

AGENDA

Meeting: Southern Area Planning Committee

Place: The White Room (1st floor), Salisbury Art Centre, Bedwin St,
Salisbury SP1 3UT

Date: Wednesday 8 December 2021

Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Alexander, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.alexander@wiltshire.gov.uk

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

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

Membership:

Cllr Richard Britton (Chairman)
Cllr Sven Hocking (Vice-Chairman)
Cllr Trevor Carbin
Cllr Brian Dalton
Cllr Nick Errington
Cllr George Jeans

Cllr Charles McGrath
Cllr Ian McLennan
Cllr Nabil Najjar
Cllr Andrew Oliver
Cllr Rich Rogers

Substitutes:

Cllr Ernie Clark
Cllr Kevin Daley
Cllr Bob Jones MBE
Cllr Ricky Rogers

Cllr Bridget Wayman
Cllr Graham Wright
Cllr Robert Yuill

Covid-19 safety precautions for public attendees

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place.

You must contact the officer named on this agenda no later than 5pm on Wednesday 9 November 2021 if you wish to attend this meeting. Places will be allocated on a first come first served basis.

To ensure safety at the meeting, all members of the public are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Follow one-way systems, signage and instruction
- Maintain social distancing
- Wear a face-mask (unless exempt)

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

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

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 11 November 2021.

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 after registering with the officer named on this agenda, and in accordance with the deadlines below.

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 6 December 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, plus statutory consultees and parish councils.

Those submitting statements would be expected to attend the 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 1st December 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 3rd December 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 15 - 16*)

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

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **APPLICATION NUMBER: PL/2021/08056 - Brackendale, Junction Road, Alderbury** (*Pages 17 - 36*)

Demolition of the existing dwelling house 'Brackendale', and for the erection of 2 x detached dwellings, associated parking, access and hard and soft landscaping.

7b **APPLICATION NUMBER: PL/2021/05622 97 East Gomeldon Road, Gomeldon.** (*Pages 37 - 70*)

Demolition of an agricultural barn, the erection of a bungalow and associated change of use of land.

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 11 NOVEMBER 2021 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.

Present:

Cllr Richard Britton (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Trevor Carbin, Cllr Brian Dalton, Cllr Nick Errington, Cllr George Jeans, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Nabil Najjar, Cllr Andrew Oliver and Cllr Rich Rogers

Also Present:

32 **Apologies**

There were no apologies.

33 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 October 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

34 **Declarations of Interest**

In relation to item 7a – Application 19/11282/FUL, Cllr Hocking noted that he knew the applicant some 35 years ago but had had no interaction with him since that time and he would take part and vote on that application.

35 **Chairman's Announcements**

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

36 **Public Participation**

The committee noted the rules on public participation.

37 **Planning Appeals and Updates**

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

Resolved:

That the Appeals Report be noted.

38

Planning Applications

39

APPLICATION NUMBER: 19/11282/FUL - Land at Cleveland House, High Street, Tisbury, SP3 6HF

Public Participation

Mr Aspinall (Applicant) spoke in support of the application

Mr Carpendale (Agent) spoke in support of the application

Cllr Gerry Murray spoke on behalf of Tisbury PC

The Planning team Leader, Richard Hughes presented the application for permission to carry out alterations to existing access, erect a single storey dwelling and provision of parking to serve new and existing properties which was recommended for approval.

Supplement 2 to the agenda was noted, this contained the parish council comments and the Officer response.

Material planning concerns cited include:

- Impact on surrounding properties
- Impact on the historic wall and on the conservation area
- Visual impact, height of the roof, lack of detail on materials, rainwater goods
- Overdevelopment, loss of garden area, footprint too big for plot
- Impact on amenity, loss of light, loss of privacy, overlooking, noise
- Highway safety, parking
- Structural stability of neighbouring properties, historical wall, party wall
- Drainage, sewage disposal
- Loss of tree

The presentation slides showed the proposed bungalow on part of the garden area of Cleveland House. It was noted that none of the surrounding properties were listed, and that several of them were at different levels to the proposed dwelling.

The proposed turning area was shown on the plans, but it was noted that it was not formally part of the application.

A selection of photos provided by Local Member Cllr Errington were also shown.

Members were then able to ask technical questions of the Officer where the position of the neighbouring property no.17 was clarified in relation to the proposed development.

The Officer explained that with regards to the boundary treatments, nothing had been shown on the submitted plan. There was no reference of a fence at all on the northern boundary, but there was in the south. The report included a condition on boundary treatments should the application be approved. The position of the proposed car parking below phoenix collage was also clarified.

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

Some points covered included that the applicant and his wife wished to downsize due to the mobility constraints of his wife, but remain on the site, in close proximity to their daughter who would remain living in Cleveland House with her young children.

A professional report was commissioned to assess two areas of concern, which were the rainwater run-off and the retaining wall. This had been used to adapt the plans to combat those areas of concern.

Cleveland houses garden was significantly larger than any other garden in the area, and if developed as proposed, the remaining garden space would still be larger than that of any of the 9 local properties.

Modifications had been made to the plans to address the feedback received from the parish council.

The Parish council objected to the application as it was felt to contradict the Tisbury Neighbourhood Plan.

Other points raised by the PC related to loss of amenity, failure to protect an ancient wall, the overbearing nature of the development in a Conservation area.

Local Member Cllr Errington spoke on the application noting that he had met with met applicant and all neighbours and had called in the application following the concerns of some members of the community and the PC.

Cllr Errington noted that the site was in a conservation area and clarified that the proposed bungalow would occupy 80% of the development area, not a third as the report had stated.

He went on to note that the footprint of the proposed bungalow was twice that of the neighbouring Phoenix cottage. The group of gardens here formed a horseshoe shape and suggested that the proposed bungalow may have an overbearing impact and dominate the area.

Similarities to a recent application in Winterbourne Dauntsey which had been refused, were noted.

Affecting the amenity of the neighbours and the effect on the conservation area.

Cllr Errington moved the motion of Refusal, against Officer recommendation based on the effect to the amenities and conservation area CP57 and CP58, the aim of protecting the historic environment with regards to scale and size would not be achieved. This was seconded by Cllr Carbin.

The Committee was invited to discuss the application, the main points included that the PC had objected to the application. The site was in a conservation area and felt like back yard development.

The historic wall which would be partially removed.

In terms of the Winterbourne Dauntsey application, the Committee noted that each planning application had to be taken on its own merits rather than apply a blanket approach based on similarities.

The Tisbury Neighbourhood Plan which was a made document and the weight given to such when considering development.

The Committee then voted on the motion of Refusal, against Officer recommendation, for the reasons stated above.

Resolved:

That application 19/11282/FUL was Refused against Officer recommendation for the following reasons:

By virtue of the unsympathetic design, excessive massing and building height of the proposed dwelling and the loss of part of the stone boundary wall fronting the site, the development proposal represents a cramped form of development that is out of character with the area and would result in harm to the appearance and character of the conservation area and adversely impact on the amenities of neighbouring properties adjacent to the site.

For these reasons the development proposal would conflict with Wiltshire Core Strategy policies CP57 and CP58 and Tisbury Neighbourhood Plan policy HNA.2 which require development to be complimentary to the locality and conserve and enhance the historic environment and ensuring that appropriate levels of amenity are achievable.

40 **APPLICATION NUMBER: PL/2021/07309 - Land adjacent, Holy Trinity, Dean Road, East Grimstead**

Public Participation

Rosie Wilkinson spoke in objection to the application
Nina Mirski-Fitton spoke in support of the application

Mr Colin Burrows spoke in support of the application
Mr Jeremy Read (Applicant) spoke in support of the application
JP Sharp spoke on behalf of the Parish Council

Attention was drawn to Supplements 1 & 2 to the agenda which contained amended conditions on traffic management, additional letters of support and the amended operational hours to take in to account the change of the clocks from summer to winter months.

The Planning team Leader, Richard Hughes presented the application for Change of use from agriculture to dog exercise grounds, and was recommended for approval.

Material Planning considerations were noted as:

- Principle of development
- Impact on the character of the area and setting of nearby listed buildings
- Impact on amenity
- Highways/ Rights of Way
- Field next to railway line and a restricted RoW

The Site access, proximity of the dwellings and buildings to the north and the listed church was indicated on the presentation. It was noted that there was a natural barrier between the site and the church, one could not be seen from the other.

The site consisted of an open field with newly erected fencing around part of it. Users of the site arriving in a vehicle, would come off the main access to the site and park in a designated area.

There was a non-fixed hut/shelter on the site which did not require planning permission

Details of how the applicant would restrict noise was referred to on p56 of the report.

The site was bookable for slots under 1hr, with one booking per hour max, there were buffering allocated slots either side of the bookings.

Members were then able to ask technical questions of the Officer where it was clarified that the site was already in use as a dog exercise area.

The works already carried out to the wooden structure, hard standing and deer fencing did not require planning permission.

Clarification on the operation of the proposed booking system was given, in that it would be an online app/site.

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

Some of the main points included that most of the letters of support had originated from people living outside of the village.

A suggestion that users of the facility would need to travel on narrow lanes to access the site and cross a restricted byway. An increase in vehicle movement in a quiet area and the detrimental environmental impacts of driving to exercise a dog.

The use of the nearby fields for horse and pony exercise, was not disturbed by any associated noise from the facility.

Users of the paddock had a dedicated parking area and were not required to stop and open the gate to gain access.

The paddock was quite out of sight and would not be in constant use. The facility was well planned, maintained, secure and in need by dog owners with dogs that required a secure environment to be able to exercise off a lead, for various reasons.

Bookings would not be taken when services were being held at the Holy Trinity church.

All bookings made online were subject to terms and conditions.

Cllr John Paul Sharp of East Grimstead PC noted that the PC had discussed the application and objected to the application based on Highways, Rights of ways use and Noise.

Raising points around the NPPF 60 & 61, reducing private car usage, poor visibility on a bend near the approach. The Conservation Officer's assessment regarding car parking and the restricted by-way.

Local Member Cllr Britton spoke on the application, noting that the application had the hall marks of a well-run business and commended the applicant's consideration of the suggestion not to allow bookings which clashed with the services at the church.

He outlined two main objections.

The expressions of interest which were from outside of the parish, contrasted sharply with CP60, as did not help to reduce the need to travel, particularly by private car.

Gays drove which had been referred to as a by-way, was actually a restricted by-way and the use of that by vehicular traffic was illegal.

He noted the inappropriate suggestion in the report, that access would be illegal but that it was a Police matter and therefore not a concern for planning.

Cllr Britton then moved the motion of Refusal on CP60 – use of illegal restricted byway. This was seconded by Cllr McGrath.

The Committee was invited to discuss the application. Discussion included points on whether as landowners, the applicants had the right to cross over the restricted byway to access their land, and whether that permission extended to visitors of their land.

The Legal Officer advised that she would be able to seek a formal answer out of the meeting on that point, should the Committee wish to wait for the answer then a deferral could be considered.

The Chairman stated that the rights only applied to the owner of the land.

The Planning Team Leader confirmed that Rights of Way (RoW) was separate to Planning and therefore could not provide any further advice on the matter than was included within the report. The RoW Officer had been consulted and their response was detailed on p52 of the report, where it stated that they object, subject to an application to record it as a byway open to all access.

The route to the site was discussed with suggestions that the main road to the north was the easiest and most likely to be used.

The use of the field and nearby area for parking of those attending the church by car.

Because a site has users coming from outside the area, was not a reason to reject it, as any commercial venture could have staff and users travelling to the site from further afield.

The need for the specialist service, to support special need dogs in a safe environment.

The provision of ample parking inside and off the road, the distance of over 100m to the nearest resident.

The Committee discussed the option of deferral to seek legal guidance on the RoW access query. The RoW response and suggestion was again discussed with the majority of Members feeling satisfied that as RoW was a separate matter, which could be resolved should the application be approved, it continued with the original motion.

The Committee then voted on whether to move directly to the vote on the original Motion, which was carried. Followed by the vote on the motion of refusal. The motion failed.

Councillor Hocking moved the motion of approval, in line with Officer recommendation. This was seconded by Cllr Najjar.

The Committee had no further discussion and moved straight to the vote on the motion of Approval.

It was:

Resolved:

That application PL/2021/07309 be Approved in line with Officer recommendation, subject to the following conditions:

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

Site Plan and Block Plan (revised) Date rec. 11 October 2021

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

- 2. Within 3 calendar months of the date of this decision notice, a noise management and traffic management plan shall be submitted for approval to the Local Planning Authority. The approved noise management and traffic management plan shall be maintained in accordance with the approved details at all times thereafter.**

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

- 3. There shall be no operational use of the dog exercise field outside the hours of 07:00am to 20:00pm between April and September, and outside the hours of 08:00am to 16:00pm between October and March.**

REASON: In the interests of the amenity of the area and to protect the living conditions of nearby residents.

- 4. There shall be no external lighting installed on site.**

REASON: In the interests of the amenities of the area and to avoid harm to biodiversity.

- 5. Upon cessation of the dog exercise use, all structures and surfaces shall be removed in their entirety and the field shall be returned to its previous condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**

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

- 6. Within 3 calendar months of the date of this decision notice, the parking spaces shown on the approved plans shall be provided and remain available for this use at all times thereafter.**

REASON: In the interests of highway safety.

INFORMATIVE

The site is accessed by a very short section of restricted byway (GRIM13) and in order to drive a vehicle along here, vehicular users of the restricted byway would require a demonstrable private right of vehicular access.

Without this private right vehicular users of the restricted byway would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give vehicular right of access over the path and vehicular users of the restricted byway should ensure they have a right of access.

41 Urgent Items

There were no urgent items

(Duration of meeting: 3.00 - 4.50 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line (01722) 434560, e-mail lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

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**Wiltshire Council
Southern Area Planning Committee
8th December 2021**

Planning Appeals Received between 29/10/2021 and 26/11/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/09950/FUL	The Lake House at the Old Barn Middle Coombe Wiltshire, SP7 9LX	Donhead St. Mary	Conversion and reuse of redundant lakeside building to a residential dwelling (Use Class C3) with minor extension, access improvements, landscaping and associated works	DEL	Written Representations	Refuse	10/11/2021	No
20/11232/FUL	Lime Yard Adjacent To Grimstead Road West Grimstead SP5 3RQ	Grimstead	Change of Use from storage, processing and distribution of lime, to storage, processing and distribution of horticultural products, with the addition of one building.	SAPC	Written Representations	Approve with Conditions	09/11/2021	Yes
PL/2021/03847	Highbrook, The Fields, Mere, Warminster, BA12 6EA	Mere	Proposed Garden / Office Room	DEL	Householder Appeal	Refuse	01/11/2021	No
20/07271/CLE	Alderbury Park Caravan And Camping Site Southampton Road Whaddon SP5 3H	Alderbury	Continued use of land as a site for touring caravans with toilet block and office in breach of condition 1 and 2 of S/2006/1289	DEL	Inquiry	Refuse	23/11/2021	No

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Planning Appeals Decided between 29/10/2021 and 26/11/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded
20/06105/FUL	Land to the rear of 107 Bouverie Avenue South, Salisbury SP2 8EA	Salisbury	Erection of a 3-bedroom bungalow to the rear of No. 107 Bouverie Avenue South, associated access and driveway and hard and soft landscaping.	SAPC	Written Reps	Approve with Conditions	Dismissed	12/11/2021	Appellant applied for Costs - ALLOWED
20/10982/FUL	Old Deweys, High Street Tisbury, SP3 6PS	Tisbury	Retrospective application for an open wooden structure to shelter a car with stairs and balcony over.	DEL	Householder Appeal	Refuse	Dismissed	10/11/2021	None

Agenda Item 6

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	December 2021
Application Number	PL/2021/08056
Site Address	Brackendale, Junction Road, Alderbury, SP5 3AZ
Proposal	Demolition of the existing dwelling house 'Brackendale', and for the erection of 2 x detached dwellings, associated parking, access and hard and soft landscaping.
Applicant	Mr N Wigmore
Town/Parish Council	Alderbury
Electoral Division	Alderbury - (Richard Britton)
Grid Ref	418935 127108
Type of application	Full Planning
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application has been called-in by Cllr Britton if officers are minded to approve.

1. Purpose of Report

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

2. Report Summary

The issues in this case are:

- Principle of development including design and scale;
- Impact on neighbouring amenity and context and character of the surrounding area;
- Parking/Highways Impact;
- Ecological Impact/River Avon Catchment Area;
- Other matters

The publicity of the original and revised plans has generated in total ten letters of objection to the application from members of the public and two objections from Alderbury Parish Council have been given to the proposed development.

3. Site Description

The existing bungalow known as Brackendale is sited in a relatively large parcel of land in a residential area within the village of Alderbury. The existing dwelling is accessed via Junction Road, an un-made track. The public footpath ALDE20 runs along this un-made track. The site

lies within the settlement boundary for Alderbury which is listed as a large village in the Wiltshire Core Strategy. The site lies within a special landscape area.

4. Planning History

N/A

5. The Proposal

The proposal seeks planning permission for the demolition of the existing dwellinghouse and the erection of 2 x detached dwellinghouses with parking, access and hard and soft landscaping.

6. Local Planning Policy

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 23 Southern Wiltshire Community Area

Core Policies 50 and 52 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 61 Transport and New Development

Core Policy 69 Protection of the River Avon SAC

Saved Salisbury District Local Plan

C6 Special Landscape Area

Wiltshire Local Transport Plan 2015-2026:

Car Parking Strategy

7. Summary of consultation responses

Alderbury Parish Council – Objection with comments stating:

(1) The development by virtue of its scale, massing, layout and large areas of hardstanding represents a very significant over development of the plot.

(2) The proposed dwellings by virtue of their location adjacent to the boundaries of the site will have a detrimental impact on neighbouring properties through loss of light, privacy and the quiet enjoyment of gardens.

(3) The design of the new development is out of keeping with the rural village character of

Junction Road which is characterised by individual dwellings accommodated within adequate garden space. The proposal introduces a pair of identical dwellings, a wide frontage and large areas of hardstanding which are out of keeping with the traditional rural building pattern.

(4) Inadequate consideration has been given to the treatment of the underground spring-fed pond towards the front of the site. Development impacting on this natural pond could:

- a) Result in the loss of an ecologically important habitat which is known to support a variety of amphibian and invertebrate species*
- b) Cause run off and flooding risks for adjoining properties*

A full hydrological and ecological assessment is required before any intensified residential development of the site is considered.

(5) Inadequate consideration has been given to the protection during building of the large pine trees that are a prominent landmark in this area of the village. A detailed arboricultural assessment is required before any works are commenced in order to protect the root system and avoid any destabilisation of the trees which adjoin neighbouring properties, with the consequent safety risks.

(6) Bats are known to frequent this site and a full ecological survey is required before any intensified residential development is considered and prior to the commencement of any works (including removal of hedges and trees) to secure the protection of wildlife.

(7) Inadequate sewerage and surface water drainage details have been submitted. Sewage is known to be a longstanding problem in Junction Road and this proposal fails to address the additional impact of the intensified residential use of the land.

(8) Access to the proposed dwellings along the unmade track (Junction Road) is likely to introduce increased highway safety at the busy junction with Southampton Road and for school children using this footpath route to school.

(9) Inadequate details of landscaping have been submitted; a full landscaping scheme would need to be approved prior to the consideration of any intensified residential development of the site to ensure that the buildings sit within a native, deciduous canopy that reflects the character of the other properties in this area.

(10) In addition, the Council has been made aware of covenants relating to the original sale of land in Junction Road from Longford Estate. The Local Planning Authority should take steps to clarify whether any covenants restricting development of the site exist prior to considering any intensified residential development of the land in question

WC Highways – No objection subject to conditions

WC Public Rights of Way – No objection

WC Ecology – No objection subject to conditions

8. Publicity

The application has been advertised by way of letters to near neighbours. The publicity of the originally submitted plans and revised plans has generated in total ten letters of objection to the application from members of the public and two objections from Alderbury Parish Council have been given to the proposed development.

The ten letters of objection received during the consultation period for this planning application are summarised as below:

- Overdevelopment of the site and out of keeping with the surrounding area;
- Detrimental impact to the amenities of neighbouring properties;
- Loss of hedgerow and trees;
- Additional traffic movement to the detriment of Junction Road;
- Loss of natural pond;
- Land ownership matters

9. Planning Considerations

9.1 Principle of development including design and scale

The application site, an existing bungalow known as Brackendale is sited in a relatively large parcel of land in a residential area within the village of Alderbury. The site lies within the settlement boundary for Alderbury which is listed as a large village in the Wiltshire Core Strategy (WCS).

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy', and identifies four tiers of settlements - Principal Settlements, Market Towns, Local Service Centres, Large and Small Villages. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have 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.

Alderbury is identified within the Core Strategy as a 'Large Village', which is defined as a settlement with a limited range of employment, services and facilities. Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within Large Villages. The application site is located within the defined settlement boundary of Alderbury. As such, the principle of residential development on the application site is acceptable, subject to accordance with other relevant policies of the development plan.

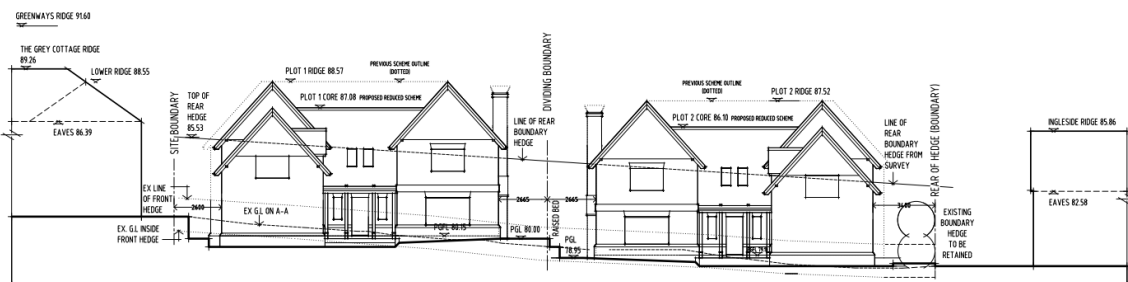
Core Policy CP57 of the WCS states a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Saved policy C6 of the Salisbury District Local Plan (SDLP) states: *within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality on the landscape are acceptable, they will be subject to the following criteria;*

- (i) *the siting and scale of development to be sympathetic with the landscape; and*
- (ii) *high standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area*

The application site, a residential bungalow known as Brackendale sits within a generous plot of land and fronts Junction Road. It is considered that the existing dwelling is of no particular architectural merit and therefore, it is proposed to demolish this dwelling and erection within the plot of land, two detached dwellinghouses. Through the proposal, the plot of land would be sub-divided to accommodate each new dwelling and associated parking with separate accesses/egress. The creation of a new access is proposed to serve Plot 1 and the access/egress serving the existing bungalow, Brackendale is proposed to be retained and widened to serve Plot 2.

Following negotiations between the case officer and agent, the overall scale of the proposed dwellinghouses have been reduced. A site section plan of the reductions is shown below with a dashed line denoting the previous dimensions of the proposed dwellinghouses



The approximate dimensions of each dwellinghouse are 15.1 metres in width by 15.8 metres in depth measured from the gable end by 8.53 metres to ridge height.

The changes in the design of the scheme include a reduction in the width of each dwelling by 600mm and ensures a separation distance of approximately 2.5 meters between the proposed dwellings and the neighbouring boundaries. Furthermore, the ridge height of the proposed dwellinghouses has been lowered by approximately 1.4 metres to minimise the bulk of the roof of the properties with the height and bulk of the chimneys also being reduced. Further changes include the removal of the areas of hardstanding proposed at the rear of each dwellinghouse.

The proposed dwellinghouses are to be of traditional appearance and constructed using materials that are reflective of the setting of the area. To ensure this, officers consider it appropriate to impose a condition on any consent requiring details of the proposed materials.

Following the amendments and reduction to the proposed scheme for the two dwellinghouses, officers consider that the overall scale of the proposed development to be acceptable in planning terms, and therefore, not contrary to Core Policy CP57 of the WCS.

9.2 Impact on neighbouring amenity and context and character of the surrounding area

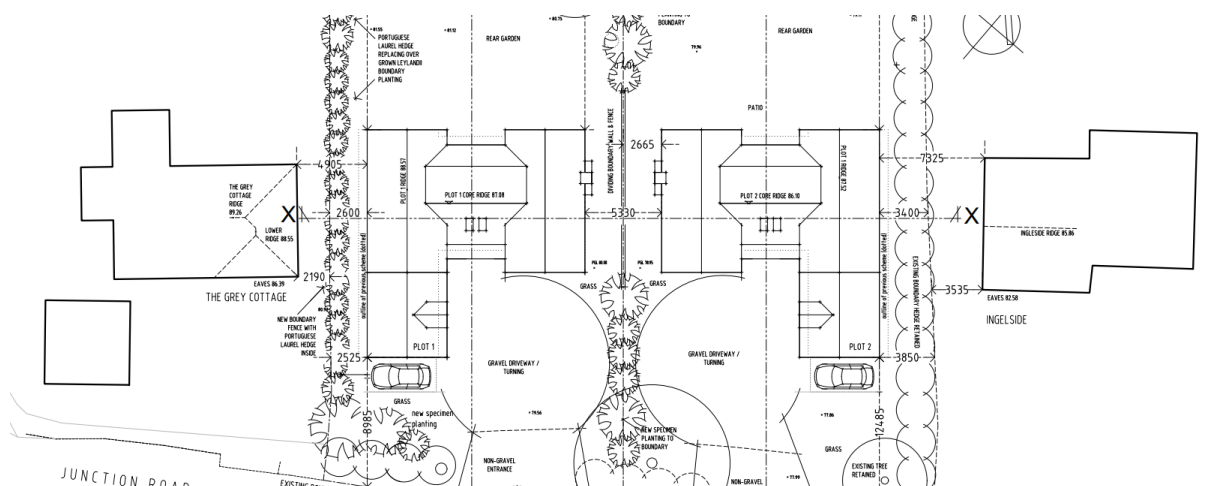
Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The proposal should also aim to conform to the objectives of Core Policy 57 of the Wiltshire Core Strategy which aims to achieve a high standard of design in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Core Policy CP51 of the WCS which states:

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.

The existing dwellinghouse, Brackendale is located within a residential area of Alderbury where a degree of inter-relationship and overlooking is considered acceptable in planning terms. The proposed site plan shown below shows the layout of the dwellings subject to this planning application.



Officers note that by way of the positioning of the proposed dwellings within the site, the overall scale of the proposed dwellinghouses would be more apparent to that of the existing bungalow particularly the relationship of Plot 1 and the neighbouring dwelling, Grey Cottage. The

distance between the side elevation (south western façade) of Plot 1 and the separating boundary is approximately 2.6 metres. This distance has been increased following the amendments in design as previously alluded to. Comments received from members of the public in respect of the proposed detrimentally impacting on the amenity of the area specifically with the removal of existing hedgerow are duly noted.

The existing site is bounded by mature hedgerow along the front, sides and rear boundaries that provide a degree of separation to the neighbouring properties, Grey Cottage, Ingleside and Greenways. To facilitate the proposed works, the existing hedgerow and shrubbery separating the application and the neighbouring property, Grey Cottage is to be removed with new fencing, approximately 1.8 in height and new hedgerow planting inside the application site. Further sections of the existing hedgerow along the site frontage are to be removed to facilitate the new access/egress to each dwelling.

The proposed would see the removal of well-established hedgerow along the south western boundary of the site, which would make the proposed dwelling, namely Plot 1 more apparent to the amenity of the neighbouring dwellinghouse, Grey Cottage. Whilst these concerns are noted, simply being able to see a development would not be a reasonable reason for refusal. The proposal itself must cause demonstrable harm. Subject to a condition imposed for a landscaping scheme and for the obscure glazing of the two first floor casement windows serving the bathroom and en-suite bathroom, officers considered the proposed would not cause any significant detrimental impact to the amenity of the neighbouring property, Grey Cottage that would warrant the refusal of planning permission.

The rear gardens of the dwellinghouses within this section of Junction Road are north westerly facing and as such, would experience a certain amount of natural sunlight peaking during mid-morning to early afternoon in the summer months. As such the occupiers of the dwelling known as Grey Cottage would not experience any significant loss of light or overshadowing by way of the erection dwellinghouse known as Plot 1. In respect of Plot 2, the occupiers of the neighbouring dwelling, Ingleside, again due to the orientation of this dwelling in relation to the movements of the sun, would experience a certain amount of natural sunlight peaking during mid-morning to early afternoon in the summer months. Due to the scale and layout of Plot 2 in relation to this neighbouring dwelling, officers note there would be some additional shadow cast along the south western boundary during late afternoon as the sun sets onto the rear garden of this neighbouring dwelling.

As such, the proposed dwellinghouses, in the opinion of the case officer, would not cause overshadowing or are of a dominant scale such that it would adversely affect surrounding amenity subject to the imposing of relevant conditions around obscure glazing and landscaping. Officers are of the opinion that it would be suitable to remove permitted development rights for any further alterations/extensions to the built form of the proposed dwellinghouses.

The erection of the replacement dwellinghouses following the demolition of the existing dwelling would be sited on a footprint slightly further forward towards Junction Road to that of the existing footprint of Brackendale. The existing dwellinghouses within Junction Road are characterised by a mixture of differing designs set within spacious plots. Whilst the proposed dwellinghouses would provide a degree of uniformity by way of their design, in officer opinion, subject to detailing imposed by a condition for materials to be used, the proposed dwellinghouses would not have any significant detrimental impact to the amenity of the area or the wider special landscape area that would justify the refusal of planning permission.

9.3 Highway safety/parking

Access/egress to the proposed two dwellinghouses is via the existing entrance serving the dwellinghouse for Plot 2 and would see the removal of a section of hedgerow along the site frontage for Plot 1. The comments received from members of the public around the increase in traffic movement along Junction Road and suitability of Junction Road for a proposal of this scale are duly noted.

The Council's Highways Officer has assessed the proposal and has raised no objection to the proposal subject to a number of conditions with the following comments:

Junction Road is a public footpath ALDE20 rather than public highway. The Rights of Way team should be given the opportunity of commenting on the additional vehicle movements along the public footpath. It is noted however that vehicle speeds would be kept low and forward visibility along Junction Road is good.

The junction of Junction Road with Southampton Road has adequate visibility and will not be adversely affected by the additional vehicle movements associated with a new dwelling.

In order to maximise visibility for and of vehicles emerging from the two driveways, and to maintain visibility between the driveways, a 2m strip across the entire site frontage should be kept at a height no greater than 900mm with low level planting or other low boundary treatment within this strip. It is likely therefore that the existing boundary hedge will need to be removed and any replacement hedge would need to be setback behind this visibility strip.

I note that the first 5m of the driveway will be surfaced in a non-migratory material, consideration must also be given to drainage of this area of driveway if it slopes towards Junction Road.

I am satisfied that each plot can accommodate the required car parking to accord with the Wiltshire Parking Strategy, as well as provide visitor parking when required. There is also sufficient space to turn within the site curtilage.

Sections of the existing hedgerow to be retained along the site frontage as shown on the submitted site layout plan are required for highway safety purposes to be reduced to be no more than 900mm in height for visibility purposes. Whilst this would increase the overall appearance of the dwellings within the street scene, officers consider this necessary for pedestrian safety reasons.

Therefore, subject to the imposing of the conditions as outlined by the Highways Officer, officers are of the opinion that the proposed would not cause any significant detrimental impact to highway safety or highways users that would warrant the refusal of planning permission. Officers are also of the opinion, the proposed adheres to the adopted parking strategy of Wiltshire Council.

Following comments above from the Highways Officer, officers have sought comments from the Council's Public Rights of Way Team in respect of the impact on the existing public footpath ALDE20 runs along this un-made track. Comments received state the following:

The properties will be accessed via a public footpath (ALDE20). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath.

The applicant is advised to take private legal advice to ensure they have a right of access. I do not consider that a net addition of one property would have a significant adverse effect on the footpath given the number of properties that are already using it for access. Assuming the applicant has a private vehicular right of access I would have no objections subject to the following informatives:

No construction / demolition vehicle access may be taken along ALDE20 without prior consultation with the Rights of Way Team. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Rights of Way Team.

Reason: To ensure the public right of way remains available and convenient for public use.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

Based on the comments as outlined, which are essentially not a planning matter in respect of a private right for vehicular access, officers are of the opinion that the proposed whilst increasing vehicular movements along the public right of way, would not cause significant adverse harm to warrant the refusal of planning permission.

9.4 Ecological Impact/River Avon Catchment Area

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. The site is located within the River Test Catchment Area but the application contains a report that states any waste water from the proposed development will be transferred to the River Avon SAC.

The comments received around the loss of trees and habitat are duly noted and therefore the comments of the Council's Ecologist have been sought on this proposal. The application is accompanied by an ecological survey (Phase 1 and 2 Bat Survey report by David Leach Ecology Ltd), bat mitigation plans and clarification from the applicant around the treatment of wastewater which has been reviewed by the Council's Ecologist. The following comments have been provided:

Information has been provided by the applicant and Wessex Water that the wastewater from the new dwellings will be treated at the Salisbury wastewater treatment works.

This development has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater to the River Avon SAC. 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 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.

SOLENT EUROPEAN SITES

The development site is located within the River Test catchment which drains into the Solent European sites. These designated sites are sensitive to nitrogen burdens from wastewater and land use change. A report has been submitted which confirms that the waste will be transferred from the River Test catchment to the River Avon. The wastewater will therefore not add nitrogen burdens to the Solent European sites. The existing land use at the development site is classified as urban land and there is no change to the land use classification as a result of the development.

No further nitrogen burdens require consideration and I concur that the proposal is nitrogen neutral.

To mitigate the impact of the proposal on the River Avon SAC, the following condition is recommended by the Council's Ecologist:

The 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 the development 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.

In respect to the proposed works around any habitats being removed from site, the following comments have been received:

As it is not clear what habitats are being removed, I will add a construction method statement to the conditions.

Whilst comments received around the loss of trees and habitat are duly noted, subject to the imposing of the construction method statement condition and a water usage condition as advised by the Council's Ecologist with the inclusion of a landscaping condition imposed onto any consent, officers consider that the proposal for the erection of the two detached dwellinghouses will not cause any significant ecological impact to the habitat of the area or to the River Avon SAC that would justify the refusal of planning permission.

9.5 Other matters

Comments received in respect of land covenants and the sale of land within Junction Road and; private negotiations between land owners and the applicants/developers of this scheme are not a matter for the Local Planning Authority to become involved within and therefore, are not a material consideration of this planning application

10. Conclusion and Planning Balance

This application has generated letters of objection from third parties, including the Parish Council and members of the public, which are duly noted and have been carefully considered.

The application site is located within the defined settlement boundary of Alderbury. As such, the principle of residential development on the application site is acceptable, subject to accordance with other relevant policies of the development plan.

For the reasons as outlined within this report, officers are of the opinion that the proposed development conforms to the objectives of Core Policies CP2, 23, 50, 51, 52, 57, 61 and 69 of the Wiltshire Core Strategy and the aims of the NPPF. Taking the above into account, the application is not considered contrary to these policies as it does not cause any significant material harm that would justify a refusal of planning permission. Therefore, planning permission should be granted for the development.

11. RECOMMENDATION: Approve with the following conditions:

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

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

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

DWG No: 474-14 Site Location Plan Date Received 16.08.21

DWG No: 474-11 Rev C Proposed Site Layout Plan/Bat Mitigation and Sections Date Received 05.11.21

DWG No: 474-12 Rev A Proposed Elevations and Floor Plans Plot 1 Date Received 12.10.21

DWG No: 474-13 Rev A Proposed Elevations and Floor Plans Plot 2 Date Received 12.10.21

Proposed Street Scene and Section Date Received 15.10.21

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

- 3 No works above ground floor level of the development hereby permitted shall commence until details of the external materials for the new dwellings that shall include details and sample panels of the tiles and external brickwork, and materials

to be used for the eills, chimneys, rooflights, windows and doors, 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: To ensure the development enhances the character and appearance of the area.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions or alterations to the roofslopes to the approved dwellings other than as approved as part of a formal planning application by the Local Planning Authority.

REASON: In the interests of the amenity of the area.

- 5 Before the development hereby permitted is first brought into use the first floor casement windows within the approved dwellings (serving the en-suite bathroom and family bathrooms) as shown in approved drawings DWG No: 414-12 Rev A and DWG No: 414-13 Rev Proposed Elevations and Floor Plans for Plots 1 and 2 shall be glazed with obscure glass only (to level 5 obscurity) and shall be maintained with obscure glazing in perpetuity. Other than those hereby permitted, there shall be no further window openings inserted into the roofslopes or first floor elevations of the approved dwellings.

REASON: In the interests of residential amenity and privacy.

- 6 Any gates shall be set back 4.5 metres from the edge of Junction Road, such gates to open inwards only.

REASON: In the interests of safety for all users of the footpath.

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

REASON: In the interests of safety for all users of the footpath.

- 8 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside road edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside road level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of pedestrian safety.

- 9 No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 10 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Method Statement (CMS) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase. All habitats to be removed and retained and therefore protected throughout the construction phase shall be provided on a stand-alone plan.

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

- 11 The 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 the development 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.

- 12 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:

(i) location and current canopy spread of all existing trees and hedgerows on the land;

(ii) full details of any to be retained, together with measures for their protection in the course of development;

(iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities to include the proposed orchard area;

(iv) means of enclosure to include details of fencing and gates serving the entrances;

(v) all hard and soft surfacing materials;

(vi) minor artefacts and structures to include refuse storage units.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development.

- 13 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 dwelling 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.

INFORMATIVE TO APPLICANT:

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 is requested to note 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.

3). No construction / demolition vehicle access may be taken along ALDE20 without prior consultation with the Rights of Way Team. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Rights of Way Team.

REASON: To ensure the public right of way remains available and convenient for public use.

4.) No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

REASON: To ensure the public right of way remains available and convenient for public use.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	08/12/2021
Application Number	PL/2021/05622
Site Address	97 East Gomeldon Road Gomeldon SP4 6LZ
Proposal	Demolition of an agricultural barn, the erection of a bungalow and associated change of use of land.
Applicant	Mr and Mrs W Maher
Town/Parish Council	IDMISTON
Electoral Division	Old Sarum & Lower Bourne Valley - Cllr Oliver
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 Oliver, for the following reasons:

The previous application was reviewed at a previous SAPC meeting and turned down - I would like to see this application be given similar consideration should the officers recommendation be for refusal

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:

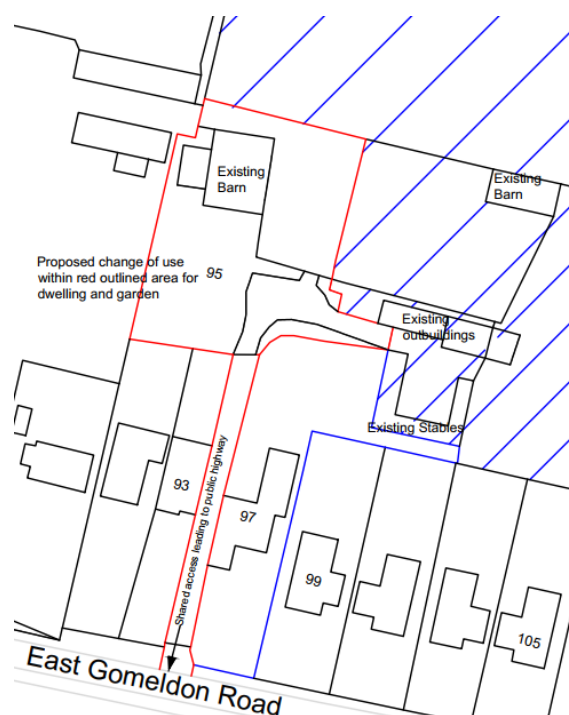
- Principle
- Personal Circumstances
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- River Avon Special Area of Conservation (SAC) catchment area

The application has generated a letter of support from Idmiston Parish Council; and five 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. An existing agricultural barn is located towards the north west corner of the red line site, this is currently used for storage.

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 extract 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.

20/08997/FUL Change of use of current agricultural land to residential area. Construction of proposed new chalet bungalow. Recommended for Refusal by Officers and refusal upheld by Southern Area Planning Committee for the following three 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.

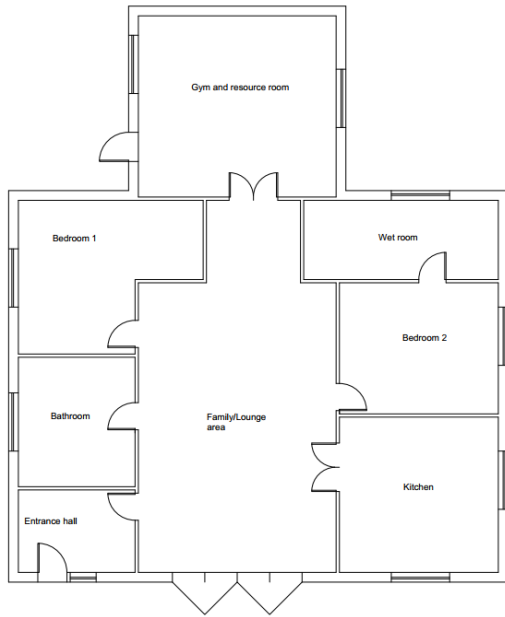
The property is for the parents/family of Toby, a 14 year old with Down Syndrome to live in while Toby resides in the existing 3 bed bungalow, this however does not accord with exemption polices as the proposed dwelling shows no design features that would indicate its use by someone with a disability,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

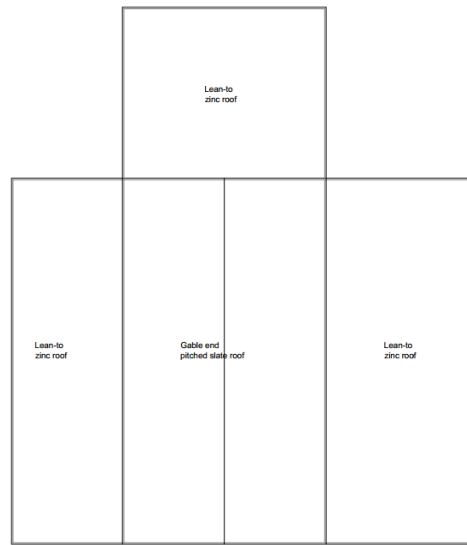
5. The Proposal

This is a full application which now proposes to demolish an existing agricultural barn on agricultural land in the open countryside and replace with a two bedroom single storey bungalow along with associated change of use to residential. Proposed elevations and plans shown below for convenience.

Proposed ground floor plan

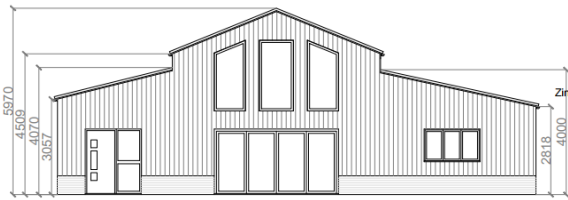


Proposed roof plan

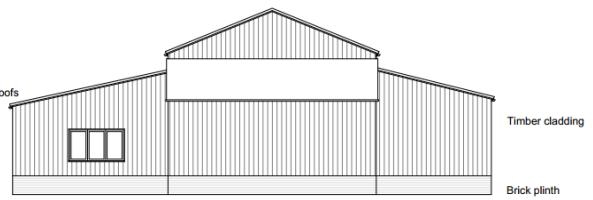


Proposed elevations

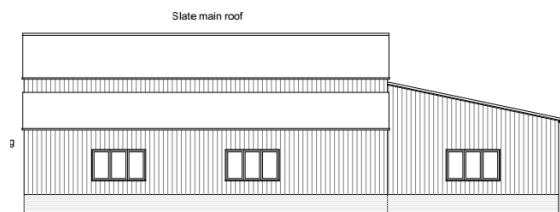
East



West

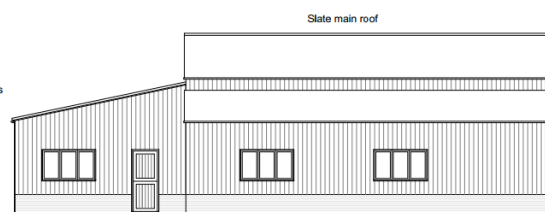


North



Side - North Elevation

South



Side - South Elevation

6. Local Planning Policy

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

National Planning Practice Guidance (NPPG)

National Design Guide (January 2021) (NDG)

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

Saved policy C6

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

Habitat Regulations Assessment and Mitigation Strategy for Salisbury Plain Special Protection Area

Conservation of Habitats and Species Regulations

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 the planning history of this site, with a similar proposal refused consent under reference 20/08997/FUL. As per previous advice from this Highway Authority, I do not view the proposals to be likely to create a highway safety issue and 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 - here are no archaeological issues that I would wish to raise in this instance.

Public Protection

I am writing regarding planning application PL/2021/05622 for demolition of a barn and construction of a 2 bed bungalow. The new dwelling will be near to agricultural land and buildings and residents may therefore notice impacts from noise, dust, odour and pests in to the future. However, it is not unusual for dwellings to be near stables and the other agricultural buildings do not look, large or intensively used. The following conditions should be applied:

- 1) No development shall commence on site until a demolition and construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - i. An introduction consisting of demolition phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;

- iii. A description of the demolition programme;
- iv. A named person and telephone number for residents and LPA to contact;
- vii. Details regarding dust and noise mitigation;
- viii. The movement of demolition and construction vehicles;
- ix. The cutting or other processing of building materials on site;
- x. Wheel washing and vehicle wash down facilities;
- xi. The transportation and storage of waste and building materials;
- xii. The location and use of generators and temporary site accommodation

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

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

2) There shall be no burning undertaken on site at any time.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

3) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

4) Former agricultural use of the site/building may have given rise to potential sources of land contamination e.g. fuel oil, vehicles, asbestos, pesticides or herbicides. As it is now intended to use the site for residential purposes a statement/letter report must be provided which confirms the historical uses of the site/building and how development works will address any potential for land contamination which may exist.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Ecology/River Avon SAC Phosphates

Objection

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required (Leave blank if further information not required)	Satisfactorily addressed (Document & Date)
1.	Increase in phosphorus burdens to the River Avon SAC	The Conservation of Habitats and Species Regulations 2010 (as amended), 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	A detailed mitigation strategy to counterbalance the increase in phosphorus burdens from the proposed development.	

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.

Matters Considered:

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. Advice from Natural England indicated 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 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. However, applications of this nature do not currently come within the terms of the generic AA recently agreed with Natural England therefore we currently do not have sufficient evidence to conclude that it is compliant with the Habitats Regulations.

The planning statement refers to impacts of nitrogen on the Solent catchments. The development site is located in the River Avon catchment, which is sensitive to increases of phosphorus from foul waste and urban run-off. The proposed development will result in a new unit of accommodation and it is the Council's view that mitigation is required to counterbalance the associated phosphorus burdens.

The Council, as competent authority needs to have certainty that the development proposals will not have an adverse effect on the integrity of the European site. The provision of every

new dwelling in the catchment will lead to a chain of house moves over its lifetime and this has the potential to bring more people into the catchment. Effective mitigation needs to be legally secured for the lifetime of the development, which is considered to be 80-125 years. It is not possible to rely on restrictions to occupancy within the new dwelling. Any measures proposed for mitigation would need to be legally secured and enforceable by the competent authority over the development's lifetime. Natural England has set out guidance on the type of phosphorus removal measures that are appropriate as mitigation such as permanent removal of agricultural land or wetlands. **The application must submit their own mitigation strategy showing the development will achieve nutrient neutrality, together with a letter from NE demonstrating that the strategy and development proposals submitted for planning have been reviewed by them and found to be compliant with the Habitats Regulations.**

Currently the application does not include detailed proposals to mitigate the impacts of these increases in phosphorus 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.

Ecology – other matters

Objection

Recommendations:

<input type="checkbox"/>	No Comment
<input type="checkbox"/>	Support
<input type="checkbox"/>	No objection
<input type="checkbox"/>	Condition (no objection subject to conditions)
<input checked="" type="checkbox"/>	Objection - further information required
<input type="checkbox"/>	Objection in principle
<input checked="" type="checkbox"/>	HRA required (refer to comments from Senior Nutrient Officer, Wiltshire Council 6 th September 2021)

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1.	Net loss of biodiversity and biodiversity net gain	CP50 and NPPF	Plans showing features to mitigate impacts on birds (including barn owl) and bats. (09/09/2021)	

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.

Matters Considered:

- The supporting Phase I Survey, Reptile Survey and Mitigation Strategy, prepared by Bourne Ecology (July, 2021) has been reviewed.
- 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. Please refer to comments made by Rachel Jones (Senior Nutrient Officer, Wiltshire Council ,6th September 2021) in relation to this matter.
- The supporting report confirms the barn supports breeding woodpigeon, collard dove and barn owl and that the surrounding land support toads and a low population of slow worm.

- Section 5 details appropriate mitigation and enhancement including pre-construction works and sensitive construction methods to avoid temporary impacts on birds (including barn owl), reptiles and amphibians which must be adhered to and should be secured by condition.
- **In order to ensure the development will result in no net loss of biodiversity and biodiversity net gains replacement features for use by birds and bats as recommended in Section 5 the submitted Phase I Survey, Reptile Survey and Mitigation Strategy, prepared by Bourne Ecology (July, 2021) must be incorporated onto planning drawings specifically:**
 1. Plan/s showing details of the location and specification of replacement bird nesting features (sparrow terrace nest box).
 2. Plan/s showing the location and specification of replacement barn owl nest box in retained barn including recommended modifications of the barn.
 3. Plan/s showing the location and specification of permanent bat roosting features.

Further details were provided and passed to the ecologist for further comment and they have raised No objection subject to condition and removed their holding objection

The submitted plan 'Location of Biodiversity Mitigation and Enhancements 95 East Gomeldon (PL/2021/05622)' is satisfactory to remove my holding objection for application PL/2021/05622.

If you are minded to approve this application the following, or similarly worded, condition is recommended.

The development will be carried out in strict accordance with the following documents:
The submitted 'Location of Biodiversity Mitigation and Enhancements 95 East Gomeldon (PL/2021/05622)' plan.

Section 5 of the submitted Phase I Survey, Reptile Survey and Mitigation Strategy report prepared by Bourne Ecology, July 2021.

REASON:

For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

Third Party Representations

Five letters of representation received for this application; these are included in full below

1

We have no objections to the proposed plan especially as it is a family development and not a development for gain. A application was approved on the edge of Winterbourne Earls on agricultural land two houses built to be sold to fund family care home cots. Other uses of agricultural land can also be found for example two properties at Little Dale Farm and the blatant change of use of land opposite Horfield Estate in Porton.

Please get on and approve the application to enable the applicant and his family to complete the desired family plan on the land.

2

1) While there is no building line in E. Gomeldon Rd. this property will constitute back development into agricultural land and will be a precedent for other occupants in E. Gomeldon Rd. do the same.

2) It is Agricultural land.

- 3) There are bats and possibly barn owls. We understand that they should not be disturbed.
- 4) This is a revised Application and We are concerned that the property will be enlarged under the permitted development regulations, to the size stated in the original Planning application
- 5) There appear to have been considerable small developments on this site already, and we are concerned that it will mean that there is over development of the site.

3.

I am the owner of 93 East Gomeldon Road, and whilst this house is currently a rental property, I do intend to live at number 93 in the future. Therefore, would be affected by the rebuild of the barn.

I approve of this application on the basis that I have got to know the Maher family and fully support the idea that Toby should have the opportunity to live independently next door to his family.

The Maher's have previously tried to buy my house (number 93) which is a two-bedroom bungalow, for the purpose of allowing Toby to live next door to his family, but I am not planning to sell now or in the future.

I wish them the best of luck with this application.

4 .

My main concern is about back fill in East Gomeldon Rd ,that with the amount of properties with land behind and developers always looking in the area it will start a precedence changing land from agricultural ,which we are losing at a rapid rate, (Loss of agricultural land Clause 14.01-1R of the Planning Policy Framework, Protection of Agricultural Land) and building on it in an area that has already got restricted access

Also as we have a regular Barn Owl and Bats that fly around us is there a possibility they live in the barn .

5.

if this “back land” development is allowed I hope that will set precedent to allow other properties in the road to develop their “back land”, if this is not the intention then the no “back land” development policy should be adhered to.

This bungalow is very close to our rear gardens and land that currently enjoy privacy. However it does appear that the design is well thought out and avoids windows overlooking our property.

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 National Planning Policy Framework (NPPF) (2021) which sets out Central Government's planning policies, confirms that planning law requires that applications for planning permission be determined in accordance with the development plan (proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused), unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990); that the NPPF is a material consideration in planning decisions and planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) 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. Settlement boundaries are essentially defined as the dividing line between areas of built urban development (the settlement) and non-urban or rural development (the open countryside).

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.

East Gomeldon is identified as a small village in the Wiltshire Core Strategy where any settlement boundaries have been removed and therefore has no defined limits of development/settlement boundary being a village that does not have a range of services, facilities and few employment opportunities where new housing development will be

restricted. East 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.

Exception policies in Wiltshire Core Strategy

Outside of the limits imposed by CP1, CP2 and CP4, development should only be permitted in the circumstances outlined in paragraph 4.25 of the Core Strategy. Paragraph 4.25 identifies ‘exception’ policies, which seek to respond to local circumstances and national policy, to provide additional sources of employment and housing sites. 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 exceptions, 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.” Core policy 46 therefore supports the provision of homes and accommodation for vulnerable people **but only in suitable locations.**

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.

The above criteria 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

An applicant’s personal circumstances are not normally a material planning consideration and not relevant to the planning decision (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability). In this case, the planning statement accompanying the application sets out in detail the personal circumstances of the Applicant’s son:

‘Toby has Down Syndrome which, as noted in the letters from the applicants (Appendix A) the Down Syndrome Support Charity Ups and Downs Southwest (Appendix B) and Toby’s school (Appendix C) presents many challenges for individuals who wish to live an independent life. Indeed, it was accepted by the Case Officer of the previous application that Toby’s circumstances represented a genuine need for the accommodation. During the previous application Officers held concerns as to whether the scale and facilities within the proposed dwelling were appropriate and if the provision of a dwelling for the applicants to live in (thus allowing Toby to live in the existing dwelling at No.97) would be policy compliant. The present application proposes a dwelling which is purpose-built for Toby’s needs. There are 2 bedrooms (which allows for a live-in carer if required in the future), a kitchen, bathroom (again for the carer), living area, wet room and gym/resource room all on a single level. It is considered that the revised scheme full accords with criterion (viii).’

The advantages of being close to relatives are also set out in the supporting information:

Toby is nearly 15, the house will take a certain amount of time to build and even longer for him to adapt to changes, potentially it could take years of adjustment. The process would not be comparable to giving a typically developing 18-year-old a key to a house and him moving in. For Toby, it will take lots of one night sleep overs, time to learn how to use everything, time getting used to a carer (if needed) and time to learn to live differently. The transition is expected to be a lengthy process. Again, this is why it is important that the applicants’ family unit sticks together, next door to each other so they can help with the transition.

Whilst it has been previously accepted by the LPA that the personal circumstances of the applicant in this case are a material consideration, it is not considered that the development as proposed outweighs the policy objections to the scheme. There is no mechanism to ensure that it would remain in the ownership of the applicant and were the applicant to cease occupation it would be open market housing in an unsustainable open countryside location poorly related to services.

In this case the proposed dwelling is not located in a suitable or sustainable location (being within the open countryside not within or adjacent to a Principal Settlement or Market Town) and is therefore in principle contrary to CP1, 2, 4 and 46 of the WCS.

In addition, 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. Toby is currently 15 so a few years off adulthood, it is understood that it takes time for a new dwelling to be constructed and also it is understood the desire for Mr and Mrs Maher to want the best for their son, this does however apply for any parent, regardless of background, disability or personal circumstances. Often children wish to live in the area in which they have grown up but there are just not affordable houses available, this does not however trigger the need to ignore or go against policy to create unacceptable development in the open countryside such as the new dwelling proposed here. **The "in principle" objection still stands.**

Section 5.11 of the submitted planning statement agrees that the proposed development is contrary to policy and states that *"Whilst the proposals are not fully policy compliant, they are certainly accordant with the spirit of the policy and it is only the locational aspect which fails. The harm caused by this policy conflict is therefore considered to be significantly limited."* Section 5.14 of the planning statement states *"Although not entirely accordant with CP46, the proposed development would serve a demonstrable need for a vulnerable person within an established settlement. This is considered to be entirely accordant with the spirit of the Wiltshire Core Strategy, which seeks to enable genuinely required development in appropriately sustainable locations"*. However, the locational aspect of this policy is one of the key components and as already extensively explained, the site is not in a sustainable location; development contrary to this can only be seen as harmful and bad planning.

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

Third parties have raised a couple of examples of other development in the locality which have been approved and they feel are the same as that proposed at 97 East Gomeldon Road, and therefore mean this current application should be approved in principle see below. All sites are unique and have different impacts and constraints as well as different impacts on neighbouring properties and the local area. What is acceptable for one site is not necessarily acceptable for another, this is why Officers have a careful and sometimes very difficult balancing act to carry out when reaching decisions on applications weighing a huge range of factors including policies and material considerations.

- Horefield Estate Porton, this site is a site that was identified in the Neighbourhood Plan for residential development and whilst it is change of use of agricultural land, it does comply with policy for this reason unlike the site at 97 East Gomeldon Road which is contrary to the neighbourhood plan.
- Site in Winterbourne, no further reference or details have been given for this therefore I cannot comment on this without an address or application number. The third party states two dwellings were built and sold off to fund care home costs, implying they were not built for use by vulnerable occupants.

A different application in Winterbourne was 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 is application 14/03915/FUL. This application was not assessed against the current national (NPPF 2021) 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 for 14/03915/FUL was in open countryside and therefore in an unsustainable location, but the new dwelling included very clear 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 is shown on the snip-it below from the approved location plan from 14/03915/FUL. This site could be considered infill development if assessed against today's current policies and guidance and therefore may have been considered compliant with these policies including the neighbourhood plan.



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

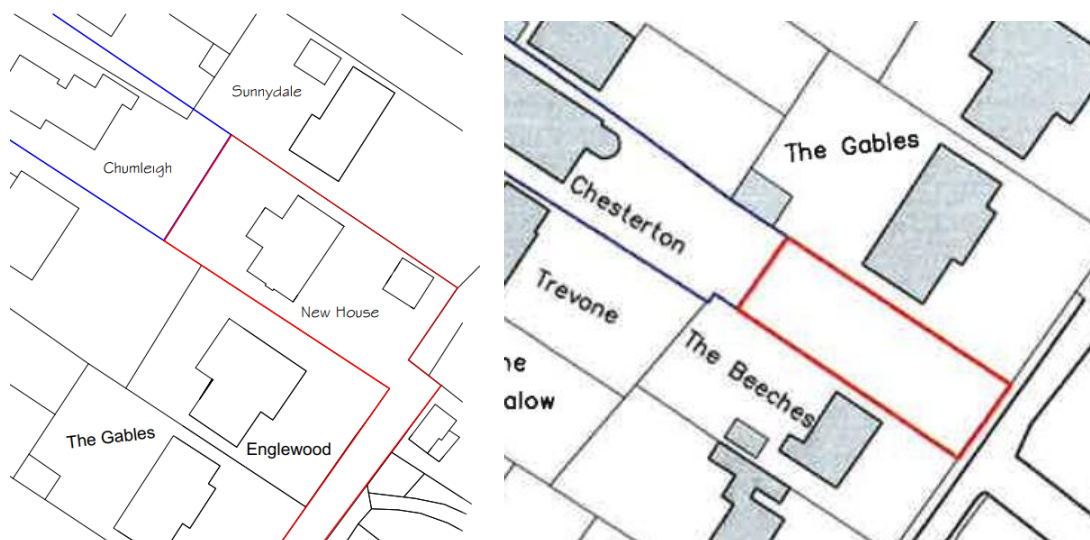
Core policy 2 states that *“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the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

Below are two examples to demonstrate infill development both are sites located off Salt Lane in Winterbourne Gunner (approx. 1km from 97 East Gomeldon Road), for each site the proposed dwelling was to be constructed between existing dwellings, infilling a gap whilst respecting the existing character of the area. The location of the proposed dwelling at 97 East Gomeldon Road is clearly not infill development and therefore contrary to policy.



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 Polices 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 exception polices as defined within core policy 46.

The Council has a difficult judgement to make. It has to determine applications in accordance with the development plan, except where material considerations indicate otherwise. A consideration in this case is the needs of the Applicant's son, but the law makes it clear that this by itself is not determinative.

The proposal is in conflict with the development plan, in that it would result in the construction of a dwelling in a location where new dwellings would not normally be

permitted. Furthermore, the proposal would result in harmful encroachment of residential development into the rural landscape designated as a special landscape area.

It is considered that whilst the personal circumstances of the Applicant and their son amount to a material consideration, it does not outweigh the harm, in planning terms, that would be caused by allowing a development that in this particular unsustainable location would have an irreversible adverse impact on the area, on a site that has not been brought forward for development by the local community. 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 and discussed 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 Toby who is 11 years old and has Downs Syndrome to live in whilst his parents remain in the existing three bed bungalow. 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. Officers 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 exception policy as it is not designed as a new dwelling for someone with a disability both in terms of scale, design and siting.

Equality Act/Human Rights

In determining planning applications the Local Planning Authority has to have regard to the requirements of the Equality Act (2010). This requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making, this the Council has clearly done. The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. Core Policy 46 does address the housing needs of vulnerable people.

In relation to Human Rights, the Courts have held that 'the best interests of a child shall be a primary consideration'. However, they have made it clear that this does not make the best interests of a child determinative, paramount, or the primary consideration. The approach to

be taken is to seek to identify the child's best interests and to keep these at the forefront of the decision makers mind as all material considerations are examined and the exercise of planning judgement made.

In this case, the best interests of the child lie in providing suitable accommodation. This proposal would provide suitable accommodation, built for the child's needs and close to family support. However, it does not follow that this is the only site or property where his needs can be physically met, and that those needs override all other material considerations. The adverse impacts of not approving the application would mean that the search for a suitable site or property would continue whilst the family remain in other accommodation. It must be decided whether this adverse impact is proportionate; Toby as mentioned above is 15, it would be highly unusual for someone so young to have a dwelling for themselves, it is ore usual for children to remain in the family home until they ra least reach adulthood or much older.

9.3 Character & Design

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

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

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

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

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

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

Paragraph 130 of the NPPF sets out that developments should function well and add to the overall quality of the area, be sympathetic to local character and establish a sense of place. It states at paragraph 134 that development that is not well designed should be refused. This has been highlighted in a recent appeal decision for 107 Bouverie Avenue South (planning reference 20/06105/FUL) for a new dwelling which the Southern Area Planning Committee refused and the Planning Inspectorate upheld for reasons of poor design and backland development that was harmful to the character and appearance of the area – notable similarities to this current application.

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.

In terms of policy, Officers feel the following additional policies should be highlighted as pertinent to this application.

Saved Policy C6 of the Salisbury District Local Plan (SDLP) states: *"Within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality on the landscape are acceptable, they will be subject to the following criteria;*

- (i) The siting and scale of development to be sympathetic with the landscape; and*
- (ii) High standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area. "*

Design Policy 6 of the Idmiston, Porton and Gomeldon Village Design Statement (VDS) states: *"For our villages to remain as recognisably separate places, with their own identities, it is critical that these physical and visual breaks between our settlements are retained. Consequently any development which prejudices the continued separation of our existing villages from each other, and from those in neighbouring parishes, will not be supported."*

Policy 1 of the Idmiston Neighbourhood Plan (NP) states: *"For the villages to remain as recognisably separate places, with their own identities, it is critical that these physical and visual breaks between our settlements are retained. Consequently, any development which prejudices the continued separation of our existing villages from each other, and from those in neighbouring parishes, will not be supported."*

Design Policy 10 of the VDS states: *"To ensure new development in Gomeldon and East Gomeldon is compatible with the existing settlements' mostly linear form... Tandem or backland development should be avoided"*.

The proposed demolition of the existing agricultural building and the erection of a new dwelling to the rear of the existing linear form of residential development, outside of the existing building line along with the creation of a residential curtilage for the dwelling would therefore be contrary to Design Policies 6 and 10 (VDS), Policy 1 (NP) and C6 (SDLP), as the extent of land used for residential purposes (and the resultant presence of domestic paraphernalia, e.g. outdoor furniture, children's play equipment etc) would encroach onto the agricultural land that serves as the buffer between the villages of East Gomeldon and Porton, and would be out of keeping with the character and appearance of the area and would constitute harmful encroachment into the open countryside.

During the course of the application, third parties made Officers aware of building work being undertaken on the application site relating to the conversion of an agricultural building to residential/domestic use. Officers queried this with the Agent but no response was forthcoming, the case officer during a site visit to the property looked at the outbuilding and the applicant confirmed it was for a office (home office) and gym for Toby. The applicant stated this would be used until the dwelling was built and then Toby would use the gym in the main house. Nevertheless, no prior consent was sought for this development and the matter referred to planning enforcement. Officer are concerned that should the proposed new dwelling and associated use be granted that there would be further residential encroachment into the open countryside as shown by this unlawful development. The loss of a second agricultural building (the demolition of existing and conversion of this second) could result in a request for further buildings to be erected on site.

The previous application cited a number of properties along East Gomeldon which were felt by the applicant as similar in terms of character to their proposed dwelling, these have not been raised with the current application, but Officers feel it is prudent to include these within this report for completeness, 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. The third party representations received comment on this matter and the case officer received further enquiries regarding building on land behind their properties should this application be approved.

In terms of design of the building itself, there can be no disagreement that the existing barn is in poor repair and visually unattractive, its removal on visual amenity grounds can only be seen as an improvement. Officers do however have concerns that by removing the barn and thus the storage space this provides, there will be an inevitable subsequent application for an additional barn on site should the existing barn be removed and new dwelling constructed. Additional barns on this site could itself pose harm to the rural landscape and further erosion of built development into the undeveloped land.

The proposed dwelling has been designed to be of a similar size and scale as the existing barn although slightly larger in length and width; the proposed dwelling follows a similar design to the existing barn. However, it is considered that the proposed design for new house by following the design of the existing building is utilitarian and ugly with little in the way of architectural merit, having more of a resemblance to an American Church than well designed rural dwelling. The proposed design of the new dwelling is considered to be contrary to objective 16 of the Council's design guide Creating Places, core policy 57 and the general good design aims of the NPPF (2021)

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. However, the proposed dwelling is single storey with openings at ground floor level only other than on the east elevation where higher level gazing is included. Given the scale, siting, orientation and design of the proposed dwelling it is not considered that the development will overlook neighbouring properties or overshadow or overbear.

Officers do have concerns regarding the amenity of 87 East Gomeldon Road whose rear garden and stable block with manege border application site with the new dwelling to be constructed immediately alongside the stable block. Officers feel there is a conflict of uses with the potential for the building works as well as future residential use of the application site as residential will potentially negatively impact on the welfare of the horses stabled adjacent to the new dwelling. This is a new issue that has not arisen during the previous application as the existing barn acts as a buffer, with this being removed, there is no longer any protection afforded to the stables. Officers sought comments from the Council's public protection team regarding the conflict of uses, they however did not consider there was basis for objection subject to conditions.

It is therefore on balance 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 sufficient parking spaces can be provided which accords with the above guidance for a two 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.

Officers note that the NPPF has been updated in July 2021, the above paragraphs of the NPPF should in fact relate to 104, 105, 110 and 112.

9.6 Ecology

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

The existing barn has been shown to be a nesting site for woodpigeon, collard dove and barn owls. Third party representations received have confirmed that barn owls are regularly seen as well as bats although bats have not been found in the existing barn itself

Section 5 of the submitted ecology survey details appropriate mitigation and enhancement including pre-construction works and sensitive construction methods to avoid temporary impacts on birds (including barn owl), reptiles and amphibians which must be adhered to and should be secured by condition.

In order to ensure the development will result in no net loss of biodiversity and biodiversity net gains replacement features for use by birds and bats as recommended in Section 5 the submitted Phase I Survey, Reptile Survey and Mitigation Strategy, prepared by Bourne Ecology (July, 2021) must be incorporated onto planning drawings specifically:

1. Plan/s showing details of the location and specification of replacement bird nesting features (sparrow terrace nest box).
2. Plan/s showing the location and specification of replacement barn owl nest box in retained barn including recommended modifications of the barn.
3. Plan/s showing the location and specification of permanent bat roosting features

The above details were included in the submitted plans and were accepted by the ecologists as appropriate mitigation in this instance.

9.7 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 exception 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.

The applicants have put forward a counter argument which is "The proposed development is a purpose-built dwelling for use by the applicants' son, Toby, who has Downs Syndrome. Currently, Toby resides in the family house on-site with his mum and dad. The proposed development would allow Toby a greater degree of independence, whilst still being close by to family who can regularly check in on him and provide assistance at short notice if necessary. A 2nd bedroom is proposed because it is likely that at some point down the line, Toby will need live-in care from a specialist carer (note, a carer would also move into the existing family home if this development doesn't go through). The unique circumstances of this particular development mean that there will not be an increase in the number of occupants at the wider site, as Toby is not a new occupant but would just be moving from the family house to his own unit. It seems to us that there would arguably be no net increase in phosphate resulting from the development because the occupancy is the same and load is just spread across 2 units rather than 1.

The Council however do not accept this argument, whilst there may not be an increase in residents in the new dwelling over the short term as the family member will be moving from the main house, as this is a new dwelling and that the timescales over which mitigation is necessary is 80 to 125 years. In planning terms, it would be extremely difficult to monitor and to enforce, both in the short term and the long term. Furthermore, an added complication is that water use in households is not linear based on occupants in the dwelling. For example, a one person household uses more water *per person* than a three person household. We would therefore not be willing to accept this argument. It is also our view that monitoring and enforcing water use in private households over a period of 80 to 125 years would be extremely problematic from a logistics and funding perspective. It would also be challenging to rectify the situation should high water use occur in the private households. Basically, this application is for a new dwelling, which is market housing, therefore it is treated as such but as it is unplanned development, contrary to policy it is not covered by the current agreed mitigation. The applicants have also confirmed that they are unable to provide mitigation and after discussions with the Council it was concluded that there would be no option but to include this as a reason for refusal.

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 Council has a difficult judgement to make. It has to determine applications in accordance with the development plan, except where material considerations indicate otherwise. A material consideration in this case is the needs of the Applicant's son, but the law makes it clear that this by itself is not determinative. Officers must remain focused and not be swayed by emotions of an applicant's personal situation.

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 104, 105, 110 and 112 of the National Planning Policy Framework 2021 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 property is for Toby, a 15 year old with Down Syndrome to live in while his parents remain in the existing 3 bed bungalow which is currently the family home. 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 exception policies as defined within the Wiltshire Core strategy, the proposed dwelling does not include any design features that would indicate its use by someone with a disability or is vulnerable and is effectively just a market house.

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 contrary to the NPPF, WCS, Creating Places Design Guide, Neighbourhood Plan and Village Design Statement.

The design of the proposed dwelling is considered to an ugly, utilitarian design, whilst the dwelling will be not prominent within the streetscene, this does not give way to allowing unacceptable design through the unattractive appearance of a new building.

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, in principle, character & design and phosphates.

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 104, 105, 110 & 112 of the National Planning Policy Framework 2021 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 exception tests as outlined in paragraph 4.25 of the Wiltshire Core strategy.

The new dwelling is for Toby, a 15 year old with Down Syndrome to live in while his parents remain in the existing 3 bed bungalow, the proximity allowing family support. The new dwelling however does not include any design features or adaptations to indicate it is for someone who is vulnerable or has a disability, the new dwelling has the character and design of a standard market house which does not accord with exception polices and is 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 and is contrary to the design principles in the village design statement and the Neighbourhood Plan. The siting of the proposed dwelling located further to the north than existing dwellings and their curtilages is considered to create harmful encroachment of residential development into the rural landscape. Furthermore, the design of the proposed dwelling is utilitarian and does not constitute good visual design, contrary to core policy 57 of the Wiltshire Council Core Strategy and the good design aims of the NPPF.
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 180 and 182 of the National Planning Policy Framework.



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