverse impact would be unlikely to result.

9.4 Highways considerations

The proposed development provides a suitable form of vehicular access and off-street parking (including an integral garage space) for at least three vehicles. The Highways officer has assessed the proposal and comments as follows:

"The site is accessed off the C324 via Kiln Close which is a private no through road. A vehicle access onto Kiln Close does not raise any particular highway safety concerns and the existing junction of Kiln Close with the C324 is acceptable.

The proposal includes parking for 3 vehicles to meet Wiltshire's parking standards, one space in the garage and 2 spaces to the front of the garage.

I wish to raise no highway objection providing the following condition is imposed:

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

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

9.5 Ecology

The application was accompanied by a Ecology Survey Report (Daniel Ahern Ecology, October 2018). The Council's Ecologist has assessed the proposal and raised no objection subject to Conditions.

9.6 Drainage

The Drainage officer has requested additional drainage information. For this type of application such details can be secured by Conditions.

10. Conclusion

The proposed development is considered accordant with local and national planning policy. Officers recommend approval, subject to Conditions.

RECOMMENDATION

Approve, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Drawing number Cw/pa/01a dated Oct'18, as deposited with the local planning authority on 18.12.18.

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

3. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: In the interests of amenity

4. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

Reason: In the interests of amenity

5. No development shall commence on site until a scheme for the discharge of foul water from the site 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

6. 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 at the location of any proposed soakaways, 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

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

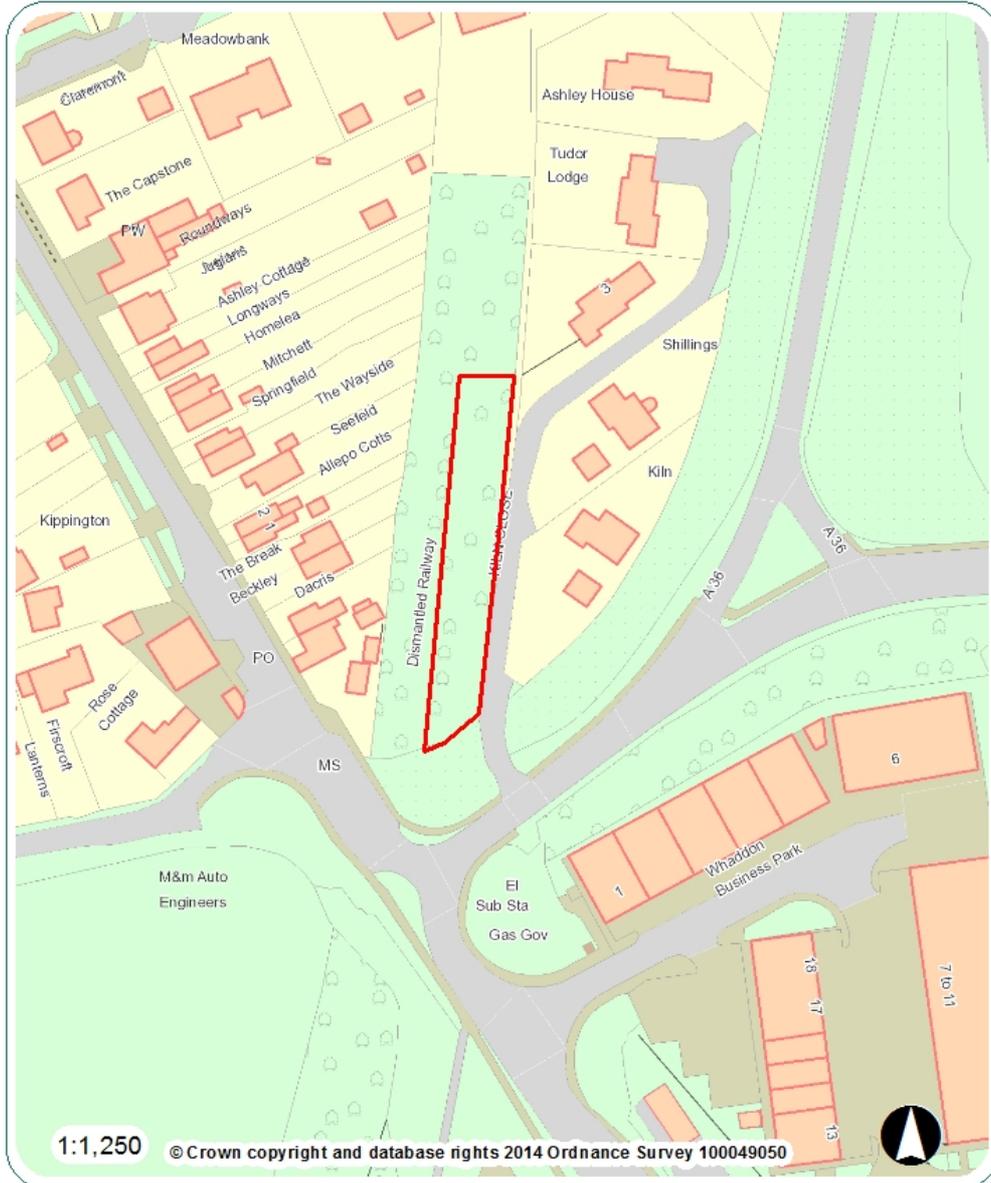
REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

8. The development hereby approved shall be carried out in strict accordance with the recommendations made in the submitted Ecological Constraints Survey Report

(Daniel Ahern, Dec 2018). Any permitted external lighting should be minimised as per the recommendations in the submitted Ecological Constraints Survey Report.

Reason: To ensure adequate mitigation in respect of protected species and to retain existing dark wildlife corridors.

18/10244/FUL
Land Adjacent Kiln Close
Whaddon
Aldebury
Salisbury
Wiltshire
SP5 3HE



This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	7 th February 2019
Application Number	18/10741/VAR
Site Address	Caddens, Barbers Lane, Homington, Wiltshire, SP5 4NG
Proposal	Variation of condition 2 of planning permission 18/00525/VAR to allow for amended design including insertion of window to west elevation and additional rooflight to bedroom 5 (18/10741/VAR)
Applicant	Mr G Munday
Town/Parish Council	Homington
Electoral Division	Homington – (Richard Clewer)
Grid Ref	412057 126039
Type of application	Variation of Condition
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application has been called-in by Cllr Clewer if officers are minded to approve due to local concerns and the impact of the development on the surrounding area.

1. Purpose of Report

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

2. Report Summary

The issues for consideration are:

- The principle of development in this location;
- Scale, design, materials and impact on neighbourhood amenity;
- Impact to the Homington Conservation Area and wider AONB;
- Highway Impacts

3. Site Description

The application site is a detached dwelling house with a large residential curtilage located in the village of Homington. The dwelling house is located in the Homington Conservation Area and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).



4. Planning History

17/03126/FUL Extensions and alterations and construction of a replacement garage
REF 03.07.17

17/07475/FUL Extensions and alterations and construction of a replacement garage
Approved by SAC 20.10.17

18/00525/VAR Variation of condition 2 of planning permission 17/07475/FUL to allow for alterations to first floor arrangement, repositioning of bedroom 4, utilisation of roof space to provide additional bedroom and omission of rear chimney A.C 21.03.18

18/03084/VAR Variation of condition 2 of planning permission 17/07475/FUL to allow for the garage roof to be linked to the house and loft room created in the roof void above garage REF by SAC 04.06.18 Approved on appeal 17.01.19 (see attached)

5. The Proposal

To vary condition 2 of planning permission 18/00525/VAR to allow for the amended design to include the insertion of a window to the ground floor west elevation of the property and the insertion of an additional rooflight to bedroom 5 (retrospective).

6. Local Planning Policy

The Wiltshire Core Strategy (WCS) was adopted in January 2015 and constitutes the primary planning document. Also of relevance are the NPPF & NPPG.

Policy CP51 – Landscape impacts

Policy CP57 – Amenity

Policy CP58 – Heritage Impacts

7. Summary of consultation responses

Coombe Bissett and Homington Parish Council – Objection with comments stating:

Coombe Bissett and Homington Parish Council object to this application on grounds of overlooking and loss of neighbours' residential amenity through loss of their privacy, and asks that it is refused. At least one of the windows being applied for has already been installed. This is the fifth planning application for this single building project since March 2017. This house is being evolved by serial planning applications, making a mockery of the planning system. It has been called in to Planning Committee three times and Wiltshire Council's enforcement officer has been involved on multiple occasions, including, we believe, for one of the windows now being applied for. The previous applications are 17/03126/FUL (March 2017, refused), 17/07475/FUL (August 2017, approved), 18/00525/VAR (January 2018, approved), 18/03084/VAR (March 2018, refused, but now being appealed). However, should you approve the application against the parish council's recommendation we would ask that you require the glazing to be opaque glass - obscuring window film would not be acceptable, as it may get removed. The developers have made neighbours' lives a misery throughout this project.

WC Conservation Officer – No comment

WC Highways Officer – No objection

8. Publicity

The applications have been advertised by way of site notice and letters to near neighbours.

The publicity has generated an objection from Coombe Bissett and Homington Parish Council to the proposal as documented in Section 7 of this report.

9. Planning Considerations

9.1 Principle of development and policy

The site is located within the AONB. Core Policy 51 of the WCS states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

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

The site is located within the Conservation Area. Core Policy 58 of the WCS states development should protect, conserve and where possible enhance the historic

environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

- i. Nationally significant archaeological remains
 - ii. World Heritage Sites within and adjacent to Wiltshire
 - iii. Buildings and structures of special architectural or historic interest
 - iv. The special character or appearance of conservation areas
 - v. Historic parks and gardens
 - vi. Important landscapes, including registered battlefields and townscapes.
- Distinctive elements of Wiltshire's historic environment, including non-designated heritage

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

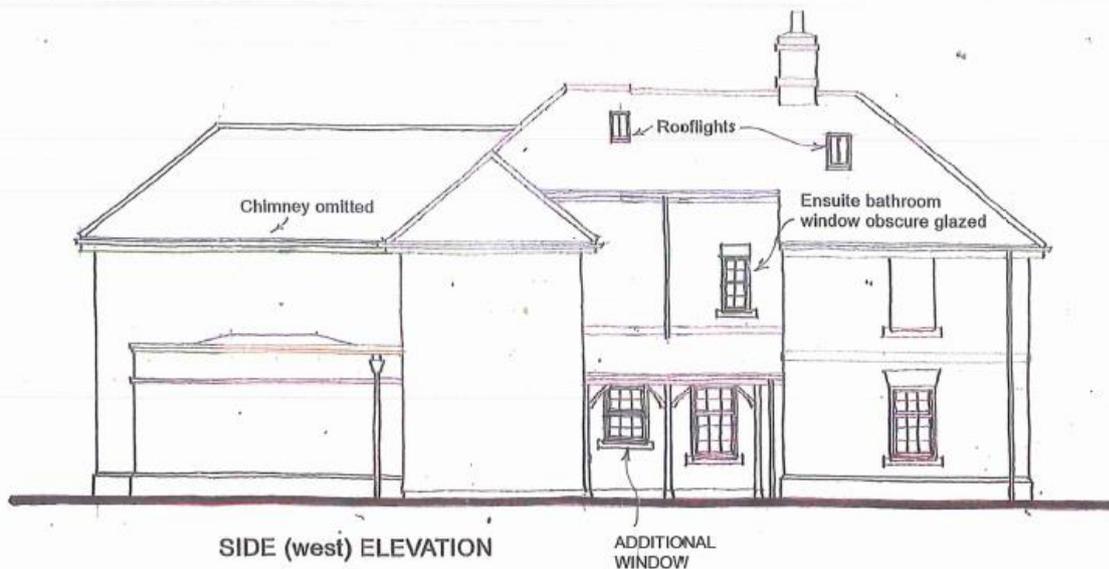
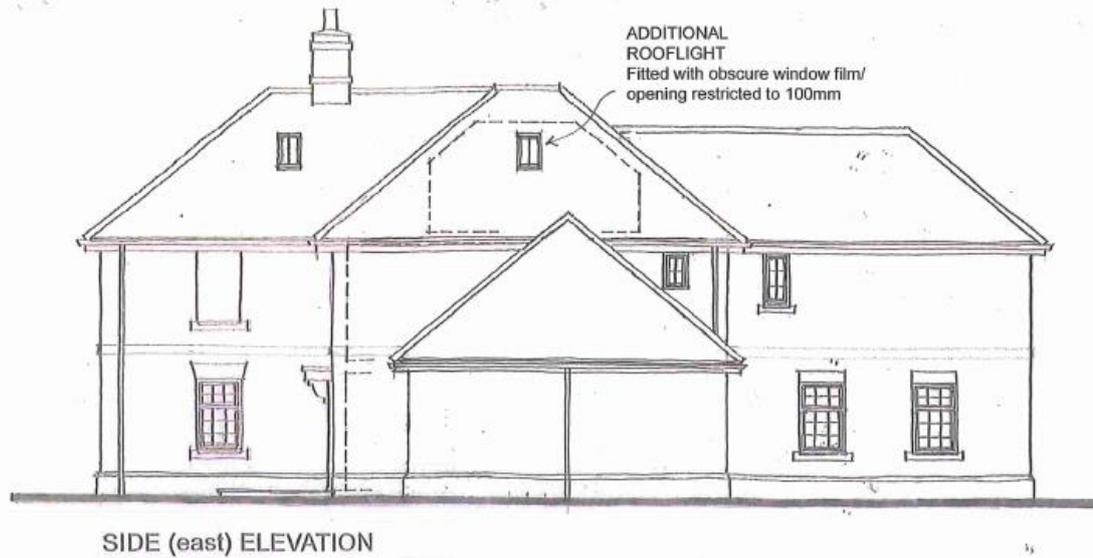
Following an extensive recent planning history on the site which has seen various amendments submitted for the proposed works, the current application seeks to modify the approved plans of permitted scheme 18/00525/VAR and 17/07475/FUL respectively.

Members are advised to refer to the recent appeal decision (enclosed with this report appendix 1) APP/Y3940/D/18/3207299 for application 18/03084/VAR in which the decision was upheld subject to conditions.

9.2 Design and Impact on area and amenity

This application seeks permission retrospectively for the insertion of a further window at ground floor level on the side (western) elevation to allow for additional natural light into the kitchen space and an additional roof light to bedroom 5 on the eastern roofslope to provide further natural light. The window is to be obscured glazed with a restricted opening. On visiting the site, it is apparent that this window has an obscure film over the glass and is currently not fitted with a restrictor. The proposed elevation plans for the changes are shown on the following page.

Other works proposed include the insertion of a new ground floor window on the western elevation of the dwelling house. It was noted at the time of the case officer's site visit that some of the cutting of the brick into the side elevation to allow for the proposed additional window had already occurred. Given the size of the window serving the internal living space and within the context of the overall development, officers are of the opinion that the insertion of this additional window would not have any significant adverse impact to the amenity of the nearby neighbouring property, May Cottage that would warrant the refusal of retrospective planning permission.



Members are advised to refer to the recent appeal decision (enclosed with this report appendix 1) APP/Y3940/D/18/3207299 for application 18/03084/VAR in which the decision was upheld subject to conditions. The Inspector has made several important points relevant to the determination of this current application before members, namely:

- He has considered it appropriate that condition 2 (plans condition) of planning permission 18/00525/VAR should be treated as being the starting point (and not the variation of condition 2 of planning permission 17/07475/FUL) as works on site have commenced.
- He makes reference to the installation of obscure glazing in relation to some of the first floor windows and rooflights conditioned in the extant variation permission. He considers that there is no need for those windows to be non-openable with a requirement for the rooflights to be 'fixed shut' and has removed the requirement for

these windows to be fixed shut. He further differs in his opinion regards the Council's standard obscure glazing condition with refers to certain levels of obscurity

- He further states: *'As determining whether the glazing of a window has or has not been fitted with obscured glazing that is capable of deterring a loss of privacy for the occupiers of a neighbouring property is a matter that can be readily enforced, It is considered there is no need for a minimum level of obscuring to be specified in condition 3'*.

Therefore, based on this appeal decision, officers are of the opinion that the additional window within the roofslope as built with the level of existing obscure glaze film and non-restrictor (shown in the photograph above) is acceptable in planning terms. Suitable conditions have been suggested below which reflect those imposed by the Inspector.

As such, the proposed works would not be contrary to Core Policy 57 of the Wiltshire Core Strategy and furthermore, would not have any significant detrimental impact to the amenity of the nearby neighbouring properties in respect of overlooking that would warrant the refusal of retrospective planning permission.

9.3 Impact on the Homington Conservation Area and AONB

No comments have been received from the Council's Conservation Officer on this application.

The design of the dwelling has evolved through the various applications that have been submitted to the Local Planning Authority. Whilst there have been several amendments to the scheme with reference to the recent planning history on the site and recent appeal decision, the scheme as presented should be viewed as having a minimal impact on the Homington Conservation Area and wider AONB that would justify the refusal of planning permission for each scheme presented. This view is echoed in respect of the recent appeal decision in which the Inspector states that the appeal development would not amount to an overdevelopment of the property and continues to conserve the natural beauty of the AONB.

As such, in the opinion of the case officer, the works to the dwelling house as put forward in this application will not cause any significant detrimental impact on the character of the Homington Conservation Area or to that of the AONB that would justify the refusal of planning permission.

9.4 Highways matters

The Highways Team of Wiltshire Council have been consulted on this scheme and raise no objection to the proposed changes to the originally approved scheme. The suggested adjustments are modest, and it is considered that subject to suitable conditions to retain parking in the garage and provide a suitably surfaced access and turning area, the proposal would be acceptable.

10. Conclusion

The comments and concerns of the Parish Council have been noted and taken into consideration. However, following an assessment of the situation as outlined above and

having regard for the recent appeal decision, the proposed changes to the permitted works are unlikely to have such a significant impact on the amenities of adjacent dwellings as to warrant refusal, and therefore the scheme conforms to the objectives of Core Policies, 51, 57 and 58 of the Wiltshire Core Strategy and the aims of the NPPF.

Therefore, the Local Planning Authority considers that the application for the variation of condition 2 of 18/00525/VAR should be granted retrospectively.

11. RECOMMENDATION:

Approve with the following conditions:

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

DWG No: 216083/01 Rev B Site Location Plan and Proposed Block Plan Date Received 29.11.18

DWG No: 216083/04 Rev F Proposed Ground Floor and First Floor Plan Date Received 29.11.18

DWG No: 216083/08 Rev A Proposed Second Floor Plan Date Received 29.11.18

DWG No: 216083/06 Rev F Proposed Side Elevations and South Elevation Section Date Received 29.11.18

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

2. The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) – iii) below:

i) Within 2 months of the date of this decision the following details relating to the construction of the development hereby permitted shall have been submitted for the written approval of the Local Planning Authority:

- a. specification of the roofing materials;
- b. construction of a sample panel of the proposed brick, mortar colour and pointing finish (in Flemish Bond), which is to be left on site throughout the works as a reference panel;
- c. a section drawing of the brick string course to be added to the front elevation of the dwelling;
- d. a section drawing at a scale of 1:5 showing the profile and means of fitting of the rainwater goods;
- e. details of lintels, which shall be pre-fabricated gauged bricks 4 course deep;
- f. details of window cills on the front elevation which shall be constructed from Bath stone and stooled; and
- g. details of the render to be used on the external elevations, which shall be a soft render, and will not feature a bell mouth detail.

(ii) If within 5 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

REASON: The development shall be carried out in accordance with the details to be approved in accordance with the requirements of this condition.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. The additional rooflight within the eastern roofslope as shown in approved plan DWG No: 216083/08 Rev A Proposed Second Floor Plan Date Received 29.11.18 serving bedroom 5 shall retain the obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. Prior to the first use of the rooms served by: the rooflight in the eastern elevation; the rearmost of the rooflights in the western elevation; and the first floor windows in the western elevation, as shown on drawings 216083/04E and 216083/06E, the previously mentioned windows shall be fitted with obscure glazing and thereafter the obscure glazing shall be retained.

REASON: In the interests of residential amenity and privacy.

5. The garage hereby permitted shall not be used until the first five metres of the access, measured from the back edge of the carriageway, has been laid with a consolidated surfaced. The access shall be retained as such thereafter.

REASON: In the interests of highway safety.

6. The garage hereby permitted shall not be used until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The access, turning area and parking spaces shall be retained for the purposes of parking and vehicle manoeuvring at all times thereafter.

REASON: In the interests of highway safety.

7. 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), the garage hereby permitted shall not be converted to habitable accommodation.

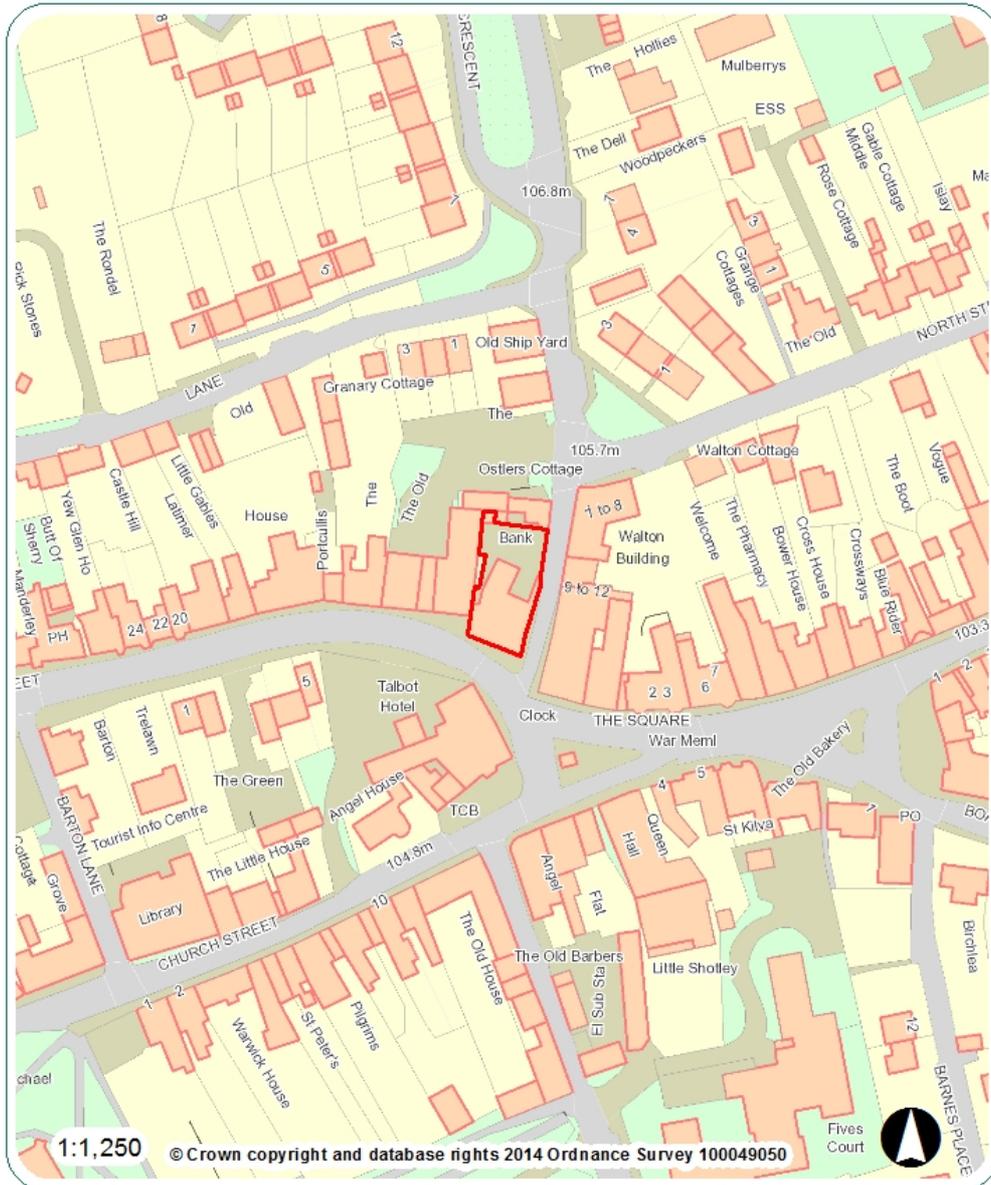
REASON: To secure the retention of adequate parking provision and to limit the residential conversion of the garage space, in the interests of highway safety and amenity.

8. Works associated with the construction of the development hereby permitted shall only take place between the hours of 08:00 to 17:00 from Mondays to Fridays and between the hours of 08:00 to 13:00 and on Saturdays. No construction works associated with the development hereby permitted shall take place at any time on

Sundays and on Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

This page is intentionally left blank



This page is intentionally left blank



The Planning Inspectorate

Room 3D - Eagle Direct Line: 0303 444 5935
Temple Quay House Customer Services:
2 The Square 0303 444 5000
Bristol
BS1 6PN Email: WEST1@PINS.GSI.GOV.UK

www.gov.uk/planning-inspectorate

Your Ref: 18/03084/VAR
Our Ref: APP/Y3940/D/18/3207299

Wiltshire Council
Planning Appeals
Monkton Park Office
Chippenham
Wiltshire
SN5 1ER

17 January 2019

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr G Mundy
Site Address: Caddens, Lower Road, Homington, Wiltshire, SP5 4NG

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Max Board

Max Board

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Site visit made on 20 November 2018

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th January 2019

Appeal Ref: APP/Y3940/D/18/3207299

Caddens, Lower Road, Homington SP5 4NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr G Mundy against the decision of Wiltshire Council.
 - The application Ref 18/03084/VAR, dated 29 March 2018, was refused by notice dated 4 June 2018.
 - The submitted application sought planning permission for, extensions and alterations and construction of replacement garage, without complying with a condition attached to planning permission Ref 17/07475/FUL, dated 20 October 2017.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans:
DWG No: 216083/01 Rev B Site Location Plan and Proposed Block Plan
Date Received 01.08.17; DWG No: 216083/04 Rev B Proposed Floor Plans
Date Received 01.08.17; DWG 216083/05 Rev B Proposed Front and Rear Elevation and Side Garage Elevations Date Received 01.08.17; DWG No: 216083/06 Rev B Proposed Side (East and West) Elevations and South Section Date Received 01.08.17; and
DWG No: 216083/07 Rev B Proposed Street Scene Elevation date Received 01.08.17.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
-

Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations and construction of replacement garage at Caddens, Lower Road, Homington SP5 4NG in accordance with the application Ref 18/03084/VAR made on the 29 March 2018 without complying with condition No 2 set out in planning permission Ref 18/00525/VAR granted on 21 March 2018 by the Wiltshire Council, but otherwise subject to the conditions set out in the schedule attached at the end of this decision.

Procedural Matters

2. Planning permission was granted under file reference 17/07475/FUL on 20 October 2017 for extensions and alterations, including the construction of a replacement garage at Caddens. Condition 2 of permission 17/07475/FUL required the development to be implemented in accordance with the submitted application drawings (the plans condition). Thereafter a further planning application, reference 18/00525/VAR, was submitted to amend some aspects of the originally approved development, by means of the variation of the plans condition imposed on permission 17/07475/FUL. That variation (the variation

permission) was granted permission by the Council on 21 March 2018. The variation permission is in effect a standalone planning permission.

3. The application subject to this appeal refers to planning permission being sought for a further variation of condition 2 imposed on permission 17/07475/FUL. However, works have been commenced on site, and from what I observed I consider that the works that have been undertaken are not severable from those subject to the variation permission, with the walls of the garage having been constructed so that it would be an attached rather than detached structure. Other works relating to the main house have also been undertaken and those works are clearly associated with the development subject to the variation permission. Additionally works benefitting from the variation permission are shown on the drawings accompanying the appealed application. Accordingly I am of the opinion that it is condition 2 of planning permission 18/00525/VAR that should be treated as being the starting point for the determination of this appeal, and that is how I have approached the appeal's determination. I consider that in practice this approach is consistent with the way the Council approached its consideration of the appealed application, having taken into account the cumulative effects of the changes to the development. Given those circumstances I consider that I can determine the appeal on the basis of it relating to the variation of permission 18/00525/VAR without there being prejudice to the appellant, the Council or other interested parties. Accordingly for the purposes of my formal decision above I have referred to the permission 18/00525/VAR as opposed to permission 17/07475/FUL.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with specific regard to whether the development would preserve or enhance the character or appearance of Homington Conservation Area (the conservation area), and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (the AONB).

Reasons

5. The site is located within the conservation area, which is a designated heritage asset. There is therefore a requirement for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The conservation area is characterised by a linear arrangement of often substantial, street-facing historic buildings, which use a range of vernacular materials. There has been limited infilling by modern housing, which includes Caddens. The significance of the conservation area therefore arises from the historic layout of development, and the architectural character of the historic buildings.
7. The original appearance of Caddens has been altered by the remodelling works currently under way. The plans relating to the variation permission show that the alterations to Caddens will result in a property whose appearance is more harmonious with that of other properties in the conservation area.
8. The alterations subject to the appealed application would lead to a change in form and a moderate increase in the mass of the garage roof by comparison

with the development subject to the variation permission. By linking the garage roof with the main house, the overall mass of the dwelling as a whole would also be increased. The change in appearance would, however, be modest, and would not be at odds with either the appearance of Caddens, as extended, or the scale and appearance of the other dwellings in the conservation area. I therefore consider that the proposed change to the garage roof would preserve the appearance of the conservation area.

9. As Caddens is also located within the AONB I have had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area. In that regard paragraph 172 of the revised National Planning Policy Framework (the Framework), states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. Whilst the proposed development would be visible from an area of rising open land to the north, it would be viewed firmly within the context of forming a part of the ribbon of residential development that characterises this part of Homington. As such and having regard to the comparatively modest differences between the development subject to the extant permissions and what is now proposed I consider that the appeal development would not amount to an overdevelopment of Caddens and would continue to conserve the natural beauty of the AONB.
10. As I have considered the proposed development on its own design merits, within its own specific context, I see no reason why a decision to allow this appeal would create a precedent for other development in the AONB.
11. For the reasons outlined above I conclude that the development would not be harmful to the character and appearance of the area because the conservation area's appearance would be preserved, while the AONB's natural beauty would be conserved. The development would therefore accord with Policies 51, 57 and 58 of the Wiltshire Core Strategy of 2015 and paragraph 172 and section 16 (conserving and enhancing the historic environment) of the revised Framework. This is because the design of the development would be respectful of its surroundings, and conserve the AONB's natural beauty, while the appearance of the conservation area, as part of the historic environment within the Council's area, would be conserved.

Other Matters

12. A similarity between the proposed development and a scheme previously refused has been referred to. However, very few details relating to that earlier application have been made available to me. Notwithstanding that, I have considered the appeal development on its own merits.

Conditions

13. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. Accordingly the conditions imposed on the extant variation permission are the starting for my consideration of the conditions that are necessary. The Council has confirmed that none of the conditions has been cleared. I have therefore re-imposed these conditions with some modification, with the reasons for any changes being given below. As the development has already started there is no need for a condition setting a time

- limit for commencement. An approved plans condition referring to the drawings included with the appealed application is necessary for the sake of certainty.
14. The purpose of condition 2 is to require the appellant to deal with matters of detailed design which need to be addressed in order to make the development acceptable. In drafting this condition I have had regard to the condition as originally imposed on permission 17/07475/FUL, which the Council confirms has only been partially cleared. In doing so I have reincorporated reference to wall finishes and roofing materials given that the appealed plans lack annotation, and the appealed scheme itself involves additional roofing.
 15. Condition 2 is drafted in this form because, unlike an application for development yet to be commenced, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already in part taken place. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition and approved (either by the local planning authority or by the Secretary of State on appeal). Should the requirements of the condition not be met then the planning permission falls away.
 16. With respect to the installation of obscure glazing in relation to some of the first floor windows and the rooflights (conditions 4 and 5 of the extant variation permission), I consider that the wording used by the Council lacks precision and see no reason why two separate conditions are necessary. I have therefore re-imposed one condition (condition 3). Given the height and size of the rooflights I consider there is no need for those windows to be non-openable and I have therefore not included a requirement for the rooflights to be 'fixed shut'. The wording used by the Council refers to the obscurity level to be 'no less than level 5'. However, no definition for level 5 has been defined within the conditions. As determining whether the glazing of a window has or has not been fitted with obscured glazing that is capable of deterring a loss of privacy for the occupiers of a neighbouring property is a matter that can be readily enforced, I consider there is no need for a minimum level of obscuring to be specified in condition 3.
 17. The Council has suggested a condition requiring the rooflights in the garage roof to be fixed shut and obscure glazed. However the supporting assessment within the Committee report indicates that the limited overlooking would be possible via those windows and that that overlooking would not be harmful to the living conditions of the occupiers of Etrick House. As I see no reason to disagree with that assessment I am not persuaded of the need for the garage rooflights to be fitted with obscured glazing.
 18. I have imposed conditions 4 (surfacing of access), 5 (parking and turning), 6 (use of the garage) and 7 (construction hours), which are equivalent to the conditions previously numbered conditions 6 to 9 inclusive, albeit with some modification to the wording of conditions 4 and 5 to take account of the fact that the development has in part been implemented.

Conclusion

19. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 216083/01 Rev. C, 216083/04 Rev. E, 216083/05 Rev. E, 216083/06 Rev. E.
- 2) The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) – iii) below:
 - i) Within 2 months of the date of this decision the following details relating to the construction of the development hereby permitted shall have been submitted for the written approval of the Local Planning Authority:
 - a. specification of the roofing materials;
 - b. construction of a sample panel of the proposed brick, mortar colour and pointing finish (in Flemish Bond), which is to be left on site throughout the works as a reference panel;
 - c. a section drawing of the brick string course to be added to the front elevation of the dwelling;
 - d. a section drawing at a scale of 1:5 showing the profile and means of fitting of the rainwater goods;
 - e. details of lintels, which shall be pre-fabricated gauged bricks 4 course deep;
 - f. details of window cills on the front elevation which shall be constructed from Bath stone and stooled; and
 - g. details of the render to be used on the external elevations, which shall be a soft render, and will not feature a bell mouth detail.
 - (ii) If within 5 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The development shall be carried out in accordance with the details to be approved in accordance with the requirements of this condition.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Prior to the first use of the rooms served by: the rooflight in the eastern elevation; the rearmost of the rooflights in the western elevation; and the first floor windows in the western elevation, as shown on drawings 216083/04E and 216083/06E, the previously mentioned windows shall be fitted with obscure glazing and thereafter the obscure glazing shall be retained.
- 4) The garage hereby permitted shall not be used until the first five metres of the access, measured from the back edge of the carriageway, has been laid with a consolidated surfaced. The access shall be retained as such thereafter.
- 5) The garage hereby permitted shall not be used until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The access, turning area and parking spaces shall be retained for the purposes of parking and vehicle manoeuvring at all times thereafter.
- 6) 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), the garage hereby permitted shall not be converted to habitable accommodation.
- 7) Works associated with the construction of the development hereby permitted shall only take place between the hours of 08:00 to 17:00 from Mondays to Fridays and between the hours of 08:00 to 13:00 on Saturdays. No construction works associated with the development hereby permitted shall take place at any time on Sundays and on Bank or Public Holidays.

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	7 th February 2019
Application Number	18/11174/FUL
Site Address	Lloyds Bank Plc, The Square, Mere, Wiltshire, BA12 6DP
Proposal	Conversion of existing bank to create 3 no. x 1 bed and 1 no. x 2 bed flats with parking.
Applicant	Mr Ashley Lewer
Town/Parish Council	MERE
Electoral Division	MERE – Cllr George Jeans
Grid Ref	381231 132396
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

Cllr George Jeans has called in this application due to concerns in respect of the loss of the use of the building as a community facility and adverse affect on parking provision in central Mere and general highway safety.

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

Following the closure of the bank the building has been subject to a marketing exercise in line with CP49 which concluded that no other comparable use or community facility has resulted from such a marketing activity. The proposed conversion of the building is considered to result in no demonstrable harm to the character of the Conservation Area or any harm to any neighbouring amenity or any undue harm to highway safety and is therefore considered by officers to be an acceptable form of alternative use for the empty former bank building.

3. Site Description

The application site is located in the centre of Mere town and has formally been used as a bank operated and run by Lloyds. The bank building is not listed but is located in a Conservation Area. There is an existing car parking area to the rear of the building, with access onto Manor Road.

4. Planning History

There is a large amount of planning history associated with alterations to Lloyds Bank and its associated advertisements.

5. The Proposal

This application relates to the conversion of existing bank building to allow for the creation of 3 x 1 bedroom apartments and a 1 x 2 bedroom apartment with associated parking. As part of the proposal, a modern extension/outbuilding at the rear of the building and adjacent the car park would be removed and replaced with a low section of boundary wall, to improve visibility.

6. Local Planning Policy

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

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP17 (Spatial Strategy for the Mere Community Area)

CP49 (Protection of rural services and community facilities)

CP57 (Ensuring high Quality Design and Place Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

7. Summary of consultation responses

Mere Town Council - Objected to this application due to overdevelopment and insufficient parking.

WC Conservation – No objections

WC Highways – No objections subject to conditions

Public Protection – No objection subject to Condition(s)

Wessex Water – Standard drainage response

8. Publicity

The application was publicised by site notice, press notice and neighbour notification letters. No representations from third parties were received.

9. Planning Considerations

9.1 Principle of development

The creation of windfall residential development within the settlement boundary is principally acceptable. However, this proposal represents the conversion of a building previously utilised for a community use. Consequently, Core Policy 49 applies, and this indicates that:

“.....Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application.

Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered. This marketing plan will, at the very minimum:

- i. be undertaken for at least six months*
- ii. be as open and as flexible as possible with respect to alternative community use*
- iii. establish appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site*
- iv. demonstrate the marketing has taken into account the hierarchy of preferred uses stated above*
- v. clearly record all the marketing undertaken and details of respondents, in a manner capable of verification*
- vi. provide details of any advertisements including date of publication and periods of advertisement*
- vii. offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility*
- viii. demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out...”*

This application proposes the creation of 4 residential units following the loss of a community facility in the form of a Bank. The marketing of the site is central to the assessment of this application concerning the loss of a community facility. Core Policy 49 of the Wiltshire Core Strategy is the principal policy related to the loss of a community facility and the policy requires that any application demonstrate that the site is no longer economically viable for a comparable use or an alternative community use. The residential use of the building is commented as being the last resort when all other options have been exhausted. To that end this application has submitted evidence of the required marketing of the site. The marketing information comments:

Lloyds Bank in The Square Mere closed for business on 24th September 2017.

National agency, CBRE, were asked to market the site for the bank to dispose of it, and the attached brochure was circulated to in excess of 1000 agents and clients (copy brochure attached) and also appeared online

This marketing process commenced on 25th September 2017

As per CBRE email provided they had an amount of interest but all from residential developers and none from commercial operators at all

However, whilst no formal representation at the time of writing this report has been received, officers have been made aware that a local businessman has been in contact with Cllr Jeans

and made representations that he tried to purchase the site (via CBRE) for the expansion and use of his business (being already established within Mere) during October of 2017 and made an offer that was in excess of the asking price, but it was declined without explanation.

This offer was made within the six months of marketing set out in submissions by the applicant but is not mentioned – indeed the submitted marketing commentary states there had been no interest from commercial operators at all. This discrepancy, if substantiated, may represent a significant issue in demonstrating the site is no longer economically viable for an alternative community use in accordance with the requirements of CP49 of the Wiltshire Core Strategy.

The agent for the application has been asked to comment on the above and to provide comprehensively recorded and presented details of the marketing undertaken, however at the time of writing this report no response or additional information has been provided.

Otherwise, officers have not been informed of any interested local community groups relating to the alternative use of this former bank building.

9.2 Impact on Conservation Area

The building is not listed, but the site is located in a Conservation Area. The scheme would make limited adjustments to the current appearance of the site, mainly on the rear facing facades, and include the removal of a single storey projection adjacent to Manor Road to improve visibility, and the removal of the existing escape staircase. No significant changes are proposed to the attractive front façade save for the insertion of a new door in an existing blocked up doorway on the western side of the facade.

The Conservation Officer has not raised any objection, subject to a Condition in respect of Agreeing details for new external doors. Officers consider that the requested detailed section drawings can be conditioned for later approval.

Thus the proposed development is not considered to result in any demonstrable harm to the character and setting of adjacent listed buildings or any harm to the character of the wider Conservation Area.

9.3 Highways

This application has received a consistent theme of comment over the perception that the creation of additional residential units within the centre of Mere will result in harm to highway safety. The Town Council has commented “...*the amended plans make provision for 5 off-street parking spaces. However, the Town Council has doubts as to whether one of these parking spaces (No. 5 on the block plan) is viable as it is adjacent to an access doorway for the property to the north which, presumably, would need to be kept clear. This proposal does not, therefore, meet the minimum car parking standards. Given the case that individual dwellings generate their own separate, duplicate trips (deliveries, visitors, servicing etc.) added to the routine daily parking demand from residents, the Town Council feels that having 4 residential units on this site will undoubtedly have a significant impact on the already congested on-street parking in Mere town centre or in the Manor Road/North Street vicinities. (The parking congestion in North Street and Manor Road has already caused potential problems for emergency vehicle access).*”

Wiltshire Council Highways has fully considered the scheme (as amended) and has raised no objection to the proposal commenting

“I note that the proposed development enjoys the benefit of on-site car parking in accordance with current standards. It is considered that the proposed development will not have any significant impact on highway safety and I therefore recommend that no highway objection be raised to it.”

Officers note the National Planning Policy Framework sets out further guidance for Local Planning Authorities when determining applications. The Framework comments that *“development should only be prevented or refused on transport grounds where the residual cumulate impacts of development are severe.”*

The impact to highway safety has been considered by Wiltshire Council Highways and a no objection comment has been provided. By any reasoning, a comment of no objection from Wiltshire Council Highways could not be interpreted as severe harm and as such a refusal of this application on highway grounds may be difficult to be defend on appeal. A plan showing a low wall within the required visibility splay has now been submitted which will not obstruct visibility to the detriment of Highway safety.

In respect of the Town Council’s concern about the viability of parking space number 5, this is difficult to understand. Parking spaces 3, 4 and 5 are already in-situ and would appear to have been so for a long period of time:



Photograph showing parking spaces 3, 4 and 5 (from left to right) in-situ

If it transpired there was some claim by a third party of a legal right of access (no third part representations have been received) then in the opinion of officers this would be a civil matter.

9.4 Neighbouring amenity

The application site is located in the centre of Mere where there is a mixture of residential and commercial activities within close proximity of each other. The development is noted not to be a new build where there is the introduction of new windows and openings but the conversion of an existing building thus the existing bulk and massing and openings have all been accepted by neighbouring properties. The use of the building for residential will intensify the use of the building from that of a bank operated and run during working hours but such residential use is not considered to be uncommon in this central area or unduly detrimental to any surrounding neighbouring amenity.

9.5 Drainage issues

The application site is currently served by water and foul waste disposal and any approval of this application could be condition for a scheme to evidence the ability to connect to existing foul waste disposal for the 4 residential units.

10. Conclusion

This application relates to an empty building in the centre of Mere which last use was that of a bank. Following the closure of the bank the building has been subject to a marketing exercise in line with CP49 which concluded that no other comparable use or community facility has resulted from such a marketing activity.

The proposed conversion of the building for the development of 4 apartments has raised concerns from the Town Council of overdevelopment and insufficient parking provision but such concerns are not supported by Wiltshire Council Highways who consider the scheme to comply with the Council's parking standards. A refusal of permission on highways grounds would be difficult to justify at appeal.

Officers do not consider the proposed development to constitute an overdevelopment of the site.

The proposed conversion of the building is considered to result in no demonstrable harm to the character of the Conservation Area or any harm to any neighbouring amenity or any undue harm to highway safety and is therefore considered by officers to be an acceptable form of alternative use for the empty former bank building.

RECOMMENDATION

In the absence of any documentary submitted to the local planning authority to disprove or otherwise undermine the applicant's marketing evidence provided, officer's recommend the application be approved, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

DRG No. 8980/200 dated November 2018, as submitted to the local planning authority on 23.11.18, and

DRG No. 8980/201 dated November 2018, as submitted to the local planning authority on 23.11.18

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

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

(i) Large scale (1:10) section details for the two new doors within the front south elevation

The works 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

4. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the 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

5. 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

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.

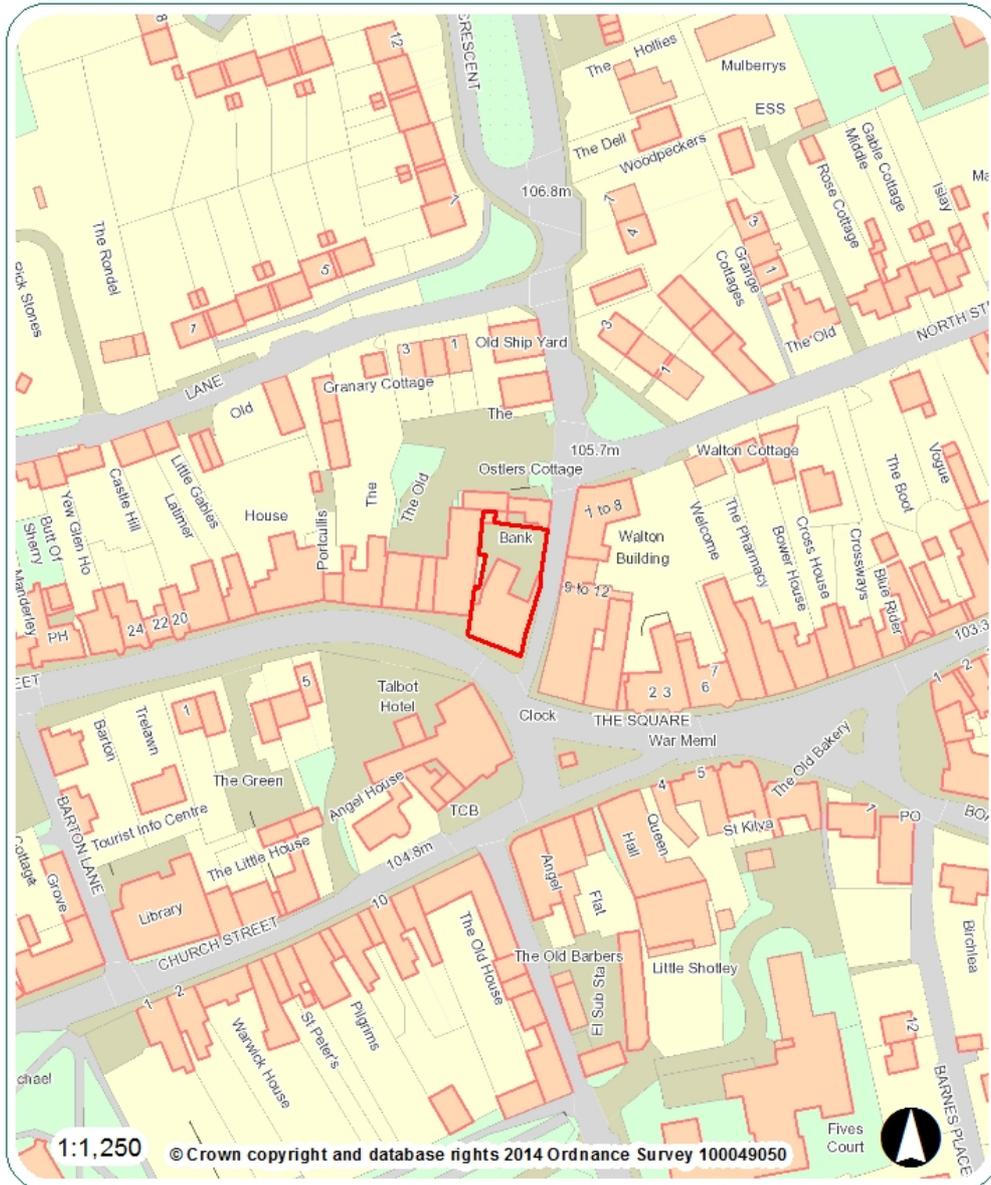
REASON: In the interests of visual amenity and the character and appearance of the area.

7. No 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, and the marked out. These areas shall be maintained for those purposes at all times thereafter.

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

8. No part of the development shall be first occupied until the existing outbuilding has been removed and new walling provided, and visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety



This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	7 th February 2019
Application Number	18/11534/FUL
Site Address	138 Winterslow Road, Porton, Wiltshire, SP4 0JX
Proposal	Extension and renovation of 1950's chalet bungalow to form a family home (Resubmission of 18/08676/FUL)
Applicant	Mr Ben Taylor
Town/Parish Council	IDMISTON
Electoral Division	BOURNE & WOODFORD VALLEY – Mike Hewitt
Grid Ref	419563 136160
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the application being considered by Committee

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

- Relationship to adjoining properties
- In view of the officer recommending this go to appeal, I feel it should come to committee first

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
- Character & Design
- Neighbouring Amenities
- Highways

The application has generated No Objection from Idmiston Parish Council; and no letters of objection or support from third parties.

3. Site Description

As is shown in PLAN 1 below, The front part of the site is situated within the defined limits of the Large Village of Porton, as determined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). It is situated within a linear part of the village consisting of a row of other residential properties on the edge of the village, which front on to the southern side of the main road running through the village (Winterslow Road). To the east and

west other residential properties and their associated amenity exist. To the north, on the opposite side of the road, open countryside/fields/paddocks exist. The rear part of the site is bounded by a track also leading to the village and further fields/open countryside exist beyond the garden boundary. The natural land levels mean that the land rises away from the road to the south and the row of dwellings are therefore situated on rising ground from the road. The Site is within a Landscape Character Area as defined by saved Salisbury District Local Plan (SDLP) policy C6



PLAN 1 – Site Location Plan

This plot currently consists of a modest, detached, chalet bungalow that is set back from the road. To its front the plot is laid to gravel and provides off road parking provision for numerous vehicles. To the rear of the dwelling, a long linear garden stretches out to the south. Hedging and low level brick walls define the boundary with the road. A low level picket fence defines the side boundary of the front of the plot with its western neighbour.

4. Planning History

Application Ref	Proposal	Decision
18/08676/FUL	Extension and renovation of 1950's chalet bungalow to form a family home	Withdrawn

5. The Proposal

The application form and description of development suggest that the proposals involve extensions and alterations to the existing 1950s chalet bungalow. However the proposals involve significant works to the existing dwelling to the extent that very little of the existing house would be evident or retained as part of the development. The Local Planning Authority therefore considers that the proposals constitute a replacement dwelling, rather than extensions, and the application has been assessed as such accordingly.

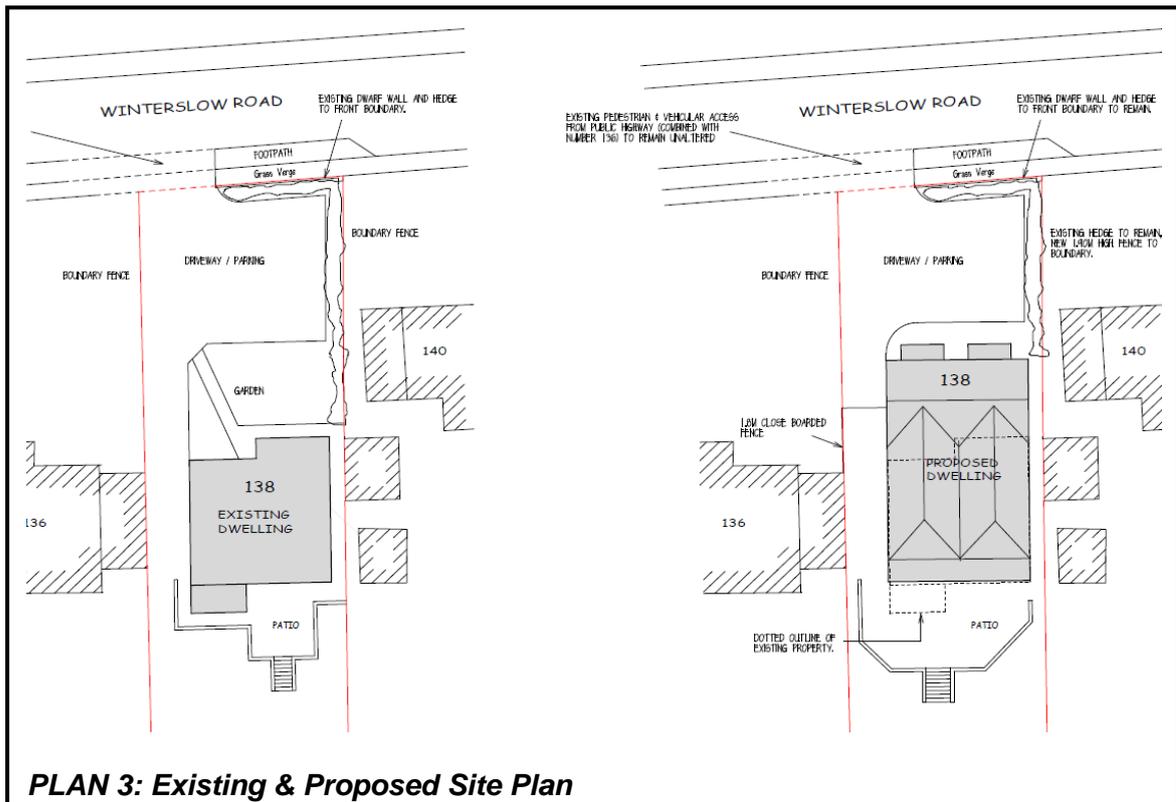
This is therefore a full application proposing a replacement of the existing bungalow with a two storey dwelling. The new dwelling is to provide 5 bedrooms of accommodation over the two floors and is designed in a double fronted dwelling similar to the neighbouring property to the east, although the front door to the property is identified on the side (western elevation) of the property. A secondary door is however

identified on the front elevation to give the illusion that the principal façade will face the road, as per the other dwellings in this row



As is shown in PLAN 3 below, the replacement dwelling is to be situated further forward than the front elevation of the existing bungalow creating a staggered effect between the properties to the east and those to the west. Parking/on site turning provision will however continue to be provided to the front of the dwelling. To the rear the replacement dwelling will extend out to the same extent as the rear elevation of the existing bungalow, the final 1.5 metres of the new dwelling is however to be provided in single storey rather than 2 storey form. The rear of the plot will continue to provide private gardens to serve the replacement dwelling. A larger areas of sunken patio is

however to be dug into the site wrapping around the rear elevation of the replacement dwelling.



PLAN 3: Existing & Proposed Site Plan

6. Local Planning Policy

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

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):
 None

Wiltshire Core Strategy:

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)
- CP4 (Amesbury Community Area)
- CP50 (Biodiversity and Geodiversity)
- CP57 (Ensuring High Quality Design & Space Shaping)
- CP61 (Transport & Development)
- CP62 (Development Impacts on the Transport Network)
- CP64 (Demand Management)

Supplementary Planning Documents:

- Creating Places Design Guide SPG (April 2006)
- Achieving Sustainable Development SPG (April 2005)
- Idmiston, Porton, Gomeldon Village Design Statement (VDS)
- Idmiston Parish Council Neighbourhood Plan 2015-2017
- Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of consultation responses

Idmiston Parish Council – No Objection

8. Publicity

This application was advertised through the use of site notices and letters of consultation.

Letters – None

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.

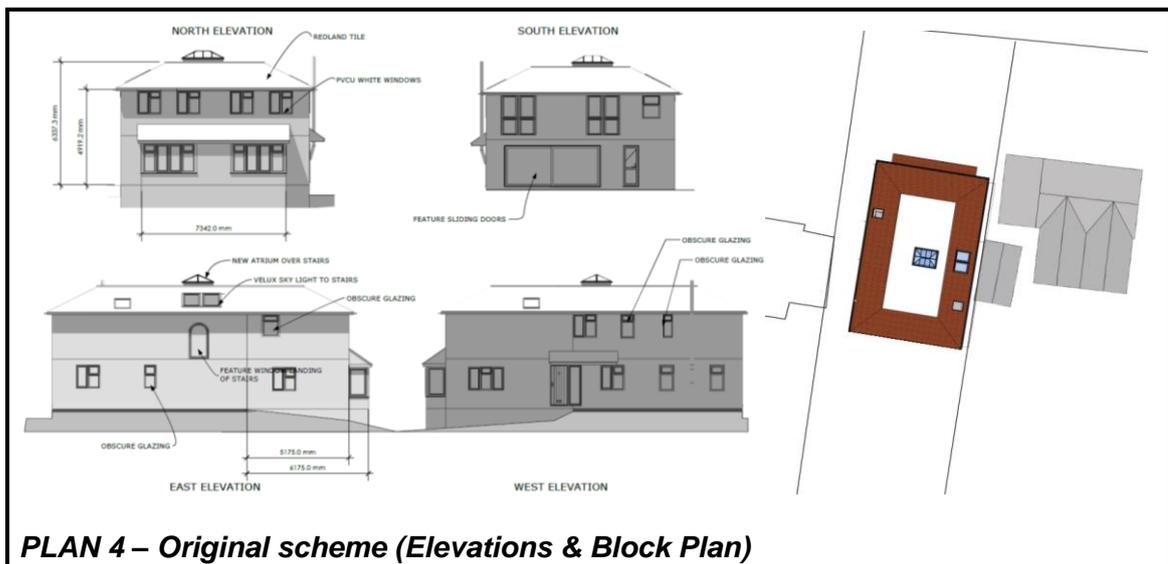
9.1 Principle of development

Part of the site is situated within the existing built parameters of the Large Village of Porton, as defined by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). The plot already consists of an existing dwelling and is in residential use. The principle of extensions, alterations and/or replacement of an existing dwelling in such a location is considered to be acceptable in policy terms.

This principle acceptability is however subject to the detail in terms of how the proposals will fit into the character of the area/street scene, design, neighbouring amenities, and highway safety. These matters will therefore be addressed in more detail below.

9.2 Background:

It should also be noted that this application comes to committee after a year of discussion with the applicant. Discussions about a scheme for the site's redevelopment were originally started by the submission of a preapplication enquiry in March 2017. The original scheme is shown in PLAN 4 below.



It is acknowledged that significant alterations have been made to the scheme since this original scheme was submitted, however it is not considered that the general theme and or concerns raised at that point have been addressed by the current application. It is for this reason that the applicant has been advised that an appeal might be an appropriate way forward as it is clear that a certain size of dwelling is desired which it is not considered can be comfortably accommodated on this plot, for the reasons set out below.

9.3 Character & Design:

The property is situated in a row of houses which are all of varying ages, styles, heights and set back from the road. There is no defined character or uniformity but the cluster of dwellings provide a transition on this edge of the village between the built up development and the countryside beyond. Whilst the existing property is a chalet bungalow, which is seen very much in the context of the other two bungalows adjacent to its west, the principle of a two storey replacement on this site would not be out of keeping with the character of the area, given that the immediately adjacent neighbour to the east is also of two storey massing. In addition, the proposal to come further forward on the site could be designed to sit comfortably into the building lines created by the eastern neighbour, which also sits forward on its plot, and the western neighbour that sits back on its plot. The plot is also very large and can therefore reasonably accommodate a significantly larger dwelling than the existing modest chalet bungalow. Overall the siting and height of the proposals could therefore be considered to be appropriate for the character of the area and street scene.

Elements of the design of the proposed dwelling are also considered to be appropriate in that they will replicate the double fronted, traditional character of the adjacent property to the east; and the secondary door way will effectively maintain this traditional/principal frontage despite the main entrance being on the side of the property.

However, the proposals involve a rather elongated form of design that is not considered to be successful. The overall footprint of the proposed dwelling will be over double that of the existing modest bungalow, and will be of two storey rather than chalet bungalow form, thereby representing a significantly different form of development on this plot to the existing bungalow.

The two storey massing is to be provided in two elements: a two storey frontage block; and a rear projection that is trying to reflect the rear projection that has been allowed on the existing property to the east. The latter element is therefore trying to look like an extension to the frontage part of the dwelling and has been proposed in order to reduce the large expanse of flat roof that was originally proposed at the original preapplication stage. However the proportions of this rear projection are entirely wrong. This element will not be subservient to the frontage block and will instead elongate the dwelling to over double the footprint of the frontage part of the property. This will create a jarring design that is not particularly attractive and that will be out of proportion. The western elevation, and the full extent of elongated form, will be particularly apparent in the public domain, especially from the west further along Winterslow Road, because the proposed dwelling is to sit so far forward on the plot. The applicant has been advised that either something that is set on the existing footprint of the proposed house or that has a more sympathetic and proportional subservience needs to be considered but the overall footprint and massing of the proposed dwelling has only been tweaked to date and this main issue with the proposals has not therefore been adequately addressed.

In addition the proposals suggest that the finish of the new dwelling will be of blockwork with a rendered finish, which is not considered to be appropriate when the proposal is otherwise trying to replicate the adjacent, traditional red brick dwelling. The rendered finish will only serve to make the dwelling more prominent in this street scene and will therefore exacerbate the failings of the proportions and design that are identified above. The lack of a chimney also detracts from the otherwise traditional character of the proposed dwelling and the number, type and proportions of the fenestration on the front elevation do not at all reflect the traditional design that the

proposals are trying to replicate. The overall design of the proposed dwelling is therefore rather bland and overly large.

Paragraph 30 of the NPPF states that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...*'. The WCS therefore confirms that '*A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings*' and states that any development should respond '*...positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting*'. This is further reiterated in the Porton, Idmiston & Gomeldon Neighbourhood Plan which states that '*All new housing developments and extensions to existing houses should be designed to be locally distinctive so that they reflect and enhance the character of the village*'. Finally the adopted VDS for the area also confirms that a scheme should positively enhance the appearance and character of the village; new built development should seek enhanced design; and building design should involve visually balanced proportions and extensions that are subordinate in scale.

Overall it is therefore considered that the design and scale of the proposals are out of keeping with the character of the area; neither reflecting the traditional development to the east, nor respecting the bungalow development to the west. The proposals will therefore create an unduly prominent, innocuous and a particularly strident form of development in this street scene that is inappropriate and contrary to the provisions of the various policy provisions outlined above. The proposals are therefore recommended for refusal on this basis.

9.4 Neighbouring Amenities:

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

There was originally concern that the extent of the development and its depth would over dominate and adversely impact the residents in the neighbouring property to the east (140 Winterslow Road). However it is considered that the neighbour's own outbuildings along this common boundary will serve to subdue the majority of this new form and massing from this direction. First floor windows on this flank elevation have also been limited to bathroom windows or are to be high level serving a box room. The latter is very contrived and would not normally be acceptable for a primary window serving a bedroom, but as it serves a box room/fifth bedroom is unlikely to result in pressure to allow a larger window or a better form of outlook from this room on this elevation in the future. This situation could also be controlled by condition, if the proposals were heading for permission. The implications for the eastern neighbour are therefore considered, on balance, to be acceptable.

However the neighbouring property to the west is likely to suffer significant impact from the development in terms of the full two storey massing extending further forward and in close proximity to this common boundary. The two storey massing and elongated elevation is likely to dominate the single storey form of this western bungalow; and with

the main entrance to the replacement dwelling being situated on the western elevation, all of the comings and goings associated with the dwelling will be directed immediately adjacent to this neighbour's front elevation.

In addition, in tweaking the 2 storey massing and making the last 1.5 metres of the footprint single storey rather than two storey, a potential issue for overlooking onto these western neighbours has been created. The proposals now involve two, full height, glazed doors at first floor (serving bedrooms 3 and 4) on the rear elevation. The windows/doors are to be fitted with Juliette style balconies looking out onto a large area of flat roof. This two storey elevation and balconies are to be situated at such a position in relation to this western property that the future occupants will be able to look out on to the private amenity areas that are to the immediate rear of the adjacent property. This arrangement is also therefore considered to be inappropriate.

Overall it is considered that the size, elongation, massing and arrangement of the proposed replacement dwelling are therefore likely to result in a significant and unneighbourly impact for neighbouring amenities. The development is likely to create unacceptable implications for privacy and disturbance for this neighbour to the west and therefore warrant a further reason for refusal of the scheme.

9.5 Highway Safety:

Given the nature of the proposals as described, the Highway Authority has not been consulted about the application. However whilst it is noted that the proposed development does involve some reduction in the amount of existing onsite parking provision, it is considered that the plot is large enough to accommodate an extended/replaced property as well as the level of parking that would be required to serve a 5 bedroom property. It is not therefore considered that the proposals will result in any implications for highway safety.

10. CONCLUSION:

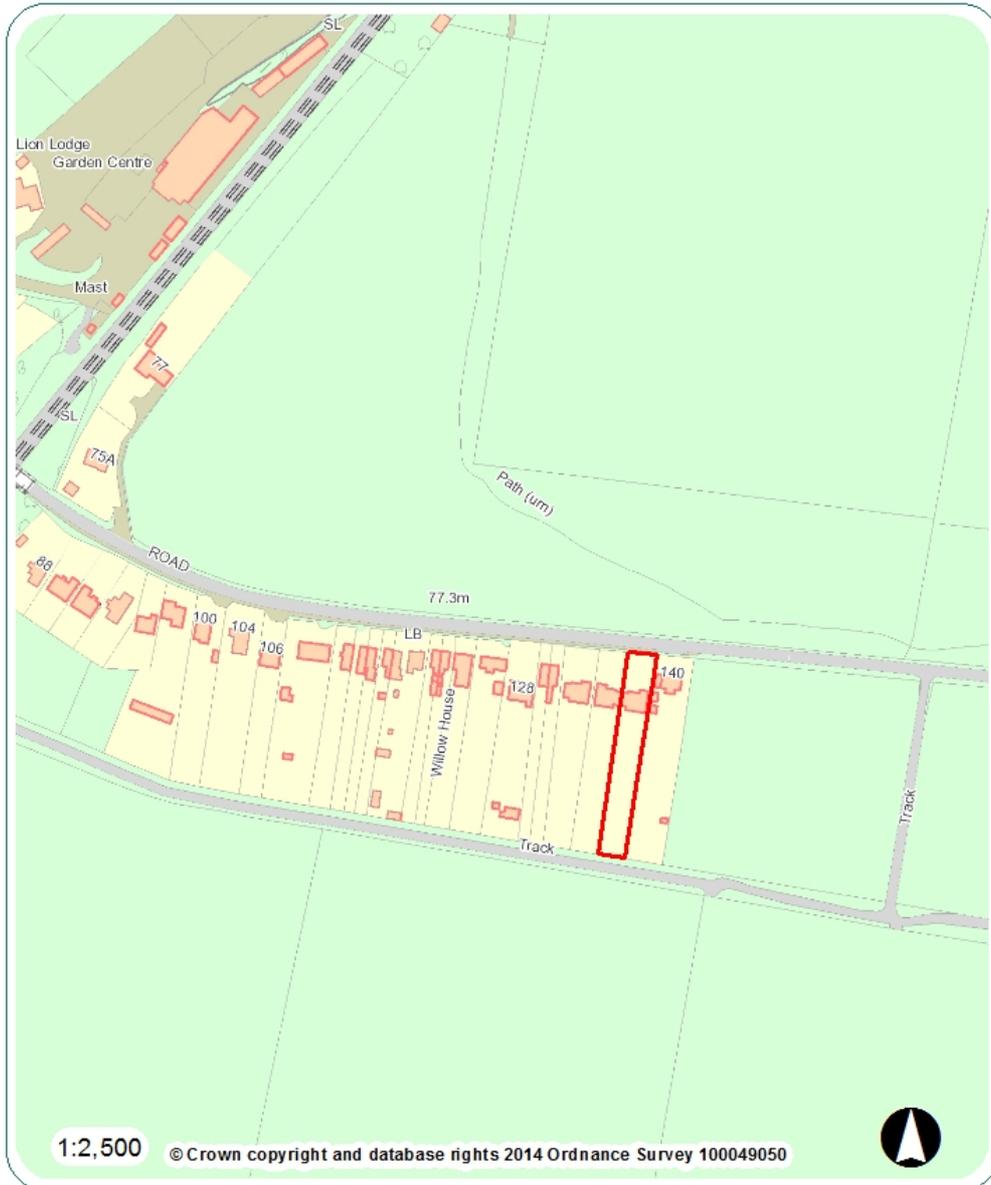
It is considered that the proposed additions/alterations/proposals, by virtue of their design, scale, depth and massing, are likely to represent an unduly strident and prominent form of development in this street scene that is out of keeping with and detrimental for the character of the area. It is also likely to result in unacceptable implications for neighbouring amenities in terms of overlooking, dominance, loss of light and disturbance. Significant amendments are required to the proposals to make such a scheme acceptable on this site but unfortunately these have not been forthcoming to date. The proposals are therefore recommended for refusal accordingly.

11. RECOMMENDATION REFUSE

1. The proposed additions/alterations/proposals, by virtue of their design, scale, depth and massing, are likely to represent an unduly strident and prominent form of development in this street scene that is out of keeping with and detrimental for the character of the area. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; Wiltshire Core Strategy policy CP57 (Ensuring High Quality Design & Space Shaping); Creating Places Design Guide SPG (April 2006); Idmiston, Porton, Gomeldon Village Design Statement; and Idmiston Parish Council Neighbourhood Plan 2015-2017

2. The proposals, by virtue of the design, scale, massing and position of fenestration are likely to result in significant impact for the private amenities of the adjacent neighbour to the west, in terms of noise, disturbance, and loss of privacy. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework and Wiltshire Core Strategy policy CP57 (Ensuring High Quality Design & Space Shaping).

This page is intentionally left blank



This page is intentionally left blank

Wiltshire Council
Southern Area Planning Committee
7th February 2019

Planning Appeals Received between 30/11/2018 and 25/01/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/11250/FUL	Little Manor Nursing Home Manor Farm Road Milford, Salisbury Wiltshire, SP1 2RS	SALISBURY CITY	External and internal alterations/refurbishments of the historic part of a 24 bed residential care home. (Little Manor.) Demolition of the recent (non-historically-significant) extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing the capacity to 30 beds and alteration to existing access. Demolition of two small ancillary buildings, associated landscaping works.	SAPC	Written Representations	Refuse	07/12/2018	No
17/11681/LBC	Little Manor Nursing Home Manor Farm Road Milford, Salisbury Wiltshire, SP1 2RS	SALISBURY CITY	External and internal alterations/refurbishments of the historic part of a 24 bed residential care home.	SAPC	Written Representations	Refuse	07/12/2018	No
18/0097/FUL	36B Choristers Square The Close, Salisbury Wiltshire, SP1 2EL	SALISBURY CITY	Demolition of existing timber traffic kiosk and erection of GRP traffic kiosk on the same site	DEL	Written Representations	Refuse	07/12/2018	No

Planning Appeals Decided between 30/11/2018 and 25/01/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/04001/OUT	Land off Firs Road Alderbury Wiltshire	ALDERBURY	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	SAPC	Inquiry	Approve with Conditions	Allowed with Conditions	07/12/2018	None
17/11250/FUL	Little Manor Nursing Home, Manor Farm Road Milford, Salisbury Wiltshire, SP1 2RS	SALISBURY CITY	External and internal alterations/refurbishments of the historic part of a 24 bed residential care home. (Little Manor.) Demolition of the recent (non-historically-significant) extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing the capacity to 30 beds and alteration to existing access.	SAPC	Written Reps	Refuse	Withdrawn	09/01/2019	None
17/11681/LBC	Little Manor Nursing Home, Manor Farm Road Milford, Salisbury Wiltshire, SP1 2RS	SALISBURY CITY	External and internal alterations/refurbishments of the historic part of a 24 bed residential care home.	SAPC	Written Reps	Refuse	Withdrawn	09/01/2019	None
17/12401/OUT	Manor Farmhouse Butterfurlong Road East Grimstead SP5 3RT	GRIMSTEAD	Erection of detached dwelling (Access and layout only - all other matters reserved)	DEL	Written Reps	Refuse	Dismissed	10/12/2018	None
18/03084/VAR	Caddens, Lower Road Homington, SP5 4NG	COOMBE BISSETT	Variation of condition 2 of planning permission 17/07475/FUL to allow for the garage roof to be linked to the house and loft room created in roof void above garage	SAPC	House Holder Appeal	Approve with Conditions	Allowed with Conditions	17/01/2019	None



Appeal Decision

Inquiry Held on 13, 14 and 15 November 2018

Site visit made on 12 November 2018

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2018

Appeal Ref: APP/Y3940/W/18/3200041

Land off Firs Road, Alderbury, Salisbury, Wiltshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Longford Estates against the decision of Wiltshire Council (LPA).
 - The application Ref. 17/04001/OUT, dated 24 April 2017, was refused by notice dated 14 December 2017.
 - The development proposed is residential development of up to 50 dwellings, associated parking and access (off Firs Road), open space and infrastructure, relocated guide hut, new pre-school building and land to extend existing primary school playing fields.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 50 dwellings, associated parking and access (off Firs Road), open space and infrastructure, relocated guide hut, new pre-school building and land to extend existing primary school playing fields on Land off Firs Road, Alderbury, Salisbury, Wiltshire. The permission is granted in accordance with the terms of the application ref. 17/04001/OUT, dated 24 April 2017 and subject to the conditions in the attached Schedule.

Preliminary Matters

2. Other than the means of access, all other matters of detail have been reserved for subsequent consideration. I have treated the masterplan and the proposed land use plan as illustrative only.
3. Prior to the LPA's determination of the application the description of the development was modified (as set out above) to specify the location of the proposed access. As contained within the Statement of Common Ground (SoCG), dated 1 October 2018, that has been agreed by the appellant and the LPA, the proposal includes the change of use of land to school playing fields.
4. In determining this appeal I have also taken into account the contents of the separate SoCG, dated 9 November 2018, relating to housing land supply (HLS), as well as a further SoCG in respect of education contributions.
5. In submitting the appeal the appellant failed to serve the requisite notice on one of the parties with a legal interest in the land. The appellant wrote to that party in September 2018 notifying it of the appeal. That party subsequently made representations supporting the principle of the proposed development. This was made available to both main parties in advance of the Inquiry opening. I consider that the interests of no party has been prejudiced by this

late notification/representation and I have taken it into account together with all other representations, including those made to the LPA at application stage.

6. A completed agreement, under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended), has been submitted. This includes: provision for at least 22% of the proposed residential units to be affordable dwellings; arrangements for transferring ownership of the playing field extension land; the provision of open space/play area (including arrangements for its upkeep and maintenance) and; a financial contribution towards the cost of waste and recycling. I shall return to this agreement below.
7. The proposed new pre-school building would occupy a very small part of the existing primary school playing field. Sport England (SE) was not consulted on the planning application but was notified of the appeal shortly before the Inquiry opened. SE's response on the application/appeal was received on 29 November 2018. The appellant and the LPA have commented on SE's response. I closed the Inquiry in writing on 6 December 2018.

Main Issue

8. The main issue is whether the LPA is able to demonstrate a five year supply of housing land and if not, whether any adverse impacts of granting planning permission, having particular regard to any conflict with the spatial strategy of the development plan and any harmful impact upon local services and facilities, would significantly and demonstrably outweigh the benefits of the proposal.

Reasons

Planning Policy

9. The development plan includes the Wiltshire Core Strategy (CS), adopted in 2015, and the 'saved' policies of the Salisbury District Local Plan, adopted in 2003. The most relevant development plan policies to the determination of this appeal are CS policies 1 (settlement strategy), 2 (delivery strategy) and 23 (spatial strategy Southern Wiltshire Community Area [SWCA]).
10. I note from the introduction to the CS that this development plan document, amongst other things, aims to set out a flexible and realistic framework, contribute to the achievement of sustainable development and manage future development to ensure that communities have an appropriate balance of jobs, services, facilities and homes.
11. The appeal site lies within the SWCA. Amongst other things, the CS identifies: a minimum housing requirement of 10,420 dwellings in this part of Wiltshire and; Alderbury as a Large Village with a settlement boundary. The site lies outside but is adjacent to the adopted village settlement boundary.
12. The settlement boundaries were drawn many years ago to cater for the housing needs of the former Wiltshire Structure Plan and formed part of the Salisbury District Local Plan. The mere age of these boundaries do not render them out-of-date and they remain part of the development plan. However, as set out within part of the LPA's evidence base¹ for the CS, the settlement boundaries "*are out of date and do not reflect the current urban form*" and "*will need to be reviewed later to ensure that they are fit for purpose.*"

¹ Page 45 of Topic Paper 3: Settlement Strategy (2012).

13. As I saw during my site visit, the adopted settlement boundary for Alderbury excludes numerous areas where development has taken place since this boundary was identified. It was drawn to take account of a very different housing requirement to the CS and no longer reflects the evolved urban form of the village. In 2016 it was found², in respect of land adjacent to part of the southern edge of the appeal site (Wagtails), that there was *“limited evidence to demonstrate that the boundary in this locality is reflective of the current urban form or that it reflects current local and national policy.”* The LPA has not identified any new evidence that would justify reaching a different conclusion.
14. The divisional Member and the Parish Council’s representative both informed me that they consider the adopted settlement boundary for Alderbury to be out-of-date. I also note that this boundary was, in effect, set aside by the decision of the LPA to grant planning permission in 2017 for 28 dwellings and a health centre on land at Matrons College Farm (ref. 13/02543/OUT)³.
15. I note the findings made by Inspectors on some other sites⁴ in Wiltshire where the respective settlement boundaries were deemed not to be a constraint to development. However, the above noted admission by the LPA during the CS examination and the subsequent decisions at Matrons College Farm and Wagtails, as well as the current urban form of the village, significantly undermine the LPA’s argument that the adopted settlement boundary for Alderbury is not out-of-date.
16. I concur with the appellant, the local Member and the Parish Council’s representative that the Alderbury settlement boundary is now out-of-date. Both main parties informed me that such a finding would engage the tilted balance, as set out within paragraph 11 (d) (ii) of the National Planning Policy Framework (the Framework⁵).
17. My attention has been drawn to the Consultation Draft Wiltshire Housing Site Allocations Plan (SAP) that was published in 2017 and the emerging Wiltshire Local Plan Review (eLP). Amongst other things, the SAP includes a revised settlement boundary for Alderbury⁶. This Plan is at an early stage of the plan-making process and carries limited weight. As the eLP is at an earlier stage of preparation, I agree with both main parties that it carries very limited weight. Neither the SAP nor the eLP are determinative to the outcome of this appeal.

Benefits

18. The proposed market housing would increase the choice, mix and supply of residential accommodation within this part of Wiltshire. At the Inquiry, the Council informed me that there was a substantial unmet need for affordable housing. I also note from its records that eight households in affordable need have registered Alderbury as their first preference choice. The proposed market and affordable housing is a benefit that can be given substantial weight in the overall planning balance.

² APP/Y3940/W/16/3157162.

³ At the Inquiry I was informed that it was no longer possible to provide the health centre and instead a financial contribution of about £200,000 towards the cost of the village hall had been offered.

⁴ APP/Y3940/W/16/3162997 and APP/Y3940/W/16/3162581.

⁵ The Framework is an important material consideration that carries substantial weight.

⁶ This identifies many changes to more accurately reflect the urban form of the village. It includes a small part of the appeal site within the settlement boundary but does not entail any changes around Wagtails or Matrons College Farm.

19. Occupiers of the proposed dwellings would help support and sustain local services and facilities, including potentially increasing the number of pupils attending Alderbury and West Grimstead CE Primary School, which is currently under-subscribed. This can be given moderate weight in the planning balance.
20. The proposed extension of the school playing fields would fall short of achieving the Department for Education's guidelines for play space area requirements. Nevertheless, it would result in a significant increase (2,109m²) in the amount of useable playing field space. I concur with the appellant that SE's response is not based on a full appreciation of the current position⁷.
21. Wiltshire Council is prepared to accept a freehold interest in the playing field extension and the school's Estates Manager supports the principle of this element of the proposals. The additional playing field space would benefit pupils attending the school and would accord with the provisions of paragraph 97 of the Framework. This element of the proposals can also be given moderate weight in the planning balance.
22. Alderbury Pre-School building is a very modest facility that accommodates 29 children and which provides an important service to parents/carers and children, including a breakfast club and an after-school club for the adjacent primary school. It offers childcare for children aged 12 months to 11 years. The existing building is no longer adequate to cater for the needs and demands of this local service. The proposed new pre-school building would provide additional space for staff, children and their families and, in so doing, benefit the local community. This element of the proposals carries moderate weight.
23. All other claimed benefits, including support for the construction industry, relocation of the guide hut with dedicated parking, the proposed landscape planting and bat and bird boxes carry limited weight.
24. The totality of the above noted social, economic and environmental benefits weigh heavily in support of an approval in the overall planning balance.

HLS

25. At the start of the Inquiry the LPA argued that it could demonstrate 5.09 years HLS. This was based upon the CS housing requirement⁸ of 10,420 dwellings over the period 2006-2026 and using the 'Liverpool approach' to cater for the shortfall in housing supply. On the second day of the Inquiry the LPA informed me that it was no longer arguing that 15 units could be delivered at Bulbridge. This has the effect of reducing its claimed HLS to 5.06 years (headroom of 36 dwellings). The LPA's HLS witness informed me that this allowed for very little margin of error in its assessment.
26. Part of the appellant's case is that the overall CS housing requirement of 42,000 dwellings was based on an objectively assessed need that did not provide for the higher 'policy-off' economic scenario. As a consequence, it is

⁷ The LPA accepts that the provision of land owned by the appellant to the school to enable the creation of additional school play space and facilities is a benefit. Permission has also previously been granted for a change of use of land for recreational purposes, the erection of a new sports club pavilion, proposed access, parking and associated drainage works on neighbouring land (ref. S/2011/0029). The appellant's agent contacted the LPA in 2014 to state that a material start had been made to that development. This was not disputed by the LPA at that time. I agree with the appellant that this neighbouring development would provide replacement sports facilities that would be far greater in quantity and quality than the facilities on the appeal site.

⁸ As contained within CS policy 2 for the South Wiltshire Housing Market Area (SWHMA).

argued, with reference to case law and best practice which has emerged following the publication of the CS Inspector's Report, that the housing requirement relied upon by the LPA is out-of-date.

27. I understand the appellant's argument on this matter. However, it appears to me that following the publication of new guidance during the examination into the CS, the CS Inspector adopted a pragmatic stance towards the housing requirement. His findings/reasons were set out in his detailed report and there was no successful challenge to the adopted CS. Whilst the need for an early review of aspects of various housing policies is set out within the CS Inspector's report, it would be tantamount to re-running a major part of the CS examination if the housing requirement was to be revisited in this appeal.
28. Moreover, if a different housing requirement to the one specified in a development plan that is less than five years old was to be used without considering all evidence that underpins such assessments, it would be likely to result in inconsistencies in the decision-making process. A section 78 appeal is not the appropriate procedure for determining this complex matter, especially where the main parties agreed that only three sitting days would be required.
29. Even if the appellant is correct in arguing that the housing requirement is out-of-date, the Framework, amongst other things, requires LPA's to identify and update annually a supply of specific deliverable sites against their housing requirement set out in adopted strategic policies. In Wiltshire, the housing requirement in the adopted strategic policy (CS policy 2) is for at least 42,000 homes, of which a minimum housing requirement of 10,420 dwellings should be derived from the SWHMA. In the circumstances, it would be inappropriate to rely upon anything other than the adopted minimum housing requirement of 10,420 dwellings for this part of the district.
30. The CS uses the 'Liverpool approach' to cater for the shortfall in housing supply. In accepting this approach the CS Inspector was mindful of government advice (which at that time expressed a preference for the 'Sedgefield approach'), as well as the LPA's intention of a planned early review of the CS, Strategic Housing Land Availability Assessment updates and proposed Strategic Housing Market Assessment work which would allow it to review the effectiveness of existing and proposed delivery intentions. My reading of the CS Inspector's report is that it is not a ringing endorsement of the 'Liverpool approach' or for its use throughout the whole of the plan period.
31. In comparison to establishing the housing requirement, the appropriateness of the 'Liverpool approach' v 'Sedgefield approach' is something that is easily capable and appropriate to test at Inquiry. This is evident from the numerous appeal decisions that have been drawn to my attention by the main parties.
32. Some of these previous decisions involve sites elsewhere in Wiltshire and where the use of the 'Liverpool approach' was upheld⁹. However, these all relate to sites outside the SWHMA with a different housing requirement and where, unlike the SWHMA, housing delivery is still reliant upon strategic allocations. In the only example of an appeal decision¹⁰ within the SWHMA that has been drawn to my attention and where this matter arose, the Inspector appears to endorse the use of the Sedgefield approach.

⁹ APP/Y3940/W/15/3132915, APP/Y3940/W/16/3150514, APP/Y3940/W/16/3162997 & APP/Y3940/W/16/3162581

¹⁰ APP/Y3940/W/17/3173509. (The Council has argued that only limited evidence was submitted on HLS.)

33. The most recent of all of these other Wiltshire decisions is dated December 2017 and they all pre-date the latest changes to the Government's Planning Practice Guidance. This now establishes a default position in respect of the 'Sedgefield approach'. Moreover, as explained by the appellant's HLS witness¹¹, the CS housing requirement is disaggregated into different HMAs and there would be no inconsistency if the 'Sedgefield approach' was used for the SWHMA. Approximately four years after the CS Inspector's report was received the LPA has yet to meaningfully review the effectiveness of the 'Liverpool approach' in catering for the shortfall in supply across the district. I consider it appropriate to now use the 'Sedgefield approach' in the SWHMA.
34. The LPA accepts that if the 'Sedgefield approach' is adopted it is unable to demonstrate five years HLS. Under its own trajectory from sites there would only be about 4.8 years HLS. (If the appellant's trajectory is accepted there would be about 4.3 years HLS.) As a consequence, policies for the supply of housing within this part of the district are out-of-date. This also results in the engagement of the tilted balance.
35. Amongst other things, the Framework seeks to significantly boost the supply of homes and it is important to consider the extent of any shortfall in supply. In this regard, the main parties disagree in respect of two specific sites (Fugglestone Red and Kings Gate) and the windfall allowance. Whether 4.3 or 4.8 years HLS exists considerable weight should be given to the shortfall.
36. Fugglestone Red is a strategic allocation, owned by a single developer with outline consent (in part) and detailed permission (in part) for 324 dwellings. The LPA's trajectory tempers the developer's predicted delivery rates to 125 dwellings per annum (dpa) and is based on average build rates on other large sites in the area. However, none of the historic build rates relied upon by the LPA reveals that an average of 125 dpa has been achieved. The highest average build rate from these other sites is only 117 dpa.
37. Moreover, there is no cogent evidence to support the LPA's argument that these historic rates include 'wind up' and 'wind down' years and actual delivery rates have been slower than assumed by the LPA. There is no clear evidence to substantiate the LPA's assumed delivery rate on this site. Instead, there is greater strength in the appellant's argument that a lower number of homes would be delivered over the five year period (156). (Even if the 'Liverpool approach' is used the LPA would be unable to demonstrate five years HLS.)
38. Kings Gate has detailed permission for 216 units and delivery is underway. The LPA relies on information provided by the developer and I agree with its argument that this developer's national build rate is of little assistance in assessing the likely delivery rate on this particular site. Local circumstances are likely to be different to the country as a whole and I note that achieved rates on other parts of this site have exceeded the appellant's predicted delivery rate. However, commencement did not occur until several months after the developer's predicted date and delivery has been delayed accordingly. I concur with the appellant that some reduction should be made for this delay. (In itself this would not remove the 'headroom' under the 'Liverpool approach' but the LPA's claimed HLS position would be marginal in the extreme.)

¹¹ This witness was previously an officer of the LPA and was heavily involved with the CS examination at the time.

39. In respect of the windfall allowance there is a difference of 100 dwellings between the main parties. In reaching its figure the LPA has departed from the method it used in the preparation of the CS and which was found to be sound by the CS Inspector. There is nothing to now prevent the LPA using a different methodology and the alternatives were not criticised by the CS Inspector.
40. However, the approach now adopted by the LPA is based on historic trends and relies upon a continuous supply of a decreasing capacity of large windfall sites. The number of windfall permissions has broadly declined since 2009 and there is no cogent evidence to show that the LPA's figure is a conservative and reliable quantum to use for the purposes of assessing HLS. There is greater merit in using the appellant's lower figure, which is based on the CS methodology and has been shown to be robust by the appellant following an interrogation of the figures in the LPA's 2017 Housing Land Supply Statement.
41. Whether using the 'Liverpool approach' or the 'Sedgefield approach' the LPA is unable to demonstrate five years HLS for this part of Wiltshire.

The Spatial Strategy and the Impact upon Local Services and Facilities

42. Under CS policy 1, development at Alderbury is intended to be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. CS policy 2 provides that outside the defined settlement limits development will not be permitted other than in circumstances permitted by other policies in the Plan. CS policy 23 requires development to be in accordance with CS policy 1 with approximately 615 new homes over the Plan period, of which about 425 homes are to be provided outside Downton in the 'rest of the Community Area'. Proposals need to demonstrate how the relevant issues and considerations listed in paragraph 5.126 of the CS would be addressed.
43. The appellant accepts that the proposed development would be at odds with the provisions of CS policy 2. This conflict with a main policy of the development plan weighs against granting planning permission. However, I have already found above that the settlement boundary for Alderbury is out-of-date and the LPA is unable to demonstrate five years HLS in this part of the district. This diminishes the weight that I give to the conflict with CS policy 2.
44. The affordable housing element of the proposal would help to meet the housing needs of the local community/settlement. Nevertheless, the supporting text to CS policy 1 states that development will predominantly take the form of small housing sites (fewer than 10 dwellings) within settlement boundaries. I cannot think that the authors of this policy would have intended schemes for up to 50 dwellings outside the settlement boundary of a Large Village to be policy compliant when it was formulated. However, CS policy 1 was derived on the basis that the LPA would be able to demonstrate five years HLS. Given my findings above in respect of this matter, it is important to consider the aims of the CS in order to properly determine whether the proposal would conflict with the spatial strategy and amount to unsustainable development.
45. An integral part of the LPA's reason for refusing planning permission was that the conflict it had identified with CS policies 1 and 2 would constitute an unsustainable form of development that would place an undue strain on the limited services and facilities within the settlement. However, the LPA has not submitted any evidence to demonstrate that the proposal would harm any local

services and facilities. It is also no part of the LPA's case that the development of this 3.3 ha site would adversely affect the quality of the local landscape / environment, or result in any unacceptable loss of countryside, or harm the significance of any heritage asset, or have any adverse impact on nature conservation interests. In my experience, it is rare to discover that a proposed scheme of residential development outside a settlement boundary would not adversely affect one or more of these important planning matters.

46. The LPA also accepts that: the proposal would not change the function or alter the position of Alderbury within the settlement hierarchy; the appeal site is sustainable in transport terms and the proposal would not conflict with any policies in respect of accessibility, including those aimed at reducing the need to travel by car; Alderbury has a good level of services¹² for a Large Village; there is no evidence to indicate that the development would prejudice the redevelopment of any previously developed land or regeneration and; the proposal would not offend any of the considerations listed in paragraph 5.126 of the CS. Its planning witness also informed me that there is no evidence to demonstrate that the proposal would result in any imbalance between homes and jobs or that the ensuing increase (15% to 26%) above the prescribed housing requirement for the 'rest of the Community Area' would be harmful.
47. Given the above, including the flexible framework provided by the CS and its indicative and minimum housing requirements, I consider that the proposed development broadly accords with the provisions of CS policies 1 and 23. However, even if I am wrong on this matter there is nothing of substance to demonstrate that the proposal would undermine the aims of the spatial strategy or amount to unsustainable development. This site, which is located towards the centre of the village and where there is no cogent evidence of any harmful impact, is suitable for the proposed development.
48. Each case must be determined on its own merits and my decision does not turn on the approval that was given at Matrons College Farm. Nevertheless, this permission reveals that in applying the above noted settlement policies and spatial strategy the LPA accepts that there is scope for sizeable housing developments outside the Alderbury settlement boundary. As acknowledged by the LPA's planning witness, withholding permission for the appeal scheme exposes some inconsistency within its decision-making process in the SWHMA.
49. Although the appeal scheme would be at odds with CS policy 2 it would not conflict with the objectives of CS policies 1 and 23, or undermine the spatial strategy or harm any local services and facilities. When the development plan is read as a whole the proposal would amount to sustainable development.
50. The LPA is unable to demonstrate a five year supply of housing land and there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits of the proposal.

Other Matters

51. My attention has been drawn to many appeal decisions, including proposals / sites elsewhere within England. I have had regard to the findings within those decisions and I have already noted above that each case must be determined on its own merits. There are material differences between these other

¹² These include a primary school, recreation ground, village hall, convenience store, police station, chapel, church, pubs, post office, business park, various sports clubs and a regular bus service.

proposals / sites and the circumstances before me in this appeal. These include the HLS situation, the housing requirement, the extent of the proposed benefits, the location / characteristics of the site and the absence of any harm to important planning interests. None of these other decisions set a precedent that I must follow.

52. I note the concerns of some interested parties regarding the highway and drainage impacts of the proposed development. However, there is no cogent evidence to substantiate these concerns and refute the findings within the appellant's Transport Statement /highways evidence or Flood Risk Assessment/ drainage evidence. The proposal would not compromise highway safety interests or result in any significant increase in congestion or increase the risk of flooding. I note that the LPA's transport and drainage officers did not object.

Planning Conditions

53. I have considered the suggested agreed conditions having regard to the provisions of paragraph 55 of the Framework.
54. In the interests of certainty a condition would be necessary specifying the approved plans. As the proposed residential development is required to help address the shortfall in HLS and to secure the timely delivery of housing, it would be necessary to require shorter timescales for the submission of the reserved matters and the commencement of development. I agree with the timescales that were agreed by both main parties at the Inquiry.
55. To secure an appropriate programming, phasing and orderly pattern of development conditions would be necessary requiring the new pre-school building and the relocated guide hut to occur through timely delivery. To safeguard the character and appearance of the area conditions would be necessary regarding tree protection works and the submission of a landscape management plan. In the interests of highway safety and to ensure adequate highway works are provided within the site conditions would be necessary to prevent any future vehicular access onto Junction Road and requiring the submission of the internal estate roads and other highway details.
56. To ensure the relocated guide hut remains available as a facility to the local community a condition limiting its use to Class D2 of the Town and Country Planning (Use Classes) Order would be necessary. Conditions would also be necessary to ensure adequate land drainage, to safeguard archaeological interests and to mitigate any harm to nature conservation interests.
57. To safeguard the living conditions/amenity of neighbouring residents conditions would be necessary requiring the development to be undertaken in accordance with a construction management plan and to limit the hours of demolition / construction. To ensure adequate living conditions for residents of the proposed dwellings a condition would be necessary preventing any harmful road traffic noise.
58. The appellant has given written agreement to the various pre-commencement conditions that both main parties agree would be necessary.
59. The suggested conditions relating to landscaping and materials are matters that should be addressed at the reserved matters stage. It would therefore be inappropriate to include them as part of an outline permission. In the interests of clarity and concision I have modified some of the suggested conditions.

S106 Planning Agreement

60. Given the substantial unmet need for affordable housing and the contents of the appellant's Viability Report, the proposal includes necessary provision for affordable housing and at a rate that is fairly and reasonably related in scale and kind to the development. The affordable housing provisions of the Agreement would also be directly related to the development.
61. In addition to the above, the mechanisms for securing the transfer of the ownership of the playing field extension land and for the provision of open space/play area, as well as the financial contribution towards the cost of waste and recycling (£4,550) arising from the likely demands of the proposed development also accord with the provisions of paragraph 56 of the Framework. Both main parties also agree that none of these obligations would exceed the 'five obligation limit' to which Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended) applies.
62. I have taken the S106 Planning Agreement into account.

Planning Balance / Overall Conclusion

63. As set out within the Framework, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the purpose of the planning system is to contribute to the achievement of sustainable development. I have found conflict with a main policy of the development plan and one which forms part of a suite of policies intended to steer development to the most sustainable locations.
64. However, the settlement boundary for Alderbury is no longer fit-for-purpose, the LPA is unable to demonstrate five years HLS within this part of the district and the proposal would deliver a package of benefits, including some much needed affordable housing, as well as a significant increase in the amount of useable playing field space for use by pupils at the local primary school. Alderbury can also be conveniently accessed by means other than the car. These important material considerations justify granting permission that is at odds with CS policy 2.
65. Even if CS policy 2 was not out-of-date, there is nothing of substance to demonstrate that the proposal would amount to unsustainable development. There is no evidence of any harm to important planning interests, including the role and function of Alderbury within the settlement hierarchy and nothing to indicate there would be any imbalance of homes, jobs, services or facilities. The CS is intended to provide a flexible and realistic framework with minimum housing requirements as well as some development on greenfield sites.
66. Given all of the above and having regard to local circumstances, including the character and needs of the area, I arrive very firmly at the position that the proposals comprise sustainable development. The appeal scheme accords with the overall aims of the development plan and the objectives of the Framework. I therefore conclude that the appeal should succeed.

Neil Pope

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Z Simons of Counsel Instructed by Mr F Cain, Head of Legal Services,
Wiltshire Council

He called

Mr C Roe MSc, MRTPI Spatial Planning Manager for Monitoring &
Evidence

Mr A Smith MA, MRTPI Associate, Geraint John Planning

FOR THE APPELLANT:

Mr S Lyness of Counsel Instructed by Mrs A Whalley of Pegasus Group

He called

Mr N Tiley BSc (Hons), ARTPI Associate, Pegasus Group

Mrs A Whalley BA (Hons),
DipTP, MRTPI Associate, Pegasus Group

INTERESTED PERSONS:

Cllr R Britton Member of Wiltshire Council (Alderbury and
Whiteparish division)
Cllr E Hartford Chairman Alderbury Parish Council
Mrs C Niven Local resident
Mrs R Owen Manager, Alderbury Pre-School

LIST OF DOCUMENTS SUBMITTED AT THE INQUIRY:

Document 1 Opening Submissions on behalf of the appellant
Document 2 Opening Submissions on behalf of the LPA
Document 3 Cllr Hartford's Statement
Document 4 Representation from Alderbury Guide Hut
Management Committee
Document 5 Mrs Niven's notes
Document 6 Missing pages to Appendices 14 and 15 of Mrs
Whalley's proof of evidence
Document 7 Bus timetables
Document 8 Mr Tiley's Note – windfall calculation
Document 9 Proposed revised Alderbury settlement boundary
showing 'Wagtails' site
Document 10 Housing Land Supply Statement April 2014
Document 11 SoCG – Education Contribution
Document 12 Draft S106 Agreement – track changes
Document 13 Closing Submission on behalf of the LPA
Document 14 Closing Submissions on behalf of the appellant

Document 15	Completed S106 Agreement
Document 16	SE's comments
Document 17	The appellant's response to SE's comments
Document 18	The LPA's response to SE's comments

(Documents 15-18 were submitted whilst the Inquiry was adjourned.)

SCHEDULE OF PLANNING CONDITIONS

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than two years from the date of this permission.
3. The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan ref. L.0340_3H-1 and access arrangements plan ref. L007-15A.
5. No more than 25 market dwellings comprised in the development hereby permitted shall be occupied before construction works to provide the new pre- school building and the relocated guide hut building and associated parking are completed and made available for their intended uses.
6. No construction works shall commence to provide the new pre-school building and guide hut building until schemes for their delivery have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved schemes of delivery.
7. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority (LPA). Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies within five years following the occupation of the last dwelling, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the LPA. No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the LPA, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the LPA.

(In this condition 'retained tree' means an existing tree which is to be retained in accordance with the landscape/layout plans as part of the reserved matters.)

8. No dwellings shall be occupied until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting or amending that Order with or without modification), no vehicular access shall be made direct from the site to or from Junction Road.
10. No development shall commence within any given area of the site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, for that area of the site have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be undertaken in accordance with the approved details, including the timetable, unless an alternative timetable is agreed by the LPA.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the area of the site and the proposed building referred to as the Guide Hut shall be used solely for purposes within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
12. No development shall commence within any given area of the site until a scheme for the discharge of surface water from the site (including surface water from access/driveways), incorporating sustainable drainage details, for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.
13. No development shall commence until a written programme of archaeological investigation, which shall include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved programme/details.
14. The development hereby approved shall be undertaken in accordance with section 7 of the submitted Ecological Assessment (Ecology Solutions Ltd, April 2015). All documents submitted for reserved matters applications shall demonstrate how the recommendations of the above report will be

implemented in so far as it is relevant to the development.

15. No development shall commence within any given area of the site until a construction management plan for that part of the site has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
- a) the movement of construction vehicles;
 - b) the cutting or other processing of building materials on site;
 - c) wheel washing and vehicle wash down facilities;
 - d) the transportation and storage of waste and building materials;
 - e) the recycling of waste materials (if any);
 - f) the loading and unloading of equipment and materials;
 - g) the location and use of generators and temporary site accommodation;
 - h) pile driving (if it is to be within 200m of residential properties)

The construction/demolition phase of the development shall be carried out fully in accordance with the construction management plan at all times.

16. No residential development shall commence on site until a scheme for protecting the future occupants against road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before any dwelling is occupied and shall be maintained at all times thereafter. In discharging this condition the appellant/developer should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment report according to BS8233: 2014 (or subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report shall also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.
17. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. No burning of waste shall take place on the site during the construction phase of the development.