

AGENDA

Meeting: Southern Area Planning Committee

Place: Online

Date: Wednesday 10 March 2021

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

Substitutes:

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

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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 - 20*)

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. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able to participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

[Access the online meeting here](#)

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Monday 8 March 2021.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda (spaces allocated in order of registration), plus statutory consultees and parish councils.

Those submitting statements are expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

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 electronically to the officer named on the front of this agenda no later than 5pm on Wednesday 3 March 2021, in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on Friday 5 March 2021.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 Planning Appeals and Updates (Pages 21 - 22)

To receive details of completed and pending appeals and other updates as appropriate for the period of 22/01/2020 to 26/02/2021.

7 Planning Applications

To consider and determine planning applications in the attached schedule.

7a 20/10399/FUL - Royal Oak, Amesbury Road, Shrewton, SP3 4HD (Pages 23 - 56)

Proposed Demolition & Conversion of Existing Buildings into New Dwelling & Erection of 5 New Dwellings with Associated Landscaping.

7b 20/05989/FUL - Land Adjacent Church Court, Crow Lane, Wilton, SP2 0HB (Pages 57 - 78)

Erection of detached dwelling with garage parking (Resubmission of 20/02504/FUL).

7c 20/09829/FUL - Alabare House, 15 Tollgate Road, Salisbury, SP1 2JA (Pages 79 - 104)

Change of use of existing religious retreat/bed and breakfast accommodation (max. 8 B&B) to 20 bedroom house in multiple occupation (HMO)/Sui Generis (key worker accommodation for rent).

7d **20/08997/FUL - 97 East Gomeldon Road, Gomeldon, SP4 6LZ**
 (Pages 105 - 128)

Change of use of current agricultural land to residential area. Construction of proposed new chalet bungalow.

8 **Urgent Items**

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

Part II

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

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Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 FEBRUARY 2021 AT ONLINE MEETING.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Leo Randall, Cllr Sven Hocking, Cllr Ian McLennan, Cllr John Smale and Cllr Graham Wright (Substitute)

Also Present:

93 **Apologies**

The following apologies were received:

- Cllr Jeans who was substituted by Cllr Wright
- Cllr Hewitt

94 **Minutes of the Previous Meeting**

The minutes of the last meeting held online on 11 November 2020, were presented.

Resolved:

To approve as a correct record and sign the minutes.

95 **Declarations of Interest**

There were none.

96 **Chairman's Announcements**

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

It was noted that the presentation slides had been uploaded as supplement 1 to the online agenda.

97 **Public Participation**

The committee noted the rules on public participation.

Questions:

The Committee had received two questions, submitted by one person, by the deadline indicated on the agenda.

The questions submitted by Cllr Jose Green on 1st Feb 2021 were:

1. When would site visits be resumed?
2. Could the procedure on erecting site notices be clarified? As it had been drawn to her attention that some locations had not had the notice erected.

The following response had been provided to Cllr Green in writing, and was read out by the Chairman at the meeting:

1. Site visits – Member committee site visits were not currently being undertaken due to the COVID pandemic restrictions that were in place. It was likely that they would only resume once the national circumstances were deemed safe enough to do so.

Officers were only carrying out site visits on applications where it was deemed absolutely necessary and safe to do so. Agents and applicants were being requested to supply photographs to accompany their applications to assist officers in their appraisal of proposals.

2. Site notices - As part of its response to the COVID pandemic, the Council was only currently displaying site notices where it is legally bound to do so, such as applications relating to listed buildings or significant major developments. In addition, the Council was sending notification letters to neighbours to ensure that they were informed of developments next to them. This ensures that the Council complies with the legislative requirements relating to publicising planning applications.

These changes to practice were corporate decisions made by the Council's Senior Management Team to ensure that the planning system could continue to function during the pandemic, whilst restricting unnecessary journeys and protecting public health.

Cllr Green was then asked whether she wished to put forward one supplementary question for each of the original questions.

Cllr Green confirmed she had no further questions.

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

Resolved

The Committee noted the Panning Appeals and Updates report.

99 **Planning Applications**
100 **20/06105/FUL - 107 Bouverie Avenue, Salisbury SP2 8EA**

Public Participation

Martin Cook spoke in objection to the application

John Rolt spoke in objection to the application

Adrian Abbott spoke in objection to the application

Dan Roycroft (Agent) spoke in support of the application

The Planning Officer, Louise Porter presented the application for the erection of a 3-bed bungalow to the rear of 107 Bouverie Avenue, associated access and driveway, and hard and soft landscaping. The application was recommended for approval.

A written response from the Senior Environmental Health Officer, to points raised in relation to noise, had been uploaded to the online agenda as supplement 2.

The main issues which had been considered to be material in the determination of this application were listed as, Principle of development, Character and appearance of the area, Impact on neighbour amenity, Highway Safety, Trees Archaeology, Waste collection, and River Avon Special Area of Conservation - Phosphate Neutral Development.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that the current wooden fencing shown in photographs of the site would be replaced with acoustic fencing and be covered by an additional condition if the application was approved.

The driveway would run west to east and the number of bedrooms proposed had decreased from a previous application from 4 to 3.

All 22 letters received were in objection to the scheme.

The ownership of the hedge around the site was not confirmed, however the Officer noted that it would be difficult to put a control on the height of a hedge in planning terms.

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

Some of the main points included comments around the access driveway, its proximity and adverse impact to neighbouring properties.

The Noise Assessment report, submitted plans, the proximity data in particular to neighbouring dwellings, the elevated position of the proposed development and the impact on surrounding properties.

The Planning Inspector report and previous comments relating to unsatisfactory proposals in terms of noise, disturbance, privacy and outlook in relation to the neighbouring properties was also referred to.

The proposed sewerage pumping system in relation to the proximity of the neighbouring dwellings and emergency vehicle access were also noted concerns.

Local Member Cllr Brian Dalton then spoke in objection to the application, noting that he had met with the applicant and local residents over the past few months.

The application had been registered in July 2020, he stated that it had taken a long time to determine one property. He had also asked for a Member site visit as he had felt it was necessary due to the considerable drop in height between the proposed dwelling and surrounding properties, however due to the Covid restrictions in place it had not been possible. Cllr Dalton felt that if a site visit had taken place, Members would have seen the height different, which was not available due to there being no drawings submitted to reflect that point.

He drew attention to resident concerns relating to the Officer recommendation being made before the end of the public consultation period and that the Officer had not visited the site.

It was noted that this was the third application for this site, and that Bouverie Avenue South had fairly large properties and gardens, with no infill developments along that side of the road.

Cllr Dalton went on to state that the Environmental Health Officer comment regarding noise and vehicle movements in that they would not have an adverse effect, did not however mean that they would not be noticeable. He also noted that the Planning Inspector had thrown the previous application out at appeal as noise was a factor. Foul drainage and soakaways issues had also been picked up by the Inspector.

Cllr Dalton then moved a motion of refusal against Officer recommendation, stating the reasons as noted above and in addition quoted reasons as CP57, Objective 16, paras 9, 70, 122, 124, 127 and 130. This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included comments around 'garden grabbing', and the location of the development in that it would be closer to the neighbours than the applicants dwelling.

The impact the development would have on the neighbouring properties and associated noise.

Whether the current proposal for a 3-bedroom property was a sufficient reduction in size to mitigate the impact.

Other matters discussed included limited garden space, vehicular access, sewage disposal on a sloping site, quality of design and place shaping, and that any additional dwelling would need to blend with the existing properties and gardens, which were interlocked and mature.

The Members indicated that despite the changes and additional impact reports accompanying the application, it had not overcome the reasons for refusal previously imposed or the Inspectors concerns.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated.

It was:

Resolved:

that application 20/06105/FUL be Refused against Officer recommendation for the following reasons:

Bouverie Avenue South is characterised by large dwellings in spacious, well landscaped plots. Because of this character, levels of privacy are generally high, with limited inter-relationships between properties.

However, the proposal would result in a new single storey dwelling located to the rear of an existing established property, and within part of the existing garden area. A new driveway and access would be required to service the dwelling, which would be located directly adjacent to the side façade of the existing property.

Consequently, and notwithstanding the adjustments to the scheme that have been proposed, the proposal would have a significantly adverse impact on the spacious and silvan characteristics of the area, and would result in significantly reduced amenity levels for the occupiers of neighbouring properties, in particular Nos.107 and 109 Bouverie Avenue South, 9 Francis Way, and 59a Bouverie Avenue, due to the close inter-relationships between the dwellings, and the access and driveway, particularly in terms of significantly reduced privacy and general noise and disturbance.

The proposed dwelling would therefore be harmful to the existing character of the area, and have a detrimental impact on existing neighbouring amenities, contrary to Policy CP57 of the Wiltshire Core Strategy, objective 16 of the Council's adopted design guide Creating Places, and the aims of the NPPF in particular paras 09, 70, mvmt10 122, 124, 127 and 130 which seek to provide a high level of design and a high level of sustainable development which reflects the character of the area.

Public Participation

Neal Cruse spoke in objection to the application

Martyn Armstrong spoke in objection to the application

Ian Challoner spoke in objection to the application

Giles Moir (Agent) spoke in support of the application

Cllr Stephen Botham, Vice Chair – spoke representing Durrington TC

The Planning Team Leader, Richard Hughes presented the application for the erection of three pairs of semi-detached houses with associated access, parking and landscaping following the demolition of existing property. The application was recommended for approval.

The main issues which had been considered to be material in the determination of this application were listed as Principle of development, Character of the area, Design, Residential Amenity, Highways Safety and Parking Provision, Ecology implications and Trees.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that the six dwellings would consist of five 3-bedroom and one 2-bedroom properties and not be affordable housing in the normal way due to being private.

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

Some of the main points raised were associated with the proposal not being in-keeping with neighbouring properties due to the site being surrounded by bungalows.

Associated noise, the impact of the bin area, concerns relating to overlooking and increased vehicular movement and parking required by the associated development.

The Town Council (TC) was in objection to the application.

Local Member Cllr Graham Wright then spoke in detail, in objection to the application, where he addressed all of the areas within the report, including that the concerns of the TC and residents had not been addressed as suggested in the report.

Some of the points raised included that the application would not enhance the village and would be at odds with the Village Design Statement.

There had been concerns relating to the proposed parking at the rear of the properties and that no other housing in Durrington had over three houses with communal parking which sat within the curtilage of the properties.

Highways had not visited the site and there was clear doubt whether vehicles using the 8 parking slots proposed would be able to leave the site in a forward gear.

There would be a significant tree loss, as all trees were to be removed apart from the hedge, changing the feel and outlook of the area.

The existing level of housing in Durrington was currently listed as adequate in the Core Strategy document.

The report regularly mentioned that the application looked and felt like 3 properties however the development would produce 6 dwellings with 6 families, not 3 and would not represent similar properties in the area.

The development of 6 dwellings would total 17 bedrooms and would easily incur vehicles in excess of the 6 spaces provided for. Also the proposed refuse space to accommodate 6 families was not considered adequate, with regards to the additional recycling and black box containers each would require in addition to a household waste bin.

The application for 6 dwellings was overdevelopment of the site, would impact on the character of the area and the residential amenity. The restricted parking arrangements would have a detrimental impact on the surrounding highway network. In contrary of C57, and the Durrington Design Statement.

Cllr Wright then moved a motion of refusal against Officer recommendation, stating the reasons as above. This was seconded by the Chairman, Cllr Westmoreland.

The Committee was invited to discuss the application, the main points included that the site in comparison with the others around it, it was similar to the size of 3 plots and was therefore more suited to 3 dwellings. It was felt that 6 dwellings on this site would amount to overdevelopment.

Following debate, the Committee confirmed they had heard and seen all relevant visual materials and voted on the motion of refusal against officer recommendation, with the reasons stated.

It was:

Resolved:

that application 19/11849/FUL be Refused against Officer Recommendation for the following reasons:

The proposed redevelopment of the site of a single dwelling to provide six dwellings, associated parking arrangement and sub-division of the plot to provide separate outdoor amenity space for each dwelling that would be required to enable six households to function within this site, would result in an inappropriate, cramped form of overdevelopment that would fail to enhance or positively contribute to the character of the area or street scene, and would detract from the residential amenity of adjacent

dwellings, and have a subsequent impact on the surrounding highway network due to associated on street parking and deliveries. The proposed redevelopment in its current form is therefore considered to be contrary to the aims of the National Planning Policy Framework; the Wiltshire Core Strategy policy CP57 (Ensuring High Quality Design & Space Shaping) and the adopted Durrington Design Statement.

102 **20/07918/FUL - Cobbins, Laverstock Park, Laverstock, SP1 1QJ**

Public Participation

Philip Stevens spoke in objection to the application

Dodie Stevens spoke in objection to the application

A statement by Lisa & David Miller was read by Dodie Stevens

Dan Roycroft (Agent) spoke in support of the application

The Planning Officer, Emily Jones presented the application for Demolition of existing car port and garage and the erection of a double storey side extension and erection of double garage with storage area above. Replacement of windows and doors and associated improvement works. The application was recommended for approval.

The main issues which had been considered to be material in the determination of this application were listed as an objection from Laverstock and Ford Parish Council due to the effect of the proposed development on the appearance of the area; the quality of the design; and the significant overbearing impact and loss of outlook.

There had also been 11 third-party representations objecting to the scheme.

Photos and elevation drawings were explained. Some shrubbery, a tree and hedging had been removed from the site since the presentation photos were taken. The shared drive with Lark House was indicated.

Street scene, access, ridge heights, neighbouring dwelling positions, retaining wall, existing property with car port were all detailed by the Officer.

A previous proposal included the development to be clad in timber with render. Following some changes, the application now included materials to fit in with the character of the area. A single-story garage was also proposed with a terrace.

Members of the Committee had the opportunity to ask technical questions of the officer. There were none.

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

The main points raised included that there was strong objection to the garage element and the positioning in relation to the neighbouring properties, in particular there were concerns relating to the proximity of the roofline, the 6m height, the scope for future development of the garage into an additional

dwelling, changed outlook of the area, loss of green space resulting in increased flooding and impact on nearby properties, infilling, placement and scale of the garage and hardstanding, felling of trees, overall negative impact on the immediate area.

The Parish Council had objected to the application.

The applicant's agent addressed the provisions made to address the concerns.

Local Member Cllr Ian McLennan then spoke in objection to the application, noting that Laverstock Park had few houses, with each being quite large in its own setting, and not impacting adversely on each other.

Little mention had been made of Lark house; however it was entangled with Cobbins due to the shared drive. The height and size of what was proposed would diminish Lark House.

CP57 was supposed to have high quality design and place shaping, the size of this development would adversely shape the place.

When coming up from the Avenue towards the site, you see Cobbins on the end, at the moment it was not obtrusive. The extension was proposed to be 15ft in width and at a right angle, the length of the new extension was the same length of the existing house. The proposal was almost the equivalent to doubling the size of the existing house. Coupled with the rear extension and the terrace.

There would also be a negative effect on Oak House which faced directly on to the proposed extension. The terrace would overlook Slinfold at the far side.

Cobbins was the same height as Oak Ridge and looked down on Slinfold and would impact on it.

Lark House would lose the green shielding and would instead get a visibility screen of the top of the huge roof of the proposed garage.

The double sized garage which was 5.1m high with a pitched roof, originally included windows and was proposed to be placed right at the boundary of Lark House for no reason. It would be nearer to the neighbouring dwelling than the applicants dwelling, Cobbins.

Only 3 parking spaces were needed however, many more were proposed. It appeared like an opportunity for there to be a future dwelling.

Residents were not against a normal extension here, but the garage should remain attached to the dwelling in some way and be less imposing.

Cllr McLennan then moved a motion of refusal against Officer recommendation, stating the reasons as above with reference to CP57, H31, C24 CP64. This was seconded by Cllr Dalton.

The Committee was invited to discuss the application, the main points included the number of parking spaces included within the proposals and associated increased flooding.

The placement of the garage in particular the proximity to the neighbouring dwelling in comparison to the distance from Cobbins.

The shared driveway and access. The PC objection. The terrace and associated overlooking.

The scope for development on the site was acknowledged by the committee, however the impact of the proposed size and in particular, the position of the garage and parking spaces was felt to be over development and would have a detrimental impact on the area and neighbouring amenity.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated.

It was:

Resolved:

that application 20/07918/FUL be refused against Officer recommendation for the following reasons:

The proposal, by reason of its massing, scale, size, bulk, and excessively large hard surfacing/parking would result in the overdevelopment of the site and loss of much of the landscape features, and would be incongruous with the verdant, spacious character of the surrounding area. The scale of the garage and its proximity to the façade of Lark House would have an overbearing and overshadowing impact on the amenity of that dwelling, and the proposed balcony would result in undue overlooking of the occupants of adjacent dwelling, Slinfold. Therefore, the proposal is contrary to Core Policies 57 and CP64 and saved policies H31 and C24 of the Wiltshire Local Plan 2015.

103 **20/05658/106 - Coldharbour Barn, High Street, Pitton SP5 1DQ**

Public Participation

Timothy Hawkes spoke in objection to the application

Clive Gutteridge spoke in objection to the application

Stuart Marinett spoke in objection to the application

Richard Greenwood (Agent) spoke in support of the application

Dr Simon Creasey spoke in support of the application

Cllr Debbie McIsaac, Chairman, spoke as representative of Pitton & Farley PC.

The Senior Planning Officer, Becky Jones presented the application for the discharge of S106 Agreement dated 15th March 2005 under S/2004/1131 in respect of public meeting area. The application was recommended for approval.

The original old Black Barn as it was in 2004, was shown on the presentation slides and the circumstances around the agreed S106 in 2005 at the time of the application to replace the barn was set out.

Two drawings which had been provided by the PC were also shown and explained by the Officer. These detailed; Plan 1, produced 8 days prior to the S106 agreement in 2005 and then Plan 2 after the S106 agreement which showed a gap between the barn and the space for the notice board.

The owners of the Black Barn no longer wished to be party to the agreement, due to the public liability associated with owning and maintaining the public space.

The PC wished to continue to use the site as a public place to display notices. There was significant but divided local opinion to the removal of the S106.

The main issues which had been considered to be material in the determination of this application were listed as:

1. Planning history and reasons for the S106 Agreement under S/2004/1131
2. Purpose of planning agreements (or obligations) and “useful” purpose
3. Highway & pedestrian safety and visibility splay
4. Public open space provision (Policy R2)
5. The planning balance.

There were 3 letters of objection, from Pitton & Farley Parish Council (PC), 9 letters of support and a further 10 letters of objection.

The Committee was asked to consider whether the S106 agreement still served a useful purpose, and whether it should be retained or discharged.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that for a short time an alternative meeting point had been located outside the village shop, which was opposite the barn. There were 2 other areas of open space as detailed in the report.

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

Some of the main points included comments around the use of the shop and post office, highway safety, vehicular movement through the village past the barn and shop, the responsibility of maintenance of the area where the notice board was sited, who was responsible for the public liability at the location, legal aspects and alternative suggested locations.

The PC Chairman spoke in objection to the recommendation.

Local Member Cllr Chris Devine then spoke in objection of the recommendation, noting that the public space at the barn was well used and at the heart of the village. The notice board when sited there had been widely used.

He noted that the original application had been approved by Highways and nothing had changed since that time.

The point of the road at the public space was not dangerous and there were no speeding issues.

It was stated that although the land was owned by the applicant, the PC was responsible for the liability of the public space.

Cllr Devine then moved a motion of refusal against Officer recommendation, stating the reasons as detailed above. This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included that the open space had been given to the village as an amenity and that since the original S106 agreement, nothing had changed.

The importance the public meeting space and the use of a notice board had for the community was widely appreciated by the Committee.

The Wiltshire Council Senior Solicitor, Dorcas Ephraim was invited to provide advice on the S106 agreement where it was clarified that:

Clause 7 was specific as to what was required. It was at the expense of the land owner not the PC to keep the land clear and make available for use by all members of the public at all times. It detailed that it was not for the PC to maintain

Clause 8 stated that the area could be adjusted – the plan A & B showed this. It went on to provide 1.5m, only when approved by the Head of Development Services.

The agreement runs with the land and the new owner must take it on. It would have been for the new landowner to make sure that they were happy with the agreement associated with the land/property before they purchased it from the previous landowner who entered into the S106 agreement.

Plan 2 was done after the agreement was completed. The documents provided did not show to be an agreement in writing varying the S106 agreement (and the plan attached to it) as required by the Town and Country Planning Act 1990. Unfortunately Plan 2 was not appended to the original agreement. So, the argument could go that there was nothing in place to make an amendment.

The Council is unable to force the owners to modify the agreement, the owner's consent is required to modify the S106 agreement. Consequently, it was up to members to decide whether it still served as a useful purpose.

Members continued to discuss the matter.

The Chairman noted that the original agreement was made under the former Salisbury District Council. The requirement that the owner maintain the land in perpetuity made it difficult to make requests that the greenery was removed or changed as it remained in the freehold of the owner of the barn.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated.

Cllr Jose Green abstained from the vote due to losing connection momentarily.

It was:

Resolved:

that application 20/05658/106 to discharge the S106 Agreement be Refused for the following reasons:

The side (road facing) elevation of the original barn on the site was historically used to provide a public notice board and meeting area. One of the main issues for the original application was that the new dwelling was permitted on the proviso that the public meeting area was also provided. It is therefore considered that the S106 Agreement still serves a useful purpose, because the land is at the heart of the village and is a good place for a public meeting area (and a notice board) opposite the village shop. It is considered that the site is not unsafe in highway terms particularly as traffic tends to be slower at this point in the High Street due to the narrow nature of the road. There are no better alternative sites in the village.

104 **Urgent Items**

There were no urgent items, however the Committee did note the importance of Member site visits in providing added insight in considering certain applications.

The Chairman reminded Members that until restrictions were lifted, Member site visits were not being facilitated, however Members were able to make independent visits to a site and view externally, at a safe distance should they wish to do so.

(Duration of meeting: 3.00 - 7.00 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,
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Wiltshire Council
Southern Area Planning Committee
10th March 2021

Planning Appeals Received between 22/01/2020 and 26/02/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/06673/CLP	Cranbourne Farm Barn Old Blandford Road Coombe Bissett SP5 4LF	COOMBE BISSETT	Certificate of lawfulness for works to main barn and agricultural building including new metal sheet roofing, new concrete floors and blockwork walls reclad in existing metal sheet cladding	DEL	Written Reps	Refuse	18/02/2021	No
20/00637/ENF	Land at Old Nurseries Burton Mere BA12 6FH	MERE	Alleged potential unauthorised encampment	DEL	Written Reps	-	18/02/2021	No
20/07585/FUL	82 Westwood Road Bemerton Heath Salisbury, Wiltshire SP2 9HR	SALISBURY CITY	Retrospective application for a detached garage	DEL	House Holder Appeal	Refuse	25/01/2021	No

Planning Appeals Decided between 22/01/2020 and 26/02/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/00336/FUL	Land to the rear of 14 Norfolk Road, Salisbury SP2 8HG	SALISBURY CITY	Single 2 bedroom dwelling	DEL	Written Reps	Refuse	Dismissed	17/02/2021	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	10 th March 2021
Application Number	20/10339/FUL
Site Address	The Royal Oak, Amesbury Road, Shrewton, SP3 4HD
Proposal	Proposed Demolition & Conversion of Existing Buildings into New Dwelling & Erection of 5 New Dwellings with Associated Landscaping
Applicant	Mr Craig Jones
Town/Parish Council	SHREWTON
Electoral Division	Till & Wylve Valley – Councillor Daley
Grid Ref	406926 143633
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 Daley, for the following reasons:

- Relationship to adjoining properties
- Environmental or highway impact
- Car parking
- Impact on the environment, traffic and safety on the highway and pedestrians during development

1. Purpose of Report

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

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
- Trees
- Highway Safety
- Ecology
- CIL/S106

The application has generated an Objection from Shrewton Parish Council; and 35 letters of objection from third parties.

3. Site Description

The 0.25 hectare site is situated within the defined settlement boundary of Shrewton, which is designated as a Large Village by Wiltshire Core Strategy (WCS) policy CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). It is surrounded to the east, south and west by other residential properties and their associated parking and amenity. To the north, the site abuts an area of land that is protected by Saved Salisbury District Local Plan (SDLP) policy H17 as important open space. The main A360, which runs through the village, bisects the site in a north/south direction. The site is situated in a special landscape area, as defined by Saved SDLP policy C6. It is also opposite the River Till and its associated designation as a Site of Special Scientific Interest (SSSI) and flood zones; and is also within the River Avon Special Area for Conservation (SAC) catchment area. The site is not however identified as being within either Flood Zones 2 or 3. Whilst the site is outside of the Stonehenge World Heritage Site, Shrewton is still within the setting of this heritage asset and is also within the buffer for the Salisbury Plain Special Protection Area (SPA).

The site currently consists of a linear building that is situated on the hard edge of the pavement fronting on to the busy main road. It was once used as a public house but in 2013 was granted permission to be converted into a residential dwelling (under ref: 13/04318/FUL). This permission has been implemented and the current lawful use of the building is therefore as a dwelling (Use Class C3). It is an attractive, brick and render building with a clay tile roof and is of traditional vernacular. The building is however unlisted and the site is not in the vicinity of any listed buildings or within a conservation area.

Behind the existing building the site is laid to garden land with an outbuilding and raised decking area. Whilst the plot and thus garden, is relatively large, there is a significant level change across this rear part of the site and the land rises dramatically as it extends north eastwards and southwards. On the opposite side of the main road (to the west of the existing building), the site also includes a roadside layby. This currently provides parking for the existing dwelling (and also historically provided customer parking for the public house).

4. Planning History

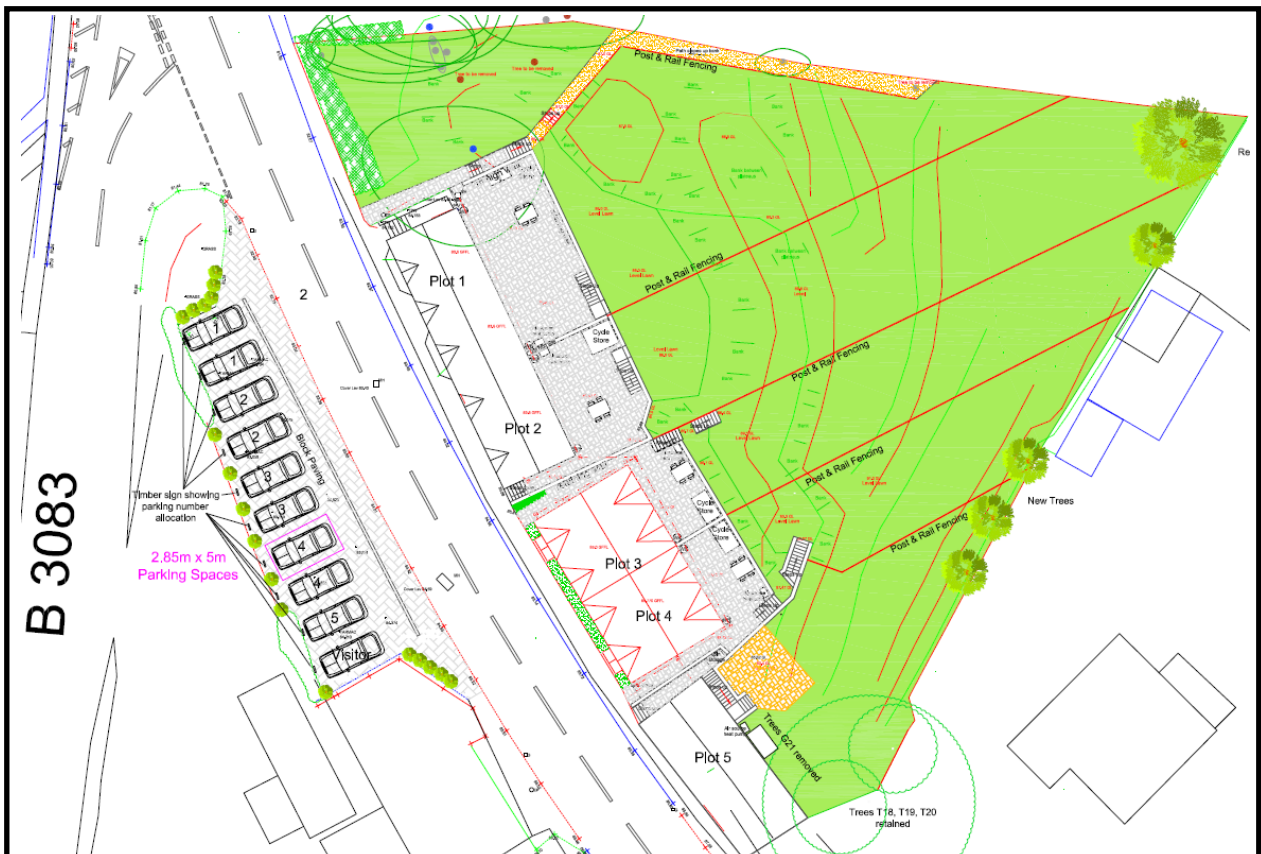
13/04318/FUL	Change of Use from drinking establishment A4 to residential dwelling C3. Permission – 22.11.2013
20/05959/FUL	Proposed conversion of existing dwelling into 2x3 bed dwellings; conversion of outbuilding into 1x1 bed dwelling; & erection of 2x3 bed semi detached dwellings. With associated landscaping and parking. Refused – 06.11.2020

This latter application was refused for the following reasons:

- 1) *The proposed parking provision identified to serve the additional residential development will result in an intensification of the need for residents to cross a busy main road at a point where visibility is poor. The proposed parking arrangement will also require all vehicles to either reverse into or off the public highway and there is inadequate provision for delivery vehicles. The introduction of parked vehicles; together with the presence of reversing vehicles; and pedestrians crossing the road at this point, is likely to interfere with the free flow of traffic and create conflict and danger on the A360 to the detriment of the safety of all users of the road. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policies CP57 (Ensuring High Quality Design & Place Shaping), CP61 (Transport & Development), CP62 (Development Impacts on the Transport Network) and CP64 (Demand Management)*

- 2) *Insufficient information has been submitted to demonstrate that the proposed development will not have a detrimental impact for protected species or that such an impact can be properly mitigated and thus fails the derogation tests. The site is also situated within the River Avon Special Area for Conservation (SAC) catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with the Conservation of Habitats & Species Regulations 2017; the National Planning Policy Framework; and Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC)*

- 3) *Insufficient information has been submitted to demonstrate that the site can be adequately drained. The proposals are therefore considered to be contrary to the provisions of the National Planning Policy Framework; and Wiltshire Core Strategy policy CP67 (Flood Risk).*



PLAN 1 – Proposed Site Plan for 20/05959/FUL (Refused)

5. The Proposal

This is a full application proposing the redevelopment of the plot to provide additional residential units on the site, 6 units in total. It is effectively a revised scheme to the previous proposal that was refused in 2020 (under ref: 20/05959/FUL) and has been submitted to address the three reasons for refusal outlined above. In summary the main changes include:

- The demolition rather than conversion of the existing building;
- The erection of 6 rather than 5 units on the site;
- The introduction of a new parking area on the same side of the road as and serving 5 of the units; and
- The erection of a 6th dwelling on the site that is currently used as a layby parking area, with parking for this dwelling on the same side of the road.

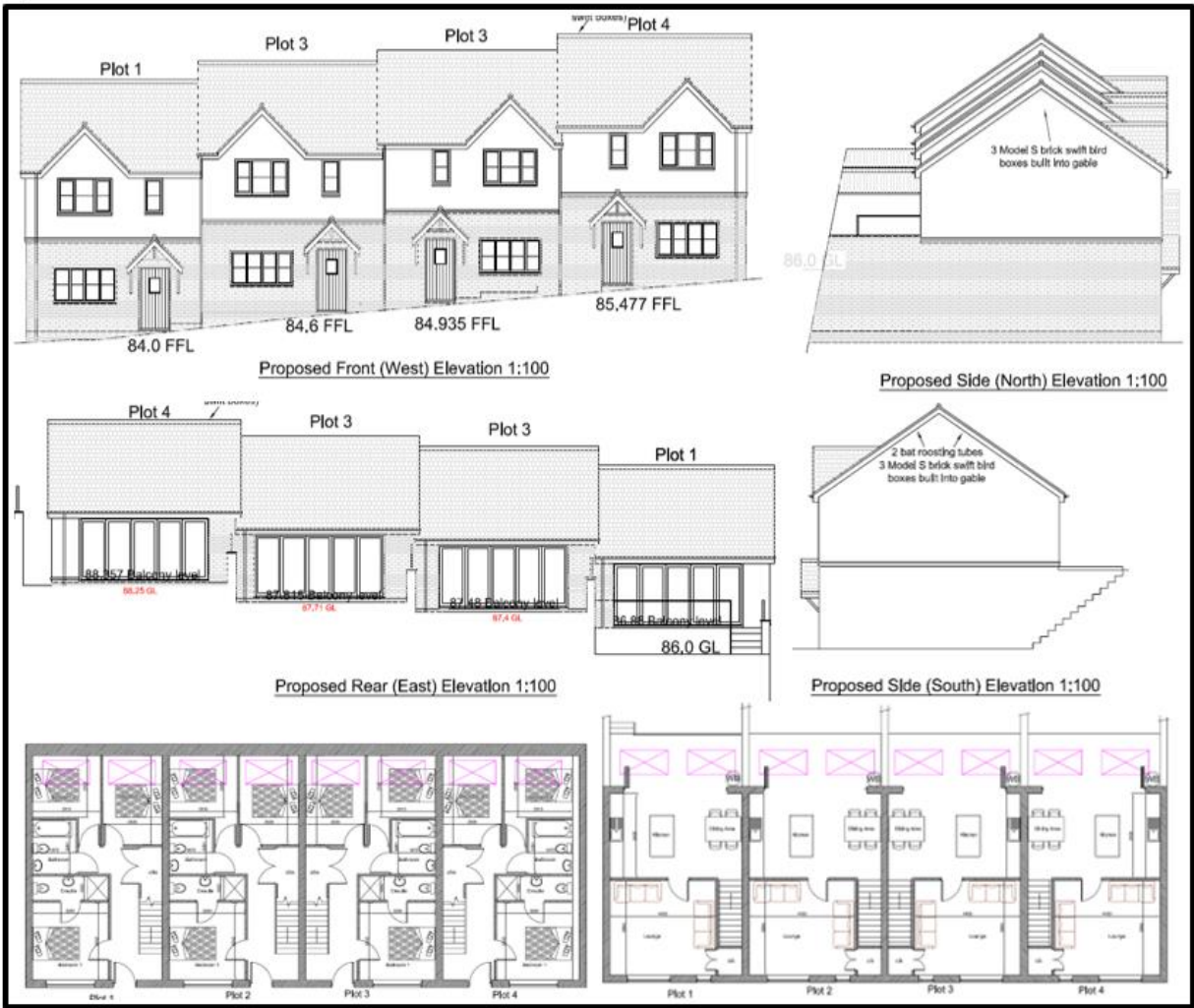


PLAN 2 – Proposed Site Plan

In detail, the current scheme proposes the replacement of the former public house, (currently used as a 4 bedroom dwelling house) with a staggered terrace of 4 new, 1.5 storey dwellings, rising in height as they follow the topography of the hill (the A360) in a north to south direction. Each dwelling is to provide 3 bedrooms of accommodation in an upside down layout as the bedrooms will be at ground floor and the living accommodation will be at first floor. Each dwelling will however be cut into the bank to the rear of the site so that the first floor living rooms open out onto a rear patio area above the ground floor bedrooms and appear in single storey form on the rear elevation. Each balcony area then extends into a large patio area at the same level before the land rises away steeply providing long, thin, but rising gardens for each dwelling, accessed via external steps. The patio and balcony areas are defined on each side (to the north and south) by retaining walls with fencing above, which will provide privacy between each plot. The downstairs bedrooms at the rear of the houses will have no rear aspect but will instead be served by skylights in the roof/first floor balcony floor.

The dwellings are to be constructed of red brick with a rendered first floor finish and concrete roof tiles. Breaking eave dormer window details are identified on the front elevations, whilst the rear elevations at first floor will be served by a wall of glazed doors. The main access to each dwelling will continue to be at ground floor from street level on the front/western façade. The dwellings are to be set further back from the pavement than the existing dwelling, each being

provided with a front porch and small area of garden/defendable space between it and the pavement/main road.



PLAN 3 – Proposed Plans, Units 1-4

The second element of the scheme involves the conversion of an existing outbuilding in the southern corner of the site. This single storey building is currently situated on the hard edge of pavement and is used as storage. The proposals identify that this is to be converted into a 1 bedroom dwelling all on one level. It will be accessed on its northern elevation via an enclosed courtyard. It’s outlook will be to the north and west with new windows identified along both elevations. The remaining elevations will continue to immediately abut the rising land levels to the east and south. New rooflights are proposed on the eastern roof slope.

A new external access staircase will be provided from the courtyard to a small patio area to the rear of this new dwelling at higher level, with the remainder of this plot providing a rising garden. A bin store and cycle parking for this unit are also identified.



PLAN 4 – Proposed Plans, Unit 5

These 5 plots will be served by a shared parking area in the northern corner of the plot and on the same side of the road as the units it is to serve. It will be accessed directly from the A360 in its western boundary via a new dropped kerb. Otherwise this area will consist of hardstanding that is defined by a boundary/retaining wall and the garden serving Plot 1 will wrap around its eastern and northern boundaries. The parking area will provide 9 allocated parking spaces for the 5 units; 2 additional visitor spaces (increased during the course of the application from 1 space); on site turning provision; and bin and cycle storage for units 1-4.

The final element of the scheme involves the redevelopment of the existing layby/parking area that exists on the opposite side of the road and which currently provides parking for the existing dwelling on the plot. As units 1-5 are to be served by a new parking area on the same side of the road, this layby will no longer be required for parking provision. The proposals therefore involve the erection of a further 1.5 storey dwelling on this part of the plot. This 6th dwelling will have a similar design to units 1-4 in that it will be of red brick and concrete tile construction with rendered first floor detail. A front porch and breaking eave dormer windows are proposed on both the front and rear elevations. This dwelling will however sit perpendicular to the road rather than facing it; and internally will have a more conventional layout with bedrooms at first floor.

The front door will be on the southern elevation opening out into a new paved parking area, which will provide sufficient provision for 2 onsite parking spaces. These proposed parking spaces will however continue to involve vehicles reversing out into the road, as per the existing parking arrangement in this existing layby, as no onsite turning provision is identified. To the rear of the dwelling (north) a private patio and garden area is also identified in the remainder of this linear plot.



PLAN 5 – Proposed Plans, Unit 6

The application is accompanied by a Design & Access Statement; a Highway Report; a Tree Survey; a Construction Method Statement; an Arboricultural Impact Assessment; and an Ecological & Bat Survey. During the course of the application, the proposed site plan has been amended slightly to identify the required sight/visibility lines for the new accesses on both sides of the road; and to increase the number of visitor spaces now proposed on the site.

6. Local Planning Policy

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

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

- H17 – Protection of Important Open Space
- C6 – Special Landscape Area
- R2 – Public Open Space Provision

Wiltshire Core Strategy:

- CP1 (Settlement Strategy)
- CP2 (Delivery Strategy)
- CP3 (Infrastructure Requirements)
- CP4 (Amesbury Community Area)
- CP43 (Providing Affordable Housing)
- CP45 (Meeting Wiltshire’s Housing Needs)
- CP50 (Biodiversity and Geodiversity)
- CP51 (Landscape)
- CP57 (Ensuring High Quality Design & Space Shaping)
- CP58 (Ensuring the Conservation of the Historic Environment)
- CP60 (Sustainable Transport)
- CP61 (Transport & Development)
- CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)
CP69 (Protection of the River Avon SAC)

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

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Affordable Housing SPG (Adopted September 2004)

Wiltshire Local Transport Plan – Car Parking Strategy

Stonehenge and Avebury World Heritage Site Management Plan (2015)

7. Summary of Consultation Responses

Shrewton Parish Council – Objection

- Concerns over highway safety
- The A360 main road has high traffic volume, including military vehicles, motorists avoiding A303 and tourists visiting Stonehenge.
- The proposed properties are on a blind bend and brow of a hill. The addition of the proposed householders, visitors and delivery vehicles will add to the already identified poor visibility area of the A360.
- Concerns over the traffic management during the demolition and clearance of the existing building and the construction of the new properties.
- Reduction to single carriage way of the A360 would be required for a considerable length of time and therefore are likely to interfere with the free flow of traffic and create conflict and danger on the A360 to the detriment of the safety of all users of the road.
- There will be vast implications on the village, with passing traffic 'rat running' on the B3086, High Street and London Road. Also, the pedestrian access would be lost where plots 1-5 are proposed during demolition and construction.
- Proposals for plot 6 do not provide sufficient space on site for vehicles to turn thus avoiding reversing off the highway or alternatively reversing onto it, therefore there are significant issues with access to the A360.
- This is contrary to Core Policy 61 which states new development should be served by safe access to the highway network.

Highways – No Objection subject to conditions

- A previous scheme was submitted (20/05959/FUL) for the conversion of the existing building and outbuilding and the erection of 2 further dwellings, resulting in a development of 5 dwellings all with parking in the existing parking area opposite.
- This scheme attracted a highway objection because pedestrians would be required to cross the A360 to reach the parking area in a location where visibility is poor; With no turning facility available, all vehicles would be reversed onto or off the highway; and no attempt to accommodate delivery vehicles had been made.
- In response to these highway safety concerns the scheme has been revised.
- This latest proposal involves the demolition of the former pub building, to be replaced with a terrace of 4x 3 bedroom dwellings. The outbuilding will be converted to a single 1 bedroom dwelling and a new dwelling will be built opposite in the current parking area, with parking for 2 vehicles.
- A new parking area is included with space for turning, to be served by a proposed access onto the A360. This allows vehicles to leave and enter the carriageway in a forward gear.
- This scheme has been fully assessed at a recent site visit, accompanied by a senior colleague.
- The site lies within the built-up residential area of the village. The road passing the site is subject to a 30mph speed limit, the change to 50mph is around 500m to the south.

- In accordance with the guidance contained within Manual for Streets, visibility splays of 2.4m by 43m are appropriate for a 30mph speed limit.
- The layout drawing submitted with the planning application indicates the ability to achieve 43m splays in both directions from the proposed point of access to the car parking.
- These measurements have been verified at the site visit. To the north (right), the on-coming traffic direction, a splay of approximately 55m is available, following the removal of the boundary hedge. To the south (left) the splay will be achieved by the demolition of the existing building which currently abuts the back of footway, and the setting back of the proposed terraced dwellings. In this direction visibility of 43m will be available to the nearside carriageway edge; if measured to the centreline the sight line increases to 66m.
- It is noted that the brow of the hill is beyond the extent of the visibility splay.
- The achievable visibility splays meet the guidance within Manual for Streets (1 & 2).
- Furthermore, the access will have appropriate forward visibility for and of vehicles turning right.
- To assist in securing the sight lines and in the interests of pedestrian safety and amenity, the footway across the entire site frontage of plots 1-5 should be widened to 2m (Altered by revised plan)
- The proposed parking area provides parking for plots 1-5 and is in accordance with the Wiltshire Parking Strategy (as contained within the LTP3).
- A single visitor space is proposed which is as per the 0.2 spaces required. However, I am of the view that this scheme would benefit from a second visitor space and request that the applicant considers providing an additional space (altered by revised plan).
- The position of the proposed entrance allows for good vision of any vehicles approaching the A360 junction from the B3083; however, the entrance should be splayed for ease of access and egress.
- In order to address the potential for delivery vehicles to stop on the highway, the access should be designed so it can be used as an informal pull-in parallel to the carriageway. This can be achieved by a wider opening with the addition of necessary splays and associated dropped kerbs (altered by revised plan)
- This scheme provides the car parking on the same side of the road as the proposed dwellings and thus overcomes the previous highway safety concern relating to pedestrians crossing the road.
- It also provides greater visibility splays by setting the dwellings away from the back of footway.
- Plot 6 will be constructed in what was formerly used as the pub car park, together with a provision of 2 parking spaces.
- It is noted that when the pub was converted to a dwelling in 2013 the approved parking was in the same location, albeit with the dwelling opposite.
- Therefore, the proposed parking for plot 6 will maintain the status quo in terms of the existing permission.
- Whilst it is acknowledged that vehicles will either be reversed into or out of the parking spaces, as existing, there is good visibility at this location.
- Again, I suggest that the dropped kerb fronting plot 6 could be used as an informal pull-in for delivery vehicles (altered by revised plan).
- I do have an issue with the low shrub planting and fence along the frontage of plot 6. This planting and fence has the potential to interfere with sight lines both from the parking spaces and from the B3083 junction for and of vehicles emerging onto the A360.
- A 2.5m strip must be provided across the frontage of plot 6 which can be conditioned to be kept clear of obstruction. This is critical and I would not be in a position to support the proposal with the shrub planting and fence as proposed (altered by revised plan).
- The construction of the proposed development would undoubtedly cause an inconvenience for passing traffic; however, this is temporary and will be managed by our

Streetworks Team following the Chapter 8 guidance. This is not a valid reason to resist the proposal.

- In view of my assessment of the proposal as given above, I am generally in favour of the latest scheme as it addresses the previous concerns raised.
- I am also mindful of a former use as a public house and the associated visitors and delivery vehicles, as well as the current use as a single dwelling.
- Following the revised plan, I note that the footway across the site frontage is shown as widened to 2 metres except along the section of grass to the north of the proposed access; this should also be widened (by condition).
- I am now generally satisfied that the highways related issues have been overcome.
- I raise no objection subject to conditions

Trees – No Objection

- I have no objections to this application provided the development is carried out in accordance with the
- Arb Report.
- Could I also suggest a landscaping scheme is requested by condition and that the trees to be lost are replaced?

Ecology – No Objection subject to conditions

- The application is supported by the following ecology reports: PEA, PRA and Bat Activity Surveys Report (ABR Ecology Ltd, 20th November 2020); and Construction Environment Method Statement Report (ABR Ecology Ltd, 20th November 2020)
- The application site is located within 20m of the River Avon SAC and is within the River Avon SAC catchment.
- The site is also within the Salisbury Plain SPA consultation zone.
- The application site is bisected by the A360 within the village of Shrewton. The site consists of a former two-storey pub and single-storey outbuilding with a large sloping rear plot comprising semi-improved grassland, an area of scrub and scattered trees along the boundaries. Two ornamental hedges are present to the front of the site adjacent to the buildings and a separate car parking area is present on the opposite side of the road comprising hardstanding, a line of scattered trees and scrub.
- The proposals include demolition of the existing buildings and a number of trees.
- The buildings have been subject to sufficient surveys for bats and support low numbers of common pipistrelle bats.
- A Bat Low-Impact Class Licence (BLICL) will be obtained to undertake the works.
- Trees due to be removed have a negligible potential to support roosting bats.
- At least ten species of bat were recorded using the site for foraging/commuting, including light-sensitive brown long-eared, *Myotis* sp. and barbastelle. A sensitive lighting strategy should therefore be conditioned.
- The site has potential for widespread reptiles and amphibians and one record for GCN has been retrieved during the desk study, although the site is separated from the pond/record by the A360/B3083 and this is considered to act as a potential dispersal barrier for any GCN.
- Mitigation including a precautionary method of working is provided to minimise impacts on these species.
- Enhancements are also provided for all species in line with CP50 and the NPPF (2019).
- With respect to the proximity of the River Avon SAC from the site, a CEMP has been submitted to protect river habitats from potential pollution and disturbance during the construction phase in line with CP69.

Habitat Regulations Assessment (HRA) for the River Avon SAC

- This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater.
- The Council has agreed through a Memorandum of Understanding (MoU) with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity.
- To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non-sewered, permitted during this period.
- Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021.
- As this application falls within the scope of the mitigation strategy and generic appropriate assessment, I conclude it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

HRA for Salisbury Plain SPA

- This application site lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan, the application is screened into appropriate assessment due to the potential impact of recreational pressure on stone curlew in-combination with other plans and projects.
- The qualifying features for Salisbury Plain SPA are non-breeding hen harrier and breeding populations Eurasian hobby, common quail and stone-curlew.
- Conservation objectives for the SPA and supplementary advice for implementing them have been published by Natural England (NE).
- Development coming forward under the Wiltshire Core Strategy is only anticipated to impact one of these species, the stone-curlew. This is a ground nesting bird species which research shows is particularly sensitive to disturbance by people and people with dogs.
- The unique character of the Plain attracts many visitors and a recent study has demonstrated 75% of these live within 6.4 km. Within this zone housing allocations from the Core Strategy, Housing Site Allocations Plan, Army Basing Programme and Neighbourhood Plans have the potential to lead to significant effects through their combined recreational pressure.
- The Council's housing plans are mitigated through a project funded by the Community Infrastructure Levy (CIL) which records where stone-curlews breed and works with farm managers to maximise breeding success.
- The project was agreed with Natural England in 2012 and reviewed in 2018 and continues to provide an effective, timely and reliable means of mitigating any additional effects arising from new residential development.
- The quintennial visitor survey next due for August 2020, has been postponed until August 2021 due to COVID 19 restrictions as, in order to repeat the surveys in a consistent way, there would be unacceptable degree of face to face contact between surveyors and a large number of visitors.
- In addition, these restrictions mean that monitoring of stone curlew nesting and liaison with land managers which usually starts in April has been delayed until survey personnel are able to resume working safely.
- In a worst-case scenario there would be the loss of a season's breeding data and plot management would be uninformed by the latest survey data.

- Visitor patterns are likely to be atypical this year as people are being advised to reduce unessential travel while on the other hand having more time than usual to walk their dogs while on furlough leave.
- Birds will also be experiencing atypical plot management with implications for the chances of failed breeding and second broods.
- The consequences of the project not running for 2020 on the conservation objectives relating to stone curlew are expected to be insignificant if it is a temporary dip in delivery that can be compensated for in remaining years.
- Survey results from the exceptional year of 2019, show there is considerable headroom in terms of numbers of breeding pairs and productivity to withstand any foreseeable downturn in 2020 due to the COVID 19 situation even if this was to be combined with a period of poor weather.
- A further review of the project will be undertaken in the lead up to the next season in order to take account of the post COVID 19 situation; make every effort to ensure the project resumes in 2021, and; assess opportunities to recover lost ground on delivery.
- It is recognised that the pressures at Salisbury Plain are changing and in the future further mitigation for this species may be necessary.
- Experience has demonstrated landowners are willing to take up conservation measures and that interventions can be effective at sustaining the population.
- Where such measures may be insufficient, future housing plans may need to refocus housing delivery.
- For the time being the current strategy, in combination with mitigation implemented for the Army Basing Programme, appears to be adequate to support housing numbers up until 2026 even if these are above figures in the Wiltshire Core Strategy and Housing Site Allocations Plan.
- The Council is therefore able to conclude beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the Salisbury Plain SPA. - See NE Standard Letter for the Salisbury Plain SPA dated 19 May 2020.
- I therefore have no objection subject to conditions:

Archaeology – No Comment

Wessex Water – No comments received

8. **Publicity**

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

Letters – 35 letters of objection received from the residents of Park House & Deken House, Amesbury Road; Springfields, Rock House & Pentlands, The Hollow; 2 Hilltop Close; 22 & 24 Highfield Rise; 14A Priory Close; Zion House, The Missen, Wheatsheaf House, Hillview, The Yard & Glenbrook House, Salisbury Road; 2 Chalk Hill; 1 Old Bakery, Chants Lane; 3 & 5 Copper Beech Close; Arnewood, Maddington Street; Clerihew, London Road; Beeches & 2 Rollestone Road; 4 Brocks Orchard; Gough's Cottage & Knebworth, Lower Backway; Homanton House; Cosynest & Rosewalk, Upper Backway; and Stibb Hill Cottage, West Lavington. The following comments made:

- How many applications have to be submitted before the developer sees sense?
- The latest iteration of the plan is worse than those that preceded it.
- The scheme has not addressed the previous reasons for refusal
- Nothing more than 1 dwelling on this site should be allowed
- A previous application to build houses on the adjacent property – a barn used only for storage – was rejected on highways grounds 20 years ago.

- The site is completely unsuitable for a development of this magnitude so close to an extremely busy Road the A360.
- It will not enhance the Village in any way
- There is an increase in the number of houses from the last application from 5 to 6
- Six houses on this site is far too many and is a major overdevelopment of the plot
- It squeezes in as many houses as possible, with parking also squeezed in
- This has been put together without any consideration for the plot's location or the health and safety of residents
- It contains no affordable housing for young people in the village
- Shrewton does not require this type of property it needs small low cost first time buyer properties.
- The survey undertaken by the working group for the Shrewton Neighbourhood Plan identified a need for 2 bedroom properties within the village for local people. The provision of further 3 bedroom properties in the village is unnecessary
- Plot 6, offers a narrow property with almost no off-road frontage and the building is practically on the kerb
- Plot 6 will have no garden of any kind and an unusable patio area looking directly onto a road junction.
- Plot 6 looks like an after thought
- At just 6/7 meters Plot 6 will be nowhere near wide enough to function as a family home
- Demolition of this iconic building and its replacement with five standard houses would be detrimental to the look and aesthetics of the village
- The siting of a house on what is at present a car park makes no sense at all
- Although not "listed", the existing house is a building of significant historic value to the village. It was built in 1867 and has not changed significantly in structure since then.
- There is nothing structurally wrong with the current building.
- Developers of buildings like the Old School and the Old Catherine Wheel Public House had to include the main buildings structure and appearance in their design.
- The Royal Oak should not be demolished to provide a car park for an over developed site.
- A more than substantial amount of soil will need to be excavated, and something akin to piling would be needed to reinforce the bank thus produced.
- Only "bedroom 1" in units 1-4 will benefit from any natural light or access to fresh air
- The lack of windows in these bedrooms means they will have to be artificially lit (even during the day)
- There is no means of escape or immediate rescue should a fire occur in the hallway for the ground floor bedrooms.
- Plot 5 is the only property with an air source heat pump shown
- Planning permission has already been granted for two residential dwellings, which plot 6 would look directly on to causing issues for privacy and light.
- Plot 6 will be looking directly into our property
- The previous application was refused because of highway safety
- This application does not address the issues raised and in fact increases the dangers the site will present as it increases the number of houses/vehicles and puts more people at risk.
- The Highways Consultant report by Nick Culhane is full of errors and lacks credibility
- The A360 and B3038 have become rat runs from the A303, which will only get worse when the work on the A303 starts
- The site is directly on the A360, an extremely busy road with over 7000 vehicles a day using it.
- The site is below a blind summit of a steep hill and close to a change of speed limit from 30 to 50mph

- Given the amount and speed of traffic on the hill, having more vehicles accessing the road at this point will inevitably result in collisions
- Shrewton has a major problem with large volumes of through traffic and adding both construction and delivery vehicles to this will not help
- There is poor visibility south east from the proposed location of the car park, especially past plots 1-4.
- This is a bus route and the road is also used by goods vehicles up to 7.5 tonnes , even larger tourist coaches and rat- running cars and vans when the A303 is busy .
- The bus is frequently prevented from getting through due to inappropriate on street parking
- There are 4 Speedwatch locations along the length of the A360 and in December 2020 the Speed Watch team recorded someone doing 52 mph and many were in excess of 40 mph
- The former usage of the car park when it was a pub was minimal as it was a village local to which few people drove
- The suggestion that there were 69 daily two-way traffic movements in the car park is utterly absurd and is based on an “Edge of Town” scenario completely inappropriate for a rural village
- There is no pedestrian footway on the layby side of the road
- A serious RTC occurred at the junction of the A360 and the B3083 on 4 July 2018. Three vehicles were involved. All three vehicles suffered major damage, at least one of which was a total loss. One driver had to be rescued from her vehicle by an ambulance crew
- The absence of any physical traffic calming measures such as narrowing points (build-outs) or pedestrian refuges (both proposed in Shrewton Parish Council’s Traffic Plan of 2016) means drivers have a low perception of hazard on this road
- Any further housing development on the busier roads in Shrewton, particularly the A360, should only be approved if accompanied by developer funded traffic calming measures
- The road is not safe to cross
- Plot 6 and its low shrub planting will restrict the ability of pedestrians walking along that side of the road to find a safe spot to cross
- The increase from 5 to 6 dwellings just increases the danger on the road
- To allow this site to go from 1 house to 6 feeding off this road is just plain madness
- All but the very smallest vehicles turning left would be unable to join the A360 from the parking area going southbound without crossing the white line in the centre of the road, which will present a hazard to downhill northbound traffic.
- The argument that the road user is responsible for the use of the roads and the road position to be taken up, is specious. As an A&E nurse I spent my life looking after road users that failed to observe, or more relevantly, anticipate hazards
- This poses a danger to road and pavement users, including local children walking to and from the village school
- The access to the parking area will be in constant rather than infrequent use during the whole day as a result of the number of dwellings proposed
- The development of plot 6 is going to create sight line issues for the junction of the A360 and the B3083 and the garden fence will obscure the view of drivers approaching the junction northbound or from Salisbury Road and the use of the junction with the B3038
- The development will lead to increased footfall on the pavement from these residents accessing their cars, bins and bikes all day and this will lead to more traffic accidents
- Traffic flows have significantly increased year on year, particularly since 2013 when the A344 was closed leading to an increase in "rat running" traffic diverting off the A303.
- The carriageway at this point is approximately 7.3 metres wide, which is the width of a standard distributor road and not in keeping with a village environment.
- To suggest that the proposal to build six properties in place of one would create only 3 additional traffic movements in the morning peak, and 2 in the evening peak, is entirely unsubstantiated and frankly laughable.

- The new car park looks too small for the number of cars. Insufficient parking
- Spaces look too small and unusable
- The new parking area is opposite the junction with B3038 and will cause hazards
- There is insufficient visitor parking. 2 should be proposed
- Overspill/visitor/delivery vehicles will park on the road causing difficulties for passing traffic
- Cycling in the village is to be encouraged but it is not realistic. The road is too busy; and cycling to work is unfeasible when the nearest towns are 7 and 10 miles away
- There is limited public transport provision so car ownership levels will be higher than for town models on which this has been based
- Inadequate parking provision and the busy A360 will mean that any overspill will gravitate to the B3083 Salisbury Road which is already insufficient for current residents
- Turning area in the new car park is not shown on the plan. Not convinced there is sufficient space for onsite turning if all spaces are in use
- Vehicles are going to have to reverse on to the main road from the parking area due to insufficient onsite turning provision
- A more realistic estimate for residents' parking requirements would be 16 spaces based on an average of one per bedroom.
- The current car park is rarely used for more than 1 vehicle, belonging to the current owners
- Additional risk is posed to drivers attempting to turn onto the A360 from the B3083 as they will need also to watch for vehicles reversing out of the car park opposite
- Plot 6's parking will still have to reverse in/out onto the A360 which will cause an accident and does not satisfy the test set by CP61 paragraph iii
- There are issues relating to delivery vehicles and construction traffic, plus visitors to the properties as there are barely enough parking spaces for the residents.
- This still requires residents to cross the main road (the A360) to reach their cars or vehicles.
- The parking area should provide space for the recharging of parked vehicles using the property's electrical supply. An EV charger per plot should be included in the plans
- Wiltshire's website indicates that parking standards are going to change to 5m instead of 4.8m in length and that charging points should be included.
- The bin storage will cause difficulties on collection days, being opposite a junction
- The siting of the bin collection area at the entrance to the car park is going to cause significant traffic/pedestrian issues on the 3 collection days a fortnight
- Bin area isn't large enough for 12 bins and 4 boxes
- Plots 3 and 4 will have a long way to walk to dispose of their refuse
- Plot 5's bin storage area is up steps
- During the construction period construction workers will have to cross the road on a blind hill numerous times a day which the highways officer previously objected to
- Slow moving machinery will be turning into a busy main road on a blind hill.
- The construction method statement appears to be a desktop exercise and is not practicable or written by anyone with construction knowledge
- As refueling will not be allowed on site does this mean that large muddy plant will be travelling through the Village to the local garage to refuel?
- During construction, the footpath will need to be re-routed. Normally this would be to the opposite side of the road, however, in this case that is part of the construction site so in reality this will probably mean traffic lights and reducing the already busy A360 to a single carriageway for the duration of works causing considerable disruption to the local population and through traffic.
- Where will pedestrians be re-routed during demolition works?
- How will any Asbestos be dealt with?

- What will be the means of dust suppression?
- How will you prevent contaminants such as lead seeping into the water and the River Till?
- The parking area is unsuitable for construction vehicles
- Construction vehicles will have to reverse into the highway
- A recent delivery of a skip to the site, situated roughly where plot 4, resulted in the driver having to park at right angles to the highway blocking traffic in both directions.
- Plot 6 cannot be built without gaining access to our property to build it, as there doesn't look to be room to erect scaffolding etc around it.
- Would the road closures during construction be funded by the taxpayer?
- This is going to cause total chaos during construction
- How will the mitigation measures set out in the ecology report be enforced to protect the River Till?
- Can existing foul water drains cope with an additional five properties?
- Will there need to be extensive upgrade works to the drains (and further disruption to Villagers) as a result of this
- In 2018 planning permission was granted for two houses plus residents' parking (but no visitor parking?) behind plot 6 putting more pressure on on-street parking
- The Yard has a still extant planning permission that needs to be considered
- This application should not have been submitted or accepted for consideration
- How are the units going to be heated?
- The village has no mains gas supply. Heating and hot water is normally provided by either oil or LPG. Both of these require accessible secure storage tanks, which should be on the plans. Both require lorry deliveries, causing more congestion.
- The plans have errors
- Not enough people have been consulted
- The proposal has been submitted at a time when the parish council has no scheduled meeting to discuss its lack of merit. This seems deliberate and underhand

Salisbury & Wilton Swift Group – Support

- We believe all new developments should provide habitat opportunities for those species such as swifts who prefer, or can adapt to, the built environment.
- Due to population decline, swifts are expected to be reclassified as a 'red-listed' species on the UK list of Birds of Conservation Concern in 2021 when the next official list is released.
- Numerous groups like ours are linked across the country with the aim of engaging County Planning Departments, local Councils, architects, ecologists, major developers and builders to raise awareness of how easy it is to make provision for swifts, particularly in new builds and renovations.
- This is particularly important with the net gain for biodiversity expectations emerging within local governments.
- We have experienced volunteers who are willing to offer swift advice and practical help wherever they can.
- Our comments are impartial observations which are neutral, neither supporting nor objecting to the application.
- We are delighted to read that the 9 integrated swift bricks originally included in 20/05959/FUL are still included within the ecological enhancements listed in the new plans (*'Nine 'Model S Bricks' will be installed within Plots 1, 4 and 6; a total of three bricks will be installed in each gable end (on both gables in Plots 1& 4 and the eastern facing gable of Plot 6')*).

9. Planning Considerations

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

9.1 Principle:

As is identified above, the site is situated within the defined settlement of Shrewton which is designated as a Large Village by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). Within the settlement boundaries, WCS policy CP1 (Settlement Strategy) confirms that a limited level of development will be supported in large villages in order '*...to maintain the vitality of those communities*'. WCS policy CP2 (Delivery Strategy) also confirms that there is '*...a presumption in favour of sustainable development*', whilst WCS policy CP4 (Amesbury Community Area) further states that there is a need in this particular Community Area for approximately 2,785 new dwellings over the period 2006-2026; and approximately 345 of these are to be built in the large and small villages outside of Amesbury, Bulford and Durrington. This application now involves the redevelopment of the site with 6 dwellings, a net gain of 5, within the defined boundaries of this village. The proposals are therefore acceptable in principle, in line with the above development delivery strategy.

Local representation has suggested that there is no need in the village for the type of dwellings proposed (ie, 1x1 bed and 5x3 bed units); as the local needs survey identifies a need for 2 bed units in the village. However, these units are not being brought forward as affordable housing (and nor is there any requirement for them to do so) and are therefore being offered as unfettered market housing. It is also not the role of planning to dictate the market and thus the housing market will decide what the demand is for 3 bedroom units in this village. The scheme also provides a mix of tenure for different levels of affordability and the site is situated in a sustainable location where new development is supported in principle. Furthermore, as is outlined above, there is also a need for new housing in this community area, a proportion of which will need to be provided in sustainable large villages such as Shrewton. It is therefore considered that the type of tenure proposed is appropriate for this site and this matter is not something that would justify a reason for refusal in this instance.

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

9.2 Character & Design:

As has been identified above, the site is in a prominent part of the village directly on and bisected by the main A360 that runs through the village from the A303 to the south east. The area is inherently residential with a mix of housing on both sides of the road; both on the hard edge of pavement, such as on this site, and set back from the road. The area has quite a mature and verdant character with the built forms of the dwellings being broken up by mature trees, grass verges and hedgerows.

The existing property, whilst currently in domestic/residential use, is obviously a former public house. Its position and presence in the street scene; its hard edge of the pavement form; its traditional features; its double entrance; and the fact that its parking is situated on the opposite side of the road, all allude to this past use. The building is of attractive traditional vernacular with bay windows; breaking eaves dormers; chimneys; and traditional brick, render and clay tile finishes. It also appears to be in good order and well maintained. It is therefore unfortunate that it is to be demolished as part of this scheme. However, the building is not a listed building and is not situated in a conservation area. It is also in use as private dwelling rather than a community

asset or facility. There is therefore no planning reason that prevents the existing building from being demolished and the proposals are acceptable in this regard.

The proposed terrace of 4 units, serves to replace the existing dwelling with a similarly designed row of houses. They will have a similar relationship with the road, but will be set slightly further back from the pavement edge in order to improve visibility from the proposed parking area. This set back will also serve to improve the amenities and safety of the future occupants by ensuring more separation between the dwellings/front doors and the busy road. The proposed terraces are of fairly uniform design but their staggered roof lines and rendered top half will serve to break up the massing of this row; and the proposed eave breaking dormers provide a nod to the former traditional design and character of the existing building. Overall it is considered that the proposed terrace will contribute positively to the character of the area/street scene and are an appropriate replacement for the existing building.

The conversion of the existing store on the southern part of the site would create an unusual but interesting additional dwelling on this plot. It would also provide a 1 bedroom unit and thus a different form of stock to meet local demand. This element is also therefore welcomed and likely to contribute positively to the character of the street scene.

Much local concern has been raised about the proposed dwelling on plot 6, as it is considered that the existing layby is too narrow/small to allow any meaningful development. However as is demonstrated on the plans, the proposed dwelling will actually be wider (at 7 metres) than the terraced houses proposed on the other side of the road. The plans also show that a three bedroom dwelling of similar design to the other units; with a private garden; and onsite parking can all be accommodated in this layby area. As is identified above, this site is situated within an existing, built up, urban area; there is a mix of development in the area with dwellings sitting both forward and set back from the road. It is not considered that the development of this redundant layby as proposed, would be out of keeping or have a detrimental impact for the character of the area.

In addition, it must be remembered that proposals have already been refused for any use of this part of the site in association with the dwellings on the opposite side of the road because of the highway safety implications of forcing residents to cross the busy road. This layby could not therefore be feasibly used as parking or garden provision for the other 5 plots and would therefore be leftover to deteriorate and become overgrown. It is considered that the proposed use of this remaining part of the site for an additional dwelling would ensure its long term appearance and maintenance; and constitutes an appropriate and effective use of land. This element is therefore also supported.

The redevelopment of this site is also unlikely to encroach on or result in any implications for the protected important open space to the rear/north of the site, as in the main, the new development is to extend away from this protected area. In addition, the land that immediately abuts this protected area will continue to be provided as garden land. It is not therefore considered that the proposals will result in any implications in terms of Saved SDLP policy H17.

Overall it is considered that the proposed development would create an attractive and effective use of this site. Each dwelling will be provided with sufficient private amenity to meet the needs of their intended future occupants; and parking provision that can be accessed without having to cross the busy road. The form, design and style of development is also considered to be appropriate for this part of Shrewton. The proposals are therefore considered to be acceptable in this regard, accordingly.

9.3 Neighbouring Amenities:

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

Given the linearity of the proposed units on plots 1-5; the size of the plots and adjacent plots; and the level change that occurs to the rear and south of the site, it is not considered that the proposals on this side of the road will result in any implications in terms of loss of light; overlooking; or dominance for surrounding neighbours. The proposals are also carefully considered to limit any potential for mutual interoverlooking between plots.

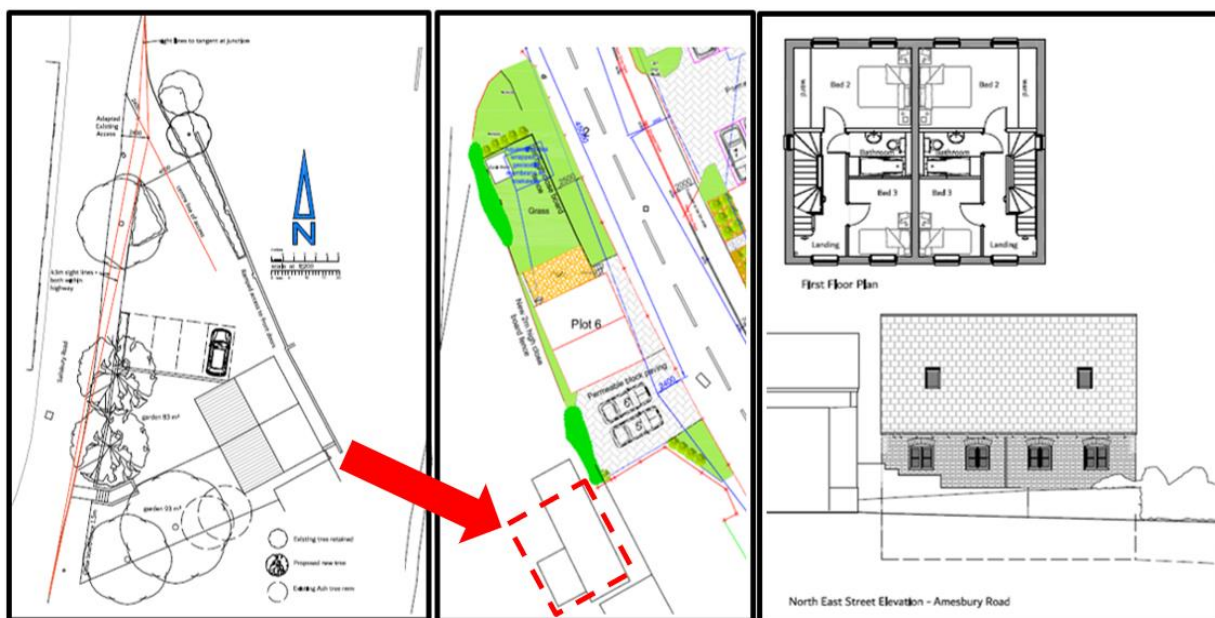
Local concern has been raised about the detailed design of the internal layout of plots 1-4, given the upside down arrangement and the fact that 2 of the bedrooms will not have any outlook or access into the garden. However the rear bedrooms are to be served by roof lights in the floors of the associated balcony areas. They will therefore benefit from natural light. Concerns re air flow and emergency access are not planning matters and will instead be considered at the building regulation stage. It is considered that the proposed design and internal layout maximises the use of the site and access to the rear gardens and will create an interesting dwelling. Ultimately however it will be up to the future buyers as to whether the unusual internal layout is a selling point or not.

The proposed dwelling on Plot 6 is more traditional in style and provides a standardised layout and sufficient private amenity for meeting the needs of any potential future occupants. Its proximity to a main road and noise/disturbance caused from adjacent traffic will also be for future occupants to consider. This dwelling is also to be situated on a layby that is not currently, immediately adjacent to any residential properties, being on the junction of 2 roads which enclose this part of the site to the north and east. To the south, the site abuts a coachworks with some old industrial style buildings on it and to the west the site is adjacent to a commercial site that is currently used by a marquee business. This western site is also on a lower land level. It is not therefore considered that the proposed development on plot 6 will create any particular or significant issues for neighbouring residential amenities in terms of loss of light or overlooking.

However planning permission was granted in 2018 for the redevelopment of the adjacent marquee site, to the west, with a pair of semi detached dwellings (under ref: 18/05671/FUL) and local concern has been raised that the proposals would create issues in terms of overlooking and loss of light for this future development. Whilst, this permission has not been implemented to date and the site is still in use as a B1/2 use, the permission does nevertheless remain extant and the development could still therefore be constructed as it does not expire until September 2021. Obviously as the approved adjacent development has not yet been built, the level of weight that should be applied to any potential impact to it from this proposal is reduced. There are no current occupiers that are affected and the adjacent permission simply might never be implemented so it cannot be considered to have full weight.

However as is shown in PLAN 6 below, the approved adjacent development consists of a pair of 2 storey semi detached dwellings that are to be positioned on the siting of the existing commercial buildings. These are tucked into the far south eastern corner of the adjacent site and are therefore immediately adjacent to the existing coachworks site rather than the layby/plot 6 that forms part of this application. In addition, given their orientation and 2 storey nature, the proposed first floor, front bedroom 3 and landing windows of the approved dwellings will lookout

eastwards in the direction of the site with all other principal rooms looking westwards into their respective gardens. The adjacent development will therefore only look out onto a small part of the proposed parking area for plot 6 and will have an entirely oblique view towards the proposed dwelling. In addition, given the natural level changes between the two sites; the existing vegetation that is shown to be retained; the proposed imposition of a 2 metre boundary fence along this common boundary; the fact that no windows are proposed on the flank wall facing this boundary; and the orientation of plot 6 to the north east of the adjacent site, it is not considered that it will result in any significant harm in terms of overlooking or loss of light and any potential impact for these future residents will not be significant or detrimental enough to warrant a reason for refusal on this basis.



PLAN 6 – Site Plan for 18/05671/FUL

Site Plan for Plot 6

Plans for 18/05671/FUL

9.4 Highway Safety:

As is identified above, the previous scheme involving 5 dwellings on this site was refused (under ref: 20/05959/FUL) on three grounds but the principal reason involved highway safety. Previously the 5 units were to be served by a parking area positioned on the opposite side of the busy A360. This is a busy route experiencing a relatively high volume of vehicle movements. The proposed parking layout for the previous scheme identified a row of spaces perpendicular to the carriageway. No onsite turning facility was identified and all vehicles would therefore either need to reverse onto or off the public highway. The regular and constant flow of traffic passing the site makes that particular manoeuvre difficult to perform, especially given the traffic speed and fact that any approaching traffic from the south would be coming over the brow of a hill. In addition, the arrangement of the parking being located opposite the proposed dwellings it was to serve, meant that residents would need to cross the A360 to reach their parking area, which was particularly undesirable given that some future residents may be slower due to age or infirmity; be pushing pushchairs; and/or carrying items such as heavy shopping bags, and would need to cross two lanes of traffic in opposing directions. Therefore whilst it was acknowledged that this use, arrangement and relationship is historic, used both by the former public house and existing dwelling; the Highway Authority previously objected to an intensification of such a parking arrangement as it would cause an unacceptable impact for highway safety for all users.

Whilst much local concern continues to be raised about the implications of the development for highway safety, the current scheme has however sought to address this previous concern in a number of ways. Whilst the number of proposed units has actually increased from 5 to 6, all units are now shown to be served by parking that is situated on the same side of the road to the respective unit it is to serve. For units 1-5 this is to be provided in a new dedicated, shared, parking area situated to the north of the row of houses. It will be served by a single new access off the main road and will provide sufficient space for 9 allocated parking spaces (2 per each 3 bed unit; and 1 per each 1 bed unit) and 2 visitor spaces. As the existing building is to be demolished, the new dwellings (units 1-4) can be set slightly further back from the road providing sufficient levels of visibility in both directions from the new access point. The Highway Authority has confirmed that the level of parking identified in this area meets the Council's adopted parking standards. It is also satisfied that the layout and size will enable enough space for vehicles to manoeuvre and enter/exit the parking area in a forward manner and will also provide sufficient space for visitor, delivery, and cycle parking. No objection has therefore been raised to this proposed new parking arrangement.

With regard to plot 6, this dwelling is to be served by 2 parking spaces to the immediate front of the dwelling, which also meets the Council's adopted parking standard requirements for a 3 bed house. No onsite turning provision will be provided for these vehicles and as such some manoeuvring/reversing into the highway will be required in order to use these spaces. The Highway Authority acknowledges, as before, that this has potential to cause hazard for all highway users. However the existing parking arrangement for the existing dwelling on the opposite side of the road, already has this requirement for vehicles to reverse out onto and manoeuvre in the road. This revised proposal no longer results in an intensification of this arrangement but a replication or status quo of the existing parking arrangement at the site. The Highway Authority has therefore raised no objection to this element of the proposals as it will not result in any significantly different or additional implications for highway safety than the existing use of the site.

Amended plans have been received to ensure that the appropriate visibility splays are available from both parking areas; and conditions have been suggested to ensure that both the level of parking provision identified to serve all units; and the visibility splays can be secured in perpetuity. Subject to these, it is considered that the previous reason for refusal on highway safety grounds has therefore been satisfactorily addressed and the objection has been withdrawn in this respect.

9.5 Trees:

There are a number of trees on the site that are of good quality and attractive amenity. However none of these trees are protected by virtue of a Tree Preservation Order (TPO) and the site is not situated within a conservation area. The application is however accompanied by a Tree Survey which identifies that the Ash trees on the southern/eastern boundary are dying from Ash Dieback and are not of good quality. Nether the less only one tree on this boundary is to be removed and a number of replacement trees are proposed along the north eastern part of this boundary. Most of the trees on the northern edge are also to be retained. The Council's Tree Officer has confirmed that subject to conditions securing the replacement of any trees that are to be lost; and the protection of any retained trees during construction, there is no objection to the proposals in this regard either.

9.6 Ecology:

Previously, the redevelopment of this site was considered to result in harm for protected species; and would result in additional phosphate loading in the River Avon SAC, which could not be properly mitigated. A further reason for refusal was therefore added to the previous decision last year.

Given the site's proximity to the River Till and its associated SSSI, the application is accompanied by a bat survey (PEA, PRA and Bat Activity Survey Report' (ABR Ecology Ltd., November 2020)) which includes a phase 1 habitat survey of the site and phase 1 and 2 bat surveys to a suitable level and standard. The Council's Ecologist has confirmed that the level of survey work that has been undertaken is acceptable and the development will be subject to a licence from Natural England because the existing buildings contain low numbers of Common Pipistrelle bats which will be disturbed by the proposals. It is also confirmed that the trees that are to be felled have negligible potential to support roosting bats but the site has potential for low numbers of reptiles and nesting birds. The Council's Ecologist is however satisfied that the level of proposed mitigation and enhancement identified in the report and on the submitted plans is sufficient to mitigate any potential impact for protected species and has satisfied the requirements of WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF. No objection has been raised in this regard, accordingly.

The Derogation Tests:

Natural England has also confirmed that the presence of a European Protected Species is a material consideration for a planning application and the Local Planning Authority must therefore satisfy itself that the proposed development meets three tests as set out in the Directive. If the three tests cannot be satisfied then the Local Planning Authority should refuse planning permission.

The three tests referred to above are the three derogation tests which require the following:

- 1) The consented operation must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment
- 2) There must be no satisfactory alternative
- 3) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The Local Planning Authority is satisfied that the three tests have been met in this instance.

With regards to the first test, the scheme involves the creation of additional dwellings which will help to meet the housing need identified in WCS CP4 (Amesbury Community Area), in an area that is considered to be appropriate in principle for new development such as this, as outlined above. It will also provide CIL contributions towards local infrastructure; and a small level of employment during construction. It is therefore considered that the proposals satisfy the first derogation test regarding overriding public interest/benefit.

With regards to the second test, it is considered that loss of the existing building is unfortunate but alternative options involving the retention of the existing building have been resisted for other reasons in the past. The current proposals incorporate sufficient mitigation and opportunities for replacement roosting which will be maintained in the long term. There is no alternative site or scheme that can be considered instead; and the sensitive redevelopment of this site for this purpose is the best way to ensure that the bat population on site is maintained and preserved in the long term whilst satisfying all other constraints/considerations at the site.

The Council's Ecologist has also confirmed that sufficient information and mitigation has been identified to be able to enable the favourable conservation status of Common Pipistrelle Brown Long-eared bats at this site. The proposals therefore also satisfy the third test and the previous reason for refusal has been addressed in this regard.

Salisbury Plain Special Protection Area (SPA):

As is identified above, the site lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the Habitat Regulations Assessment (HRA) for the WCS and the HRA for the Wiltshire Housing Site Allocations Plan (WHSAP), it needs to be screened into appropriate assessment due to the potential impact of the development and associated recreational pressure of additional households on the special features of the SPA, including ground nesting Stone Curlews. The Appropriate Assessment (AA) for this feature has been undertaken by the Council's Ecologist (and is summarised above). The AA confirms that the Local Planning Authority is able to conclude beyond reasonable scientific doubt, that the proposed development would not lead to adverse effects on the integrity of the Salisbury Plain SPA.

River Avon Special Area for Conservation (SAC):

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. This was previously used as a reason for refusal as at the time of the last application there was no mechanism in place to secure mitigation from the proposed development to limit its phosphate impact on this European designation.

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

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

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

9.7 Drainage:

The site is situated in Flood Zone 1 and is under 1 hectare in size. There is therefore no requirement for the application to be accompanied by a flood risk assessment. Previously however Wessex Water raised concern about the scheme because it was not clear how the proposed development would be drained. A third reason for refusal was added to the decision accordingly.

The current application has however been supported by more information in this regard. The supporting application form confirms that the foul waste water from the development will be disposed of by mains drains, while the surface water drainage will be dealt with by a combination of sustainable drainage systems and soakaway. The supporting Design & Access Statement further confirms that the existing situation is that the surface water is collected from the existing dwelling and directed into the existing foul sewer system onsite. This is no longer acceptable as a means of discharge of surface water for a new development. Therefore it is proposed that each of the new dwellings proposed will be provided with water butts. These will collect rainwater for re-use on the gardens and will reduce the surface water run off generated from the site. This is a sustainable use of water.

However, the water butts alone will not deal with the rainwater from the development, and therefore the proposal also involves the creation of a soakaways for the site. Plots 1-5 will be provided with a communal soakaway under the proposed parking area. This will allow discharge of the rainwater collected from the roofs and hardstanding areas of plots 1-5 into a soakaway system. Plot 6 will have an independent soakaway system in the rear garden of the plot. Each of the parking areas will be laid with permeable paving, so that the parking hardstanding areas allow the rainwater to percolate straight away. The substrate of the site has been identified as a chalk substrate (as identified by the British Geological Survey substrate viewer), which has good permeability results historically.

Given that the site is under a hectare; not in Flood Zones 2 or 3; involves a small scale development of under 10 dwellings; and Wessex Water has not objected to the current scheme, it is considered that the level of information submitted regarding the proposed drainage strategy is now sufficient to satisfy the planning requirements. The detailed drainage strategy will be a matter that will be considered and agreed at the building regulation stage and should this require alterations to the layout/detailed scheme being considered by this application, then a revised scheme may be necessary that will be considered accordingly. A note will be attached to this recommendation to highlight this to the applicant, but otherwise the proposals are now considered to be acceptable in this regard and this final previous reason for refusal has also been addressed.

9.8 CIL/S106:

WCS policy CP43 (Providing Affordable Housing) and saved SDLP policy R2 both require contributions towards affordable housing and public open space provision from any net gain in the number of dwellings in the area. Local representation has also queried why none of the units are being provided as affordable housing. However, following subsequent ministerial advice and the updated NPPF, these policies now only apply to sites of 10 dwellings or more and therefore there are no longer any such requirements from schemes such as this proposing only a net gain of 5 new dwellings on the site.

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

9.9 Other Matters:

Much local concern has been raised about the potential impact and chaos that will be caused, particularly to the use of the adjacent highway, during the construction phase. However, planning law accepts that there will be a level of disturbance resulting from all and any new development but that this is of a temporary nature and so construction disruption cannot be used as a reason for refusal of a scheme. In addition the Highway Authority has also acknowledged that the construction of the proposed development would undoubtedly cause an inconvenience for passing traffic; however, this will be temporary and will be managed by their Streetworks Team following the Chapter 8 guidance. This is not therefore a valid reason to resist the proposal on highway grounds either.

10. Conclusion

It is considered that the proposals have adequately addressed the previous reasons for refusal and involves a development of much needed housing; and an effective use of land. The proposals are considered to involve a well-designed and attractive scheme that will be in keeping with the character of the area; and will not have any significant or unacceptable implications for neighbouring residential amenities; highway safety; ecology; or trees. The proposals are recommended for permission accordingly.

RECOMMENDATION

Permission subject to Conditions

1. **WA1** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Application Form & Certificate

Ref: AH2020/44 Sheet 2 of 5 – Proposed Elevations Plots 1-4 and Plans for Plot 5. Received – 20.11.2020

Ref: AH2020/44 Sheet 3 of 5 – Proposed Floor Plans Plots 1-4. Received – 20.11.2020

Ref: AH2020/44 Sheet 4 of 5 – Proposed Plot 6 & Street Scene. Received – 20.11.2020

Ref: AH2020/44 Sheet 5 of 5 – Proposed Block Plan. Received – 20.01.2021

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

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

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

4. **WC1** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels, contours and site sections through entire site;
- means of enclosure and boundary treatment;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- details of replacement trees for any trees that are shown on the approved plans to be felled. The replacement shall be of a compensatory size and species and in a location to be agreed. The replacement trees shall be planted in accordance with BS:3936 (parts 1 and 4); BS:4043; and BS:4428

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

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

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

6. The development hereby approved shall be implemented in full accordance with the submitted Arboricultural Impact Assessment (Treescene Arboricultural Consultants, November 2020).

REASON: To ensure the retention of trees on the site in the interests of visual amenity

7. No development shall commence on plot 6, hereby approved, until the junction visibility area (comprising a 2.5 metre wide strip parallel and adjacent to the A360 carriageway edge over part of the frontage of Plot 6, between the edge of the B3083 side road junction and a point 17.5 metres from the edge of the side road southwards (as identified coloured green on plan number AH2020/44)), has been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility area shall thereafter be maintained and kept free of obstruction for visibility in perpetuity.

REASON: In the interests of highway safety.

8. No development shall commence on site until full details of the entire frontage of plot 6, showing it to be edged with full height kerbs, apart from across the access position which shall be dropped kerbs, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details prior to the first occupation of Plot 6 hereby approved.

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

9. No part of the development hereby approved shall be first occupied until the visibility splays for the access serving the parking area for plots 1-5, and the driveway for plot 6 as shown on the approved plans (plan number AH2020/44), have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter in perpetuity.

REASON: In the interests of highway safety.

10. No development shall commence on site until full details of the footpath across the entire site frontage on the eastern side of the A360, identifying how this will be widened to 2 metres for its entire length, except across plot 5 where the building line prevents widening, and will be constructed, has been submitted to and agreed in writing by the Local Planning Authority. The footpath shall be implemented in accordance with the approved details prior to any of the development hereby approved being first occupied.

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

11. No part of the development hereby approved shall be first occupied until, at the point where there is an existing dropped kerb outside plot 5, the footway shall be reinstated to standard footway specification with a full height kerb to match existing.

REASON: In the interests of highway safety.

12. The gradient of the proposed access shall not at any point be steeper than 1 in 15 metres from its junction with the public highway.

REASON: In the interests of highway safety.

13. No part of the development hereby approved shall be first occupied until the access, turning area and parking spaces have been laid out, surfaced, marked out and completed in accordance with the details shown on the approved plans. These areas shall be maintained for those purposes thereafter in perpetuity.

REASON: In the interests of highway safety.

14. No part of the development hereby approved shall be first occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for such use in accordance with the approved details at all times thereafter.

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

15. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

16. Notwithstanding the approved plans, no part of the development hereby approved shall be first occupied until works have been implemented to avoid private water from entering the highway.

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

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

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

18. **WE4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the northern or southern elevations or intervening boundary walls of Plots 1-5; or western elevation of Plot 6 of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

19. The development hereby approved shall be carried out in strict accordance with the information submitted PEA, PRA and Bat Activity Surveys Report (ABR Ecology Ltd, 20th November 2020). This shall include all mitigation and enhancements detailed under section 5 of the above report titled 'Mitigation, compensation, and enhancement strategy' and as modified by the Natural England Bat Low-Impact Class Licence (BLICL).

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination and to comply with planning policy.

20. The development hereby approved shall be carried out in strict accordance with the submitted Construction Environment Method Statement Report (ABR Ecology Ltd, 20th November 2020).

REASON: In order to avoid and reduce potential pollution and disturbance effects on the River Avon SAC during construction.

21. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the agreed details.

REASON: The introduction of artificial light is likely to mean protected species are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation. The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences, in the interests of ecology.

22. The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development delivers betterment in terms of the level of discharge of phosphates from the sewage treatment plant into the River Avon SAC.

INFORMATIVES

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 2) There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on **0845 1300 228**, email enquiries@bats.org.uk or visit the [Bat Conservation Trust](http://www.batconservationtrust.org.uk) website
- 3) Great crested newts are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if great crested newts are discovered, all works should stop immediately and a professional ecologist should be contacted for advice on any special precautions before continuing, as a derogation licence may be required from Natural England.
- 4) The application involves the creation of a new vehicle access with dropped kerbs. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.
- 5) Please note that should any changes to the layout or design of the scheme be required following building regulations and/or to secure an acceptable drainage strategy at the site, and such revisions may require the submission of a fresh planning application which will be considered on its merits accordingly.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

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

Reason for the Application being Considered by Committee

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

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

1. Purpose of Report

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

2. Report Summary

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

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

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

3. Site Description

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

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



PLAN 1 – Site Constraints Plan

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

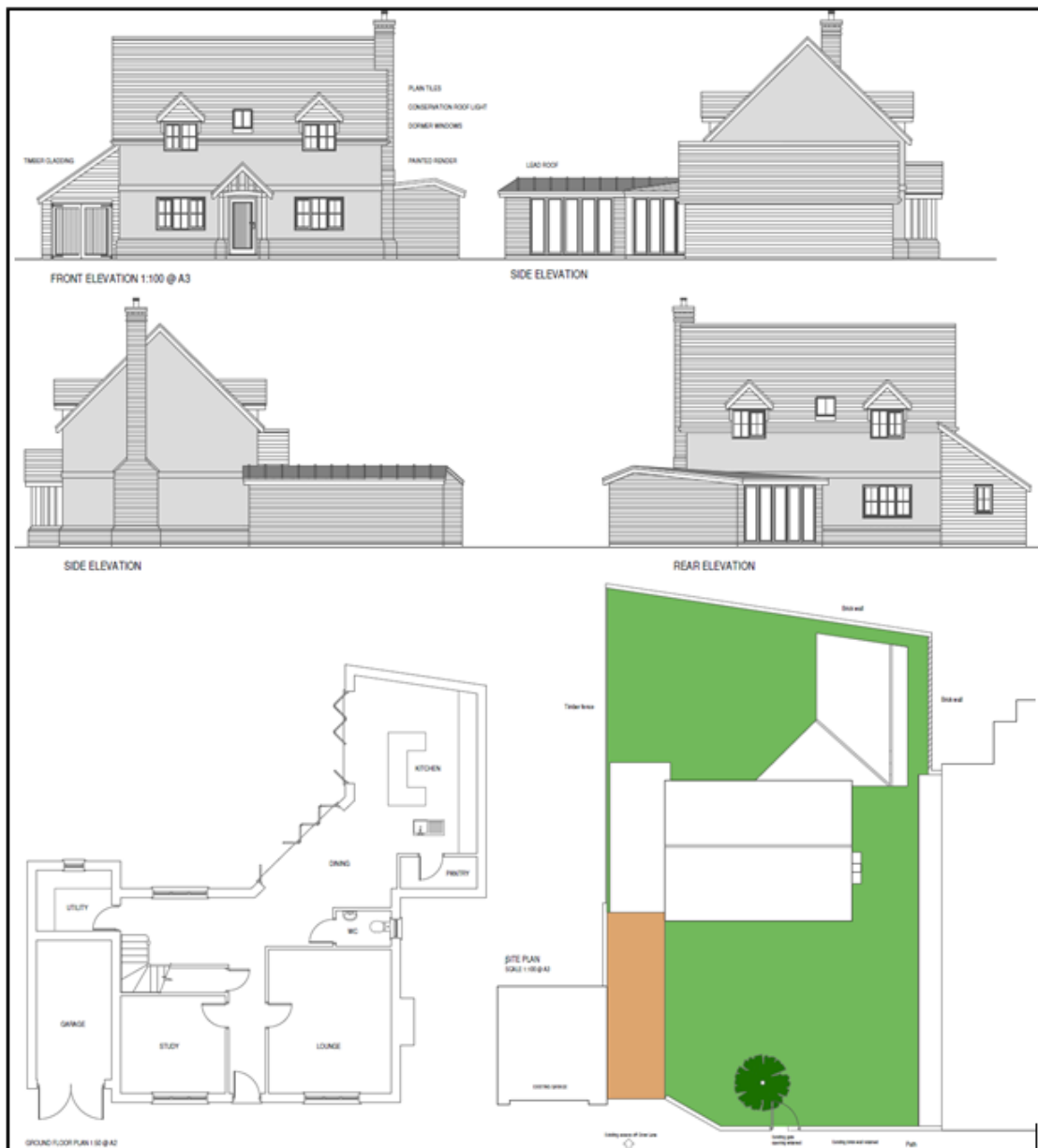
4. Planning History

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

5. The Proposal

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

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



PLAN 2 – Proposed Plans

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

6. Local Planning Policy

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

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

Wiltshire Core Strategy:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP43 (Providing Affordable Housing)

CP45 (Meeting Wiltshire's Housing Needs)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP67 (Flood Risk)

CP69 (Protection of the River Avon SAC)

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

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)

Achieving Sustainable Development SPG (April 2005)

Affordable Housing SPG (Adopted September 2004)

Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of Consultation Responses

Wilton Town Council – No comments received

Highways – No Objection subject to conditions

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

Conservation – No Objection subject to conditions

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

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

Archaeology – Support subject to conditions

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

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

8. **Publicity**

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

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

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

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

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

9. Planning Considerations

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

9.1 Principle:

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

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

9.2 Heritage, Character & Design:

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

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

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



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



PLAN 4 – Proposed Street Scene (Current Scheme)

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

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

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

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

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

9.3 Neighbouring Amenities:

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

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

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

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

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

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

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

9.4 Highway Safety:

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

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

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

9.5 Ecology:

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

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

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

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

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

9.6 Flooding & Drainage:

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

9.7 Other Matters:

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

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

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

9.8 CIL/S106 Contributions:

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

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

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

10. Conclusion

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

RECOMMENDATION

Permission subject to conditions

1. **WA1** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Application Form & Certificate

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

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

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

Ref: EL/05 – Elevations. Received – 03.12.2020

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

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

Ref: VS/08 – Visibility. Received – 03.12.2020

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

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

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

4. **WB14** No development shall commence above slab level on site until full details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

REASON: In the interests of neighbouring amenities.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest

9. **WD1** The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

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

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

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

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

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

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

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

16. **WE4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted on the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

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

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

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

INFORMATIVES:

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 2) The applicant(s) is advised that discharge of the drainage condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.

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



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	10 March 2021
Application Number	20/09829/FUL
Site Address	Alabare House 15 Tollgate Road Salisbury SP1 2JA
Proposal	Change of use of existing religious retreat/bed and breakfast accommodation (max. 8 B&B) to 20 bedroom house in multiple occupation (HMO)/Sui Generis (key worker accommodation for rent).
Applicant	The Airey SIBA
Town/Parish Council	SALISBURY CITY
Electoral Division	Salisbury St Martins and Cathedral - Cllr Sven Hocking
Grid Ref	414920 129783
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

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. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

2. Report Summary

The main issues to consider are:

1. Existing use.
2. Principle of the proposed change of use
3. Scale and design
4. Impact on the Conservation Area, including works affecting trees
5. Residential amenity
6. Access, parking and highway Impact
7. Impact on River Avon SAC

3. Site Description

15 Tollgate Road (currently known as Alabare House) is a substantial two-storey property last in use as a 'Religious Retreat' and associated Bed and Breakfast accommodation comprising 8 letting rooms. It was formerly "Burleigh House" nursing home, a C2 use as a residential institution until approximately 2002.

The 0.17 ha site is accessed from Tollgate Road via an existing gated, single width access drive between 11 Tollgate Road, a commercial building with residential use above, and 21 Tollgate Road, a private residential property.

The existing building, which has been subject to minor alterations and extension during its previous uses, is set well back within the site and due to the length and narrowness of the access drive has no street frontage, glimpses of the property can be gained from the access from Tollgate Road, the property is surrounded on all sides by other residential buildings, those which front Rampart Road and those which are accessed from Fowlers Road. There is an informal gravelled parking area, garden area and small garage and bin store area to the front of the building and a landscaped garden to the rear which tapers to a point. Mature trees form the side boundary with No 28A Fowlers Road and mature trees to the southern part of the site on the boundary with the rear of Rampart Road are noted as 'Important Trees' within the Conservation Area Appraisal.

The application site lies toward the southern extent of the Milford Hill Conservation Area, on the outer edge of the ring road but within close walking distance to the city centre of Salisbury. Although not readily visible from public vantage points, the original element of Alabare House is noted as making a 'Positive Contribution to the Conservation Area' due to its status as a significant building.

4. Planning History

S/1998/0884 - RENEWAL OF PERMISSION S/93/0029 - ALTERATIONS AND EXTENSION TO NURSING HOME TO PROVIDE ONE ADDITIONAL BEDSPACE (Burleigh House) - Approved

S/1999/0897 - PART SINGLE/PART TWO STOREY REAR EXTENSION (Burleigh House) – Approved

S/2000/2308 - ERECTION OF CONSERVATORY (Burleigh House) - Approved

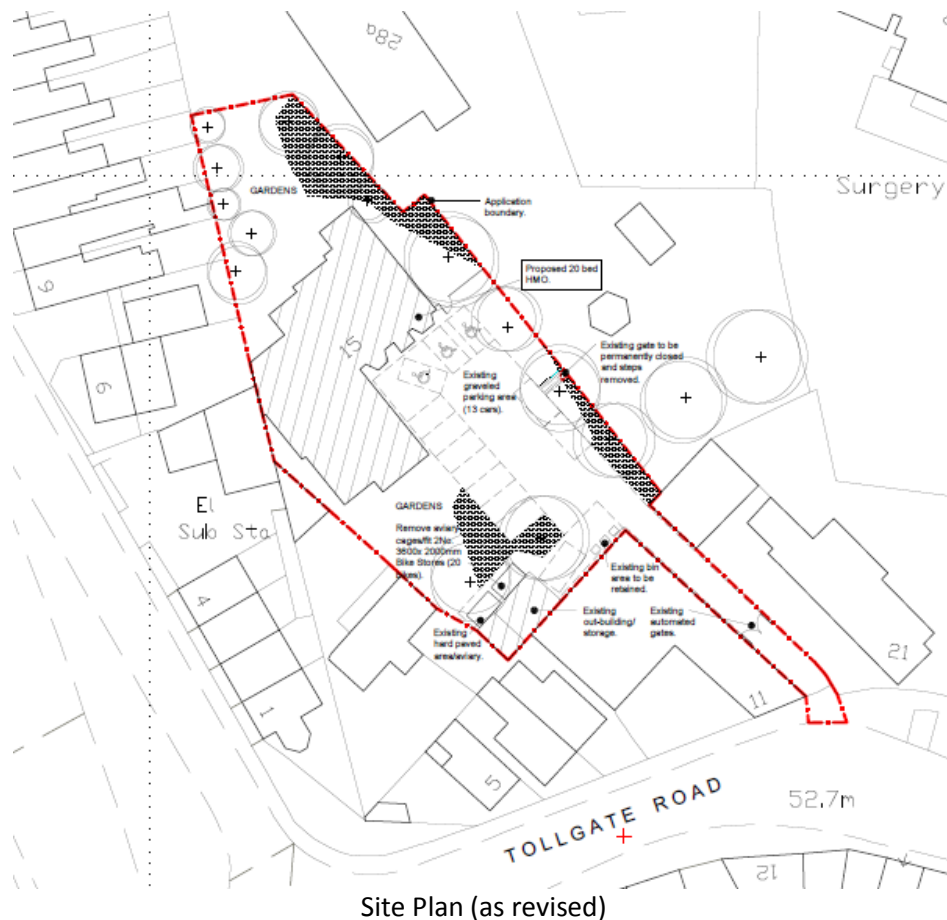
S/2002/2132 - TO INCLUDE BED AND BREAKFAST ACCOMMODATION - Approved

S/2007/2177 - REPLACEMENT PVCU BAY WINDOWS REPLACING PVC CLAD WOODEN WITH SIMILAR PVC - Approved

5. The Proposal

The proposal is for the change of use of the current Religious Retreat and B&B accommodation to a house in multiple occupancy (HMO). The proposed use comprises 20 bedrooms, some with en-suite bathrooms/WC, shared kitchen, living and dining room, laundry room and shared bathrooms. The application states that no extensions or external alterations are proposed to the existing building although it is noted that some windows will need to be replaced to provide suitable fenestration for means of escape purposes. All habitable accommodation would be at ground and first floor levels, with storage and laundry facilities at basement level and within the roofspace.

The proposal would comprise the formalisation of the car parking area to the front of the building to provide 13 spaces, including 2 x spaces for those with disabilities. The application states that no trees or other landscape features will be impacted upon by the proposal. A secure undercover bike store for up to 10 bikes is also proposed. As a result of negotiations during the application, revised plans have been submitted to show the bin store retained in the same area as existing together with the addition of the bike store area.



6. Local Planning Policy

Planning (Listed Building and Conservation Areas) Act 1990

Section 72: General duties of planning authorities

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 20 – Spatial Strategy for the Salisbury Community Area

Core Policy 22 - Salisbury Skyline

Core Policy 40 - Hotels, bed and breakfasts, guest houses and conference facilities

Core Policy 43 – Providing Affordable Homes

Core Policy 45 - Meeting Wiltshire's housing needs

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 60 – Sustainable Transport

Core Policy 61 – Transport and New Development
Core Policy 62 - Development impacts on the transport network
Core Policy 63 - Transport strategies
Core Policy 64 - Demand management
Core Policy 69 - (Protection of the River Avon SAC)

Salisbury District Local Plan (2003)

Saved Policy H8 – Housing Policy Boundary (Salisbury HPB)
H7 (Housing: Salisbury Central Area)?
R2 (Recreational Open Space)?

Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy

Chapter 7: Parking Standards
Policy PS6 - Residential parking standards

National Planning Policy Framework 2019

In particular: Section 4 (decision making); Section 5 (delivering a sufficient supply of homes); Section 9 (promoting sustainable transport); Section 11 (making effective use of land); Section 12 (achieving well- designed places); Section 16 (conserving and enhancing the historic environment)

Government Planning Practice Guidance

Salisbury City Conservation Area Appraisal and Management Plan

National Design Guide (September 2019)

Habitat Regulations 2017

7. Summary of consultation responses

Salisbury City Council –

- SCC objects because of overdevelopment and lack of parking spaces.
- SCC asks that WC notes letters of objection.

WC Conservation –

- There are no changes to the building or its access.
- I see no cause for any concern with regard to the proposals and the character of the Milford Hill Conservation Area.

WC Highways –

Response (1)

- The property has a former recent use as a B&B and before that I understand it was a nursing home.
- The existing floor plans seem to show more bedrooms than the suggested 8 – I have counted 17/18 bedrooms, please can I request clarification.
- A provision for the parking of 13 vehicles is proposed within the site curtilage, together with 10 cycle spaces.
- There are no specific car parking standards for HMOs and each site is considered on its location and impact on the local highway network.
- However, as a comparison, the current parking standard for a hotel or hostel is 1 parking space per bedroom, and the residential C3 parking standard for a 1x bed dwelling is also 1 space, but again this does depend on location.
- The parking requirement is based on number of bedrooms rather than potential number of residents.

- I would expect the cycle parking to accord with the requirement for C3 use (as per the Wiltshire Cycle Strategy contained within the LTP3) of 1 covered space per bedroom plus one additional visitors cycle space.
- Policy PS6 in the LTP Car Parking Strategy allows for a reduced residential parking requirement where: parking demand is likely to be low; and where any parking overspill can be controlled.
- Whilst the site is not located within the city centre, it is close to the centre (around 500 metres) where employment opportunities and services/facilities are readily accessible by non-car modes.
- Sustainable travel options are available within acceptable walking distances to locations in other parts of Salisbury, Wiltshire and beyond; there are bus stops close by offering regular services to a variety of destinations.
- Controlled Parking Zones are operated in Salisbury.
- Tollgate Road is within Zone C where limited parking is allowed for non-permit holders.
- It is unlikely that any future residents would be issued with a parking permit given the general pressures on on-street parking; however, even with a permit on-street parking is not guaranteed for any residents.
- There are a number of public car parks located within the city centre which could be used by visitors, if not residents.
- Salisbury Transport Strategy, Salisbury Central Area Framework and People Friendly Salisbury initiatives all have a common thread of reducing the need to travel by car and improving accessibility to other more sustainable travel modes within Salisbury.
- There is a strong emphasis on reducing traffic flows through Salisbury whilst encouraging walking, cycling and public transport use through measures such as infrastructure improvements, better facilities for pedestrians and priority schemes.
- With these enhancements to the city's connectivity and sustainable travel options being encouraged, the desirable outcome is that car dependence and thus car ownership should reduce.
- It is quite feasible that some future residents could live within the proposed development without requiring access to a car.
- I have dealt with other planning applications for HMOs in the Salisbury area and for large developments of apartments and I am generally of the view that a relaxation in parking is appropriate when the proposal is for a conversion of an existing building (rather than new build) and especially when the residential units are less likely to appeal to families.
- When development is for a number of units and there is competition for on-street parking spaces, a balance must be reached considering all factors.
- It would be useful to understand how the site would be serviced, in terms of deliveries and refuse collection.
- The proposed parking layout leaves little space for vehicles to turn if all spaces are occupied, where is it anticipated that vehicles will turn?
- And how would the parking spaces be allocated?
- It would also help to receive details of previous vehicle movements, if known, in order to make a comparison.

Response (2)

- I note that the HMO will be specifically for keyworkers and each room only for single occupation, meaning that the proposed 20 rooms will be occupied by 20 people.

- We have the advantage of car usage data from other Wessex Care accommodation which gives an idea of car ownership in this sector.
- These statistics have been supplied and clearly show general low car ownership for keyworkers living in Wessex Care accommodation.
- Due to the limitations of the site it is not possible to provide car parking to meet the residential parking standard of 1 space per 1 bed unit; however, this is a location where I would accept a relaxation in the parking provision for residential.
- In my initial observations I mentioned Policy PS6 (contained within the LTP Car Parking Strategy) which allows for a reduced residential parking allocation where: parking demand is likely to be low; and where any parking overspill can be controlled.
- I am of the view that this proposal meets both of these requirements.
- The site is close to the city centre and is well served by public transport.
- On-street parking is managed by residents permits/double yellow lines.
- Tollgate Road is able to accommodate the vehicle movements generated by this proposal.
- Whilst the access road to the site is of single vehicle width, this is as per the existing arrangement.
- The footway across the site frontage is wide and thus allows for reasonable visibility for and of emerging vehicles.
- I note that concerns relating to the proposal are based on either insufficient parking or an increase in vehicle activity.
- The proposed provision of 13 parking spaces provides a balance between accommodating the likely associated vehicles without over-providing and placing additional demands on the access.
- This is a brown field site containing a substantial building with a former use for B&B, providing 11 rooms of accommodation, and a religious retreat which offered day seminars, with associated parking need.
- I am generally of the view that a relaxation in parking is appropriate when the proposal is for a conversion of an existing building (rather than new build) and especially when the residential units are less likely to appeal to families.
- I have considered the proposal in light of the additional supporting information and I am in favour of the proposal subject to detail of the servicing/ refuse collection and deliveries to the site and how these movements will be accommodated.

WC Public Protection –

- The development is an intensification of an existing property and we do have some concern regarding the level of occupancy compared with parking provision, with no apparent provision for visitor parking.
- Tollgate Road is already subject to congestion and more on street parking (implied by the lack of onsite parking) is likely to exacerbate this.
- This will potentially have an impact on Air Quality on this road.
- Given the level of parking required and national policy to achieve Zero Emissions by 2035, I would recommend provision is made for at least two electric car charging points on the development site if the application is approved.
- I recommend the following condition is applied to any approval of this application.
 “No construction or demolition work shall take place on Sundays or Bank/Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays”.

WC Private Sector Housing (Licensing) –

- I appreciate that HMO standards for licensing are not within the scope of planning
- The applicant may wish to make contact with Private Sector Housing to discuss the proposed level of amenity and that required to comply with the Housing Act 2004
- The planning approval does not guarantee compliance with any HMO standards under the Act (and vice versa)
- The information contained in the planning application is insufficient for a detailed consideration
- Given the numbers of persons being accommodated, there may be some issues with the kitchen arrangements
- Standards would typically require the following –
 - A kitchen should be situated on the same floor as the occupancy
 - A shared kitchen providing at least 3m² floorspace per person.
 - Worktop of at least 0.5m² per letting.
 - Cooker with 4 rings & grill/oven at a ratio of 1:3 persons.
 - Food storage (min capacity 0.16 cubic metres) per person and a refrigerator (minimum capacity 0.15 cubic metres (150 litres)) with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers) for every three persons using the facilities.
 - A minimum of two electric sockets, in addition to any serving major appliances set at a convenient height and safe position for every six persons sharing the kitchen.
 - Sufficient refuse disposal facilities
- We would also review the heating and sanitary arrangements
- Because of the numbers of proposed occupiers we would need to consult with Dorset & Wilts Fire in respect of fire safety requirements
- The above are not set in stone or mandatory, we would have to give consideration to many factors.
- Providing all required certification and documentation could be provided a license would be granted and any unsatisfactory amenity standards remedied through enforcement action under the Housing Act
- Where HMO's do have serious shortcomings the licence could restrict the number of permitted occupants until such time is the situation is remedied

Revised Plans:

- The arrangement is an improvement for HMO purposes
- I can't say categorically until I receive the HMO application which will provide the level of detail required to make a decision
- Whilst the fire safety provision would ordinarily be satisfactory for this type of HMO, my concern is with the means of escape and the numbers of tenants who could be using it in the event of a fire
- I will need to consult with DWFire and seek their recommendations

WC Arboricultural Officer -

- No objection subject to condition. I suggest the following:

No development shall take place on site, including ground works, storage of materials or other preparatory work, until a Detailed Arboricultural Method Statement and Plan have been submitted to the Local Planning Authority (and approved in writing) to demonstrate how infrastructure (parking, bin and cycle stores etc) can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). The plan should include details of any level changes where required. Thereafter the development shall be undertaken only in accordance with the approved details,

unless the Local Planning Authority has given its prior written consent to any variation.

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

WC Director of Joint Commissioning –

- Wessex Care support and supply key Health & Social Care services to Wiltshire Council and the NHS-they are our key partner in the south of the county.
- Provision of essential Key Worker accommodation for nurses and other health and social care professionals close to their place and area of work is essential to maintain this important and vital service.
- This has never been so important due to COVID and the recruitment and retention of key staff to deliver these essential services.
- This type of accommodation is in very short supply in Salisbury and the South of Wiltshire
- We would support this application to convert what was a nursing home and latterly a B&B for this important use.

8. Publicity

The application was publicised by newspaper advertisement, site notice and neighbour notification to properties immediately adjacent to the site. A number of representations have been received in objection to the proposal from the following neighbouring addresses:

4 and 21 Tollgate Road;
28A, 34 and Apothecary House, Fowlers Road;
9 Rampart Road

Comments are summarised as follows:

- Previous use was limited and generally did not cause nuisance/disturbance
- Restrictions were imposed on previous planning permission
- Use was seasonal and rarely at capacity
- For planning purposes the building is no longer a B&B
- Adverse change to the character and community of Tollgate Road
- Substantial intensification of use and disturbance
- Too many bedrooms / overcrowding / overdevelopment
- 20 double rooms would result in potentially 40 occupants
- Number of tenants is excessively high for size of property
- Inadequate communal facilities/amenities/standard of accommodation for number of occupiers
- Inevitable public nuisance/impact on neighbouring properties
- Potential noise and disturbance from shift workers at all hours
- More residents equals more noise, particularly at night
- Damaging to access, enjoyment and lifestyle of existing inhabitants

- Pollution to neighbours from gathering outside to smoke
- B&B visitors did not use the garden giving neighbours privacy/quietness
- 40 people working shifts could create noise 24 hours a day
- Very limited internal social space would increase use of gardens/driveway
- Substantial increase in traffic (residents/deliveries/visitors)
- Inadequate parking (13 spaces) on site for 20 rooms/40 occupants
- Parking for 13 cars would need meticulous parking
- Capacity of parking area would cause chaos when people leave
- Added pressure on on-street parking
- Increase in dangerous/haphazard parking
- Narrow access on double bend with poor sightlines
- Situated on a busy/over-trafficked road – alternative ‘rat run’ to Southampton Road
- Vehicles using access are frequently damaged due to the awkward angle
- There will be no contractual obligation for tenants to walk
- Most tenants may still have vehicles for personal use
- We presume the policy of one parking space per room would apply
- Concern with waste storage/collection – proposal would triple rubbish created
- Who will put the bins out/where on Tollgate Road would they be located?
- Who will be responsible for keeping bin storage areas tidy and clean?
- HMO’s are notorious for unkempt bin areas
- Noise, light disruption and smell from use of bins/cycle sheds on adjacent properties
- Maximising occupancy/income not standard/comfort of accommodation
- Unreasonable to ‘pack’ people in to confined spaces
- Amenities for occupiers are inadequate – in particular kitchens/bathrooms
- Kitchen/dining/sitting rooms are impractically small
- Use of takeaways/food deliveries would lead to litter and rubbish removal
- People living and eating in bedrooms lowers their standard of living
- If tenants use takeaway food it will be more vehicle movements/noise/waste disposal/vermin
- Unsuitable for keyworkers
- Impossible to self-isolate in share facilities/impact on employers if virus spread
- Inadequate infrastructure
- No owner on site to enforce/minimise impacts
- Maximum of 8 double rooms would be appropriate/sensible level of occupation
- Proximity and relationship of access to primary windows of 21 Tollgate Road
- Increase in courier deliveries to residential dwellings multiple times/all day
- The property is advertised for sale as having 14 bedrooms
- Tenants would be encouraged to go outside for recreation
- The proposed change to HMO allows owner/proposer excessive flexibility
- A more restrictive use class (C1 Boarding House) may be more appropriate
- Any permission should include restrictions to limit future scope and use
- A member of staff should be on site

- Core Policy 57 Part vii requires the consideration of ... pollution such as light intrusion, noise, smoke, fumes...”
- Original restrictions from 2002 should be honoured - There were clearly reasons for limiting guest rooms to 8
- Repeated references to “key workers” as emotional leverage/to lend a respectability gloss to a commercial enterprise
- Many errors within the submitted application and plans noted.
- Impact on trees which are important trees” within the CA Appraisal
- Massive effect on the landscaping of trees and hedging due to location of bin storage area being relocated
- Major building works to form retaining walls/concrete hardstanding
- Devastating impact on root system of the trees
- Question reference to Fire Certificate and compartmentation
- Has the Fire Authority been consulted?
- Plans outlining existing status are totally inaccurate in terms of layout and use
- Compliance with Part E of the Building Regulations (sound transference between rooms) is not shown
- Means of Escape windows will change external fenestration
- Room 9 has no external window and cannot have fire escape window on boundary
- Car park layout gives impression it is existing, it is not
- There are no markings or designations on site
- Parking area would involve removal of established trees and shrubs
- Space 12 would affect the root system of a large tree located within 500mm
- Application states there will be no materials used - installation of bin store and bicycle shed would require major building works
- The garden of 28A Fowlers Road is 1650mm above the side path of Alabare House
- Excavations, structural foundations and retaining walls are necessary
- 28A Fowlers Road has a legal Right of Way from rear garden into site and onto Tollgate Road
- The trees and shrubs form a unique greenspace in a sea of concrete
- They provide a unique Ecosystem attracting multiple species
- Gaps and tunnels to the fenced boundaries have been maintained so that mammals, listed on the UK BAP Terrestrial Species 2007 list, can move freely
- Multiple feeding stations for the birds have been maintained
- We also have night visits from Barn Owls and Bats (protected species)
- Suggest an Environmental Assessment to identify potential disruption
- Submitted plans are inaccurate in labelling use of existing rooms (Plan 20/3314/102A)
- Site plan showing trees, shrubs, embankments, borders, parking are majorly inaccurate
- The steps forming the Right of Way are missing from plans
- Will the existing electrical, water and gas services be sufficient for 40 tenants?
- Will the 2 part time jobs be dedicated to this proposal?
- How will they deal with smoking?

- We are not fooled by use of “key worker” status to win sympathy for overdevelopment
- We believe the applicant already has property available for staff

Wessex Care have provided the following information regarding car ownership of current employees in support of the proposal:

Support:

- Our of 152 car staff, 23 have and use a car to travel to work, the rest use public transport, walk or cycle – 15% of work force use a car
- We currently have 22 members of staff living Wessex Care owned or rented accommodation – only 2 of those have cars – 9%
- The total staff, including Community, HQ and Maintenance is 182 with 42 using a car – 23% of total work force.

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. This requirement is reiterated by the NPPF, which is a material consideration in the decision making process.

9.1 Existing use

The planning history indicates that the property was used as a Nursing Home (Burleigh House), a C2 “Residential institutions” use until approximately 2000-2001. By 2002, the property became a “Religious Retreat”, a use which was also caught under the C2 use class. It is important to note that non-residential educational facilities fell within the D1 (Non-residential institutions) Use Class (now superseded), indicating that the primary use of the building continued to be residential. In addition, permission was sought, and approved, for part of the building, comprising 8 bedrooms, to be used for Bed and Breakfast accommodation, which fell outside of the definition of a residential institution and introduced an element of C1 “Hotel/Boarding and Guest House” accommodation. This permission included a condition to the effect that if the use as a religious retreat ceased, the B&B use would also cease:

“If the Primary use of the building as a religious house offering retreats and study courses (use Class C2) ceases then the incidental Bed and Breakfast use shall also cease”

Without the permitted B&B use, which was temporary and specific to the use of the building as a Religious Retreat operated by Alabare, both of the previous uses identified by the planning history were C2 Residential Institution uses. This use class includes the following:

- Residential care homes,
- Hospitals,
- Nursing homes,
- Boarding schools,
- Residential colleges and training centres

Although the permitted B&B use was limited to 8 bedrooms, there are no other specific restrictions on the residential occupancy of the building, the remainder of the building could have been occupied for residential use relating to religious education/training on a more permanent basis than temporary B&B types stays. There is also nothing in the 2002 permission which would have precluded the use of the 8 B&B rooms for more permanent residential occupation throughout the educational term or year. As such, it can reasonably be assumed that in all other scenarios permitted by C2 use, including the religious retreat, that the building would be occupied for residential purposes associated with either educational or medical/care facilities up to the maximum capacity of the building to accommodate such occupation. The comparisons made in respect of the intensification of use from 8 B&B rooms to 20 bedrooms in an HMO do not take account of the remainder of the building being put to C2 use, or the former C2 use of the building and the nature of occupation that the cessation of B&B use could allow for without any material change of use of the building.

9.2 Principle of the proposed change of use

Wiltshire Core Policy 1 (Settlement Strategy) identifies settlements where sustainable development will take place. Salisbury is categorised as a ‘Principal Settlement’, which is a strategically important centre and the primary focus of development. Core Policy 2 (Delivery Strategy) states that a more detailed distribution is set out in the Community Area Strategies and development proposals should also be in general conformity with these. Core Policy 2 includes the following statement:

“...Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages...”.

The application site lies at the edge of the central area of the city in an urban built up and predominantly residential part of the city, to the east of the main commercial city centre and A36 (Ring road). In terms of local planning policy, the principle of residential development in this location is considered acceptable. The application site lies within the Salisbury Housing Policy Boundary to which saved Policy H8 is applicable to the proposal, where infill and small-scale residential development (including change of use) is considered to be acceptable in principle, subject to other relevant policies where applicable.

Core Policy 40 is generally permissive towards new hotels, bed and breakfasts, guest houses and conference facilities in Principal Settlements, subject to specified criteria and seeks to resist the change of use of existing bed spaces to alternative uses unless it

can be clearly demonstrated there is no longer a need for such a facility in either its current use or in any other form of tourism, leisure, arts, entertainment or cultural use.

The supporting text states:

“...”There is a lack of both budget and high quality leisure accommodation within parts of Wiltshire, particularly to the south. For example, Salisbury is less successful in attracting business visitors than other, similar destinations and does not have the conference facilities needed for large events. With respect to hotel facilities, planning permission has been too easily obtained for change of use of some hotels away from tourist provision, for example to residential use, and this is further exacerbating the shortfall in bed space...”.

As the planning history indicates that the approved B&B use should cease in the event of the use of the building for a Religious Retreat also ceasing, the provision of holiday accommodation was both specific to religious education and training and temporary in so far as the tourism uses was inseparable from the primary use. On this basis, consideration of the loss of accommodation against Core Policy 40 is attributed very limited weight in the planning balance when assessed against the building’s primary and historic use for residential institution accommodation.

The proposal does not provide for new self-contained residential dwellings, however it is recognised that the proposal would contribute to local housing land supply for this particular type of accommodation, for which the applicant has indicated a need for Wessex Care employees, many of whom will be termed ‘keyworkers’. It is however not essential that potential occupiers are either employed by Wessex Care or defined as key workers in order to be in need of accommodation close to the city centre and its transport links.

The Council’s housing land supply figure is marginally under 5yrs as required by the NPPF. It is acknowledged that this site is in an area where the principle of residential development can be considered acceptable in housing policy terms and in that respect the ‘tilted balance’ in favour of sustainable development in the context of Paragraph 11 of the NPPF has no additional relevance regarding the acceptability of the principle of development. However, in the planning balance, the proposed HMO accommodation in a single shared building/dwelling would contribute to meeting housing need for this specific type of accommodation. The Council’s Director of Joint Commissioning has advised that the provision of essential Key Worker accommodation for nurses and other health and social care professionals close to their place and area of work is essential to maintain important and vital services and that this type of accommodation is in very short supply in Salisbury and the South of Wiltshire. The scheme provides benefits in terms of a specific, identified housing need, such benefits would be modest in terms of number. Any associated public benefits of a socio, economic or environmental nature would be limited in scale.

9.3 Scale and Design

The proposal is for a change of use and the applicant has confirmed that no extension or alterations to the building form part of the application. Third parties identify that the proposal references changes to windows to provide means of escape compliant windows. Any changes necessary to the external fabric or appearance of the building to satisfy Building Regulations or HMO licensing requirements may need to be subject to planning permission for operational development, this does not preclude the consideration of the capacity of the building to accommodate an HMO use in principle. An Informative can be added on any planning permission to this affect. As submitted, the proposal would have no impact on the external appearance of the building.

The proposal does include alterations to the grounds of the building, the nature and scope of these have been amended and re-consulted on during the course of the application. As a result of the submitted revisions, the bin store area is to remain in its current location closest to the access and cycle storage is to be added in this area. The existing gravelled area is also to formally laid out to provide marked parking spaces for up to 13 vehicles. Such elements would not be visible from the public highway and as such there would be no impact on the streetscene.

Significant objection to the scale of the HMO use has been received with all third parties in agreement that the provision of 20 double bedrooms (up to 40 occupiers) is disproportionate the size of the building and site and the internal communal areas. The adequacy of the parking space is considered later in the report. Changes to the internal layout have been made and reconsulted on. The total number of bedrooms has not been reduced, however more of the bedrooms now include en-suite facilities and the kitchen space has been enlarged. It is also stated that although the size of bedrooms meets the minimum size for double occupancy, the tenancy will be for single occupancy. In land use terms, the building is considered suitable for an HMO use, having previously been a nursing home there is no planning reason that such a use could not be considered appropriate.

All HMO's accommodating more than 6 unrelated persons fall outside the C4 use class and are a 'sui generis' use. Larger HMO's are required to be licensed. The licensing regime is responsible for ensuring that the amenity standards for occupiers achieve a necessary standard. In practical terms this means that whilst planning permission could be granted for the proposed layout, restrictions on the number of bedrooms or occupiers can be imposed under the licence. If the applicant stipulates that bedrooms are for single occupancy in the licence application the licence would reflect that and is a more efficient form of regulation than planning conditions. The submitted layout therefore would represents a maximum, since there is no scope to increase occupancy. In considering the previous C2 uses of the building and as a result of the revised internal layout, officers are satisfied that the scale and of use and design can be considered acceptable in planning terms and would not justify refusal on these grounds.

9.4 Impact on Conservation Area, including trees

Core Policy CP58 (Ensuring the Protection of the Historic Environment) of the adopted WCS indicates that development should protect, conserve and where possible enhance the historic environment and designated heritage assets and their settings should be conserved, and where appropriate enhanced in a manner appropriate to their significance.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The site is within the Milford Hill Conservation Area consideration is required to be had to the impact of the proposed development on designated and non-designated heritage assets.

The NPPF (Section 16) states:

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The NPPF (paragraph 193) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

As highlighted in the preceding section, the current application for change of use includes no alterations to the building although it is noted that changes to the fenestration may be required to satisfy other regulatory powers and the visual impact of such will be considered in any subsequent application. The scope of external works within the grounds of the building area are also highlighted in the preceding section. In terms of the

proposed operational development this would not be seen from the public realm and as such the character and appearance of the Conservation Area would be preserved. Consultation has been undertaken with the Conservation Officer who confirms that the proposal would not harm the Conservation Area.

However, the impact of works on trees within the Conservation Area is an important consideration, particularly the trees closest to the south-western boundary which are noted in the Conservation Area Appraisal for their contribution. Accordingly, the Arboricultural Officer has been consulted to ensure that appropriate measures are taken to protect existing trees during any groundworks or provision of ancillary structures. Following the submission of a tree report, it is confirmed that there are no objections to the proposal, subject to a pre-commencement condition to the effect that no development including ground works, storage of materials or other preparatory work shall take place until a Detailed Arboricultural Method Statement and Plan have been submitted to demonstrate that the parking, bin and cycle stores can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). This will ensure that the trees are retained in the interests of amenity and the character and appearance of the Conservation Area.

Having regard to local and national planning policy and Section 72 of the P(LBCA) Act, as referred to above, it is judged that the proposed change of use will have no material impact or harm to the character and appearance of the Conservation Area.

9.5 Residential amenity/Impact on adjoining neighbours

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to:

“...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)”.

The NPPF at paragraph 127(f) states that the planning system should seek to secure a high quality design and good standard of amenity for all existing and future occupiers of land and buildings. There are two issues here, the impact of the proposal on the amenities of neighbours and the standard of accommodation for future occupiers.

Impact on adjacent properties

The neighbouring properties in the vicinity are predominantly in residential uses as houses and apartments, No. 11 which adjoins the entrance to the site is commercial offices with residential use above. The proposal would potentially result in a more intensive use of the building for permanent residential accommodation as an HMO than the former residential institution use, with or without associated B&B use. It would comprise 20 rooms and shared living/dining and kitchen areas on the ground floor.

As there are no extensions to the building, it could theoretically be occupied by the same or similar number of people. Associated movements and activity would vary according to whether residential occupation was related to education or medical/care institution, which fall within the same use class, as set out above. It is acknowledged that the associated activity of occupiers and visitors specifically to the former religious retreat/training facility and its B&B may have been at the lower end, equally planning permission would not have

been necessary if the religious retreat had operated a 'boarding school' type of educational facility.

The use prior to it being occupied by Alabare was a nursing home which would have generated a comparable degree of activity from staff and visitors even where residents may not have frequently left the premises. Although in an urban location close to the city centre, the site is in a predominantly residential area where residents enjoy a relatively quiet location with little commercial activity. In principle, an HMO is a residential use and in principle would be compatible with the prevailing character of the area. Indeed, planning permission is not required (i.e. PD) to change the use of any house (Class C3) to a house in multiple occupancy for between 3 to 6 unrelated persons (Class C4). The current proposal would clearly exceed this number, with the revisions to the layout of the communal areas, the scale of use does not appear excessive for the size of the property since it can be accommodated without increasing the scale of the building.

Numerous third party objections have been received on the impact on the amenity of the local community as a result of the use of the building as an HMO, including the number of potential occupants, overcrowding, noise and disturbance and parking issues, the latter is addressed in the subsequent section. The potential for concern regarding the significance of perceived problems which are identified due to the number of rooms to be provided is noted, however in principle the proposed residential use would not be incompatible with the locality. The potential for noise and disturbance is related more to individual behaviour than the number of people, a lesser number of rooms would not by default ensure a measurable reduction in noise and disturbance caused by movement and activity outside the building for adjacent residents. The location of the communal bin store area is to be retained in its current location.

The Council's Public Protection Team (EHO) has raised no objection in relation to residential amenity other than to comment on parking and construction hours, which are dealt with in the subsequent section and by recommended condition respectively. Advice has also been sought from the Licensing Officer and it is confirmed that an HMO for this number of occupiers will be subject to an HMO licence. This will cover areas of consideration that are outside the scope of planning, however it does include the management of the building which would address some of the areas of concern for the impact on adjacent residents. Given that this proposal is for a residential use within a predominantly residential area, the change of use is not considered that it is likely to result in undue levels of noise and disturbance for the occupiers of neighbouring properties to support a reason for refusal on the grounds of significant adverse impact on nearby residential amenity.

Living conditions for the proposed occupants

In addition to the potential for impact on neighbours, the proposal for a 20 bedroom HMO has raised concerns regarding the standard of accommodation for future occupiers. As noted above, advice has been sought from the Council's Private Sector Housing Officer and as a result revised plans have been submitted to increase the proportion of communal space, including an increase in the number of bedrooms with en-suite facilities and larger kitchen area.

From the revised layout, the internal layout does not appear unduly cramped/poor. The occupants would have access to shared cooking, laundry, living and dining room areas and shared bathrooms where no en-suite is provided. All bedrooms would be provided with an openable window (this may be subject to planning permission if the size of window is enlarged or altered significantly) and therefore have a reasonable outlook and

access to natural light. There would be a communal garden area as well as parking and cycle storage and external refuse storage (parking is considered in the subsequent section).

Notwithstanding the above, the proposed use will require a separate HMO Licence from the Council as the local licencing authority for HMOs. This will include assessment of the standard and management of the HMO, including the matters relating to room sizes, communal facilities and number of residents and a range of other criteria including heating and sanitary arrangements and fire safety requirements. However, this is a separate regulatory process and requirement. It would not override the need for planning permission, or vice versa, and is independent of whether planning permission is granted or not.

The purpose of the planning application is not to duplicate the controls of the licensing regime although it is recognised that there is some overlap between providing adequate amenity standards for new residential accommodation in general and the more specific requirements of the Housing Act.2004. Whilst the information contained in the planning application is insufficient for detailed consideration in respect of licensing and there may be some issues with the internal arrangement which will need to be reviewed for the HMO licence, it is sufficient to conclude that the standard of amenity for future occupiers meets the basic requirement for day to day living for the type of accommodation proposed. In the event that the layout or structure of the building does have serious shortcomings to accommodate the number of bedrooms/occupiers proposed it is possible for the license to restrict the number of permitted occupants. This would not preclude planning permission being granted for the layout at set out.

9.6 Access, Parking and Highway Impact

The existing access is narrow and constrained by the adjacent buildings. There is no scope to improve the means of access. Taking into account that this is an existing access and the nature of the previous use, the Highways Authority has not raised any specific concerns or objections to the means of access for the proposed land use.

The Highways Officer advises that there are no specific car parking standards for HMOs and each site is considered on its location and impact on the local highway network. The number of bedrooms in the proposed HMO exceeds the number of car parking spaces that can be provided within the site curtilage. The site layout plan shows that a maximum of 13 spaces can be achieved, with secure, covered cycle storage. Third party objections indicate significant concern that the occupiers' requirements for parking would not be met and that this would result in pressure for on-street parking in an area which is already busy and restricted. The highways officer acknowledges that due to the limitations of the site it is not possible to provide car parking to meet the residential parking standard of 1 space per 1 bed unit but considers that the location is one where a relaxation in the parking provision for residential use would be accepted. This observation is based on Policy PS6 (contained within the LTP Car Parking Strategy) which allows for a reduced residential parking allocation where parking demand is likely to be low; and where any parking overspill can be controlled. The site is close to the city centre and is well served by public transport and on-street parking is managed by residents permits/double yellow lines. The car usage data from other Wessex Care accommodation gives an indication that the car ownership is likely to be less than the parking provision which can be achieved on site. In the Highway Officer's opinion, Tollgate Road is able to

accommodate the vehicle movements generated by this proposal. Whilst the access road to the site is of single vehicle width, this is as per the existing arrangement and the footway across the site frontage is wide and thus allows for reasonable visibility for and of emerging vehicles. Taking into consideration that the proposal is for the change of use of an existing building rather than a new build the proposal is supported subject to detail of the servicing/refuse collection and deliveries to the site and how these movements will be accommodated.

9.7 River Avon SAC

This development falls within the catchment of the River Avon SAC. Whilst the proposal is a change of use of an existing habitable building, any resultant intensification of residential occupation would have the potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinet's resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a generic appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and generic appropriate assessment, it is concluded that it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC. However, in such this would mean that any new residential development in this location would be subject to a standard condition as follows:

“The dwelling(s) hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with. REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation.”

10. Conclusion (The Planning Balance)

In the planning balance, the principle of a residential use is acceptable in policy terms and compatible with the predominantly residential area. The proposed HMO accommodation in a single shared building/dwelling would contribute to meeting housing

need for this specific type of accommodation which is identified by the applicant; the Council's Director of Joint Commissioning advises that there is a shortfall in this type of accommodation in Salisbury and South Wiltshire. The scheme therefore provides benefits in terms of a specific, identified housing need. The scheme has the support of the highways officer who concludes that proposed access and parking provision is acceptable given that the proposal is the conversion of an existing building and is in close proximity to the city centre. There would be no harm to the Conservation Area, subject to a condition to ensure that important trees are protected from any hard landscaping works. There is significant local objection on amenity grounds from local residents however a residential use is not incompatible with other residential uses and there would be no alterations or extensions to the building that would introduce harmful impacts on amenity. The HMO use will be subject to a licence under the Housing Act 2004 which will consider the management, amenity and safety of occupiers. The benefits in terms of housing supply would be modest in terms of number but address a specific need for this type of accommodation. Any associated public benefits of a socio, economic or environmental nature would be limited in scale, however whilst noting the strength of objection from neighbouring residents, there are no material considerations which would indicate that impacts of the proposal would outweigh the identified benefits. Accordingly, the recommendation is one of approval.

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:

20-3314-200-C Proposed Site Plan October 2020 Revision C dated 13.1.2021

20-3314-201-A Proposed Basement Plan October 2020 Revision A dated 13.1.2021

20-3314-202-B Proposed Ground Floor Plan October 2020 Revision B dated 13.1.2021

20-3314-203-B Proposed First Floor Plan October 2020 Revision B dated 13.1.2021

20-3314-204-A Proposed Section Floor Plan October 2020 Revision A dated 13.1.2021

20-3314-205-A Proposed Roof Plan October 2020 Revision A dated 13.1.2021

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

- 3 No development other than internal works to the existing building shall take place within the site boundary, including ground works, storage of materials or other preparatory work, until a Detailed Arboricultural Method Statement and Plan have been submitted to the Local Planning Authority (and approved in writing) to demonstrate how infrastructure (parking, bin and cycle stores etc) can be constructed without causing damage to adjacent trees (T1, T2 and T3 in particular). The plan should include details of any level changes where required. Thereafter the development shall be undertaken only in accordance with the approved details,

unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees growing within or adjacent to the site is adequately protected during the period of construction. A pre-commencement is necessary to ensure that the potential for impact on trees is identified prior to works being undertaken

- 4 The building shall not be occupied as a house in multiple occupancy until the parking spaces have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

- 5 No part of the development shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

- 6 The development hereby permitted shall not be occupied until the refuse and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

- 7 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

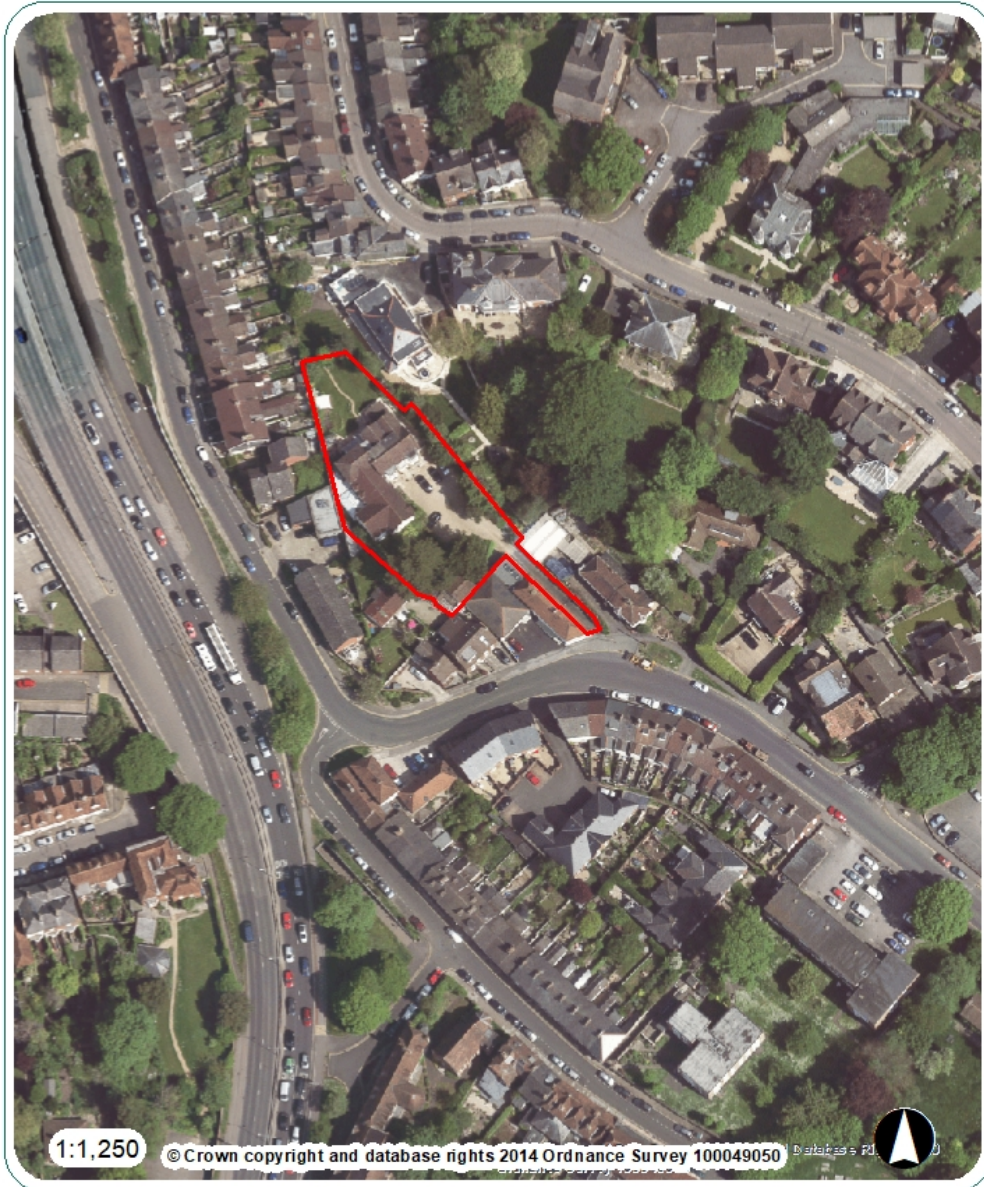
REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

INFORMATIVES TO APPLICANT:

- The applicant is advised that this permission authorises a change of use of the existing building only and does not authorise any external alterations that may require planning permission other than the landscaping and outbuildings as shown on the approved site plan.
- The applicant is advised that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be

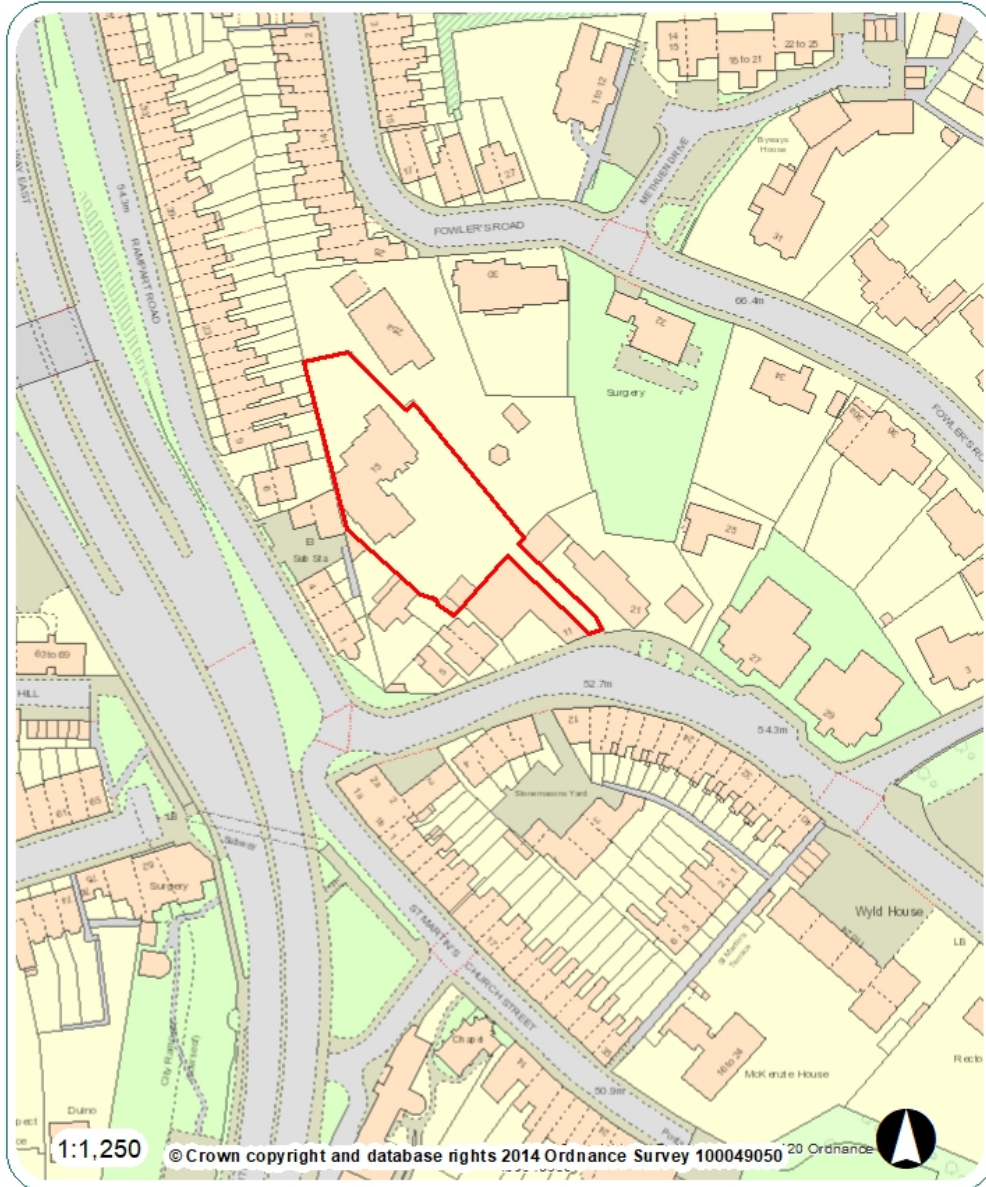
expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- Any alterations to the approved plans, brought about by compliance with Building Regulations, Licensing or any other reason, and resulting in external alterations to the existing building must first be agreed with the Local Planning Authority before commencement of work.
- The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.



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20/09829/FUL
Alabare House
15 Tollgate Road
Salisbury
SP1 2JA



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	10/03/2021
Application Number	20/08997/FUL
Site Address	97 East Gomeldon Road Gomeldon SP4 6LZ
Proposal	Change of use of current agricultural land to residential area. Construction of proposed new chalet bungalow.
Applicant	Mr and Mrs W Maher
Town/Parish Council	IDMISTON
Electoral Division	Bourne and Woodford Valley - Cllr Hewitt
Grid Ref	419119 135595
Type of application	Full Planning
Case Officer	Hayley Clark

Reason for the application being considered by Committee

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

- The health of the applicant's son who will be requiring care. The son will deteriorate and will need special facilities.
- There would have to be a special condition tying the bungalow and the new house together – not to be sold separately.
- I understand that the phosphates levels which were preventing new dwellings in the River Avon catchment are being resolved.
- I do not believe the new house will be out of character with other houses in the 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 refused

2. Report Summary

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

- Principle
- Personal Circumstances
- Character & Design

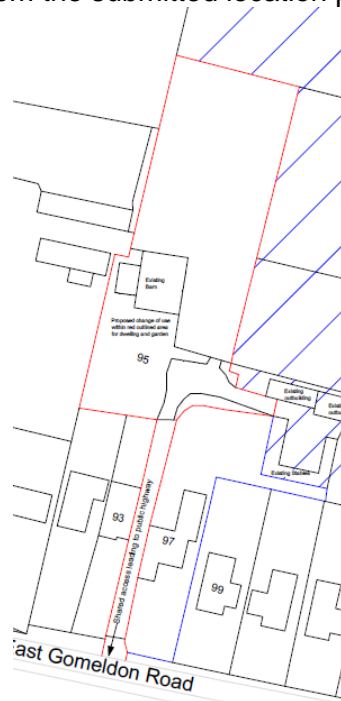
- Neighbouring Amenities
- Highway Safety
- River Avon Special Area of Conservation (SAC) catchment area

The application has generated a letter of support from Idmiston Parish Council; and no letters from third parties.

3. Site Description

The application site relates to agricultural land located on the north side of East Gomeldon Road; whilst the site has its own address it has no associated dwelling, the only buildings on the land are for agricultural use, stables or outbuildings. The site address is actually 95 East Gomeldon Road but is under the same ownership as 97 East Gomeldon Road,

The access to the site runs between 93 and 97 East Gomeldon Road and is bordered by fields to the east, north and west with residential properties to the south. The site is located on sloping ground with the highest point to the north, sloping down towards the road to the south. The snip-it below taken from the submitted location plan shows this relationship

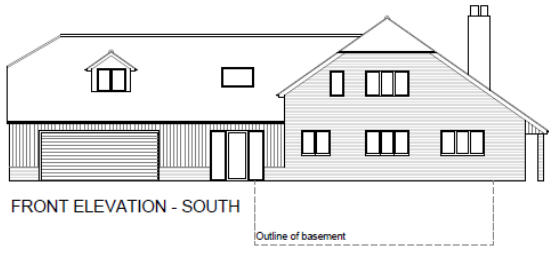


4. Planning History

20/01969/FUL Erection of a new chalet bungalow, change of use of land from agricultural to residential. This application was withdrawn following objections from Officers and a recommendation for refusal regarding the principle of development, character and design and phosphate loading on the River Avon SAC.

5. The Proposal

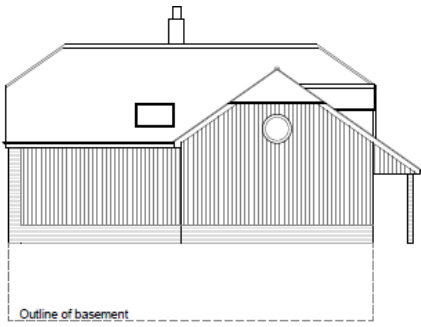
This is a full application which now proposes the erection of a four bed, three storey dwelling (one storey being below ground described as a basement) on agricultural land in the open countryside. Proposed plans and floor plans shown below for convenience.



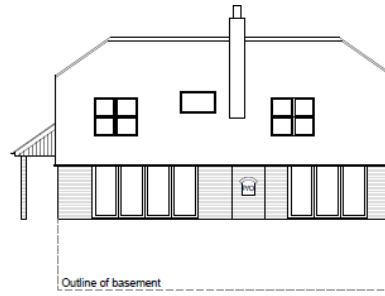
FRONT ELEVATION - SOUTH



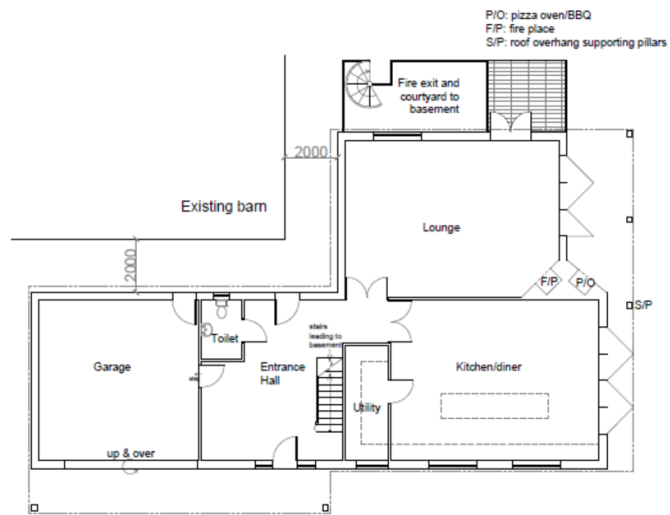
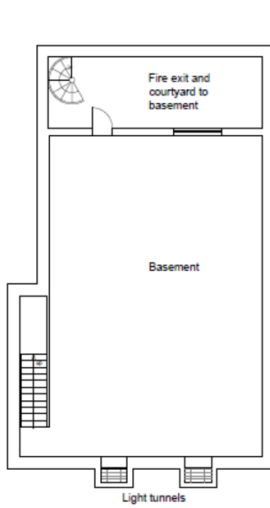
REAR ELEVATION - NORTH



SIDE ELEVATION - WEST



SIDE ELEVATION - EAST





The proposed new dwelling and associate residential curtilage will be for Mr and Mrs Maher to reside whilst their son Toby (14) will live in the existing three bed bungalow at 97 East Gomeldon Road. The basement in the new house is for a gym which Toby will have access to.

6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

Wiltshire Core Strategy (WCS):

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)

CP4 (Amesbury Community Area)

CP46 (Meeting the needs of Wiltshire's vulnerable and older people)

CP50 (Biodiversity and Geodiversity)

CP57 (Ensuring High Quality Design & Space Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

CP60 (Sustainable Transport)

CP61 (Transport and Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

CP69 (Protection of the River Avon SAC)

Supplementary Planning Documents:

Idmiston, Porton, Gomeldon Village Design Statement (VDS)

Idmiston Parish Council Neighbourhood Plan 2015-2026 (NHP)

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

Achieving Sustainable Development SPG (April 2005)

Wiltshire Local Transport Plan – Car Parking Strategy

Creating Places Design Guide

7. Summary of consultation responses

Idmiston Parish Council

Support

Highways

The site is located in the village of East Gomeldon to the rear of a row of existing dwellings.

East Gomeldon does not have a development boundary and I will be guided by you as to whether you consider the proposal to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019, which seek to reduce the need to travel, particularly by private car and support and encourage sustainable, safe and efficient movement of people and goods.

I also note that this application is a resubmission of application 20/01969, which sought permission for a similar development. As per previous advice from this Highway Authority, I do not view the proposals to be likely to create a highway safety issue.

Therefore, should you be minded to support the development with regards to sustainability, I wish to raise no highway objection providing the following conditions are imposed:

(WD20) No part of the development hereby approved shall be first occupied until the parking and turning 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.

(WG2) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

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

Informative

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

Archaeology

No objections

8. Publicity

This application was advertised through the Parish Council and neighbour letters as well as statutory consultees.

9. Planning Considerations

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

9.1 Principle of development

NPPF

The NPPF confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS), saved policies of the Salisbury District Local Plan, the Wiltshire Local Transport Plan, neighbourhood plans and village design statement.

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

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

Wiltshire Core Strategy

Core Policy 4 confirms that development in the Amesbury Community Area (which includes Gomeldon) should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the Amesbury Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

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

Gomeldon is identified as a small village where any settlement boundaries have been removed, Gomeldon is therefore classed as being situated in the open countryside and as such is in an unsustainable location where there is a general presumption against new development, particularly of a residential nature. **There is therefore an “in principle” objection to the erection of a new dwelling on this site in a small village, in the open countryside, in an unsustainable location.**

Exemption policies in Wiltshire Core Strategy

However, Para 4.25 of the Core Strategy details how there are ‘exemption policies’ which can allow development in special circumstances in areas where they would normally be resisted. These policies are listed below:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

Officer’s note that where there is a change from agricultural to residential, it is normal to class the agricultural land as countryside and wouldn’t as a rule allow a new dwelling there unless it was for an agricultural worker – Core Policy 48 relates. Core policy 48 is not however relevant for the proposed development at 97 East Gomeldon Road.

Of the above exemptions, only one is relevant to the application before us, this is **Specialist accommodation provision (Core Policies 46 and 47)**, noting Core Policy 47 does not apply as this related to Gypsies and Travellers.

Core policy 46 (Meeting the needs of Wiltshire’s vulnerable and older people) supports “The provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required. Wherever practicable, accommodation should seek to deliver and promote independent living.”

Provision of homes and accommodation for vulnerable people will be supported, including but not limited to:

- iv. people with learning disabilities
- v. people with mental health issues
- vi. homeless people and rough sleepers
- vii. young at risk and care leavers.

Such accommodation should be provided in sustainable locations, where there is an identified need, within settlements identified in Core Policy 1 (normally in the Principal Settlements and Market Towns) where there is good access to services and facilities.

This proposal is looking to provide accommodation for someone with learning disabilities (point iv above) – Toby. However, the new large four bed house proposed with this application is for Mr and Mrs Maher (Toby’s parents) to live in and not for the person with the disability. Therefore, effectively the proposed new dwelling is not being constructed for the occupation by someone who fulfils the above criteria. The above criteria also state that *“Such accommodation should be provided in sustainable locations where there is good access to services and Facilities”*.

It has already been identified above that the site lies within open countryside and is not deemed to be within a sustainable location and is not near services and facilities.

In exceptional circumstances, the provision of specialist accommodation outside but adjacent to the Principal Settlements and Market Towns will be considered, provided that:

- viii. a genuine, and evidenced, need is justified
- ix. environmental and landscape considerations will not be compromised
- x. facilities and services are accessible from the site
- xi. its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement

vii a genuine, and evidenced, need is justified

The application site is outside of a small village in the open countryside and is not adjacent to the Principal Settlements and Market Towns; the proposed dwelling is therefore discordant with this element of Core Policy 46.

The submitted application documentation details that the proposed dwelling will be for Mr and Mrs Maher to live in to allow their son Toby who has Downs Syndrome to live in the existing 3 bed bungalow at 97 East Gomeldon Road. The new dwelling will allow for Mr and Mrs Maher to live near Toby to assist if needed.

The application is supported by a letter from a Family Support Worker for Ups and Downs Southwest charity, the letter detailing some of the possible health issues of Down Syndrome. The letter also says that Toby is currently 14 years old and will be unable to live independently without adult support to do things such as access services and carry out day to day activities. With Mr and Mrs Maher living close by they can help with Toby.

Therefore, the documents do show that when Toby is an adult in a few years’ time and if he is able to and wishes to, he will not be able to live independently as he will require support by an adult whether this is a parent or other carer. The documents do not however justify why a large four bed dwelling is required in the open countryside for Mr and Mrs Maher, although it is understood that should Toby be unable to live on his own for any reason then he would move back into the family home which would be the new 4 bed dwelling. A small, modest one or two bed bungalow for Toby to live in would have been more in line with the aims and spirit of the policy.

The application also does not provide supporting information or justification as to why other sites have or have not been looked into and why other sites are not suitable. It is understood that Mr Maher has lived in the general area for a number of years and wishes to remain local.

Therefore, it is Officers opinion that the proposed development for the erection of a large four bed, three storey house (if you include the basement) for Mr and Mrs Maher to live in, which does not include any of the normal features that would be associated with a disability such as larger doorways, wet room, hoist etc does not comply with the exemption policy and is contrary to core policy 46. Officers do appreciate that Mr and Mrs Maher wish for the best for Toby for the future but feel that the dwelling as proposed in the open countryside is in principle when applying the policies and guidance within the NPPF and Core Strategy unacceptable and does not meet the aims and spirit of this these national and local policies.

Of note is an application approved by Wiltshire Council for a new dwelling for a disabled person which was contrary to policy as it was to be erected outside of the defined settlement limits of The Winterbournes. This was application 14/03915/FUL, the applicant is of the opinion that this is similar to their situation. This application was not assessed against the current national (NPPF 2019) and local (Wiltshire Core Strategy, Neighbourhood Plan) planning policies and guidance but was assessed against previous policies which have been superseded.

The siting of the proposed dwelling was in open countryside and therefore in an unsustainable location, but the new dwelling included special adaptations within the design to allow for the disability of the member of the family. This site is different from the site at East Gomeldon in many ways and is not considered comparable.

The location of this approved dwelling shown on the snip-it below from the approved location plan from 14/03915/FUL.



Neighbourhood Plan

The application site falls within the Idmiston Parish Council Neighbourhood Plan 2015 – 2026. The application site is not identified as a site for possible future development in this Neighbourhood Plan.

Page 37 of the Neighbourhood Plan states that

*Importantly, Porton is identified as a large village where residential development should predominately take the form of small housing sites within the defined limits of development. **The Gomeldons are collectively identified as a small village where development will be limited to infill within the existing built up areas.** Idmiston is not identified in the*

settlement strategy and consequently there is a general presumption against development there.

There is one site on East Gomeldon Road indicated for development of a single dwelling in the Neighbourhood Plan, this is at the far east end of East Gomeldon Road at Land at St Judes, East Gomeldon Rd, East Gomeldon, labelled as site reference G5 in the Neighbourhood Plan.

Policies 15, 17 and 19 of the made Neighbourhood Plan are relevant as detailed below.

“Policy 15 - Housing Needs. The Parish Council is committed to ensuring that sufficient Affordable Housing is available to meet the needs of those who live in the Parish or the locality of Idmiston. Core Policy 44 of the Wiltshire Core Strategy allows the development of ‘rural exception’ sites and Core Policy 46 of the Wiltshire Core Strategy supports the provision of housing for older people as an exception. Small schemes for affordable and elderly persons accommodation which come forward in compliance with this policy will be supported, subject to other policies within the plan. All other proposals for residential development will be expected to comply with Core Policy 43 of the Wiltshire Core Strategy.”

“Policy 17 - Development Criteria Any developments in villages will need to meet all of the following criteria:

- Be well related to the existing village envelope*
- Be of modest scale and not generally exceed ten dwellings, in order to protect the rural nature of the village*
- Reflect the character and variety of the existing pattern of development in the village*
- Follow the lines of the contours on sloping sites to ensure a better fit with the existing landform”*

Policy 19 - New Development Sites. The Neighbourhood Plan will facilitate the delivery of approximately 32 homes across the Plan period. The delivery of new homes will be monitored, in the event that the development of new homes through existing commitments or proposals will not achieve the figure of approximately 32 dwellings, consideration will then be given for the development of the sites shown in Figure 1 of the plan. Subject to other policies in this Plan new residential development proposals will be supported to achieve the housing requirement where they deliver infill development or at the large village of Porton small scale development of no more than 11 homes within and immediately adjacent to the settlement boundary of Porton, as established in the Core Strategy. Residential development elsewhere in the Plan area will be resisted.

Policy 15 of the Neighbourhood Plan acknowledges Core Policy 46 but only in relation to older people, this does not refer to vulnerable or special needs. Regarding Policy 17, it could be argued that the proposal does not meet all elements of this policy such as being well related to the existing village envelope and reflecting the character and variety of the existing pattern of development in the village. Finally, Policy 19 says that housing outside of the allocated sites will be considered if they are infill but that development elsewhere in the plan will be resisted, the development is not considered as infill development as explained below and therefore does not comply with the policies of the Neighbourhood Plan.

Infill development

Core policy 2 states that *“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:*

- i) Respects the existing character and form of the settlement*
- ii) Does not elongate the village or impose development in sensitive landscape areas*
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.”*

For the purposes of Core Policy 2, infill is defined as: “the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling”.

For the purposes of infill to be considered acceptable, the site would not only need to be clearly within the built up area of the village but also needs to fill a small gap between other residential dwellings (one on either side at least or surrounded by existing dwellings) and which is only capable of providing 1 or 2 dwellings

The siting for the proposed dwelling is on agricultural land, on higher ground to the north of the main ribbon of residential development which follows the East Gomeldon Road. The site is not located between other existing residential dwellings and does not fill a gap, for the purposes of core policy 2, the proposed development is not considered to be infill development.

Principle summary

The application site is located in a small village and is considered to be in the open countryside; the site is considered to be in an unsustainable location where there is a presumption against unsustainable development, with no direct access to facilities and services and is contrary to Core Policies 1, 2 and 4 of the Wiltshire Core Strategy and the aims of the NPPF. Furthermore, the site is not identified as a site for future development within the made Neighbourhood plan, is not considered to be infill development and is not considered to be justified in terms of compliance with the exemption policies as defined within core policy 46. The proposed new dwelling is therefore not considered to be acceptable in principle.

9.2 Personal Circumstances

The applicants are aware of the policy restriction of new dwellings in the open countryside but feel an exception could be made due to the special needs of the applicants' son, Toby. Personal circumstances of the applicant are not normally a material planning consideration, however, where these circumstances are exceptional and clearly relevant (e.g. provision of facilities for someone with a disability) then some flexibility can be given in determining applications.

The personal circumstances of the applicant and the applicant's family in particular the applicant's son, Toby have already been described above but these personal circumstances in this instance are a material consideration for determining this planning application. The proposed development seeks to achieve a new dwelling for the parents (Mr and Mrs Maher) to live in so that their son, Toby who is 14 years old and has Downs Syndrome can live in the existing three bed bungalow at 97 East Gomeldon Road. It is understood that Toby wishes to live independently when he is an adult but due to his disability will need care in some form although this is not known at this point. Having his parents close by will help with everyday activities although a live in carer may be required at some point. Officer's appreciate that the family are trying to do what they feel best for Toby for the future and it is unfortunate that the proposed development on this site is contrary to the exemption policy as

it is not designed as a new dwelling for someone with a disability both in terms of scale, design and siting.

9.3 Character & Design

East Gomeldon Road currently consists of a long road that extends from Gomeldon Road to the west; under the railway line; and continues in an easterly direction. East Gomeldon Road comprises mainly of development along the northern side of the road with fields and open countryside to the south; exceptions to this include the small housing development to the east of the railway line which includes Broadfield Road/Close, Hillside Drive and Ladymith.

Properties on the northern side of East Gomeldon Road are predominantly residential plots which are sited towards the front of the plot with rear liner gardens with a few being sited towards the rear of the plot with linear front gardens. The properties are bounded by fields to the north. Generally, any built development further to the north and uphill of the line of dwellings along East Gomeldon Road relates to stables, outbuildings or occasional farm buildings. The dwellings along East Gomeldon Road comprise a mix of architectural design and ages but the prominent scale is that of bungalow development. There are few examples of residential dwellings being built behind other residential dwellings, normally known as tandem or backland development, both tandem and backland development are unusual for this location.

The siting of the proposed dwelling is therefore not considered to follow the existing pattern of development and is outside of the existing building line. Erecting a new dwelling in the position shown which includes the rear garden extending further to the north will be out of keeping with the character and appearance of the area and would constitute harmful encroachment into the open countryside.

The applicant cites a number of properties which they feel are similar in terms of character to their proposed dwelling, these will be described below. Officers do not concur with the views of the applicant and feel that each of the examples cited does not support the new dwelling in the location proposed and is not comparable in terms of siting, design or character.

1. 81 East Gomeldon Road received outline consent for a new dwelling (18/03762/OUT) to the front of the existing dwelling. The existing dwelling was set back from the road with the new dwelling to be constructed in line with the existing dwellings closer to the road within the existing front garden; the new dwelling considered to be following the existing pattern of development. This development was classed as tandem development which is unusual for this location; the existing dwelling being sited towards the rear of the plot and barely visible from the road. The new dwelling was considered to visibly fit in with the character of the area. This proposal did not encroach on the open countryside and did not propose to extend the residential curtilage to the north of existing residential curtilages.

Snip-it from approved site plan below, noting East Gomeldon Road to the bottom (south) of the image.



2. 83 East Gomeldon Road, is one a few dwellings along this road which have been constructed towards the rear of the residential plot with a long front garden as can be seen in the snip-it below taken from the Council's mapping. This is not comparable to the site at 97 East Gomeldon Road where the new dwelling will be constructed to the north of the dwellings shown below with its residential gardens extending even further north. No site history can be found for when this dwelling was erected but an application from 1992 for an extension has been found therefore the dwelling was constructed before 1992.



3. 159 (Rogues Roost) East Gomeldon Road, new dwelling was approved in 1992 with additional residential curtilage added in 1997. This site also does not encroach on the open countryside to the north and is not considered directly comparable to the site at 97 East Gomeldon Road.



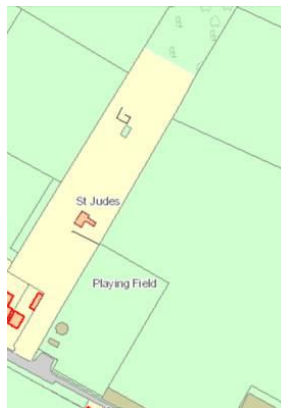
4. 195 East Gomeldon Road also known as Little Dale Farm is a form of backland development and was construction pre 1970. This dwelling is located fairly close to East Gomeldon Road and does not encroach on the agricultural land or open countryside, indeed the dwelling has associated outbuildings and agricultural land to the north.



5. 59 East Gomeldon Road is perhaps the most like the application site in that it is an anomaly and is therefore not considered to represent the character of this locality as it is one property. Looking at the site history, an application for a replacement dwelling was approved under planning reference S/1983/0495 but a later application for a new dwelling and access was refused in 2001. If anything, this application demonstrates why any further dwellings encroaching on the agricultural land and open countryside of the local area will be harmful to the character of this area.



6. 223 East Gomeldon Road, this is the last dwelling along the northern side of the road at the east end. In 2015, application 15/09817/FUL was approved for the replacement of a mobile home with a log cabin. Noting this site is one which is designated within the made Neighbourhood Plan as suitable for an additional dwelling. This site is not considered to be comparable with the application site.



From the brief run through above, Officers do not feel that there are any directly comparable dwellings along East Gomeldon Road which set a precedent for the erection of the new dwelling at 97 East Gomeldon Road. Notwithstanding this, each site must be assessed on its own merits and in this instance the erection of a new dwelling in the location shown at 97 East Gomeldon Road is considered to be out of keeping with the character of the local area and is considered to form a harmful development due to the encroachment on the open countryside. There are also concerns that by allowing one dwelling in the proposed location, in the open countryside which is contrary to policy that this will lead to further applications for similar development, further eroding the open countryside.

In terms of the design of the new dwelling, this is a large dwelling with a large footprint; the locality is formed from predominantly bungalow development although there are examples of larger properties along East Gomeldon Road. The new dwelling being effectively three stories (basement included as one) and located on higher ground to the north of the ribbon development alongside East Gomeldon Road is likely to form a prominent feature in the landscape as seen from the southern side of East Gomeldon Road and from the hillside on the southern side of the valley. It is considered that a single storey dwelling here would be more in keeping with the character of the area and would have less visual impact on the character and appearance of the area.

The location of the proposed dwelling will be visible from the road to the south, its siting to the side/front of the existing barn means it will be constructed directly in line of sight looking up the driveway between 97 and 93 East Gomeldon Road. Currently looking up the driveway looks into fields and is open, this character would be changed completely with the new dwelling in the proposed location. Other dwellings situated further back within the plot are well screened from the road and barely visible. In this instance it is considered that the location of the proposed dwelling to the front and side of the existing agricultural building will form an incongruous addition to the detriment of the character of the area and the loss of the rural feel for this site.

It was noted on site that the area where the proposed parking/turning area is to be located is well screened from views from the south; a small 1 or 2 bed bungalow moved into this corner would have far less visual impact and would barely be visible from views outside of the site.

Officers are therefore of the opinion that the proposed development will have an adverse impact on the character of the local area and rural landscape through its siting, scale and design.

9.4 Neighbouring Amenities

WCS policy CP57 (Ensuring High Quality Design & Place Shaping) also requires new development to have 'regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution'. The NPPF also confirms that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens.

The location of the proposed dwelling will be largely surrounded by fields, with residential properties only to the south. The proposed dwelling will be constructed on higher ground than the neighbouring properties due to the sloping topography of the site; there are therefore concerns regarding overlooking/loss of privacy. Had this application been recommended for approval and had been in accordance with policy further may have been requested to ensure the level of harm to neighbour amenity was acceptable.

The main property affected is 93 East Gomeldon Road; the only issue really is with the dormer on the front elevation. This would be better as a rooflight if the scale of dwelling were to be erected as this would have less impact. It is however not considered that the impacts from the dormer alone would be on a scale which warrants a refusal in this instance due to the boundary treatment between the adjacent properties and that the parking area for the new dwelling will add further separation distance. It is also not considered that the proposal

will result in significant implications for neighbour amenity through loss of light or being overbearing.

9.5 Highway Safety

The application is proposing the erection of a single dwelling accessed off an existing access and driveway which serves one other property.

Current parking policy, and the terms and conditions for Wiltshire's resident parking permit schemes, are presented in 'LTP3', which is the third evolution of the Wiltshire Local Transport Plan. LTP3 sets out the Council's objectives, implementation plans and targets for transport in Wiltshire for the period from March 2011 to March 2026.

Regarding parking standards, LTP3 sets out minimum space requirements for residential developments. The standards follow:

Bedrooms	Minimum Spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor Parking	0.2 spaces per dwelling (unallocated)

The submitted plans show that three parking spaces can be provided which accords with the above guidance for a four bed dwelling. The Council's Highways Officer has raised no concerns regarding highway safety or parking.

The Council's Highways Officer has however raised concerns regarding the location of the property outside of any local settlement boundaries and therefore in the open countryside and therefore in an unsustainable location meaning the dependence upon the private car for residents and their visitors. The proposal to be contrary to the Wiltshire Core Strategy, Core Policy 60 and 61 and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019, which seek to reduce the need to travel, particularly by private car and support and encourage sustainable, safe and efficient movement of people and goods.

9.6 River Avon Special Area of Conservation (SAC) catchment area

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

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorous mitigation strategy to offset **all planned residential development**, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)

- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

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

However, as this application is not planned residential development i.e it is in the open countryside contrary to core policies 1, 2 and 4 and does not accord with the exemption policies in the core strategy or aims of the NPPF and is not an allocated site in the Neighbourhood Plan. The application does not therefore fall within the scope of the mitigation strategy and generic assessment. At this time as the site is not planned development it is concluded that the proposed residential development will lead to adverse impacts through phosphate loading on the River Avon SAC.

9.7 CIL/S106

In line with government guidance issued by the DCLG (November 2014) Planning Contributions (Section 106 Planning Obligations), 1 proposed dwelling does not generate the need for S106 contributions. The Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this application. However, CIL is separate from the planning decision process, and is administered by a separate department.

10. Conclusion (The Planning Balance)

The site is located in the small village of East Gomeldon to the rear of a row of existing dwellings. East Gomeldon does not have a development boundary and is classed as being in the open countryside, in an unsustainable location where there is a presumption against new development. The proposed dwelling is therefore contrary to core policies 1,2, 4, 60 and 61 and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019 which seeks to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.

The site is not identified as a site for possible future development in the made Neighbourhood Plan and is not considered to comply with any of the exemption policies as defined within the Wiltshire Core strategy. The property is for the parents/family of Toby, a 14 year old with Down Syndrome to live in while Toby resides in the existing 3 bed bungalow, this however does not accord with exemption policies as the proposed dwelling shows no design features that would indicate its use by someone with a disability.

The siting of the proposed dwelling is not considered to follow the existing pattern of development for East Gomeldon Road and is considered to constitute unwelcome encroachment into the rural landscape to the detriment of the character and appearance of the local area.

The scale and siting of the proposed dwelling on raised ground due to the sloping topography of the site and with the dwelling sited directly in line with the access from East Gomeldon Road is considered to create an incongruous addition to the landscape where a more modest single storey one or two bed dwelling situated more to the south west corner of the site would have minimal visual impact.

There is an ongoing issues regarding phosphate loading in the River Avon SAC Catchment Area. As this site is not planned development, it is not covered by current mitigation measures as agreed with natural England; it is therefore not possible to conclude that the proposed development will not cause harm

11. RECOMMENDATION:

That planning permission be REFUSED for the following reasons

1. The site is located in the small village of East Gomeldon to the rear of a row of existing dwellings. East Gomeldon does not have a development boundary and is classed as being in the open countryside, in an unsustainable location where there is a presumption against new unsustainable development. The proposed dwelling is therefore contrary to core policies 1,2, 4, 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019 which seeks to reduce the need to travel particularly by private car, and support and encourage sustainable, safe and efficient movement of people and goods.

The proposed development is not considered to be infill development as defined by core policy 2 of the Wiltshire Core Strategy. Furthermore, the site is not identified as a site for possible future development in the made Neighbourhood Plan and is not considered to comply with any of the exemption tests as outlined in paragraph 4.25 of the Wiltshire Core strategy.

The property is for the parents/family of Toby, a 14 year old with Down Syndrome to live in while Toby resides in the existing 3 bed bungalow, this however does not accord with exemption polices as the proposed dwelling shows no design features that would indicate its use by someone with a disability, contrary to core policy 46.

2. The character of East Gomeldon Road is defined by ribbon development along the north side of East Gomeldon Road with dwellings either located at the front of the residential plots with linear rear gardens or located at the rear of the plot with linear front garden. Tandem or backland development is unusual for this road. The siting of the proposed dwelling located further to the north than existing dwellings and their curtilages is considered to for harmful encroachment of residential development into the rural landscape, contrary to core policy 57 of the Wiltshire Council Core Strategy. The scale and siting of the dwelling on raised ground will result in an unduly prominent form of development which will be out of keeping for the locality in this rural landscape contrary to core policy 57 of the Wiltshire Council Core Strategy.
3. The site is situated within the River Avon catchment area that is a European site. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering this European site causing further deterioration to it. The application does not include detailed proposals to mitigate the impact of these increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude that there would be no adverse effect on the integrity of this European Site as a result of the development. The proposal would therefore conflict with The Habitat Regulations 2017, Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 175 and 177 of the National Planning Policy Framework.

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