

AGENDA

Meeting: Southern Area Planning Committee

Place: The Guildhall, Market Place, Salisbury, Wiltshire, SP1 1JH

Date: Wednesday 1 June 2022

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 Andrew Oliver (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 Bridget Wayman
Cllr Rich Rogers

Substitutes:

Cllr Ernie Clark
Cllr Kevin Daley
Cllr Bob Jones MBE

Cllr Ricky Rogers
Cllr Graham Wright
Cllr Robert Yuill

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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 and Membership Changes**

To note the changes to the membership as agreed by Full Council on 17 May 2022.

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 42*)

To approve and sign as a correct record the minutes of the meeting held on 28 April 2022.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 25 May 2022, 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 27 May 2022. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 43 - 44*)

To receive details of completed and pending appeals and other updates as appropriate for the period of 14/04/2022 to 20/05/2022

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **APPLICATION NUMBER: 20/09189/FUL (Mobile Home) - Lower Marshes Farm, Semley**, (*Pages 45 - 56*)

Siting of mobile home for rural worker's accommodation

7b **APPLICATION NUMBER: 20/09188/FUL (Agricultural Building) - Lower Marshes Farm, Semley** (*Pages 57 - 68*)

Erect replacement multipurpose agricultural/equestrian building and horse walker.

7c **APPLICATION NUMBER: PL/2021/10952 - Bramble Cottage, Mount Pleasant, Porton** (*Pages 69 - 86*)

Full plan application for the erection of one dwelling with garage, at the land adjacent to Bramble Cottage, with garage and driveway.

7d **APPLICATION NUMBER: PL/2022/01972 - 18 College Street, Salisbury** (*Pages 87 - 114*)

Change of use with external alterations and extensions to convert a Class E use to form 6 apartments.

7e **APPLICATION NUMBER: PL/2022/01547 - The Drying Fields,
Castle hill Lane, Mere.** *(Pages 115 - 130)*

Demolition of existing garage and erection of a new 2 bedroom dwelling.

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 28 APRIL 2022 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.

Present:

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

Also Present:

Cllr Ian Blair-Pilling
Cllr Bridget Wayman

74 **Apologies**

Apologies were received from:

- Cllr Brian Dalton

75 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 31 March 2022, published as Supplement 1 to the agenda were presented.

Resolved:

To approve as a correct record and sign the minutes.

76 **Declarations of Interest**

There were none.

77 **Chairman's Announcements**

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

78 **Public Participation**

The committee noted the rules on public participation.

79 **Planning Appeals and Updates**

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

Resolved:

To note the Appeals report.

80 **Planning Applications**

81 **APPLICATION NUMBER: 20/00337/FUL - Land to East of Odstock Rd & South of Rowbarrow, Salisbury**

Public Participation

Philip Saunders (Agent) spoke in support of the application

Late correspondence had been circulated at the meeting, which included a series of responses from Statutory Consultees, and additional conditions, which were summarised at the start of the presentation.

The application was a revised proposal, following deferral at the meeting on 3 February 2022.

The Planning Team Leader, Richard Hughes presented the revised application which was for the erection of 86 dwellings (reduced from 95) together with garages, car barns, and refuse/cycle stores. Lay out gardens and erect means of enclosure. Creation of new vehicular access to Odstock Road. Lay out internal roads, including drives and pavements. Provision of associated public open space, play areas and landscape planting.

The application was recommended for Approval with conditions as set out in the report attached to the agenda and additional conditions, as summarised by the Officer.

Members then had the opportunity to ask technical questions of the Officer, where it was clarified that other than the layout and numbers of dwellings have there been any other changes to the design of the dwellings, there had been some minor changes to some of the proposed materials.

Clarity on the percentage of affordable dwellings on the revised application to the previous application was given. The Officer confirmed that the changes amounted to approximately 9 dwellings less, however the percentage of the total number remained the same.

Members of the public as detailed above, then had the opportunity to speak on the application. The Agent outlined the changes which had been made to address the reasons for refusal at the previous meeting and noted that Salisbury City Council (SCC) had expressed an interest in adopting the open space land if approved.

It was also noted that all of the Statutory Consultees were now in approval of the application.

The SCC representative spoke in support of the application and applauded the level of alterations the applicant had made to alleviate previous concerns and supported the provision of additional bat boxes.

Local Member, Cllr Sven Hocking, spoke to the application noting that the scale had been reduced, with a reduction in dwellings from the area nearest the access and tree line. He felt that the applicant had listened to and looked at all of the issues previously raise and taken all concerns into account and thanked them for their efforts. He also noted the support of SCC.

Cllr Hocking then moved the motion of Approval in line with Officer recommendations.

This was seconded by Cllr Britton.

The Committee was invited to discuss the application, the main points included reference to the merit of deferring the application, in that a collaborative approach had produced a scheme which addressed the previous concerns and was a benefit to the community.

A question was raised on whether there needed to be additional conditions to safeguard elements around tree planting or swift blocks, however the Officer clarified that the conditions set out in the report and late correspondence, were sufficient.

The matter of the future ownership of the open space area by SCC, which had not been finalised in an agreement was discussed. The Officer confirmed that usually, the S106 Legal Agreement would take care of public open space, however if Committee wished, then the conditions could be amended to include something that prevented the land being built on in the future.

The Committee suggested that SCC enter into discussion with the developer on the matter of the open space.

A question was raised around tree planting near to the archaeological site, and whether it may interfere with any archaeological finds. The Officer confirmed that condition 19 covered that aspect.

The Committee then voted on the motion of Approval subject to the conditions as set out in the report and additionally in the late correspondence.

It was;

Resolved that application 20/00337/FUL be APPROVED subject to the following :

A SUITABLE S106 LEGAL AGREEMENT BEING ENTERED INTO WITH REGARDS THE PROVISION OF THE FOLLOWING MITIGATION:

- Provision of 40 percent affordable housing on site (including mix, adaptable standards, and minimum size standard)
- Provision and maintenance of public open space, play space (including connecting paths across the open space), together with off site contribution for MUGA
- Financial contribution to enhancement of existing footpath system BRIT 8 from the site boundary to the A338 road
- Ensure that proposed linking pathways to the surrounding area are provided up to the site boundary with unfettered public access and a scheme for their provision
- Financial Contribution to and Provision of waste and recycling facilities
- Financial Contribution to educational facilities
- Provision of off site traffic works and sustainable transport contributions and a private management company be set up to maintain the roads, footways, street lighting and drainage throughout the estate.
- Provision of/financial contribution to a public art scheme
- Provision of Biodiversity enhancement contributions namely:
 - Contributions towards a Council Biodiversity Net Gain project at Roundbarrow Farm in order to deliver a total of 8 habitat units at a cost of £30,000 per unit.
 - Retention and management of the open space as Suitable Alternative Natural Greenspace (as shown on a plan) in perpetuity or for as long as the development site remains in residential use.
 - A contribution of £8000 towards compliance of SANG provision in accordance with requirements of the Council's Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1, 25 March 2022) to provide a compliance visit in each of the first five years after the open space is laid out, a compliance visit once every five years thereafter until 30 years after the open space is laid out and inclusion of the SANG in a contract for visitor surveys in years 5 and 10 after the open space is laid out

And subject to the following conditions:

Three Year commencement

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

Approved plans

2.The development shall be carried out in accordance with the following amended plans and details:

P1597.01 Rev ZA	Planning Layout
P1597.02 Rev P	Materials Layout
P1597.03 Rev P	Building Heights Layout
P1597.04 Rev S	Tenure Layout
P1597.05 Rev P	Parking Layout
P1597.06 Rev P	Refuse Layout
P1597.07 Rev P	Enclosures Layout
P1597.08 Rev C	Location Plan
P1597.09	Net Areas Layout
P1597.SS.01 Rev E	Preliminary Streetscenes
P1597.SS.02 Rev D	Preliminary Streetscenes
P1597.SS.03 Rev A	Preliminary Streetscenes
P1597.SEC.01 Rev B	Site Sections
P1597.1.01	Type 1 - (S05), Floor & Roof Plans
P1597.1.02	Type 1 - (S05), Elevations
P1597.2.01 Rev A	Type 2 - (Baker), Floor & Roof Plans
P1597.2.02 Rev A	Type 2 - (Baker), Elevations - Brick
P1597.3.01	Type 3 - (Tillman), Floor & Roof Plans
P1597.3.02	Type 3 - (Tillman), Elevations - Brick
P1597.3A.01	Type 3A - (Ploughwright), Floor & Roof Plans
P1597.3A.02	Type 3A - (Ploughwright), Elevations - Brick
P1597.4.01 Rev A	Type 4 - (Cartographer), Floor & Roof Plans
P1597.4.02 Rev A	Type 4 - (Cartographer), Elevations – Brick
P1597.BLKA.01 Rev A	Block A, Ground & First Floor Plans
P1597.BLKA.02 Rev A	Block A, Second Floor & Roof Plans
P1597.BLKA.03 Rev C	Block A, Front & Side Elevations
P1597.BLKA.04 Rev C	Block A, Rear & Side Elevations
P1597.BLKB.01	Block B, Ground Floor Plan
P1597.BLKB.02	Block B, First Floor Plan
P1597.BLKB.03	Block B, Second Floor Plan
P1597.BLKB.04	Block B, Roof Plan

P1597.BLKB.05 Block B, Front Elevation
P1597.BLKB.06 Block B, Side Elevation
P1597.BLKB.07 Block B, Rear Elevation
P1597.BLKB.08 Block B, Side Elevation
P1597.SL.01 Type SL - (Slater), Floor & Roof Plans
P1597.SL.02 Type SL - (Slater), Elevations - Brick

P1597.BO.01 Type BO - (Bowyer), Floor & Roof Plans
P1597.BO.02 Type BO - (Bowyer), Elevations - Tile Hung
P1597.BO.03 Type BO - (Bowyer), Elevations - Brick
P1597.CA.01 Type CA - (Carver), Floor & Roof Plans
P1597.CA.02 Type CA - (Carver), Elevations - Brick
P1597.CA.02 Type CA - (Carver), Elevations - Tile Hung
P1597.CO.01 Type CO - (Cooper), Floor & Roof Plans
P1597.CO.02 Type CO - (Cooper), Elevations - Brick
P1597.GO.01 Type GO - (Goldsmith), Floor & Roof Plans
P1597.GO.02 Type GO - (Goldsmith), Elevations - Brick
P1597.GO.03 Type GO - (Goldsmith), Elevations - Tile Hung
P1597.MA.01 Type MA - (Mason), Floor & Roof Plans
P1597.MA.02 Type MA - (Mason), Elevations - Brick
P1597.MA.03 Type MA - (Mason), Elevations - Tile Hung
P1597.MA.04 Type MA - (Mason) Elevation - Tile hung
P1597.SA.01 Type SA - (Saddler), Floor & Roof Plans
P1597.SA.02 Type SA - (Saddler), Elevations - Brick
P1597.SC.01 Rev B Type SC - (Scrivener), Floor & Roof Plans
P1597.SC.02 Rev B Type SC - (Scrivener), Elevations - Brick
P1597.TA.01 Rev A Type TA - (Tailor), Floor & Roof Plans
P1597.TA.02 Rev A Type TA - (Tailor), Elevations - Brick
P1597.TA.03 Type TA - (Tailor), Elevations - Tile Hung
P1597.TH.01 Type TH - (Thespian), Floor & Roof Plans
P1597.TH.02 Type TH - (Thespian), Elevations - Brick
P1597.TH.03 Type TH - (Thespian), Elevations - Tile Hung

P1597.GAR.01 Rev A Twin Garage - Gable Side, Plans & Elevations
P1597.GAR.02 Single Car barn - Plans & Elevations
P1597.GAR.03 Double Car barn - Plans & Elevations
P1597.GAR.04 Single Garage - Plans & Elevations
P1597.BIN.01 - Bin Store - Plans & Elevations
P1597.BIN.02 - Bin Store - Plans & Elevations
P1597.CYC.01 Rev A - Cycle Store - Plans & Elevations
P1597.Q.01 Type Q - (Quilter), Floor & Roof Plans
P1597.Q.02 Type Q - (Quilter), Elevations - Brick
P1597.3.05 Type 3 - (Tillman), Floor & Roof Plans
P1597.3.06 Type 3 - (Tillman), Elevations - Brick
P1597.3A.04 Type 3A - (Ploughwright), Floor & Roof Plans
P1597.3A.05 Type 3A - (Ploughwright), Elevations - Brick
P1597.CH.01 Type CH Rev A - (Chandler), Floor & Roof Plans
P1597.CH.02 Type CH Rev A - (Chandler), Elevations - Brick
P1597.CO.05 Type CO - (Cooper), Floor & Roof Plans
P1597.CO.06 Type CO - (Cooper), Elevations - Brick
P1597.GAR.05 Car barn - Plans & Elevations
P1597.GAR.06 Garage - Plans & Elevations
P1597.3A.06 Type 3A (Ploughwrights) Floor and Roof Plans
P1597.3A.07 Type 3A (Ploughwrights) Elevations – Brick
P1597.BO.05 Rev B TYPE BO (Bowyer) Elevations Brick
P1597.CO.07 TYPE CO (Cooper) Floor and roof plan
P1597.CO.08 Rev A TYPE CO (Cooper) Elevations Brick
P1597.SC.04 Rev A TYPE SC (Scrivener) Elevations brick
P5197.TH .05 Rev A TYPE TH(Thespian) Elevations Tile Hung
P1597.WO.01 Rev A TYPE WO (Woodcarver) Plans and Elevations
P1597.SS.11 & 22 Street scenes

Archaeology

Updated Heritage report and Written Scheme of Archaeological Investigation
March 2022

Drainage

Site Appraisal report Rev D March 2019 (Flooding and surface water)

Amending Drainage Technical Note and the following:

- **Drawings 501-505: The updated drainage strategy layout showing the proposed site levels and retaining wall locations and heights**
- **Drawing 554-556: Showing cross sections of the soakaways**
- **Drawings 508-512: Showing the catchment area layout for the drainage strategy**
- **The Management and Maintenance strategy report**
- **Appendix E - the hydraulic calculations for each SuDS component on site.**

Landscaping

Updated Tree Survey Plan (BELL22723-03D) and Arboricultural Impact Assessment & Method Statement (BELL22723aia_amsD)

Revised Detailed Landscape Drawings and Landscape Masterplan

BELL22723 10D;

BELL22723 11D;

BELL22723 11D (sheet 1)

BELL22723 11D (sheet 2)

BELL22723 11D (sheet 3)

BELL22723 11D (sheet 4)

BELL22723 11D (sheet 5)

BELL22723 11D (sheet 6)

Landscaping Management and Maintenance plans BELL 22723(ACD December 2019)

Updated LVA to reflect plan amends (parts 1-6)

Revised LEMP March 2022

Transport and Access

043.0017.001 rev E

Transport Assessment Addendum and revised plans (Paul Basham Associates)

Travel Plan December 2019 (Paul Basham Associates)

Transport Assessment Part 1 & 2 December 2019 (Paul Basham Associates)

Ecology report

Updated Ecological Reports (Ecological Appraisal & Phase 2 Surveys 31.03.2022; Ecological Construction Method Statement 31.03.2022; Landscape and Ecological Management Plan 31.03.2022)

Lyndsay Carrington Ecological Appraisal and Phase 2 Survey Document October 2018 Updated May and December 2019

White Helleborine Survey ACD December 2019

Waste and sustainable design

Waste Audit and CEMP 2019

REASON: For the avoidance of doubt

Materials

3. Before the relevant dwellings are occupied, details of the materials to be used for the external walls and roofing of the buildings, and hardsurfaces, including paths across the open space areas, shall be submitted to and agreed in writing by the Local Planning Authority. The Development shall be carried out in accordance with the agreed details.

REASON: In the interests of the visual appearance and amenity of the development and area

Water efficiency

4. The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing being 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 compliance with the mitigation strategy for nutrient neutrality in the River Avon SAC catchment.

Lighting

5. All lighting provided on site during the construction phase, and with regards the development phase and street lighting, shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux. Footpaths across open space will remain unlit for the lifetime of the development.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

Biodiversity Net Gain landscaping

6. The development will be delivered in accordance with the approved Biodiversity Metric and will achieve no fewer than 8 habitat units and no fewer than 10.17 hedgerow units within the planning permission boundary.

REASON: to comply with CP50 in delivering a net gain for biodiversity.

Protection during construction

7. Before any construction or other works commence, the following habitats will be securely fenced off/protected before works commence, and vehicles, compounds, stockpiles and any construction related activities will be excluded from those protection areas throughout the construction period:

- All retained semi-improved grassland (i.e. grassland within area shown as Wildflower Meadow on the approved Landscape Masterplan.
- Beech tree belt along the south west boundary of the application site and the existing tree belt along the north boundary of the site with Ancient Way, including canopy and root zones as per the approved Tree Protection Plan and Method Statement
- Works should avoid/protect the scheduled ancient monument and archaeological deposits

REASON: Insufficient information provided with the application to comply with policy CP50 and the sensitive archaeology on the site and adjacent.

Ecological Clerk of Works

8. Before construction works commences, a qualified Ecological Clerk of Works will be appointed by the applicant/developer who will attend site regularly (at least once a month) throughout the construction phase of development, documenting each visit, the advice issued as a result of the visit and the effectiveness of all ecological mitigation measures. These documents will be made available to the Council as Local Planning Authority on written request.

The Ecological Clerk of Works will:

- Undertake checks for bats, birds, herptiles, hedgehogs and dormice no more than 48 hours before vegetation is removed / felled and ensure wildlife is appropriately protected
- Ensure habitat protection fencing remains effective throughout the construction period
- Ensure retained semi-improved grassland is managed twice annually with cuttings removed off site throughout the construction period in accordance with the approved revised Soft Landscape Management and Maintenance Plan.
- Anticipate, prevent and respond to pollution that risks entering surface or ground water.

REASON: To ensure compliance with ecological protection and mitigation measures.

Provision of Bat roosts etc

9. Before development commences, details of the location and design of integral bat roosting features, swift bricks, bee homes and hedgehog access holes in garden fencing will be submitted for Local Planning Authority approval. At least 20% of all approved dwellings/apartments will have at least one of these features. The development will be completed in accordance with the approved details, and prior to any of dwellings/apartments affected being first occupied.

REASON: To contribute to offsetting the loss of wildlife as a result of the development.

Parking and turning areas

10. Before the relevant apartment/dwelling is occupied, the garaging/parking/cycle parking and associated turning areas associated with that apartment/dwelling shall be constructed and provided on site, and shall be maintained in perpetuity thereafter for the purpose.

REASON: In order to ensure that suitable parking and turning areas are provided on site

Vehicular access works

11. Prior to first occupation of any dwelling hereby permitted the vehicular access onto Odstock Road shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 90 metres to the north, and 90 metres to the south.

Reason: In the interests of highway safety.

12. Prior to first occupation of any dwelling the ghost island right turning lane outlined on approved highways/access drawing P1597/01/A (as per the amended Transport Assessment March 2022) on Odstock Road including a pedestrian refuge, any required street lighting and highway drainage alterations to accommodate the right turning lane, resurfacing of the entire width of Odstock Road over the length of the right turning lane scheme, a physical crossing of the frontage cycleway over the access junction, and widening of the cycleway over the frontage of the development to 3 metres shall all have been constructed and made permanently available for use in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of providing safe and convenient access to the development.

Construction Transport Management Plan

13. Prior to commencement of the development a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include details of construction vehicle routeing, construction staff vehicle parking areas within the site, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway. The site construction shall be carried out in accordance with the approved plan.

Reason: In the interests of highway safety and road user convenience.

Electric Vehicle Infrastructure

14.No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the Local Planning Authority prior to implementation and thereafter be permanently retained.

Reason: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

Contaminated Land

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

- Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.**
- Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.**
- Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.**

Reason: Core policy 56, To reduce the risks associated with land contamination

Acoustic report

16. Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 *Guidance on sound insulation and noise reduction for buildings (or any subsequent version)* and WHO *Guidelines for Community Noise* (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which if approved must be implemented in full and maintained in that way in perpetuity.

REASON: In the interest of amenity

Protection of amenity during construction

17. Notwithstanding the submitted CEMP December 2019, no construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interest of amenity

18. Notwithstanding the submitted CEMP December 2019, prior to commencement of the development a revised Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The revised Plan shall include additional/revised details of:

- Working hours – to match that stipulated by this consent
- No idling of engines of lorries whilst waiting outside the site
- Details of any on site generators and their locations
- An external lighting plan and positions on site
- Details of piling – must be continuous flight auger piling wherever possible
- Show how the works will avoid/protect the scheduled ancient monument and the archaeological deposits
- Show how the works protected the tree belts along the south and northern boundaries of the site and the sensitive ecology

The site construction shall be carried out in accordance with the approved Plan.

Reason: In the interests of amenity

Archaeology

19. No development shall commence within the area indicated by the approved plans until:

- A written scheme of investigation for a programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details

- A future landscaping maintenance and management plan showing how the sensitive archaeology on and adjacent to the site would remain protected and unaffected in perpetuity, including the ancient trackway marked by an avenue of trees on the approved plans, has been submitted to and approved by the Local Planning Authority. The management plan shall include management and maintenance responsibilities and 'no dig' areas for the open green space.

As regards a) above, this relates to the areas identified by the exploratory archaeological investigation and that will be impacted by the proposed development. This will include areas of the prehistoric field systems and enclosures identified by the exploratory trial trenching in the area of residential development, the trackway that lies along the proposed access road, and areas closest to the Saxon cemetery to ensure that any outlying graves are identified and recorded.

REASON: To record and advance understanding of any heritage assets to be lost and to make this evidence publicly accessible.

Drainage

20. Notwithstanding the drainage details submitted as part of this application, no development shall commence which would involve or relate to drainage provision until a scheme showing the following:

- a) the results of infiltration test; and
- b) confirmation that all finished floor levels are shown to be above the maximum predicted 100 year flood level, and
- c) confirmation that each relevant household will be informed of its responsibility for the maintenance and protection of any sustainable urban drainage systems within its curtilage.

has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme/details.

REASON: In the interests of achieving sustainable drainage

INFORMATIVE

Archaeology

As the applicant/developer is aware, the site contains sensitive archaeology. Consequently, appropriate care needs to be taken when developing this site.

The programme of archaeological work should comprise the following elements:

- i) Prior to the commencement of development, the detailed archaeological investigation of areas of archaeological interest identified by the exploratory archaeological investigation and that will be impacted by the proposed development. This will include areas of the prehistoric field systems and enclosures identified by the exploratory trial trenching in the area of residential development, the trackway that lies along the proposed access road, and areas closest to the Saxon cemetery to ensure that any outlying graves are identified

and recorded. The programme of archaeological fieldwork may also include archaeological monitoring during development and landscaping works.

ii) A programme of assessment, analysis, reporting, and publication that is commensurate with the significance of the archaeological results. The condition will not normally be fully discharged until this element of the programme of archaeological work has been satisfactorily completed.

Appropriate measures should also be put in place to ensure that the 'area of archaeological interest' that is to be preserved in situ and that part of the Scheduled Monument that lies within the red line boundary are not subject to any construction activities, such as temporary soil bunds, temporary compounds or access routes, or similar, during the course of the development. The measures should comprise part of the Construction Environment Management Plan.

Acoustic report

In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

82 APPLICATION NUMBERS: 20/10860/FUL & 21/00267/LBC - The White Hart, St John's street, Salisbury

Public Participation

John Starkey (Agent) spoke in support of the application.

The application had been deferred at the 31 March 2022 meeting for further information and consideration of the materials and design aspects of the development.

The Planning Team Leader, Richard Hughes presented the application which was for the proposed extension of White Hart Hotel providing 22 No. new hotel bedrooms, relocation of back of house facilities infill of ground floor and façade changes to St Johns Street.

The Officer showed several samples of the tiles proposed.

The application was recommended for Approval with conditions as set out in the report attached to the agenda.

There were no technical questions to the Officer.

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

The Agent noted the importance of the historic location, and the applicants experience in the development of listed and historic buildings. The Hotel was in need of additional room capacity to protect the asset and value.

There were no objections by the Statutory Consultees.

Local Member, Cllr Sven Hocking, spoke to the application noting that since deferral the concerns around the materials for the roof had been discussed and that he was satisfied with the samples of the proposed materials which had been displayed at the meeting.

Cllr Hocking then moved the motion of Approval in line with Officer recommendations.

This was seconded by Cllr Britton.

There were no points for discussion.

The Committee then voted on the motion of Approval subject to the conditions set out in the report.

It was;

Resolved:

That application 20/10860/FUL be Approved subject to the following conditions:

Three Year commencement

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

Plans

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

**Location Plan PS7 – 01
Existing site plan PS7-02**

Existing site survey PS7-21 Rev A
Existing Ground Floor Plan PS7 -04
Existing First Floor Plan PS7-05
Existing Second Floor Plan PS7-06

Proposed site plan SK01-03

Demolition Plan Ground Floor PS7-17
Demolition Plan First Floor PS7-18
Demolition Plan Second Floor PS7 -19

Proposed ground floor plan – SK01-07
Proposed first floor plan – SK01-08
Proposed second floor plan -SK01 -09

Three storey accommodation block:

Proposed elevation – east (facing Brown Street) SK01 -12 & 17 (coloured elevation)
Proposed elevation – north (facing Ivy Street) SK01-15 & 19 (coloured elevation)
Proposed elevation – north (2) (facing Ivy Street) SK01-16
Proposed elevation – west (internal courtyard) SK01 – 13 & 18 (coloured plan)

Proposed elevation St Johns Street – PS7 10 REV B
Proposed section through St Johns street elevation PS7-22 Rev A

Proposed south elevation of undercroft works – PS7 11 REV A

REASON: For the avoidance of doubt

Materials and planting

3. Before the development comes into use/occupied, details of the materials to be used for the external walls and roofing of the buildings, and hardsurfaces, including large scale details of all windows, large scale details of the changes to the St John Street façade, details of any bat/bird bricks/tiles, and details of the planting, including that for the flat roofed areas and the car parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The Development and any planting shall be carried out in accordance with the agreed details.

REASON: In the interests of the visual appearance and amenity of the development and area

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. 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.

Water efficiency

5.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 each phase being completed and the housing being 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 compliance with the mitigation strategy for nutrient neutrality in the River Avon SAC catchment.

Amenity

6.The development and an associated plant shall be sited and operated in accordance with the submitted Hayes McKenzie Environmental Noise Impact Assessment Report (ref: HM 3425 R01 EXT 3) dated 5th August 2020. Notwithstanding, the air conditioning units shown on the flat roof of the rear accommodation block shall not come into operation until a scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the noise rating level of the air conditioning units shall meet the criteria being 5dB below background noise at the nearest off site receptor at 2 Ivy Street. The scheme shall be implemented in full and maintained at all times thereafter.

Reason: In the interests of amenity.

CEMP

7.No development shall commence on site (including any works of demolition), until a Construction Method Statement and 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, including the mitigation measures outlined in Section 3.4 of the Air Quality Assessment Version 3 dated March 2019 (updated 2020) (Aether Ltd), and measures to control drainage pollution. It shall also include details of the following:

- I. The movement of construction vehicles;
- II. The cutting or other processing of building materials on site;
- III. Wheel washing and vehicle wash down facilities;

- IV. The transportation and storage of waste and building materials;
- V. The recycling of waste materials (if any)
- VI. The loading and unloading of equipment and materials
- VII. The location and use of generators and temporary site accommodation
- VIII. Pile driving (If it is to be within 200m of residential properties)

The submitted details shall also outline how the structures adjacent to the works, including the existing hotel buildings and the adjacent third party properties, are to be protected, repaired and stabilised during construction.

The plan shall be carried in accordance with the approved details.

REASON: In the interest of amenity and to limit the impact on adjacent structures, including the listed buildings, and third party structures.

8. Before the extension first comes into use/occupied:

i) the stairwell and corridor elongated windows shown on the approved plans on part of the northern elevation of the three storey accommodation block shall be glazed with obscure glass to an obscuration level of 5, and

ii) The windows serving the three storey accommodation, east elevation facing Brown Street, shall be of a non-openable (fixed shut) design, and have been fitted with the sunlight/fins shown on the approved plans

The windows shall be maintained in that condition thereafter.

REASON: In the interest of amenity

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors, or other form of openings other than those shown on the approved plans, shall be inserted in the north facing side elevations of the development (the 3 storey accommodation block) hereby permitted.

REASON: In the interests of amenity

10. The flat roofed area of the rear extension adjacent Ivy Street properties shall only be accessible by staff for maintenance purposes, and shall not be used as an outdoor area for members of the public or guests.

REASON: In the interests of amenity

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

REASON: In the interest of amenity

Archaeology

12.No development shall commence within the area indicated by application 20/10860/FUL until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

Highways

13.The development hereby permitted shall not be first brought into use until the car parking and the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

14.The development hereby permitted shall not be first brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority which contains initiatives to promote non car related sustainable travel. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of reducing vehicular traffic to the development.

Drainage and flooding

15.The development shall not be occupied until the drainage system referred to in the submitted Flood Risk Assessment (FRA) V3.1 November 2020 by Weetwood and associated drainage plan and calculations, has been implemented in full on site. Finished floor levels shall be no lower than the existing building and shall be as specified in the FRA document.

REASON: In order to limit the risk of flooding or drainage issue with regards the development.

Restriction of use

16. The accommodation hereby approved shall be solely use as serviced hotel guest accommodation only and for no other use within Class C1 of the Town and County Planning Use classes Order 1987 (as amended), as part of the existing hotel business operation / business (currently known as White Hart Hotel) or any subsequent operator.

REASON: The proposed use is acceptable as an extension to the existing hotel business but the Local Planning Authority wish to consider any future proposals to segregate or change of use, having regard to the circumstances of the case.

INFORMATIVE:

Highways

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

Archaeology

All work should be carried out following standards and guidelines set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be borne by the applicant.

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

The Committee then voted on the motion of Approval subject to the conditions set out in the report.

Resolved:

That application 21/00267/LBC be Approved subject to the following conditions:

Three year period

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Plans

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

**Location Plan PS7 – 01
Existing site plan PS7-02
Existing site survey PS7-21 Rev A
Existing Ground Floor Plan PS7 -04
Existing First Floor Plan PS7-05
Existing Second Floor Plan PS7-06**

Proposed site plan SK01-03

**Demolition Plan Ground Floor PS7-17
Demolition Plan First Floor PS7-18
Demolition Plan Second Floor PS7 -19**

**Proposed ground floor plan – SK01-07
Proposed first floor plan – SK01-08
Proposed second floor plan -SK01 -09**

Three storey accommodation block:

**Proposed elevation – east (facing Brown Street) SK01 -17 (coloured elevation)
Proposed elevation – north (facing Ivy Street) SK01-15 & 19 (coloured elevation)
Proposed elevation – north (2) (facing Ivy Street) SK01-16
Proposed elevation – west (internal courtyard) SK01 – 18 (coloured plan)**

**Proposed elevation St Johns Street – PS7 10 REV B
Proposed section through St Johns street elevation PS7-22 Rev A**

Proposed south elevation of undercroft works – PS7 11 REV A

REASON: For the avoidance of doubt

Materials

3.Before the development comes into use/occupied, details of the materials to be used for the external walls and roofing of the buildings, and hardsurfaces, including large scale details of all windows, large scale details of the changes to the St John Street façade, and details of the planting, including that for the flat roofed areas and the car parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The Development and any planting shall be carried out in accordance with the agreed details.

REASON: In the interests of the visual appearance and amenity of the heritage assets

Protection of heritage assets during construction

4. Before any demolition works commence, details of how the structures adjacent to the works, including the existing listed hotel buildings and the adjacent third party listed properties, are to be protected, repaired and stabilised during construction works.

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

REASON: To limit the impact on adjacent listed structures/heritage assets.

83 **APPLICATION NUMBER: PL/2022/00133 - Gardners Cottage, Pound Street, Ebbesbourne Wake**

Public Participation

Lisa Jackson (Agent) spoke in objection to the application

Annie Parnell (Chalke Valley Preservation Society) spoke in objection to the application

David Warder spoke in objection to the application

Andy Turner (Agent) spoke in support of the application.

Paul Sampson (Chairman) spoke on behalf of Ebbesbourne Wake Parish Council

The Officer summarised the late correspondence which had been circulated at the meeting. This included an update on works which had already been carried out on the site, including the installation of gates and the formation of a gravelled parking and turning area at the front of the dwelling and the associated Highways response and amended conditions.

The Planning Team Leader, Richard Hughes presented the application which was for the proposed alterations and extension to an existing dwelling.

The existing dwelling had been built in around the 1960s. Presentation slides indicating the street scene were explained, in particular the height difference between the current single storey property to the neighbouring dwellings which ranged in type, size and height.

It was explained that the proposed alterations and extension would retain the same footprint, with an increase in height of up to 7.5m to the ridge of the new roof. The extension was shown on the presentation to be at the rear of the property.

The Officer noted concerns raised around drainage and clarified that the drainage issue in the area appeared to be ground water related, and as such it was not felt that extending the dwelling would make an increased difference to the drainage for the area, when there was already a dwelling on the site.

The Officer also highlighted that there had been suggestions that a bat survey should be carried out. He went on to explain that when assessing an application for alterations and an extension to an existing dwelling, a foundation checklist was used which indicated that a bat survey was not required. However, the Officers had asked the application to carry out a bat survey and in response had received photographic evidence detailing inside the existing roof void, which was noted as being of fairly new construction. It was the Officers opinion therefore that there was no need to ask for a bat survey in this instance.

The application was recommended for Approval with conditions as set out in the report attached to the agenda and the late correspondence.

Material considerations were:

- Principle of development
- Design, impact on Conservation Area/listed buildings and the AONB
- Impact on amenity
- Parking/Highways Impact;
- Ecological Impact/River Avon Catchment Area/drainage/flooding

The report noted that there had been 63 letters of objection, in addition, the Parish Council also object to the proposal.

Members then had the opportunity to ask technical questions of the Officer, where it was clarified that the report when first published had contained an erroneous paragraph, under the conclusion section, which mentioned refusal, however in the Recommendation section the correct text was included and detailed that the application was recommended for approval with conditions by Officers.

It was noted that this discrepancy had previously been corrected online, however printed copies of the agenda which were produced prior to the correction being made had been circulated at the meeting, and as such the Committee was asked to disregard any reference to refusal which appeared in the text of the printed packs or in earlier downloaded versions of the report. The Committee agreed to base its considerations on the Officer recommendation of Approval.

A question was asked on the difference between the ridge height of the proposed alteration to that of neighbouring properties. The Officer noted that the calculation was not available at the meeting, however given the age of the dwelling he estimated the ridge height to be 6.5m, and that as a street scene had not been provided by the applicant, he would again have to estimate that the proposed would be slightly higher than that of Ebble cottage.

The proximity of the main part of Gardeners Cottage to the side wall of Ebble cottage to the boundary of the proposed dwelling was described as being approximately 5-6m. The distance between the properties when including the existing garage was much narrower at approximately 1.5 to 2 metres.

The Officer explained that the request of SCC for the removal of Permitted Development rights, was not included in the conditions as the application was not for a new dwelling and therefore the existing dwelling already had some permitted development rights.

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

Some of the main points in objection included suggestions of a lack of attention to detail within the report, specifically with regards to there being no plan to scale or a structural survey.

The opinion that the works to the roof amounted to a re-build as opposed to alterations was presented, as such it was suggested that the incorrect policy had been used when assessing the application.

Comments on the Ecologists considerations not having included bats or flooding and impact on environment and community, were made.

Concerns around the reduction in availability of a small dwelling in the village were also presented.

The increased size of the proposed alterations and extension, increased water run-off and flood protection measures were noted.

The height and scale of the proposals were also considered to be too large, with comments referencing a 197% increase in size.

The Agent raised points in support of the application, noting that the applicant and his family had lived and ran a business in the valley for 7 years and had a large client base locally.

It was noted that an earlier application for a 2-storey extension had been amended to a single storey at the rear. Confirmation that the existing walls would not be demolished was given.

It was stated that alternative developments could have been achieved under permitted development rights and that sympathetic materials would be used.

The Parish Council representative spoke in objection to the application, noting the high level of objections which had been submitted for a village of approximately 100 dwellings.

The Parish council objected to the application on the grounds of size, scale and the negative impact on the street scene.

Other points raised included the loss of a small dwelling from the village, the proximity to neighbouring properties, and the negative impact of the development on the structure of the bank to the Old School House property.

Local Member, Cllr Nabil Najjar, spoke to the application noting his thanks to the Officers for their impartial approach.

He referenced the high level of objections to the application out of a community of approximately 140 and noted their concerns around the impact the development would have.

Cllr Najjar noted his concerns regarding the impact of lighting to the neighbouring property and in general in an AONB and conservation area.

He felt that the proposal amounted to a significantly larger dwelling than was currently in place, and such the development would transform the character of the current dwelling. He went on to suggest that the plot or the particular location in the village, was not suitable for the size of the proposed alterations.

He highlighted the objections of the parish council and the Preservation Society which had come together to object to the application.

Cllr Najjar then moved the motion of Refusal in line with Officer recommendations, stating the reasons as overdevelopment of the site, adverse impact on the character of the wider conservation area and amenities of surrounding properties. In addition, he noted that the development would add to the existing drainage/flooding issues in the area. Reference was given to policies CP57, CP58, CP67 and H31 and C24.

This was seconded by Cllr Oliver.

The Committee was invited to discuss the application, the main points included the over whelming objection of the residents in the village, the Parish Council and the Chalke Valley Preservation Society.

Members suggested the scale of the alterations and extension amounted to overdevelopment of the plot and noted that the rural location in the village was not suitable for the scale of the proposed development, particularly due to the sensitive surroundings of the conservation area.

One Member raised the point that that the application amounted to a new build more than alterations with an extension to an existing dwelling, however the Committee was guided by the Officer to consider the application as applied for, in line with the appropriate policies.

The Committee considered the varying plots and dwellings around the development site and the impact on the street scene. It was also noted that the individual circumstances of the applicant and his family were not a planning consideration nor was public opinion and that a decision must be made in line with relevant planning policy.

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

It was;

Resolved:

That application PL/2022/00133 be Refused for the following reasons:

The extension and enlargement of the existing bungalow as proposed is considered to be a significant over-development of this small site, which would have an adverse impact on the character of the wider Conservation Area, and would also have an adverse impact on the amenities of adjacent properties, namely Ebble Cottage to the east, and the Old School House to the west. In the absence of further information, it is also considered that the proposal will be likely to exacerbate the existing ground water flooding problem within this area. The proposal would therefore be contrary to the aims of Wiltshire Core Strategy policies CP57, CP58, and CP67, including saved policies H31 and C24.

84 **APPLICATION NUMBER: PL/2022/00888 - Bevisfield, Cow Drove, Chilmark, Salisbury, SP3 5AJ**

Public Participation

Charlie Brinton (Applicant) spoke in support of the application
James U'Dell (Agent) spoke in support of the application

The Planning Officer drew attention to the late correspondence which was circulated at the meeting. It included a statement from a neighbour, advising no objection providing the screening proposed was put in place. In addition, the Applicant had provided photos showing the existing living conditions.

The Planning Team Leader, Richard Hughes, presented the application which was for the proposed replacement dwelling (revised design) and erection of a detached garage.

The application was recommended for Refusal based on the policies of the Development Plan, and the material considerations listed below and set out in the report attached to the agenda.

- Principle of development
- Scale, design, impact to character and appearance of Cranborne Chase and West
- Wiltshire Downs Area of Outstanding Natural Beauty
- Residential amenity
- Highway issues
- Trees
- Ecology
- Other issues raised

The overall height of the development was reported as approximately 6.8m.

Members then had the opportunity to ask technical questions of the Officer. A question was asked on whether the rear west elevation, which was shown to have a large, glazed area, differed from the previous approved scheme. The Officer was not able to discern from the two plans what the difference was to the glazed area.

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

Some of the main points included that the applicant and his family had lived and worked in the village for the last 7 years and had been working proactively with neighbours, the parish council and the AONB since a previously approved application in 2018, to produce a suitable revision.

There was no significant change to footprint of the previously approved building, however the design was considered to have been dramatically improved.

It was noted that the proposed landscaping would have no negative affect And was not objected to by the Landscape expert.

It was reported that there had been 8 letters of support from members of the village and there was not adverse effect on the amenity.

The Agent clarified the earlier asked question regarding the glazing, confirming that it remained the same as the previous application, previously approved.

Local Member, Cllr Bridget Wayman, spoke to the application noting that She had called in the application because she saw no reason for it to be refused, noting that the previous application which was approved was for 6 bedrooms.

It was noted that the Parish Council had not objected and in fact supported the family remaining in the village in a dwelling that was suitable for them.

The current roof line was reportedly hardly visible from approach and that the opposite dwelling was 40m away.

Reference to the dormer windows was made, noting that they would permit natural light into the house. One of these windows was to a bathroom so could be conditioned to be obscured if screening and distance were not considered adequate.

Cllr Wayman concluded that the development would not create a greater impact on the character of the area.

Cllr Hocking then moved the motion of Approval against Officer recommendations, noting that he could see no reason that the application should be refused, given it was not overlooking another property, residents had confirmed their support, there had been local consultation during the preparation of the application, and it was also supported by the Parish Council.

This was seconded by Cllr Rich Rogers.

The Officer asked for clarification on any conditions which were to be included in the motion, it was noted that in addition to the standard conditions they wished to include a condition on the materials, planting and obscured glazing to some of the upper windows.

The Committee was invited to discuss the application, however, there were no points for discussion.

The Committee then voted on the motion of approval.

It was;

Resolved:

That application PL/2022/00888 be Approved subject to the following conditions:

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

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

2) Before the development commences above ground floor slab level, details of the materials for the external walls and roofing of the development, and the driveway surface, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of amenity

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

Application form received 07/02/2022

Covering letter received 07/02/2022

Site & Location Plans as Proposed Drg no 20219 - 1 C received 07/02/2022

Proposed Garage Plans, Elevations & Section Drg no 20219 - 7 A received 07/02/2022

North & South Elevations & Sections as Proposed Drg no 20219 - 6 B received 07/02/2022

East & West Elevations as Proposed Drg no 20219 - 5 A received 07/02/2022

Ground Floor Plan as Proposed Drg no 20219 - 2 A received 07/02/2022

First Floor Plan as Proposed Drg no 20219 - 3 B received 07/02/2022

Proposed Planting Plan Drg no CS-653.03 dated 15/02/2022 received 14/04/2022

Landscape And Visual Impact Appraisal by Sue Sutherland Landscape

Architects received 18/02/2022

Tree Survey & Arboricultural Impact Assessment by Hellis Solutions Ltd Dated dated April 2021 received 07/02/2022

Bat Emergence/Re-entry Surveys and Mitigation Report by Darwin Ecology Ltd dated June 2020 received 07/02/2022
Update Phase 2 Bat 2 Bat Survey & Mitigation Report by Darwin Ecology Ltd dated June 2021 received 09/02/2022

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

4) Before the development hereby permitted is first occupied the rooflight in the south elevation shall be glazed with obscure glass only to an obscurity level of no less than level 5 and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

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

REASON: In the interests of residential amenity and privacy and to protect the dark skies status of the AONB.

6) No part of the development hereby approved shall be occupied until all of the demolition materials and debris resulting there from has been removed from the site.

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

Landscaping

7) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. 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. The hard surfacing of the driveway shall also be carried out in accordance with the approved details prior to the occupation of the replacement dwelling.

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

Protected species

8) The development hereby approved shall be carried out in accordance with the proposals within the bat mitigation statement in Sections 6 & 7 of the Update Phase 2 Bat Survey and Mitigation Report June 2021, and the proposed elevations as submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence where required.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

9) In accordance with the June 2020 Darwin Ecology report, before occupation of the approved dwelling, details of the provision of biodiversity enhancement measures such as bat roosting features and nesting opportunities for birds shall be submitted to the local planning authority for approval, including a plan showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

10) No new external security lighting shall be installed on site, unless otherwise agreed with the Local Planning Authority.

REASON: In order to limit the impact on protected species and the wider AONB.

85 **APPLICATION NUMBER: PL/2021/10078 - Land at the corner of Pigott Close & Salisbury Road, Netheravon, SP4 9QF**

Public Participation

Caron Merritt spoke in objection to the application

Dane Richardson spoke in objection to the application

Mark Doodes (Agent) spoke in support to the application

David Burke (Chairman) spoke on behalf of Netheravon parish council

Late correspondence was circulated at the meeting and outlined by the Officer, which included reference to revised drawings included in the presentation slides, which showed a further 0.5m set back of the dwellings from the parking space, as requested by Highways. Also included were alterations to the internal floor plans and revised conditions.

The Planning Officer, Julie Mitchell, presented the application which was for the erection of one pair of semi-detached two storey dwellings and associated infrastructure.

The site location was shown as being outside of the settlement boundary, however the Officer noted that the land was on the corner of and adjoined the settlement boundary and had been previously removed from within the boundary.

The site was at the junction of the 50mph A345 and the 30mph Pigott Close. The curve in the A345 road was noted as causing limited visibility when exiting

Piggott Close. As detailed in the late correspondence, Highways had recommended a 2.4m wide no development zone to maintain visibility.

The application was recommended for Approval with conditions as set out in the report attached to the agenda and further in the late correspondence.

Material considerations were listed as:

- Principle of development
- Character of the area
- Residential amenity
- Highway issues
- Ecology
- Other issues raised

Members then had the opportunity to ask technical questions of the Officer, where it was clarified that the plot had previously been in the settlement boundary, however during a review in the 2020 Housing Site Allocations Plan, the parish council had made representation for the site to be removed.

The Officer clarified that despite the site not being in the settlement boundary, she had made the judgement that it was clearly not open countryside and therefore deemed that development on the site was acceptable in principle.

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

Some of the main points included strong concerns associated with the safety of the road junction between Pigotts Close and the A345, with examples of traffic incidents ranging in severity, from minor to fatal.

Poor visibility on exiting Pigotts Close due to the curve in the road and the negative impact on visibility the proposed development would have.

Concerns relating to increased double parking caused by an additional 2 dwellings and associated road safety issues were noted, along with suggestions of overdevelopment for the size of the plot of land.

The Agent noted that there were no objections from the Statutory Consultees, and that the development would provide 2 sustainable dwellings to the area. He noted development on greenfield areas was not ideal however existing properties did not have a right to a view.

The Parish Council representative spoke in objection to the application. Having personally lived in the village for over 55 years he was able to provide the background to previous applications and the site being removed from the settlement boundary, so to protect it from future development.

The extremely dangerous junction was well known locally and was currently an issue being considered through the councils Community Area Transport Group.

Reference to the Highway requirements of 160m view at 50mph, which it was noted were not met. The parish noted its main concerns as safety, overdevelopment and that the proposals were out of character to the street scene. Adding this 2-dwelling development would increase safety concerns, at the junction.

Local Member, Cllr Ian Blair-Pilling, spoke to the application noting that the rural village had come together to object because they had strong reason, on the grounds of safety. Generally there was a desire of the families in the village for more housing, but not on this plot.

In the last 40 years he had lived in the village, the number of houses had doubled, and the development line was fairly full, but not entirely, there were places in the village where it was possible to build.

As parish chairman at the time of the Housing Site Allocations Review, when the boundary line was tightened. If the application was approved, this would set a precedent in the village to develop outside of the development line when spaces were still available inside the settlement boundary.

He noted that the problem of the A345 was a top priority for the parish council, and the net effect of car parking for the two new proposed dwellings would exacerbate the issue. Drawing attention to the design which showed the parking spaces up against the front doors of the two houses, suggesting that the new residents would inevitably park one of their two vehicles each, in the street. The outline of the 2 buildings were noted as being of a greater scale compared to the other houses along the road, suggesting that to have two smaller houses the same scale as those already along the road would have less of an effect.

Despite his understanding on the balanced judgement against the planning policy, he noted that he knew personally of the death of a lady at the junction and asked that the Committee refuse the application so that a more modest proposal could be submitted.

Cllr Oliver then moved the motion of Refusal against Officer recommendation, noting that he had seen photos of a recent accident at the junction, suggesting that the Highway Officer had wrongly judged the situation. Reasons given were that the site was outside of the settlement boundary, the proposals were overdevelopment of the plot, and the impact on the visibility of the adjacent highway.

This was seconded by Cllr Jeans.

The Committee was invited to discuss the application, the main points included the severe issues surrounding highways at the junction. One member had researched the history of traffic incidents at the junction within the last 7 years and reported that there had been 5 incidents of varying severity within 5 miles in

either direction of the junction and that the issue would be increased if the development were to go ahead.

The suitability of a smaller dwelling on the site was explored.

The Committee highlighted that the settlement boundary had specifically been amended to remove the site on safety grounds and that in comparison to the other dwellings along the road, the proposals were significantly larger and amounted to overdevelopment.

One Member had visited the site to ascertain the impact of the development on the visibility at the junction and noted that in his view, a driver at the junction would have approximately 1 – 2.5 seconds to see an approaching car, travelling at 50 mph on the A345, before it was upon you, adding that it was far too dangerous.

Members agreed that making a judgement based on a diagram on a page did not compare to the local knowledge or being there to see it. It was also noted that the visibility required by Highways was not met.

The Case Officer drew attention to the late correspondence which set out the revised comments from Highways.

The Committee then voted on the motion of Refusal, for the reasons given above.

It was;

Resolved:

That application PL/2021/10078 be REFUSED for the following reasons:

The proposed development of a pair of semi-detached properties outside the adopted settlement boundary line, by reason of the scale, layout and close proximity of the two-storey built-form development to the A345 Salisbury Road, would constitute an overdevelopment of the site which would exacerbate existing highway safety and parking constraints and be unsympathetic to the visual amenity, character and pattern of development of the area, contrary to the provisions of the Wiltshire Core Strategy 2015 policies CP2 (Delivery Strategy) and CP57 (Ensuring High Quality Design and Place Shaping); the National Planning Policy Framework July 2021 (having regard to paragraphs 110 and 111); and the National Design Guide 2021

86 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.00 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
1st June 2022**

Planning Appeals Received between 14/04/2022 and 20/05/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
ENF/2021/00764	42 Antrobus Road, Amesbury, Salisbury, SP4 7NF	Amesbury	Alleged unauthorised erection of 6ft fence to front of property	DEL	Written Representations	-	25/04/2022	No
PL/2021/10613	56 Harper Road Salisbury, SP2 7HQ	Salisbury	Raise roof line of existing Bungalow to form bedrooms, two storey extension to rear.	DEL	Householder Appeal	Refuse	19/04/2022	No

Planning Appeals Decided between 14/04/2022 and 20/05/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/04303	8 Highfield Road, Amesbury, Salisbury, SP4 7HX	Amesbury	Proposed attached 2 bed house	DEL	Written Reps	Refuse	Dismissed	18/05/2022	None
PL/2021/10611	207 East Gomeldon Rd, Gomeldon, Salisbury SP4 6NA	Idmiston	Erection of a traditional style 2 bay oak frame carport	DEL	Householder Appeal	Refuse	Dismissed	13/05/2022	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	1 st June 2022
Application Number	20/09189/FUL
Site Address	Lower Marshes Farm Semley
Proposal	Siting of mobile home for rural worker's accommodation.
Applicant	Mr P Drummond
Town/Parish Council	Sedgehill and Semley
Electoral Division	Nadder and East Knoyle - Councillor Bridget Wayman
Grid Ref	915, 958
Type of application	Full Planning
Case Officer	Jonathan Maidman

Reason for the application being considered by Committee

The application has been called in by Councillor Wayman citing concerns regarding the principle of development and whether or not the mobile home is appropriate or necessary.

1. Purpose of Report

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

2. Site Description

Lower Marshes Farm extends to approx. 20.5ha and is all in grass and held within a ring fence and currently in a period of land maintenance pending the implementation of the proposed farming practice.

3. Planning History

20/09188/FUL Erect replacement multipurpose agricultural/equestrian building and horse walker. - associated planning application under consideration

14/10611/106 Modification of section 106 agreement of S/2002/0058 dated 10 July 2002 to allow a section of land to be sold separately from the existing land – Approved
S/2002/0058 Demolition of existing extension and building new extension to the house
demolition of existing sheds and building new stables garages and grooms room
construction of new access. – Approved with conditions & S106

4. The Proposal

The application proposes the Siting of mobile home for rural worker's accommodation.

5. Planning Policy

National Planning Policy Framework

- 2. Achieving Sustainable Development
- 4. Decision-making
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Wiltshire Core Strategy

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 17 Spatial Strategy: Mere Community Area
- Core Policy 50/52: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring high quality design and place shaping (
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 64: Demand Management
- Core Policy 69: River Avon SAC
- Saved Policy H28 Housing for Rural Workers
- Cranborne Chase Area of Outstanding Beauty Management Plan 2019-2024

6. Consultation responses

Sedgehill & Semley Parish Council - Objection

Object to Planning Proposal 20/09189/FUL because the proposal is premature (Policy H.27 states that agricultural dwelling should only be allowed for an activity that has been established for at least 3 years)

WC Ecology –No objection subject to conditions

WC Highways - No objections following applicants details of vehicle numbers

WC Rights of Way– No objection subject to informatives

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

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.

Cranborne Chase AONB – comments received

These two applications have been brought to the attention of the AONB team. Whilst the AONB does not have an in-principle objection to equine use there are a number of gaps and weaknesses within the submitted applications. Neither the applicant nor the agent have sought pre-application advice from the AONB on this proposal.

The AONB Partnership has the following comments on this application (summary).

10. *This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated.*

11. *The AONB is, therefore, concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings*

12. *The site is in the Vale of Wardour landscape character area of the Rolling Clay Vales landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the Landscape Character Assessment 2003. That document should be available in your office, and it can be viewed in full on our website.*

13. *The proposed farm, which apparently is about 25% of a much larger holding, is relatively isolated and it seems that the site currently has a decayed building that is currently unusable. The proposal of application 20/09188/FUL would be to replace that building with one twice the size, 20m x 15m. The Supporting Letter refers to training polo ponies but the proposed agricultural / equestrian building lacks details and does not show whether the four individual units within the south eastern side of the building are intended to be stables or whether they are for some other part of the enterprise. Furthermore, the height of the building is not given on the plan, although it appears to be in the order of 6 metres to ridge height. There is no indication on the Application Form of the colour of the proposed building and, of course, in this AONB building materials and colours are important if integration within the existing landscape is to be achieved quickly.*

14. *This is a relatively isolated location in the open countryside of this AONB. Whilst the documentation refers to equestrian use and the training of polo ponies, I note that only the proposed barn and proposed horse walker are identified as being included within the red line area. That would appear to preclude the fields from being put to equestrian use. To avoid any potential misunderstandings the AONB advises that is an issue that needs to be clarified before any decision is made on either of the applications.*

15. *Equestrian operations almost invariably require a muck heap and the location of it is important, not just in relation to any residential accommodation but also in relation to drainage, and potential pollution, from it. The AONB is aware that there are nutrient issues*

associated with development in the catchments that drain to the River Avon, and such issues may put a hold on what is effectively new, additional, development.

16. *Application 20/09189/FUL indicates that the proposed mobile home would be sited alongside the proposed barn. The proposed mobile home appears somewhat substantial with dimensions appearing to be some 20 metres by 6.5 metres, which appears to make the proposed mobile home longer than the barn would be wide. No information is given about the colour of the proposed mobile home and, again, colour can be a significant issue enabling a structure to integrate with its local landscape.*

17. *I see there is a substantial Agricultural Appraisal submitted with this application. It is, however, noticeable that in referring to the location and planning policies no mention whatsoever is made of the location within one of the nation's finest landscapes, this Area of Outstanding Natural Beauty. Furthermore, the many quotations from appeal decisions appear to relate to locations in undesignated countryside and, therefore, I have to advise that the examples do not take account of the application of NPPF paragraph 172 and the associated paragraphs in the Planning Practice Guidance.*

18. *There is no limitation on the application to site a mobile home. It could, therefore, be interpreted that this is simply a proposal to test the authority's attitude to a residential dwelling within this group of fields. Whether or not your Council is prepared to contemplate a new residential dwelling in the open countryside, this AONB has to advise that, subject to clarification of all of the other issues, a case has not been made for the presence of a worker living on site throughout the year, other than during the lambing season. The indications are that the welfare needs argument would apply for that relatively short period. That could mean that any permission should be strictly time limited. The Agricultural Appraisal refers to three years to test the viability of the holding and the associated enterprises. It would seem, therefore, appropriate to limit any on site accommodation, if it is necessary, to three years.*

19. *In relation to both applications, if you are minded to consider approvals after gaining the appropriate clarification on the issues raised, there should be no external lighting that is not explicitly approved by the Local Planning Authority. Any such lighting should comply with this AONB's Position Statement on the control of light pollution, Good Practice Guides on Good Lighting, and dark sky criteria. Any such lighting should be installed as approved and maintained thereafter. The need for external lighting to be explicitly approved by the Local Planning Authority is to ensure that the Council meets its obligations to protect the night skies of this International Dark Sky Reserve.*

20. *As you know, the AONB provides guidance on colour in the landscape and new agricultural buildings. I would, of course, be happy to consider any further information you may receive.*

7. Publicity

Neighbour / Third party representations

The application was advertised by neighbour notification letters and the posting of a site notice outside the site. The proposal has generated 18 responses stating the following (summary)

- Need/ Principle/ Lack of justification/ Business viability
- Suitability of the land for equine activities
- Inappropriate development in the AONB
- Noise, disruption, light pollution
- Traffic, impact on footpath users
- Impact on the character of the area
- Creeping development

8. Planning Considerations

- Principle of development
- Scale, siting, design, impact on the wider landscape within the Cranborne Chase AONB
- Impact on amenity
- Highways
- Ecology/Impact on the River Avon SAC

9. Assessment

Principle of development

As the proposal relates to a fledgling equine/agriculture enterprise, Saved Policy H28 of the Salisbury Local Plan is the relevant policy with regards establishing whether the principle of development would be considered acceptable. The policy states -

Applications for a temporary dwelling to support a new farming activity, whether on a newly created unit, or an established one, will be considered subject to the following criteria there is:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned;

(ii) a clearly established need for one or more workers to be accommodated on or near the holding;

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis; and

(iv) the need cannot be fulfilled by another dwelling on the unit, or any other accommodation in the area which is suitable and available for the workers concerned.

The applicant accepts that the mobile home permission would be time limited in order that the applicant can prove the successfulness of the business proposed. In this regard officers consider that any approval of a mobile rural worker home should be subject to a temporary three year consent which would allow sufficient time for the business to be established and at the end of this period the local planning authority can then re-assess the need.

In respect of other properties that could accommodate a rural worker, the applicants suggests there are none available in the locality. The mobile home is intended for the applicant's key worker, an experienced worker who will be moving into the mobile home with their wife. This employee will be the key worker living within seeing and hearing distance of the unit and will be responsible for all of the day-to-day care of the animals and operating the business.

With respect to the above criteria, officers consider the proposal would broadly accord with the aims of the policy. The proposal has been subject to assessment by the Council independent agricultural consultant who has adjudged there is an essential need for a rural workers mobile dwelling at the site in relation to the fledgling equine/agriculture business.

The proposed development at the site is considered acceptable in principle, provided the development is appropriate in terms of its scale, siting and design to its context, and provided other interests including the impact on the landscape character of the area within the Cranborne Chase AONB, amenity, highways and ecology are addressed.

Scale, siting, design, impact on the wider landscape within the AONB

Core Policy CP51 states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core Policy CP57 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.

The proposed rural workers mobile home would have a length of 20m and a width of 6.375m. The floorarea total 127.5sq.m and the internal layout is configured to provide 2no bedrooms, an office, bathroom and living accommodation. The exterior materials of the mobile home consist of Black/slate grey roof felt tiles and 'moorland green' colour cladding and doors.

The scale, siting and design are considered acceptable and due to its limited scale as there is an essential need for the mobile home to provide accommodation for a rural worker and the proposal is considered compatible with the rural site context, the landscape character of the area within the Cranborne Chase AONB is not considered unduly impacted on.

The concerns of third parties and the AONB group are noted. However, given the divorced nature of the site; its relatively well screened nature at distance, and the lack of objections from the highway/rights of way officer regards the impact on the right of way, it is considered that a refusal of the scheme based on the wider impact on the landscape character of the AONB would be difficult to justify.

Impact on amenity

Core Policy CP57 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.'

Given the setting and resultant separation distances, it is unlikely that the proposal would give rise to undue harm to the nearest residential properties.

Highways/Rights of Way

Core policy CP57 ix. states that proposals should ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

The site is accessed via ROW footpath SESE26.

The applicant has confirmed that:

In respect of vehicle movements, the land is currently being farmed and, therefore, there are a number of vehicles entering and leaving the Farm at the present time. We would summarise these as follows:

- 1. Car traffic – 5 movements average per day (owner and staff visiting livestock and general car movements).*
- 2. Tractor movements – average 1 per day.*
- 3. Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
- 4. Contractors – variable – 2-3 movements average per month.*

When the business is operating there will of course be the worker on site and there will not be any need for tractors to come to and from the Farm from elsewhere. We would anticipate therefore that vehicle movements would be reduced and would average as follows:

- 1. Car traffic – average 2-3 per day - reduction because staff will be on site.*
- 2. Tractor movements – average 2-3 per week – reduction because tractors will be kept on the Farm.*
- 3. Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
- 4. Contractors – variable – 2-3 movements average per month.*

On the basis of the above, WC Highways and Rights of Way have been consulted and do not object to the proposal. As a result, a refusal based on the impact of the proposals on the right of way and surrounding highway system would be difficult to justify.

Ecology/ River Avon SAC

Core policy CP50/52 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 site lies within the River Avon SAC catchment. The application falls within the scope of the mitigation strategy and generic appropriate assessment, therefore WC Ecology conclude it will not lead to adverse impacts alone and in-combination

In addition an Ecological Survey have been submitted for consideration. WC Ecology have been consulted and do not raise an objection subject to conditions to secure appropriate biodiversity enhancement measures recommended in Section 5.4 of the submitted report which should be adhered to. These include provision of a woodcrete bat box, Viva pro bird box, insect features and wildlife friendly tree and shrub planting.

10 Conclusion (The Planning Balance)

The concerns of third parties have been considered. However, the proposal would broadly accord with the aims of the policy H28. The proposal has been subject to assessed by the Council independent agricultural consultant who has adjudged there is an essential need for a rural workers mobile dwelling at the site in relation to the fledgling equine/agriculture business.

The occupancy of the rural workers mobile home would be tied to the enterprise by condition and the being a temporary consent after three years if the enterprise does not prove viable, the mobile home and any associated structures would be removed entirely and the site would be returned to agricultural use and the land restored to its former condition. It is therefore considered that the proposal would cause limited harm to the AONB landscape, the surrounding highway system, or amenity of the area. There are no significant ecology issues.

Subject to suitable conditions as suggested above and the suggested ecology conditions, the proposed development is considered to accord with the aims of Saved Policy H28, CP50, CP51, CP52, CP57, CP69 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, the Local Planning Authority considers that planning permission should be granted.

RECOMMENDATION:

Approve subject to the following conditions:

01 The rural workers mobile home hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before three years of the date of this decision notice in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

02 The occupation of the rural workers mobile home hereby permitted shall be limited to a person solely or mainly working in connection with the associated equine/agricultural business at Lower Marshes Farm, Semley, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for new residential accommodation in this location having been demonstrated.

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

Drg. no. 18194 - 5 B Site Location Plan (revised) Date rec. 13 April 2021

Drg. no. 18194 - 6 A Block Plan Date rec. 20 October 2020

Drg. no. 18194 - 7 A Illustrative Plans & Elevations as Proposed Date rec. 20 October 2020

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

04 The residential development shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

REASON: To reduce the impact on the River Avon SAC system.

05 No new external artificial security lighting shall be installed at the site, unless otherwise agreed in writing by the local planning authority.

REASON: In order to reduce light spill and the impact on the AONB

06 Prior to the dwelling being brought into use the following biodiversity enhancements, as recommended in section 5.4 of the submitted Preliminary Ecological Assessment (David Leach Ecology Ltd. Date: June 2021) must be provided: Woodcrete bat box. Viva pro bird box. Insect features. Wildlife friendly tree and shrub planting.

REASON: In the interests of conserving biodiversity.

INFORMATIVE

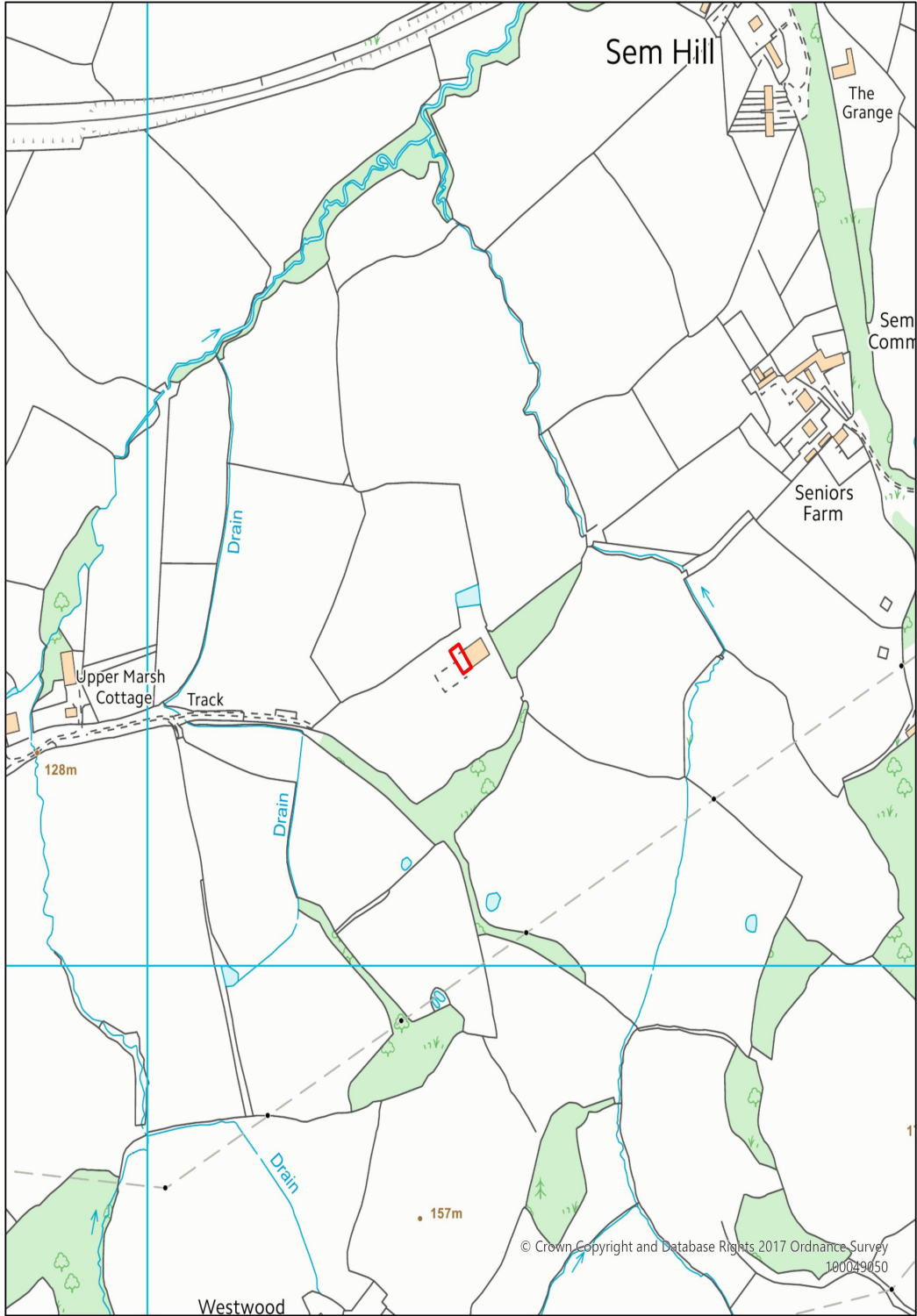
Informative for birds and the nesting season

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Right of Way

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

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.



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	1 st June 2022
Application Number	20/09188/FUL
Site Address	Lower Marshes Farm Semley
Proposal	Erect replacement multipurpose agricultural/equestrian building and horse walker.
Applicant	Mr P Drummond
Town/Parish Council	Sedgehill and Semley
Electoral Division	Nadder and East Knoyle - Councillor Bridget Wayman
Grid Ref	915, 957
Type of application	Full Planning
Case Officer	Jonathan Maidman

Reason for the application being considered by Committee

The application has been called in by Councillor Wayman citing concerns regarding the Scale of development, Design - bulk, height, general appearance, Environmental or highway impact, and concerns regarding the replacement of barn – almost doubling in size, and change of use to equestrian use.

1. Purpose of Report

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

2. Site Description

Lower Marshes Farm extends to approx. 20.5ha and is all in grass and held within a ring fence and currently in a period of land maintenance pending the implementation of the proposed farming practice.

3. Planning History

20/09189/FUL Siting of mobile home for rural worker's accommodation. -associated planning application under consideration

14/10611/106 Modification of section 106 agreement of S/2002/0058 dated 10 July 2002 to allow a section of land to be sold separately from the existing land – Approved

S/2002/0058 Demolition of existing extension and building new extension to the house demolition of existing sheds and building new stables garages and grooms room construction of new access. – Approved with conditions & S106

4. The Proposal

Erect replacement multipurpose agricultural/equestrian building and horse walker.

5. Planning Policy

National Planning Policy Framework

- 2. Achieving Sustainable Development
- 4. Decision-making
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Wiltshire Core Strategy

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 17 Spatial Strategy: Mere Community Area
- Core Policy 50/52: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 64: Demand Management
- Core Policy 69 River Avon SAC
- Cranborne Chase Area of Outstanding Beauty Management Plan 2019-2024

6. Consultation responses

Sedgehill & Semley Parish Council - Objection

Majority of Cllrs Object to Planning Proposal 20/09188/Ful in its current form due to its impact on: local amenities; lighting in a Dark Skies Preserve; the Cranborne Chase Area of Outstanding Natural Beauty ((AONB), who have responded separately to WC at Ref G); nature and wildlife; extra vehicle traffic on a public right of way (Footpath SESE26); concerns over the load bearing capacity of the access road (which would need to be authorised); the viability of the agricultural/equestrian enterprise proposal on such limited-size, wet land; and that the application appears to fall outside of policy (Reference C). In addition, Cllr Wayman has concerns over this proposal which has been “Called In” at Reference H.

WC Ecology – No objection subject to conditions

WC Highways - No objections following applicants details of vehicle numbers

WC Rights of Way– No objection subject to informatives

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

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.

Cranborne Chase AONB

The AONB Partnership has the following comments on this application (SUMMARY).

10. *This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated.*

11. *The AONB is, therefore, concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings*

12. *The site is in the Vale of Wardour landscape character area of the Rolling Clay Vales landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the Landscape Character Assessment 2003. That document should be available in your office, and it can be viewed in full on our website.*

13. *The proposed farm, which apparently is about 25% of a much larger holding, is relatively isolated and it seems that the site currently has a decayed building that is currently unusable. The proposal of application 20/09188/FUL would be to replace that building with one twice the size, 20m x 15m. The Supporting Letter refers to training polo ponies but the proposed agricultural / equestrian building lacks details and does not show whether the four individual units within the south eastern side of the building are intended to be stables or whether they are for some other part of the enterprise. Furthermore, the height of the building is not given on the plan, although it appears to be in the order of 6 metres to ridge height. There is no indication on the Application Form of the colour of the proposed building and, of course, in this AONB building materials and colours are important if integration within the existing landscape is to be achieved quickly.*

14. *This is a relatively isolated location in the open countryside of this AONB. Whilst the documentation refers to equestrian use and the training of polo ponies, I note that only the proposed barn and proposed horse walker are identified as being included within the red line area. That would appear to preclude the fields from being put to equestrian use. To avoid any potential misunderstandings the AONB advises that is an issue that needs to be clarified before any decision is made on either of the applications.*

15. *Equestrian operations almost invariably require a muck heap and the location of it is important, not just in relation to any residential accommodation but also in relation to*

drainage, and potential pollution, from it. The AONB is aware that there are nutrient issues associated with development in the catchments that drain to the River Avon, and such issues may put a hold on what is effectively new, additional, development.

16. Application 20/09189/FUL indicates that the proposed mobile home would be sited alongside the proposed barn. The proposed mobile home appears somewhat substantial with dimensions appearing to be some 20 metres by 6.5 metres, which appears to make the proposed mobile home longer than the barn would be wide. No information is given about the colour of the proposed mobile home and, again, colour can be a significant issue enabling a structure to integrate with its local landscape.

17. I see there is a substantial Agricultural Appraisal submitted with this application. It is, however, noticeable that in referring to the location and planning policies no mention whatsoever is made of the location within one of the nation's finest landscapes, this Area of Outstanding Natural Beauty. Furthermore, the many quotations from appeal decisions appear to relate to locations in undesignated countryside and, therefore, I have to advise that the examples do not take account of the application of NPPF paragraph 172 and the associated paragraphs in the Planning Practice Guidance.

18. There is no limitation on the application to site a mobile home. It could, therefore, be interpreted that this is simply a proposal to test the authority's attitude to a residential dwelling within this group of fields. Whether or not your Council is prepared to contemplate a new residential dwelling in the open countryside, this AONB has to advise that, subject to clarification of all of the other issues, a case has not been made for the presence of a worker living on site throughout the year, other than during the lambing season. The indications are that the welfare needs argument would apply for that relatively short period. That could mean that any permission should be strictly time limited. The Agricultural Appraisal refers to three years to test the viability of the holding and the associated enterprises. It would seem, therefore, appropriate to limit any on site accommodation, if it is necessary, to three years.

19. In relation to both applications, if you are minded to consider approvals after gaining the appropriate clarification on the issues raised, there should be no external lighting that is not explicitly approved by the Local Planning Authority. Any such lighting should comply with this AONB's Position Statement on the control of light pollution, Good Practice Guides on Good Lighting, and dark sky criteria. Any such lighting should be installed as approved and maintained thereafter. The need for external lighting to be explicitly approved by the Local Planning Authority is to ensure that the Council meets its obligations to protect the night skies of this International Dark Sky Reserve.

20. As you know, the AONB provides guidance on colour in the landscape and new agricultural buildings. I would, of course, be happy to consider any further information you may receive.

7. Publicity

Neighbour / Third party representations

The application was advertised by neighbour notification letters and the posting of a site notice outside the site. The proposal has generated 16 response as follows (summary)

- Need/ Principle/ Lack of justification/ Business viability
- Suitability of the land for equine activities
- Inappropriate development in the AONB
- Noise, disruption, light pollution
- Traffic, impact on footpath users
- Impact on the character of the area
- Creeping development

8. Planning Considerations

- Principle of development
- Scale, siting, design, impact on the wider landscape within the Cranborne Chase AONB
- Impact on amenity
- Highways
- Ecology/ River Avon SAC

9. Assessment

Principle of development

The application site consists of just agricultural land with a dilapidated barn, and there's no current farm enterprise at the site. The application consists of the erection of a horse walker and a replacement barn for agricultural/livestock and equestrian uses.

The proposed development at the site is considered acceptable in principle, provided the development is appropriate in terms of its scale, siting and design to its context, and provided other interests including the impact on the landscape character of the area within the Cranborne Chase AONB, amenity, highways and ecology are addressed.

Scale, siting, design, impact on the wider landscape within the Cranborne Chase AONB

Core Policy CP51 states Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core Policy CP57 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.

The footprint of the existing dilapidated barn measures 15.24m x 21m, which is 320m². The footprint of the proposed replacement mixed use building is 15m x 21m and is therefore

315m². The replacement building would sit on the same footprint of the existing building and there is no increase in footprint.

The existing building has a double pitch, with the eaves height 3.9m and the two ridge heights each being approximately 4.7m. This is to be replaced by a single pitched roof building – eaves height 3.9m and ridge height 5.2m.

In respect of the exterior materials to be used for the building, the elevations are timber boarding over a brick base and the roof would be covered in profile sheeting. Following advice from the Cranborne Chase AONB regarding the colour of the building, the applicant has confirmed the timber cladding would be stained to help the building merge into the scenery. In respect of the roof colouring, an ‘anthracite’ colour in a matt finish is proposed and the cladding and doors would be of ‘moorland green’.

The horse walker is formed of a circular fenced enclosure 2.2m in height and with a radius of 14.7m. It would be sited approx. 25m northwest of the replacement barn.

The applicant has confirmed that they are proposing to manage and improve the land and that the fields will only be used for grazing purposes. Therefore, it would appear a change of use application is not required for the land itself.

The applicant is aware of the sensitivity of the location and relating to Dark Skies and would confirm that it is not intended for there to be any spot or floodlights. Nevertheless, the applicant has confirmed they would be happy to accept a condition requiring approval of any external lighting if required.

The concerns of third parties and the AONB group are noted. However, given the divorced nature of the site; its relatively well screened nature at distance, and the lack of objections from the highway/rights of way officer regards the impact on the right of way, it is considered that a refusal of the scheme based on the wider impact on the landscape character of the AONB would be difficult to justify, particular as a barn and horse walker structure are typical features of such a landscape, and the site has clearly had a structure on it previously.

Impact on amenity

Core Policy CP57 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.’

Given the setting and resultant separation distances, it is unlikely that the proposal would give rise to undue harm to the nearest residential properties.

Highways and rights of way

Core policy CP57 ix. states that proposals should ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

The site is accessed via ROW footpath SESE26.

The applicant has confirmed that:

In respect of vehicle movements, the land is currently being farmed and, therefore, there are a number of vehicles entering and leaving the Farm at the present time. We would summarise these as follows:

1. *Car traffic – 5 movements average per day (owner and staff visiting livestock and general car movements).*
2. *Tractor movements – average 1 per day.*
3. *Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
4. *Contractors – variable – 2-3 movements average per month.*

When the business is operating there will of course be the worker on site and there will not be any need for tractors to come to and from the Farm from elsewhere. We would anticipate therefore that vehicle movements would be reduced and would average as follows:

1. *Car traffic – average 2-3 per day - reduction because staff will be on site.*
2. *Tractor movements – average 2-3 per week – reduction because tractors will be kept on the Farm.*
3. *Trailer/lorry (less than 7.5 tonne) movements – moving livestock/deliveries – 2-3 movements per week.*
4. *Contractors – variable – 2-3 movements average per month.*

On the basis of the above, WC Highways and Rights of Way have been consulted and do not object to the proposal. As a result, a refusal based on the impact of the proposals on the right of way and surrounding highway system would be difficult to justify.

Ecology/River Avon SAC

Core policy CP50/52 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.

An Ecological Survey have been submitted for consideration. WC Ecology have been consulted and the submitted assessment concludes that the ecological impact of the proposals will be low and protected/notable species unlikely to be affected. Measures to avoid impacts on foraging and commuting bats, nesting birds and other protected and notable species as detailed in Section 5.0 and should be adhered to and secured via condition.

This application lies within the River Avon SAC catchment therefore a test of likely significance has been carried out by the Appropriate Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

Conclusion (The Planning Balance)

The horse walker and equine use of the replacement barn would be tied to the enterprise by condition and being a temporary consent, after three years if the enterprise does not prove viable, the horse walker home and any associated equine structures would be removed entirely and the site would be returned to agricultural use and the land restored to its former condition. The proposal would be unlikely to cause significant harm to the landscape of the AONB, general amenity of the area, or to the surrounding highway systems. There are no significant ecology issues.

The proposed development accords with the aims of CP50 & 52, CP51 and CP57 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, the Local Planning Authority considers that planning permission should be granted.

RECOMMENDATION:

Approve subject to the following conditions:

01 The horse walker and any ancillary equine works or structures shall be removed and the land restored to its former condition on or before three years of the date of this decision notice in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Following three years of the date of this decision notice the replacement barn shall be retained for agricultural purposes only.

REASON: A temporary permission is granted in order that the local planning authority can review the applicant's circumstances at the end of the limited period specified.

02 The horse walker and the replacement barn shall only be used in connection with the associated equine/agricultural business at Lower Marshes Farm, Semley.

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

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

Drg. no. 18194 – 1 B Site Location Plan (revised) Date rec. 13 April 2021

Drg. no. 18194 – 2 A Block Plan Date rec. 20 October 2020

Drg. no. 18194 – 3 A Plans & Elevations as Proposed Date rec. 20 October 2020

Drg. no. 18194 – 4 Proposed Horse Walker Date rec. 20 October 2020

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

04 No new external artificial security lighting shall be installed at the site, unless otherwise agreed in writing by the local planning authority.

REASON: In order to reduce light spill and the impact on the AONB

05 Prior to occupation of the barn the following mitigation and enhancement measures must be provided in accordance with recommendations detailed in the submitted Preliminary Ecological Assessment report prepared by David Leach Ecology Ltd (July 2021): Installation of a woodcrete bat box on a nearby tree. Installation of a Viva pro bird box on nearby tree. Instillation of insect features on nearby trees. Native and wildlife friendly planting.

REASON: To ensure adequate protection, mitigation and compensation for protected species and to provide a biodiversity enhancement, in accordance with Core Policy 50 and the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVE

Informative for birds and the nesting season

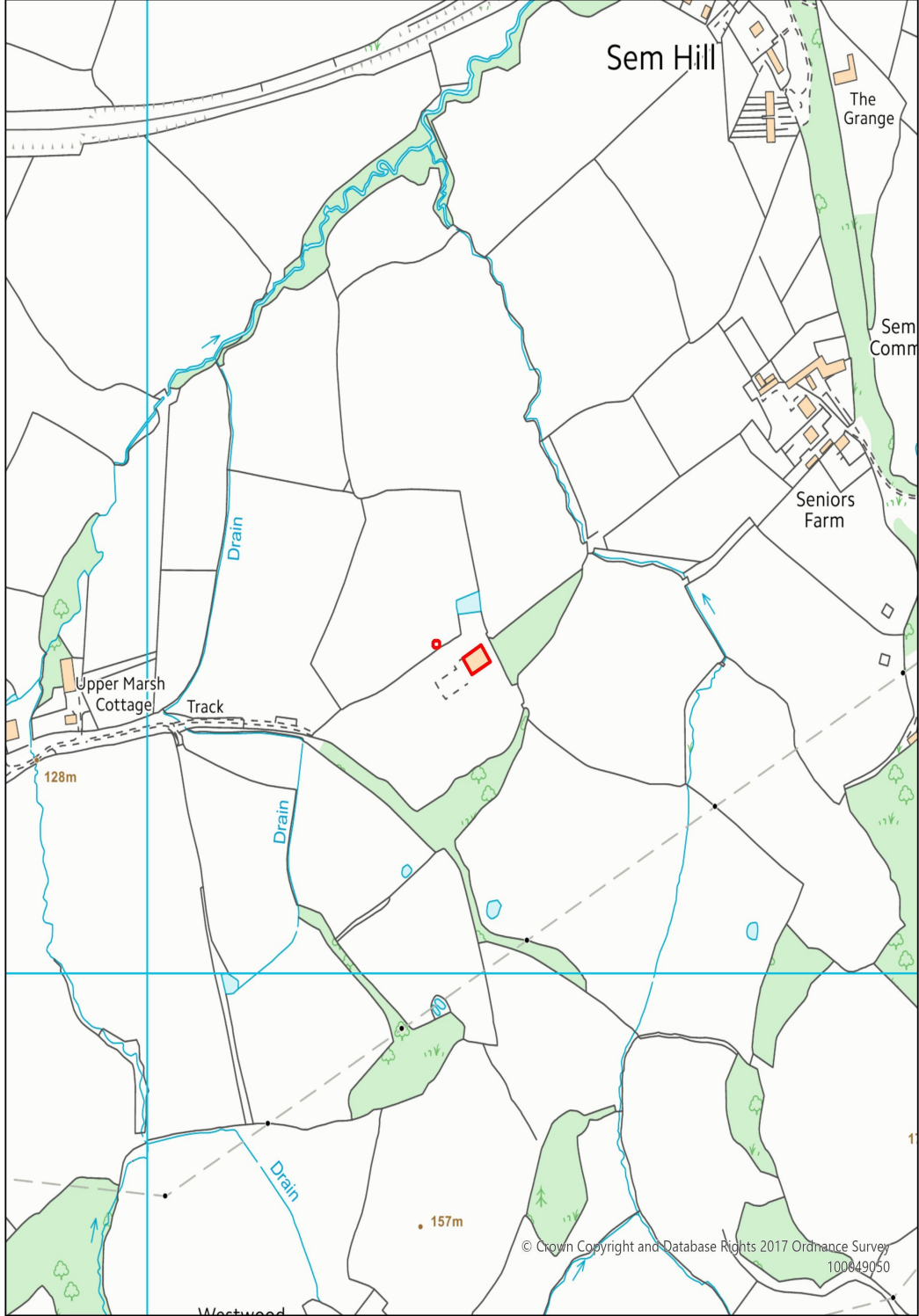
The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Right of Way

No construction / demolition vehicle access may be taken along SESE26 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO.

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.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEE

Report No.

Date of Meeting	1 June 2022
Application Number	PL/2021/10952
Site Address	Land at Brambell Cottage , Mount Pleasant, Porton, SP4 0NA
Proposal	Full plan application for the erection of one dwelling with garage, at the land adjacent to Bramble Cottage, with garage and driveway.
Applicant	Mr. Najjar
Town/Parish Council	Idmiston Parish
Electoral Division	Winterslow & Upper Bourne Valley ED – Cllr Rich Rogers
Grid Ref	51.127547, -1.739211
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

The application is made by an elected member and there are objections raising material planning considerations.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be refused.

2. Report Summary

The main issues to consider are:

1. Principle of development
2. Highway issues
3. Character of the area
4. Residential amenity
5. Drainage
6. River Avon SAC
7. Other issues

3. Site Description

The site is open countryside to the west of Porton, a settlement defined as a Large Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). Porton has a defined settlement boundary which places the access to the application site a distance of approximately 400 metres by road from the outside edge of the boundary line and a distance of approximately 250 metres across the valley of the River Bourne.

The application site is located to the west of the A338. There is an existing unmade vehicular access from the highway to the north-east of the site providing access to a pair of semi-detached dwellings which are located to the south of the site. The existing dwellings are located in isolation to any other built form and surrounded on all sides by open fields, with the A338 forming the boundary to the east. The site itself comprises a grassed paddock area which is adjacent to but outside the formal residential curtilages of the two existing dwellings. It is bounded by the unmade access lane and land associated with No. 2 Mount Pleasant (Ashcroft) to the east and land associated with No. 1 Mount Pleasant (Bramble or Brambell Cottage) to the south. The A338 is a main route with no pedestrian footways.

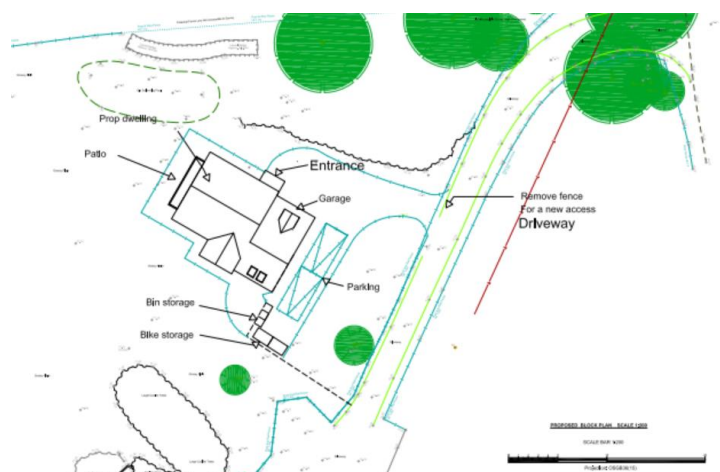
The site is outside of the fluvial flood zones 2 and 3 associated with the River Bourne, which is located to the east of the site on the opposite side of the A338. Porton Meadows SSSI also lies to the east of the A338, at a distance of less than 20 metres from the site. The area in which the site is located is locally designated as a Special Landscape Area, a designation which is saved from the Salisbury District Local Plan as part of the Wiltshire Core Strategy.

4. Planning History

- S/2002/1987 – UPVC Conservatory (“Bramble Cottage”) - Approved
- S/2004/1577 – Conservatory (Bramble Cottage) – Approved
- S/2005/2467 – Demolition of existing kitchen extension, construction of new kitchen extension with entrance hall and porch, remove first floor bathroom window and construct dormer (Ashcroft) – Approved
- S/2006/2411 – Single storey rear extension (Ashcroft) - Approved
- S/2007/1133 – Single Storey Timber Building to Accommodate Swimming Pool (1 Mount Pleasant) – Approved

5. The Proposal

The proposal is a full application for the construction of a detached two-storey dwelling with attached garage to include the formation of an access from the existing access drive and parking area for 2 vehicles. The layout of the site is shown in the proposed site plan extract below.



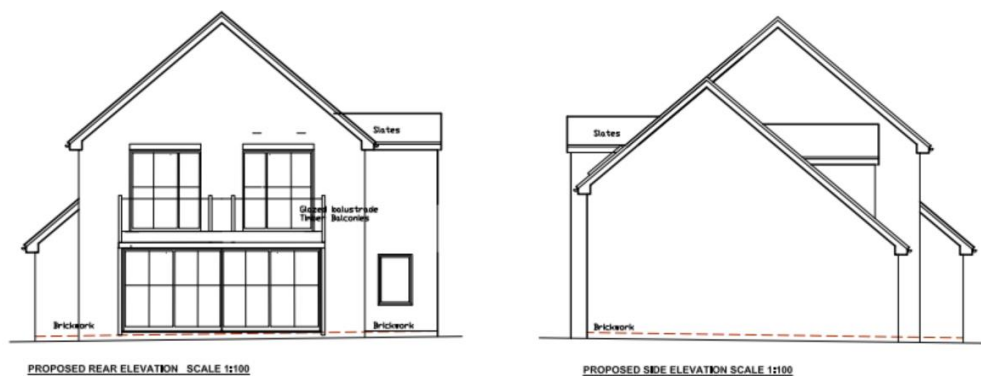
Proposed Site Plan

The proposed dwelling comprises open plan living, dining and kitchen with separate utility room, wc and garage at ground floor and two en-suite bedrooms and a home office, or third bedroom, at first floor. The design is a pitched roof dwelling with the garage and room in

roof set below the main ridge line and a small gable extending feature to the rear, as shown in the elevations below. The construction is specified as brick with a grey slate roof.



Proposed front (north) elevation and rear (south) elevation (labelled 'side')



Side (west) elevation (labelled rear) and side (east) elevation

6. Local Planning Policy

Wiltshire Core Strategy (2015)

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 3 – Infrastructure Requirements
- Core Policy 4 – Spatial Strategy for the Amesbury Community Area
- Core Policy 45 – Meeting Wiltshire's Housing Needs
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 - Landscape
- Core Policy 57 - Ensuring High Quality Design and Place Shaping
- Core Policy 60 - Sustainable Transport
- Core Policy 61 - Transport and Development
- Core Policy 64 - Demand Management
- Core Policy 69 - Protection of the River Avon SAC

Salisbury District Local Plan (2003)

- Saved policy C6 – Special Landscape Area

Idmiston Parish Council Neighbourhood Plan 2015-2026

National Planning Policy Framework 2021

In particular: Section 4 (Decision making); Section 5 (Delivering a sufficient supply of homes); Section 9 (Promoting Sustainable Transport); Section 11 (Making effective use of

land); Section 12 (Achieving well- designed places); and Section 15 (Conserving and enhancing the natural environment).

**Government Planning Practice Guidance
National Design Guide
Habitat Regulations 2017**

7. Summary of consultation responses

Idmiston Parish Council

Idmiston Parish Council has no objection to this application, although concerns were raised about the safety of the proposed access to the busy A338.

WC Highways –

I note the proposed new-build dwelling, which will utilise the existing access serving 1 and 2 Mount Pleasant from the A338. I also note that whilst the application form states that consent is sought for a two bedroom unit, the first floor includes a large home office, which could be easily re-purposed as a third bedroom. Firstly, the site is located outside of the existing village policy boundary and I therefore have concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any residents and visitors. This proposal is therefore contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

Additionally, I am concerned about the standard of the existing access serving the site directly from the A338, which is subject to a 50mph speed limit in this location. No visibility splays have been provided on plan to demonstrate that adequate sight lines are available/ can be achieved at this access point. I would expect a minimum of 2.4m x 160m to the nearside carriageway edge in this location and whilst the access location is somewhat favourable in terms of its position between the bends in the road, it is unclear whether adequate visibility is achievable either within land that is controlled by the applicant or within the public highway. Additionally, the access appears to be substandard in terms of width to act as a shared access, where I would normally expect a minimum width of 5m over the first 5m of the access. The loose and unmade surface of the access is also likely to result in additional loose material being tracked on to the A338 due to the increase in traffic generated by the proposal.

As a result, I recommend that this application is refused on Highway grounds for the following reasons;

1. The site is located outside of the existing village policy boundary, in a location where no public transport or pedestrian facilities are available, which will result in the reliance upon the private car for any residents and visitors. This proposal is therefore contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.
2. The applicant has not demonstrated that the required visibility splays can be achieved within the site frontage and/or over highway resulting in the increased use of an access which is considered unsafe.

3. The proposal will result in an increased use of an access by virtue of its poor geometry/arrangement is considered sub-standard which will lead to the detriment of the safety of users of the highway.

Updated comments:

I note the additional information provided.

The existing access is shown widened, which is welcomed.

An access within a 50mph limit should provide splays of 2.4m x 160m and I note the southern splay does not meet this. However, for the splays to be implemented, a significant amount of vegetation would need to be cut back (no trees lost) and this improvement would provide a net benefit for the existing property. As such, I am relatively satisfied that the access improvements would provide adequate mitigation for the additional traffic movements. However, I do still retain my concerns in respect to sustainability and the lack of any pedestrian facilities. As such, my revised recommendation would be that this application is refused for the following reason;

1. The site is located outside of the existing village policy boundary, in a location where no public transport or pedestrian facilities are available, which will result in the reliance upon the private car for any residents and visitors. This proposal is therefore contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

8. Publicity

The application was publicised by site notice and neighbour notification to the property immediately adjacent to the site, further consultation/neighbour notification was carried out following receipt of additional information. Representations from one third party have been received in objection to the proposal and comments are summarised as follows:

Objections:

- Consent has not been given for driveway to cross third-party land
- The right of way for owners or occupiers of the adjoining property does not extend to additional houses
- Additional traffic would impact on maintenance and costs to upkeep the access
- The siting of the dwelling would affect privacy and daylight
- Does not seem unreasonable for the dwelling to be located further into the paddock
- Concerns about increased vehicular access on to A338 on a gloomy part of a very busy road with limited visibility
- There is no pedestrian access or streetlamps along the A338
- The in/out access to the narrow driveway of the property would be hazardous
- Unknown negative impacts on adjacent SSSI (Porton Meadow)
- Concern over phosphate levels in rivers from new build
- The proposed plot is in 'open countryside' where new housing is objected to in principle

- Where is the proposed septic tank and pond to be sited - these could cause noxious fumes
- Increased electrical power and the routing of the cables
- The current telephone cable is old and has no spare pairs to support a new home
- What is the proposed route for the new water supply?
- Where would additional bins be placed for the various weekly collections?
- Paragraphs 15 and 16 of the Planning Application seem to indicate that 2 new dwellings are proposed - is this correct?
- Astonished that this plan has been submitted before any consultation with neighbour
- Increased pollution from fumes and noise from the additional traffic/deliveries
- Adverse impact on the environment, local flora and fauna
- Effect on behaviour of bats and damage to environment supporting house sparrows seen nesting adjacent to the site
- Design Statement implies the property will not be sold – this is impossible for anyone to predict
- No evidence of the proposed “six-meter turning space” on the block plan
- There is a restrictive covenant preventing any new structure or building excepting greenhouses, garden sheds, garages and extensions or outbuildings to the existing buildings

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

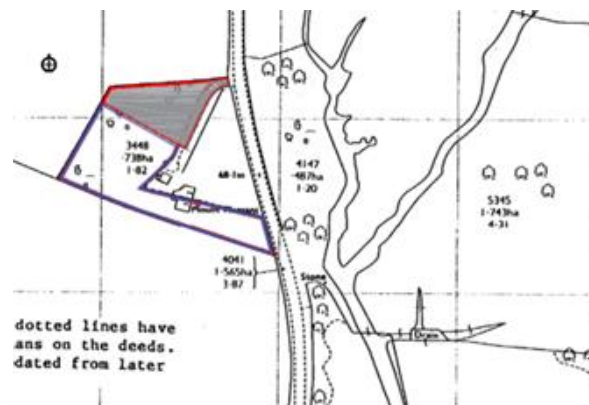
9.1 Principle of Development

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. Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy' and 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.

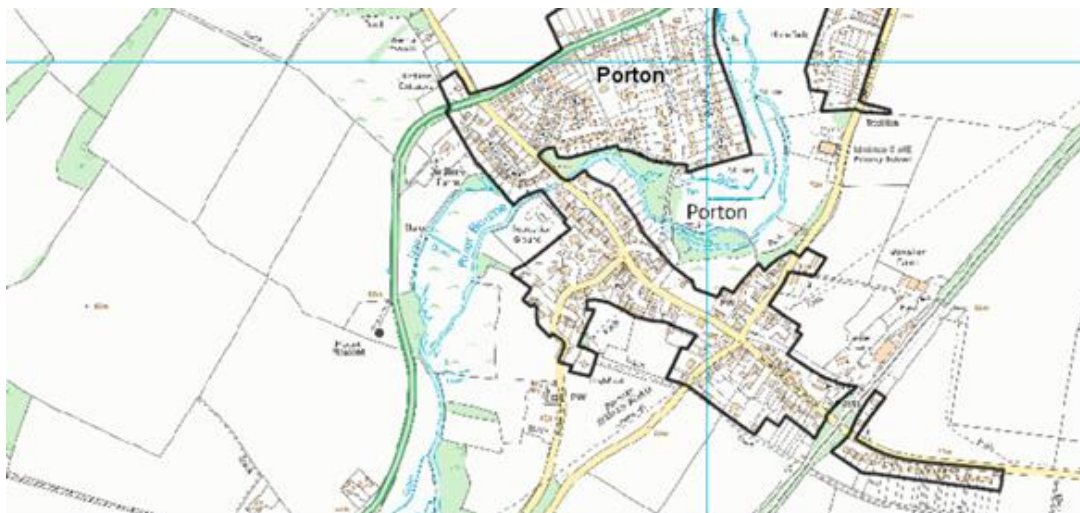
Core Policy 4 confirms that development in the Amesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2. At the settlements identified as villages, a limited level of development will be supported in

order to help retain the vitality of these communities. Porton is designated as a large village under Core Policy 4 and has a designated settlement boundary to define the limits of 'the existing built area'. The application site is located a distance of approximately 400 metres from the settlement boundary for Porton along the A338 highway, heading south from the village, and is physically and functionally remote from the settlement and all services and facilities.

The proposed location plan and map extract show how the site relates to the existing dwellings, surrounding landscape and built form of the settlement and policy boundary line, highlighting the relative isolation from the nearest settlement.



Proposed Location Plan



Site in context of wider area/settlement boundary (indicated by black dot)

The site is also located within the area designated for the Idmiston Parish Council Neighbourhood Plan 2015-2026 (NP), which was adopted following referendum in April 2017. NP Policy 17 sets out the Development Criteria for new housing within the neighbourhood plan area and states that "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 land form.

The proposed site is not well related to the existing village envelope and does not reflect the character and variety of the existing pattern on development in the village since it is not within or adjacent to the settlement and therefore fails the criteria of Policy 17.

NP Policy 19 also sets out that “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.***” (Emphasis added). The proposed site is not one of the allocated sites and is not adjacent to the settlement boundary of Porton, the NP is clear and explicit that its policies do not support housing development of sites such as this and should be resisted.

The NPPF is a material consideration in the determination of the application and at paragraph 79 states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

Given the physical and functional isolation of the site from the village, which is described in the planning statement as comprising “an open parcel of paddock land, which has a physical and visual connection to both the surrounding countryside and the 2 adjacent properties which comprise Mount Pleasant”, the development of the site cannot be considered to be located so as to enhance or maintain the vitality of a rural community since there is no links to any part of the rural community other than the relationship to 2 dwellings, the occupier of one of which has raised objections to the proposal. The proximity to 2 existing dwellings clearly does not diminish the separation and inaccessibility of the site to the nearest settlements.

It is concluded that the principle of a small-scale development of a single dwelling outside the existing settlement boundary does not accord with the settlement strategy of the WCS or the Idmiston NP for new residential development and does not constitute sustainable rural development in the context of the NPPF. It is further considered that, where such policies may be considered out of date, the proposal cannot be considered

to represent an acceptable form of development in the context of built-up area of the settlement and the relationship of the site to the settlement even if the adopted settlement boundaries are to be discounted entirely from the assessment. The following section addresses issues to be considered having regard to the status of development weight to be attributed to housing policies which may be considered out of date.

Housing Land Supply/Self Build development

Wiltshire Council has recently published a statement on its current 5-year housing land supply and it is confirmed that the LPA is unable to demonstrate a 5 year housing land supply as there remains a small shortfall which currently stands at 4.72 years.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 confirms that policies may be considered out of date for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The report sets out that the proposal for a dwelling would be located a significant distance outside of the defined settlement boundary with poor accessibility other than for the private car, such that it is an unsustainable location for new housing and cannot be considered sustainable development when assessed against the policies in this Framework taken as a whole. In this context, the individual and cumulative impacts of allowing sporadic housing in the countryside would significantly and demonstrably outweigh any economic and social benefits associated with the small contribution to housing supply. Secondly, the proposal for new residential development does not provide mitigation for nutrients and is excluded under footnote 7 since paragraph 182 states that the presumption in favour of sustainable development does not apply unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats sites. Accordingly, paragraph 11 of the NPPF would not be engaged.

A supporting statement has more recently been submitted which indicates that the applicant has registered their interest in acquiring a self-build plot with the Council and that the proposed dwelling is intended to be self-build, such that it could be subject to appropriate legal agreement necessary to secure occupancy as such. The WCS predates the current NPPF and specific policies relating to self-build plot are absent from the development plan, (WCS and Idmiston NP) and the Council is currently

considering how best to address the issue of self-build and custom housebuilding in the Local Plan Review. The NPPF paragraphs 61 and 62 state that:

“61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. 62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²⁷, people who rent their homes and people wishing to commission or build their own homes²⁸). Footnote 28 advises that under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

The Council therefore has a duty under the Self Build and Custom Housing Act 2015 to keep a register of persons who are interested in acquiring a suitable self-build or custom-build plot and to also grant enough suitable development permissions for serviced plots to meet this demand. It is acknowledged that the Council's data confirms that there is currently an unmet demand for self-build plots. Legislation, planning policy or guidance does not set out criteria for how any under supply of this type of housing against the established demand should be dealt with. However, the weight to be attributed to the current shortfall in serviced self-build plots is therefore part of the planning balance of any application for this type of development.

Various appeal decisions have been cited in relative weight given to proposals for self-build plots, however the cases put forward do not include any sites which are sufficiently comparable to the application site. A summary is provided of why, in each case, the planning balance was weighed according is a follows:

- a) In the first case, described as ‘an intensification of built development in an urban fringe location’, the parties had agreed that, but for the conflict with the development plan, the location is sustainable for the type of development proposed, having good accessibility to a range of facilities. This not the case for this site.
- b) In the second case, the appeal site was described as adjacent to the existing built form of the settlement and development of the appeal site would not extend beyond the southern confines of the existing built form of the settlement - substantial weight was given to the economic benefits of 30 dwellings to the settlement and degree to which it would contribute to the self-build requirements such that the benefits significantly and demonstrably outweigh the conflict with the development plan. The

site is not adjacent to the existing built form of the settlement and the extent of benefits are materially different.

- c) In the third case, it was noted that the proposal would appear as an integral continuation of the built form of the settlement and that local facilities would be along pavements with street lighting. This is not the case for this site.
- d) In the final case, there was were no defined settlement boundary for Larger Villages and consequently it was held as a matter of judgement as to whether or not the appeal site lie within the built area of the settlement, in that case it was concluded that the proposal would accord with Local Plan Policies which when taken together relate to the location of development in the District, including the provision of self-build and custom-build dwellings.

In all cases cited as examples of development making provision for self-build dwellings the consideration of the circumstances of the site, and policies relating to those sites, were materially different to the current application.

Thus, whilst the LPA is mindful of both the current shortfall in 5 year HLS and the need to allocate and deliver serviced self-build/custom build plots which will be taken forward in the Local Plan Review, both of which are material considerations in the determination of this application, the modest social or economic benefit arising from the construction of a single dwelling towards the supply of such would not be sufficient to outweigh the significant and demonstrable harm arising from sporadic development in the countryside which is contrary to the collective aims of the development plan and the NPPF as a whole.

Detailed consideration of other relevant site-specific constraints and impacts, which in this case includes the means of access and parking arrangement, the visual impact of the proposed development and relationship with the existing landscape, built form and residential properties, drainage and the River Avon SAC catchment area having regard to the Habitats Regulations.

9.2 Highways issues

The proposed dwelling would be accessed off a private unmade access lane from the A338. The submitted planning statement at paragraph 3.5 asserts that “The existing access onto the A338 will be retained with no alterations proposed”. However, additional plans have been submitted showing the widening of the access land and visibility splay. The highways officer raised concerns, firstly, with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any residents and visitors and lack of pedestrian facilities and secondly with regards to the adequacy of the means of access.

The highways officer considers that the proposal is contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the paragraphs of the National Planning Policy Framework which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. The proposed site is not in a location which would be supported by the settlement strategy or having regard to the relevant transport policies of the WCS. The highways officer has confirmed that the additional/revised information does not alter their concern

with regards to the conflict with the aims of sustainability of the WCS and NPPF, in particular that there are no pedestrian links to facilitate accessibility to the settlement.

In terms of highway safety, the highways officer raised concerns about the standard of the existing access serving the site directly from the A338, which is subject to a 50mph speed limit in this location. The existing access is concealed, uneven and narrow and third-party representations indicate that the access and land to each side may be separately owned and therefore outside of the control of the applicant, reducing the capacity for improvements to be sought. However, revised plans have been submitted to show the widening of the access together with visibility splays. The normal expectation for such an access is for a minimum width of 5m over the first 5m of the access and a minimum of 2.4m x 160m to the nearside carriageway edge.

The highways officer has provided updated comments and has advised that the existing access is shown widened, which is welcomed. Although an access within a 50mph limit should provide splays of 2.4m x 160m, it is noted that the southern splay does not meet this. However, for the splays to be implemented, a significant amount of vegetation would need to be cut back (no trees lost) and that this improvement would provide a net benefit for the existing property. On this basis, the highways officer is relatively satisfied that the access improvements would provide adequate mitigation for the additional traffic movements associated with an additional dwelling.

It was previously noted that the unmade surface of the access is also likely to result in additional loose material being tracked on to the A338 due to the increase in traffic generated by the proposal. This could be addressed by a condition to require surfacing for the first 5 metres.

The parking provision is capable of meeting Wiltshire Council's parking standards of a minimum of 2 spaces for the proposed 2-3 bed property.

Whilst the Highways Officer has agreed to remove their objection on highway safety grounds, there are clear grounds for refusal having regard to inaccessibility of the site on a 50 mph road and absence of any pedestrian facilities along the highway. Issues relating to the ownership, private rights of way over the existing access and maintenance costs are private matters between landowners and are not material to the consideration of the planning merits of the development.

9.3 Character of the area

The proposed aerial mapping extract below shows the site in the context of the surrounding landscape, existing dwellings and built form of the village settlement of Porton.



Site in context of wider area (indicated by small black dot)

The site is within open countryside, defined as a Special Landscape Area under saved Policy C6 of the Salisbury District Local Plan and continues to form part of the development plan. Whilst there are two existing semi-detached dwellings at Mount Pleasant, the development of a detached dwelling to the north of the existing dwellings in this location would not visually relate to the existing built form either on site or within the context of the settlement. Although sited on a paddock which is adjacent to a pair of existing houses, the proposal would represent sporadic, isolated development which would constitute an inappropriate encroachment of development in an open landscape setting. Changes to the design, materials or scale of the proposed dwelling or its landscaping would not adequately mitigate against the landscape impact arising from siting a new, independent residential dwelling in this location.

9.4 Residential Amenity

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to "...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)". The NPPF at paragraph 127(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed dwelling would share a boundary with one residential property, Ashcroft, which lies to the south/east of the site. The dwelling would also share a boundary with the land associated with Brambell (Bramble) Cottage, although the dwelling itself lies to the other side of Ashcroft. The occupiers of Ashcroft have objected to the proposal on the grounds of loss of privacy and daylight. However, the siting of the proposed dwelling is to the north-west, as such loss of light would not be anticipated. The distance between the properties and separation provided by the access would also not indicate that the proposal is likely to materially impact on privacy in planning terms.

Issues relating to services would be dealt with by utilities providers with any consents from third parties as necessary and falls outside the scope of the planning considerations.

9.5 Drainage

The means of foul drainage to the proposed dwelling is indicated to be a new septic tank. As it is not proposed to connect to an existing system, the provision of a septic tank would not accord with the hierarchy for sites where mains drainage is not feasible. In the event of an approval, the drainage hierarchy indicates that a package treatment plant would be the required means of foul drainage and details of the system, for which details would need to be agreed through the Building Regulations and includes stipulations about distances to buildings. Such systems may also be subject to a permit from the Environment Agency. These consenting regimes fall outside the scope of planning controls, however any planning permission granted would need to be conditioned to stipulate the means of drainage to ensure that it complies with the hierarchy. However, in this case, as the proposed development is not planned development, the drainage strategy for the site would also need to include bespoke nutrient mitigation in order to undertake an Appropriate Assessment, which has not been provided.

The means of surface water drainage to the proposed dwelling is a SUDS system with pond, this is a clean water system which would not be odorous and would also be subject to control under Building Regulations in the event of planning approval.

9.6 River Avon SAC

This development falls within the catchment of the River Avon SAC. The proposal would result in a net increase of 1 residential unit on the site which has potential to increase 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 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 is located outside of any defined settlement and is identified as being contrary to policy, it is considered to fall outside the scope of the mitigation strategy and generic appropriate assessment which is sufficient for planned development only. The LPA cannot therefore conclude that it would not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC.

As unplanned development which is not covered by the Council's mitigation strategy and in the absence of bespoke on-site mitigation, an additional reason for refusal is justified. Approval of the proposal without a favourable Appropriate Assessment would be unlawful.

9.7 Other considerations

The neighbouring occupier has identified a restrictive covenant. Covenants are legal agreements which are a civil matter and do not prevent the granting of planning permission. In this case there are reasons for refusal of permission, however the grant of planning permission would not override other rights or consents necessary to undertake development on the land.

10. Conclusion (The Planning Balance)

The application site lies approximately 400 metres from the edge of the large village settlement of Porton, along a 50 mph stretch of the A338 highway with no pedestrian pavement or street lighting. There is a presumption against the principle of new residential dwellings within the open countryside outside of any defined settlement having regard to the adopted development plan (WCS and Idmiston NP) other than where housing is justified to meet a specific need. The physical and functional separation and isolation of the site from the nearest settlement and absence of any safe pedestrian access to the site is considered an unsustainable location for new residential development where occupiers would be wholly reliant on private vehicles to access services and facilities, contrary to the aims of the settlement strategy and sustainability objectives of the development plan and the NPPF.

The LPA is currently unable to demonstrate a 5 year housing land supply, although there is a very modest shortfall. The policies in the WCS predate the NPPF and there is no specific policy pertaining to the provision of self-build dwellings for which there is evidence of an unmet need. There would be modest benefits arising from the provision of one additional dwelling to the housing supply in the context of the unmet demand. The scope of such benefits are to be weighed against the substantial harm which arises due to the countryside location and very limited accessibility of the site, which would conflict with the overall strategy of the development plan to direct new housing development within a hierarchy of settlements and reduce the need to travel by private car, consistent with the aims of the NPPF. The need for housing in general and self-build plots in particular does not indicate that such housing should be provided in sporadic locations without due regard to the accessibility of the site and relationship to existing village settlements and rural communities.

It is concluded that there are no material considerations in the planning balance which would weigh convincingly in favour of approval of development of a new dwelling in the open countryside. Having regard to the weight of relevant planning policies for new housing development and paragraph 11 of the National Planning Policy Framework 2021, the presumption in favour of sustainable development cannot be applied to development which by reason of its location and accessibility is unsustainable. Accordingly, having carefully considered the evidence presented, the benefits arising

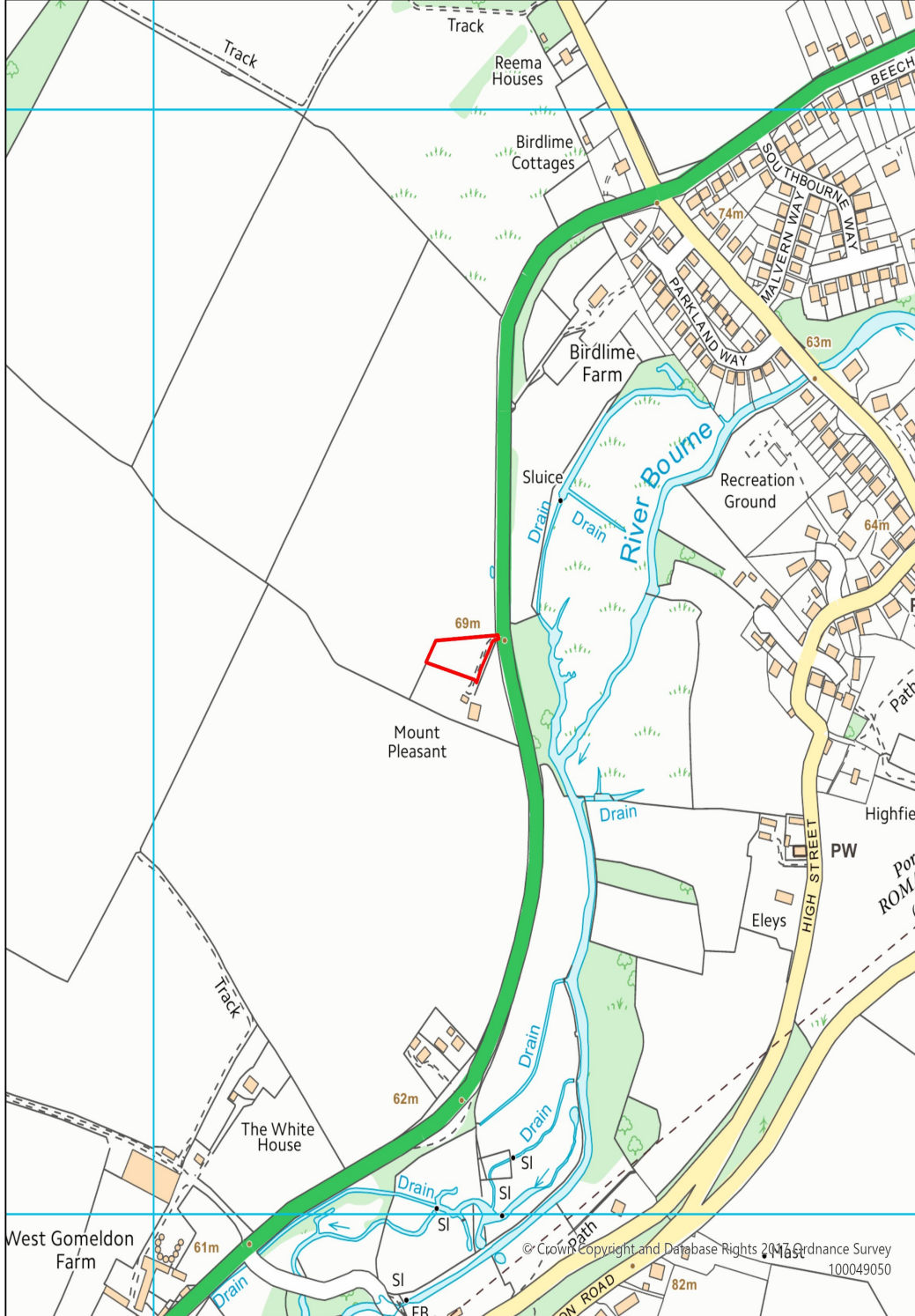
from the proposed dwelling do not provide sufficient justification to determine the application other than in accordance with the development plan policy and refusal is recommended. Critically, as unplanned development which is not covered by the Council's mitigation strategy and in the absence of bespoke on-site mitigation approval of the proposal without a favourable Appropriate Assessment would be unlawful.

RECOMMENDATION

Refuse for the following reasons:

- 1 The site is located in the open countryside outside of any defined settlement boundary and in a location where no public transport or pedestrian facilities are available or accessible. As such the proposed development would result in a new dwelling which would be wholly reliant upon the private car to access services and facilities for any residents and visitors to the dwelling, contrary to the settlement and delivery strategy for new housing and sustainability objectives embodied in Core Policies 1, 2, 4, 60 and 61 of the Wiltshire Core Strategy, Policies 17 and 19 of the Idmiston Parish Council Neighbourhood Plan 2015-2026 and the aims of sustainability embodied in the National Planning Policy Framework 2021 (with particular regards to Section 5, paragraphs 79 and 80 and Section 9, paragraphs 104, 105, 110 and 112) which collectively aim to provide housing in a sustainable manner and reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

- 2 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. Unplanned residential development in the countryside is not covered by the Council's current mitigation strategy and 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 Wiltshire Core Strategy policies CP50 (Biodiversity and Geodiversity) and CP69 (Protection of the River Avon SAC); and paragraphs 179-182 of the National Planning Policy Framework 2021.



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES		Report No.
Date of Meeting	1 st June 2022	
Application Number	PL/2022/01972	
Site Address	18 College Street, Salisbury, SP1 3AL	
Proposal	Change of use with external alterations and extensions to convert a Class E use to form 6 apartments	
Applicant	Mr J Ludlow	
Town/Parish Council	SALISBURY	
Electoral Division	Salisbury St Edmunds – Cllr Paul Sample	
Grid Ref	51.073473, -1.789466	
Type of application	Full Planning	
Case Officer	Georgina Wright	

Reason for the application being considered by Committee

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

- Scale of Development;
- Environmental or highway impact;
- Car Parking;
- Other - This site is among gardens and is extremely tight footprint. As the local County Councillor for the St Edmunds Ward, I have received many adverse comments about this application. Residents say they are concerned about the over development of the property (room for one dwelling, but not 6) and the lack of amenity space. I note that Salisbury City Council has also objected to this application. I believe the matter should be decided locally, by the appropriate Southern Area Planning Committee.

1. Purpose of Report

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

2. Report Summary

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

- Principle & Site History
- Heritage, Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- Drainage
- CIL/S106

The application has generated an objection from Salisbury City Council; and 12 letters of objection from third parties.

3. Site Description

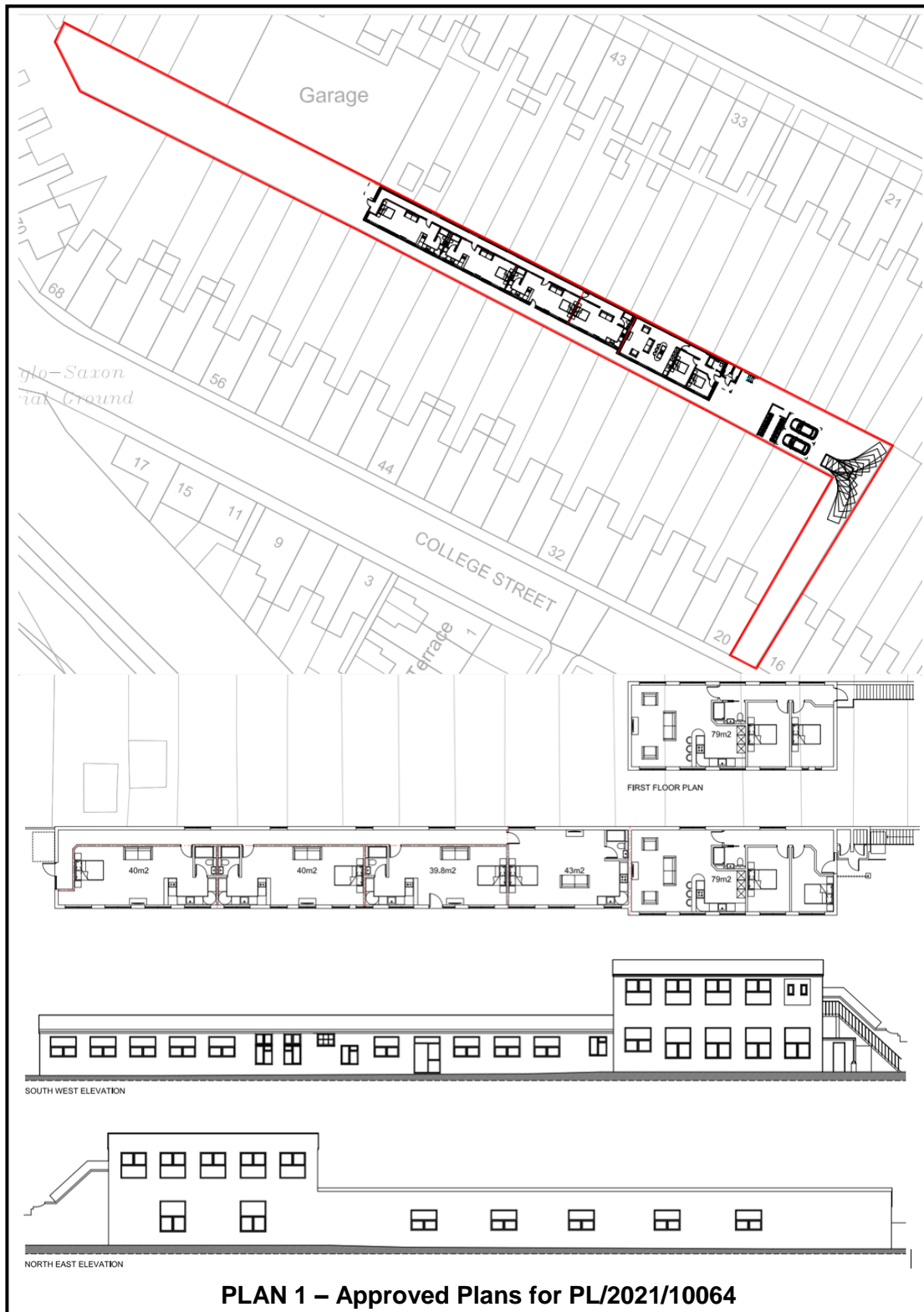
The 0.1 hectare site is situated within the defined settlement boundary of Salisbury, which is designated as a Principle Settlement by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP20 (Salisbury Community Area). It is surrounded on all sides by other residential properties and their associated amenity provision. Access to the site is gained via a narrow access driveway leading between two houses (16 & 20) from College Street in the south eastern corner. The site is situated in Flood Zone 1 but is within the catchment area for the River Avon Special Area for Conservation (SAC). It is also within the Salisbury Skyline Area (as defined by WCS policy CP22 (Salisbury Skyline) and saved Salisbury District Local Plan policies H7 and E3). In addition, the site is located just to the north of the Salisbury City Conservation Area, which includes in the vicinity, the Salisbury Arts Centre and Bourne Hill House (both Grade both II* listed buildings); a Scheduled Ancient Monument (city ramparts); and the grounds of Bourne Hill (a Grade II Registered Park and Garden).

The site currently consists of a redundant, part 1 and part 2 storey office block that is situated on a thin slither of land in the centre of this residential area. It does not have a street frontage and is completely surrounded by residential gardens which back onto the site on all sides. The boundaries are defined by a mix of garden walls and fences. The existing building is of brick construction with a mono pitch, corrugated fibre cement roof. It is a linear building that is situated centrally within the thin plot; immediately adjacent to the northern boundary; and off set from the southwestern boundary by a narrow pathway. The rear part of the site (to the north western side of the building) is entirely overgrown. The front of the site (to the south eastern side of the building) is laid to hardstanding and did until recently provide 6 parking spaces for the building/office use. The building was formerly used as an office for the Citizens Advice Bureau (use class E). This user vacated the building in 2016 and moved elsewhere in the City. The building has remained vacant ever since but was actively marketed for other office uses.

As will be discussed in more detail below, in early 2021, the then owners of the site (Salisbury City Council) gained outline permission to demolish the existing office building and redevelop the site with a new single storey dwelling (considered under ref: 20/04337/OUT). It is understood that the site was then marketed with permission for residential purposes. Later in 2021, the current owner applied for prior approval for the change of use of the existing, redundant office building to create 6 flats (2x2 bed and 4x1 bed studio flats) within the footprint and massing of the existing office building. This was granted prior approval late last year (considered under ref: PL/2021/10064). The applicant is currently clearing out the building and setting up for construction but it is believed that no development has commenced on site. Both of these historic consents remain extant and the applicant can decide to implement either.

4. Planning History

PL/2021/10064	Notification for Prior Approval under Class MA for a Proposed Change of Use of Class E Space to Form 6 Apartments (Use Class C3)	Prior Approval Not Required – 02.02.2022
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20/04337/OUT	Demolition of the existing building. Construction of a new dwelling.	Permission – 29.01.2021
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S/1981/1284	Use of building for light industrial or warehousing purposes – Town & Country Planning (Use Classes) Order 1972, Classes III and X. Regulation 5 of the Town and Country Planning General Regulations 1976).	Refused – 28/04/1982
G904	Change of use form light industrial to office.	Permission – 20/12/1973
B349	Change of use form light industrial to general industrial to include use as joinery workshops and yard.	Refused – 31/07/1967
A552	Change of use from light industrial to wholesale warehouse, showroom and offices.	Refused – 31/05/1966

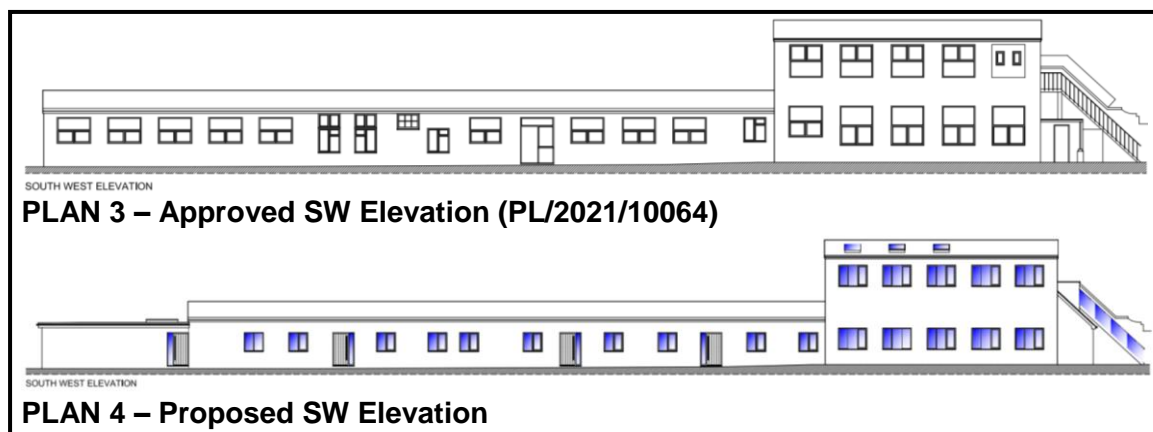
5. The Proposal

This is a full application, that is nearly identical to the recent prior notification approval scheme (considered under ref: PL/2021/10064). It again involves the change of use of the existing building and the creation of 6 flats (with a proposed tenure of 2x2 bed and 4x1 bed flats). The 2 bed units are again to be provided in the existing 2 storey element of the building; and the 4x1 bed units are to be provided in the single storey element, although the latter are now to be provided as 1 bedroom flats rather than 1 bed studio flats. As per the previous scheme, the current proposals also identify 2 onsite parking spaces which are to be allocated (1 each) for the 2 bed units; with the 1 bed units being put forward as a 'sustainable, car free' development.

However the reason that this application has been submitted, is that the previous prior notification route did not allow for any external alterations to occur as part of the proposed works. As part that permission, the 6 flats are to be entirely contained within the existing building; with the same building materials/finish; within the same footprint; and with the same fenestration. The current scheme is therefore submitted as a planning application to agree some external alterations and changes to the approved scheme in order to 'improve' the accommodation that will be created on this site, both for the subsequent occupiers and the existing residents; and to make a better use of the existing building.

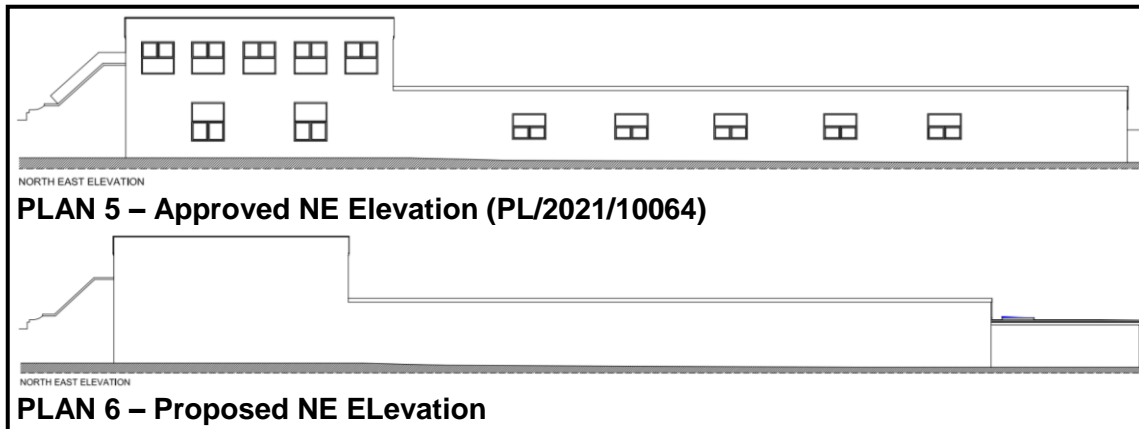
In detail the external changes that are now proposed are as follows:

- The erection of a single storey extension on the front of the building (south eastern elevation), measuring approximately 4.2 x 2.2 metres in footprint. This will create a porch/entrance and storage area to serve flat 5.
- The erection of a single storey, flat roof extension on the back (north western elevation), measuring approximately 9.1 x 4.9 metres in footprint. This will allow the internal layout of the allowed 4x1 bed flats to be reconfigured to create slightly larger, individual 1 bedroom (rather than studio) flats of between 55 and 58 square metres in size.
- Instead of a shared entranceway and internal corridor access to serve the 4x1 bed flats, each flat in the single storey part of the building is now to be served by its own, external, front door (with new doorways being proposed on the south western elevation of the building).



- Changes are proposed to all windows on the southwestern elevation so that there is a comprehensive appearance across the elevation. Predominantly this involves smaller openings and less windows
- Three new rooflights are proposed on the south western roof line to serve flat 6 (at first floor)

- It is also proposed to fill in all of the windows that are currently positioned immediately on the site boundary in the north eastern elevation to remove any mutual overlooking between the site and neighbouring properties in this direction
- It is then proposed to replace the roof with a EPDM membrane and to render the walls to create a cohesive appearance across the whole development
- The western half of the plot is to be divided up into a private garden to serve flat 1; and a communal garden to serve flats 2-6.
- A total of 6 cycle parking spaces are to be provided to serve the 6 flats.



Otherwise the access and parking arrangements remain unaltered.

The application is accompanied by a Design & Access Statement. During the course of the application, clarification of the drainage strategy; and the garden provision has been provided.

6. Local Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide (January 2021) (NDG)

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

R2 – Public Open space Provision
H7 – Housing
H8 – Housing
E3 – Employment

Wiltshire Core Strategy (January 2015) (WCS):

CP1 (Settlement Strategy)
CP2 (Delivery Strategy)
CP3 (Infrastructure Requirements)
CP20 (Salisbury Community Area)
CP22 (Salisbury Skyline)
CP35 (Existing Employment Sites)
CP43 (Providing Affordable Housing)
CP45 (Meeting Wiltshire's Housing Needs)
CP50 (Biodiversity and Geodiversity)
CP57 (Ensuring High Quality Design & Space Shaping)
CP58 (Ensuring the Conservation of the Historic Environment)
CP60 (Sustainable Transport)
CP61 (Transport & Development)
CP62 (Development Impacts on the Transport Network)
CP64 (Demand Management)

CP67 (Flood Risk)
CP68 (Water Resources)
CP69 (Protection of the River Avon SAC)
Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
Affordable Housing SPG (Adopted September 2004)
Wiltshire Local Transport Plan – Car Parking Strategy

7. Summary of consultation responses

7.1 Salisbury City Council – Objection

- Overdevelopment
- Lack of amenity space

7.2 Highways – No Objection subject to conditions

- With reference to the above planning application, I note that in terms of parking allocation, layout and access, the plans are as per the previous submission ref: 21/10064/PNCOU.
- Given that permission was granted on the basis of this parking allocation, layout and access, I do not have any further highway comments to make.
- I wish to adhere to my previous highway observations
- It is my view that 6 apartments appears to be an overdevelopment given the need for servicing, deliveries, bin collection etc.
- That said, it is acknowledged that the building has a former extant use as B1 offices.
- With a floor space of 341sqm the parking required for B1 (based on maximums within the Car Parking Strategy) is for 11 spaces.
- This was not achievable and so a shortfall already exists.
- It is understood that the site could continue as offices with no further permissions necessary, with the parking shortfall as described and with the continued use of the substandard access.
- The parking for residential would function very differently from the offices as each residential parking space must be accessible independently.
- It would therefore not be possible to provide 6 parking spaces and allow for turning within the site.
- Policy PS6 (in the Car Parking Strategy) applies in this instance as the criteria can be met for a reduced parking scheme, i.e. significant urban design or heritage issues, parking demand is likely to be low and where any parking overspill can be controlled.
- The on-street parking in the vicinity of the site is subject to residents parking Zone A, future residents would not be entitled to a parking permit.
- The site is within walking distance of the city centre facilities; employment, shopping, leisure, health care, education, and good public transport links.
- This is considered to be a sustainable location for residential development in transport terms and is in line with CP61 (Transport & Development)
- It is reasonable to accept the 4 small-scale bedsits with no allocated parking in this location.
- The 2x bed apartments should be provided with one parking space each.
- This is subject to adequate turning, which appears to be available internally where the access road meets the parking area.
- Cycle parking must be provided within the site curtilage.

- I have considered the Estcourt Road appeal. The main difference in that situation was that the proposal was a new-build, there was no former use and thus no existing vehicles associated with it. Therefore that proposal would introduce a new parking demand which did not already exist hence the negative highway recommendation in that case.
- Nevertheless, the Inspector did not support the view of the Highway Authority given the emphasis on development in sustainable locations.
- To summarise, in view of the existing use of the building as B1 offices and associated parking need; the sustainable location of the site; and the Estcourt Road appeal decision, I am of the view that a proposal with reduced parking for the larger 2 bed apartments and no parking for the 4 bedsits would be acceptable.

7.3 Conservation – No Objection

- I see no cause for concern with regard to the character, significance and setting of any built heritage assets, including the Salisbury City CA and the registered park of Bourne Hill and its various listed structures.
- The requirements of sections 66 & 72 of the PLBCA Act 1990, the heritage section of the NPPF and CP58 are therefore satisfied.

7.4 Archaeology – No Objection

- I have no archaeological concerns and no archaeological condition is therefore recommended.
- The scale of below ground impacts (and therefore potential impact on buried archaeological remains) of the 2022 scheme is considerably reduced from that of the 2020 scheme so that, in my view, it is no longer proportionate to require an archaeological investigation secured by condition

7.5 Public Protection – No Objection subject to conditions

- The proposed site is surrounded by residential properties, and we would therefore recommend a condition is attached to minimise disturbance to those living in close proximity during the construction stages of the development
- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised we would recommend a condition is attached to any approval

7.6 Drainage – Comments

- No drainage strategy has been submitted, therefore the LLFA cannot comment on any proposals at this stage.
- Any proposals should be designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753).
- The surface water drainage strategy should include/demonstrate the following:
 - Existing greenfield runoff rates for the site.
 - Post development runoff rates in accordance with Wiltshire Council's betterment policy.
 - A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.
 - A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes.
 - If infiltration is proposed, soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible.
 - Calculations to demonstrate the attenuation requirements for the 1 in 100 year plus climate change event to support the proposed strategy.

- Consent for any outfalls from the proposed drainage systems into a public sewer or other drainage system not owned by the applicant.
- Evidence that the impact upon existing drainage systems is mitigated by discharging the flow throughout the management train rather than relying upon a single point of discharge.
- SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible and throughout the management train so the development is not reliant upon large attenuation features close to the points of discharge.
- SuDS have been selected to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.
- Adequate measures during construction to control pollution to existing watercourses and groundwater.
- The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features.
- Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere.
- If infiltration is proposed, it is implemented in manner that does not create an offsite impact, particularly if there are reports of groundwater flooding in the area.
- Surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event.
- All proposed drainage features are outside flood zones 2 and 3 and where they are adjacent to an ordinary watercourse, they are not located within the EA surface water flood maps. Where drainage features are located adjacent to flood zones 2 and 3, they must be above the 1 in 100 year plus climate change flood level. This information can be provided by the EA.
- Exceedance routes that minimise the risks to people and property.
- Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.
- The applicant must submit evidence demonstrating how the surface water disposal hierarchy has been applied and how all other options have been exhausted.

7.7 Wessex Water – Comments

- If your proposals require new connections to the public foul sewer and public water mains, the applicant will need to apply to Wessex Water
- Our sewer records for this area appear incomplete.
- Wessex Water require unrestricted access to public sewers for repair and maintenance activities.
- If there are new buildings or structures proposed within 3 metres of a public foul sewer you will need an agreement with Wessex Water.
- One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.
- You have indicated that surface water will be disposed of via the main sewer.
- There are currently no surface water drainage plans available to view.

- Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations.
- Government steer is for surface water drainage to no longer be combined with foul water due to the nationwide focus on reducing discharges from storm overflows from combined sewers as well as reducing the unnecessary high carbon footprint arising from pumping and treating surface water which could be returned to the environment without needing to pass through a sewage treatment works.
- This foul sewer network drains via the College Street Combined Sewer Overflow and you will be aware of the recent enactment of the Environment Bill which will plan to reduce sewage discharges from storm overflows by September 2022
- A connection to the public surface water sewer will only be considered where infiltration methods are proven unviable
- Soakaways are subject to building control approval. We are satisfied there will be no surface water connections into the foul sewer network, directly or indirectly

7.8 Letters - 12 letters of objection received. The following comments made:

- The change from a 1 dwelling to 6 flats represents a significant change
- Despite legitimate local concerns raised, the original and revised proposals were approved.
- This application, masquerading as a modest change, will be followed by a series of incremental changes that will seek further development of the site
- Granting permission to extend beyond the extant footprint is likely to create a precedent for future revisions that will impact the surrounding community.
- The city council will have considered all of the options for the site and decided that 1 dwelling was reasonable. This development for 6 is entirely at odds with that conclusion
- The number of proposed units should be reduced to fit the existing building footprint, rather than pursue a case to extend.
- The extensions and window changes go beyond a simple change of use. This is a replacement/new build
- The process used to date has cut out community involvement and engagement
- This building was used on a part time basis as the Citizens Advice Bureau some years ago and was open at limited times and days during the week
- Proposals do not satisfy the NPPF
- This is over development
- This is poor design
- The building is narrow, hemmed-in and lacking opportunity for potential residents to view anything other than a wall.
- properties that are made to the bare minimum requirements for habitable spaces do not equate to well designed beautiful places
- This won't be in keeping with the surrounding Victorian housing and nearby conservation area
- While I appreciate the need for affordable housing, this can surely be achieved to a higher quality than in the proposed plans
- The 6 flats will be small, with minimal natural light, and no parking for the majority of residents and visitors
- The 2 bedroom flats do not meet NDSS guidelines. The second bedroom in each of the flats is smaller than required for four person occupancy
- Removal of the windows on the northern elevation will limit natural light in all of the flats
- This disproportionate increase of multiple, individual demands will lead to an unfair burden on the neighbouring properties

- If all the windows are removed from the Park Street side of the building, then all the windows will be on the College Street side.
- The new building looks directly into my private garden, bathrooms, bedrooms, kitchens
- Residents will erect fences/plant hedges to increase privacy but this will cause loss of light for residents of the flats
- Can windows on southwest elevation be moved, or frosted.
- The SW windows will be 1 metre from our gardens
- Condition that no windows should be inserted on Park Street elevation
- Mitigation needed for loss of privacy for College Street properties
- The proposed buildings/windows would cause increased light pollution/light glare
- The existing building is slightly elevated above ground level compared to College Street
- The use of the building to create multiple units will create a much greater amount of people coming and going and the incidental noise associated with it
- Impact from noise and light pollution will be far greater than the level experienced before by the previous commercial units that were only operational during weekday office hours
- At present the property has a gated controlled entrance way which is under the control of a single entity and controlled to working hours only.
- If the entrance gate is removed there would be easy access to the rear of College Street properties with the low adjoining wall. This will severely reduce security for all properties
- Parking situation already troublesome on College Street
- This development is seeking permission for 6 new dwellings while removing four of the six car parking spaces currently available
- The occupants must not be allowed resident's parking permits
- The number of number of flats occupied day and night presents a much higher fire risk than an office building.
- The access is narrow
- There is no easy access to the plot for emergency vehicles in the event of a fire
- The application has made no arrangements for the collection of household refuse or recycling
- Where will bins be stored
- Kerb side collection for 6 households will create obstruction/problems for other residents/pedestrians
- Work has already started
- Noise, blaring radios, and lorries blocking the road is already happening.
- Roof contains asbestos
- Construction vehicles should not be permitted at any time in Park Street.
- How will works to the NE wall occur without access.
- Compensation needed for any damage caused to neighbouring property.
- We need to be notified of when works will commence and timetable for construction.
- Limit construction hours to 8am- 4pm weekdays only
- This site should be actively developed either as a managed natural social space or a wild space for the plants and animals that live there
- This space is currently home to butterflies, slow worms, hedgehogs and bats
- Natural spaces continue to disappear at an alarming rate but are important for helping us cope with the pressures of modern living and mental health.
- What is happening to the existing trees within the site boundary?
- It is noted that while undertaking such a drastic rebuild there is no provision for solar assistance or ground / air source heating.

- College Street properties are Victorian and Water Board have already advised that the existing drains are in a poor state
- from the plans it looks as though the sewage would join up with existing drains through the garden of 30 College Street and connect to the manhole drain at 32.
- The number of flats, and numerous toilets and kitchens, this will cause considerable pressure on already poor drains
- Could consideration be given to the developers putting in their own new sewer into College Street?
- The rear part of the site, to the western side of the building, is shown to be "open land". Open to whom and for what purpose?
- Who will be responsible for the maintenance of the surrounding wall, which are clearly in need of work?
- The drawing show no Boiler, Extractor fan flue or vent positions. These must not be vented through the rear wall of the building venting onto the Park Street properties or through the roof emitting smells, fumes etc
- What sound protective measures will be installed to the external wall and roof structure of the building?
- Assume the internal walls and ceilings will be built to RSDs and or sound tested?
- The plans submitted fail to indicate the buttresses of the existing wall which constrict the width from 1.29m down to 0.91m

8. 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.

8.1 Principle:

As is identified above, the site is situated within the defined settlement boundary of Salisbury, which is designated as a Principle Settlement by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP20 (Salisbury Community Area). WCS policy CP1 (Settlement Strategy) confirms that '*Principal Settlements are strategically important centres*' and should be '*...the primary focus for development*' and that the growth of the principal settlements will therefore be supported. WCS policy CP2 (Delivery Strategy) continues that '*Within the limits of development...there is a presumption in favour of sustainable development at the Principal Settlements*'. WCS policy CP20 (Salisbury Community Area) further confirms that '*Over the plan period (2006 to 2026)...approximately 6,060 new homes will be provided within the Community Area, which should occur either within Salisbury or the town of Wilton*'. The principle of the site's redevelopment for housing is therefore accepted within this context.

However the last lawful use of the site was as an office (formerly use class: A2, now E). WCS policy CP35 (Existing Employment Sites) seeks to resist the loss of employment sites and confirms that '*Within the Principal Settlements...proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2, B8...must demonstrate that...The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use...it is replaced with employment land of similar size elsewhere at that settlement...The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area...There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered...It must be shown that the site is*

no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions’.

During the consideration of the original application for a single dwelling on this site, details were submitted setting out the marketing that has taken place for the site to date. Before 2020, the site/building had been marketed over a period of 15 months from February 2018. It was marketed robustly during this time; on flexible lease terms; and in a number of publications. The only real interest that has been received during that time was from local/surrounding residents and small businesses who operate in the area who predominantly wanted to secure a means of emergency rear access to their properties across the site rather than use it for a viable new use. The previous user, Citizen’s Advice Bureau, had also relocated elsewhere in Salisbury meaning that the loss of this business had not resulted in a loss of employment for this community area per se. All in all it was therefore previously accepted that the site is not suitable for alternative E or other employment generating uses; and that there is no longer any demand for it as an employment site. The principle of the site’s redevelopment for residential purposes was therefore accepted and found to comply with WCS policy CP35 (Existing Employment Sites).

The principle of the site’s development for residential purposes has therefore been established previously. Extant permissions also exist on the site for this purpose which cannot be revoked and remain a fall back position, regardless of the outcome of this application. This principle acceptability is however subject to the detail, in terms of the current scheme’s implications for the character of the area; heritage assets; highway safety; neighbouring amenities; ecology; and drainage. These matters will therefore be addressed in more detail below.

8.2 Site History/Fall Back Position:

As has been set out above, outline planning permission was granted in 2020 (under ref: 20/04337/OUT) for the redevelopment of this constrained site with a single dwelling. This established the principle of the loss of employment land as well as the site’s redevelopment for residential purposes.

Subsequent to this permission, the land was sold and the current owner applied for prior approval for the conversion of the existing building into 6, self contained residential flats (considered under ref: PL/2021/10064). It is important to note that this previous application was not a planning application. In 2013, the Government brought in legislation to allow developers to convert existing offices such as the one into flats without the need to obtain planning permission, effectively making this type of change of use permitted development. This process and provision was further expanded in August 2020 with the introduction of the Class MA. Developers and builders can now therefore undertake such changes of use lawfully and the Council has no powers to intervene or have any significant say over the resultant development. This legislation was brought in because nationally there is a surplus of office stock and a shortage of housing. The need to gain planning permission was considered to be one of the barriers preventing such redundant offices coming forward for much needed housing and therefore the requirement to gain planning permission was removed by the Government, making it easier for sites like this to be developed for residential uses.

The only caveat to the removal of the need for planning permission on office sites such as these, is that an application has to be first made to the Council for something called prior approval. The prior approval process means that the local planning authority has to consider a series of nine matters that may affect the site. These

include transport impacts; contamination; flooding; noise from existing commercial premises on the intended occupiers; heritage; the provision of adequate natural light in all habitable rooms; the compatibility of a residential use in an industrial/employment area; loss of services such as nursery or health care provision; and fire risk. If the proposals comply with those nine issues then Prior Approval must be granted. Crucially here, the impact on *existing neighbours* from things such as overlooking, overshadowing, general neighbourliness and design are all things that unlike a planning application are not considered as part of the prior approval process.

In this instance the subsequent prior notification application at this site, involving the conversion of the existing redundant office building into 6 flats, was found to meet the 9 criteria and thus prior approval was granted earlier this year. This approval remains extant and can still be implemented without any further permissions being sought. It therefore constitutes a legitimate fall back for the consideration of this current application, despite the current application now being a planning application and subject to the full/normal planning considerations.

As has been set out above, the prior approval process does not allow for any external alterations to the building to be considered as part of that process. Therefore the extant consent involves the conversion of the building in its current form; with its existing materials/finishes; and its existing fenestration. Regardless of the outcome of this current planning application, the site can therefore be developed with 6 flats; using the existing access; served by 2 on site parking spaces. The consideration of the current application therefore has to be undertaken in that context and in terms of whether the proposals now before us are significantly different or worse than the previously allowed scheme that could be built on this site anyway.

8.3 Heritage, Character & Design:

The site is located just to the north of the Salisbury City Conservation Area, which includes in the vicinity the Salisbury Arts Centre and Bourne Hill House (both Grade both II* listed buildings), a Scheduled Ancient Monument (city ramparts) and the grounds of Bourne Hill, a (Grade II) Registered Park and Garden. However none of the buildings/structures on the site or immediately backing onto the site are listed. Furthermore, as the site is outside of any of the heritage designations identified, and is tucked away out of sight from any of the surrounding roads, the Council's Conservation Officer has confirmed that the proposals will not result in any harm to any above ground heritage assets and has raised no objection accordingly.

Previously, the Council's Archaeologist however confirmed that the site is of archaeological interest as it lies close to the medieval defences of the planned medieval city of Salisbury. The nearest section of these defences is a scheduled ancient monument (city ramparts). The site therefore has the potential to contain heritage assets with an archaeological interest and a condition was therefore imposed on the single dwelling scheme to secure some archaeological work as part of the redevelopment of the site. However as the current proposals now essentially involve a conversion rather than a new complete redevelopment/new build, the Council's Archaeologist has confirmed that such a condition is no longer necessary.

In more general terms, the site is unusual in that it is tucked away and is entirely surrounded by the back gardens of properties fronting onto Park Street & College Street. It is a long and linear site and is currently developed with a part 1, part 2 storey linear building which is very discreet in the respective street scenes. Access to the site is via a narrow driveway between residential properties from College Street and it is very much an anomaly in this street scene. It is not considered that its conversion for

alternative uses/residential purposes would be particularly discernible from the public domain. Where it may be apparent, i.e. at the site access, such a domestication of the site access would be entirely in keeping with its location in a predominantly residential area. It is not therefore considered that such a proposal would result in any significant implications for the character of the area and would constitute a good use of land/a brown field site that will otherwise be left to fall into further disrepair.

However much local concern has been raised that the conversion of the existing building does not represent good design or good quality. It is also suggested that its conversion into 6 separate residential units constitutes over development and goes well beyond what was considered to be reasonable as part of the consideration of the single dwelling scheme. However the fact remains that the building already exists. Its massing, design and appearance has existed on this site for many years. Furthermore, the fallback scheme, mentioned above, and indeed the Government policy already accepts the principle of the reuse and retention of this building for residential purposes; and also accepts the use of the site for 6 residential units. Comparative to this extant scheme, it is not therefore considered that the proposals now before us will represent a significantly different or unacceptable form of development/over development.

It is acknowledged that the current proposals involve a number of external alterations to the building, including a front and rear extension; a change in the finished materials; and changes to the fenestration. However, these changes, whilst not necessary to make the site developable for 6 houses (as defined by the fallback scheme), are considered to represent a considerable improvement to the extant scheme.

The proposed extensions are not insubstantial in size. The rear single storey flat roof addition will provide an additional 44.6 square metres of floor space on this site. However its flat roof design and modest height (at 2.9 metres) will mean that it will be lower than the existing single storey part of the existing building. In addition, this addition will enable the internal layout of the previously allowed 1 bed studio flats to be reconfigured. All 1 bed units are now provided as 1 bedroom flats rather than studio flats; they are larger in size, increasing from the minimum space standard requirements of 37-38 square metres to a more generous 55-58 square metres; and will now all benefit from their own front door rather than a shared access and shared internal corridor. It has been suggested that the 2 bed units do not meet the national space standards. However this was assessed as part of consideration of the fall back scheme and the requirement for 2 bed, 4 person flats is 70 square metres. The 2 bed flats now proposed are to be 73 and 74 square metres in size and so do meet this size standard. The rear addition, and thus increased/reconfigured internal layout, is considered to result in a far better form of development than the extant permission and yet, as will be discussed in more detail below, this element result in limited implications for the surrounding residential amenities (as it is to back onto an existing dance studio building; or be contained by existing boundary walls); or the wider public domain.

In addition, the existing building is fairly tired and is a mismatch of different materials and windows sizes, types and positions. There is nothing of architectural value about the existing building. The proposed rationalisation of the windows (not only removing all of the window on the north eastern elevation but also removing some and creating more of a rhythm of fenestration on the southwestern elevation); and the rendering of the whole building so it will have one finish is considered to represent a significant improvement to the overall appearance of the existing building.

However the plans identify that the roof will be replaced with an EDPM membrane. This is not considered to be an appropriate material for anything other than a flat roof development. A condition has therefore been added to the recommendation insisting on a slate or tile finish for at least the mono pitch roofs on this building.

8.3 Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that new development should be designed to ensure that the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself. The NPPF further 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 and this therefore needs to be carefully considered accordingly.

As is identified above, the site is unusual in that it is entirely surrounded by other residential properties and their back/private gardens. Given its backland position, any windows or development on this site has a very high potential to cause impact in terms of loss of light and overlooking for the surrounding residents. As would be expected from such a tight arrangement with neighbouring properties, lots of local objection has therefore been received. Local concern has been raised about the principle of 6 flats; and the proposed windows/doors serving these flats creating opportunities for overlooking, loss of privacy and light pollution.

However, it must be remembered that this is an existing building and the existing arrangement between the site and neighbouring properties already exists. The existing building is already served by a plethora of large windows on its main north eastern and south western elevations; at both ground and first floor. The windows on the north eastern elevation are positioned immediately on the shared boundary looking directly into neighbouring gardens; whilst the windows on the southwestern elevation are offset only by a narrow pathway of little more than 1 metre. Whilst the current building is vacant, and has been for some time, it could be reinstated as a working office without any permissions being required and thus noise, disturbance, light pollution and overlooking could/would already occur from any such office use.

In addition the fall back scheme is for the use of this building as 6 flats within the existing building with its existing fenestration. Neighbouring amenity was not a consideration that could be taken into account as part of the previous scheme and thus the existing windows would be used for such a purpose if that scheme were implemented. The current scheme however seeks to rationalise the existing fenestration. All of the windows on the north eastern elevation are to be removed from the building so that the neighbours backing onto the site from Park Street will face onto a blank wall rather than any windows immediately on the shared boundary. Whilst this will not represent the most attractive outlook for these residents, it is considered to completely mitigate any potential for overlooking and removed the existing unneighbourly arrangement of large windows immediately positioned on the shared boundary. Future window changes can also be conditioned to ensure this situation can be controlled in perpetuity.

On the southwestern elevation, whilst windows are still proposed on this elevation, the current scheme proposes a reduction in number from 25 to 20 windows (plus 4 entrance doors; and 3 roof lights). In addition, all of the windows on this elevation are shown to be significantly reduced in size. Whilst this does not entirely address the existing unneighbourly arrangement for the residents backing onto the site from

College Street; it is considered that this change will represent a significant improvement to the current/potential arrangement and will thus reduce the level of impact that was/could be caused by an office use of the building; and which would be caused by the implementation of the extant fall back scheme.

It has been suggested that the neighbouring residents backing onto the site from College Street would be within their rights to erect a taller shared boundary fence which would limit the amount of light that could be enjoyed by future occupants of the new flats, especially at ground floor. However the existing building is not immediately on the shared boundary and is set back by a narrow pathway. The most that could be erected without planning permission is 2 metres in height and it is thus considered that whilst this could reduce the amount of light received by the ground floor rooms, the rooms would still benefit from sufficient natural light at most parts of the day.

The single storey and modest height nature of the proposed extensions; as well as their set in from all site boundaries, also mean that these new elements are unlikely to result in any significant implications in terms of loss of light or dominance for neighbouring amenities either. Despite its size, the rear element is also predominantly to back onto a dance studio rather than a residential property.

Much local concern has also been raised about the construction works in terms of timescales and noise/disturbance given the site's position in such close proximity to neighbouring properties. Planning law however accepts that there will be a level of disturbance resulting from all and any new development but that this is of a temporary nature and so construction disruption cannot be used as a reason for refusal of a scheme. However the Local Planning Authority can control some aspects of the construction phase by imposing construction limiting conditions on the decision. When the development will commence (other than by the imposition of a 3 year commencement condition); or how long the development will take to finish cannot be controlled by the Local Planning Authority. However conditions can be imposed limiting the hours of construction to more sociable hours. The Council's Public Protection Team and Highway Authority have also suggested conditions requiring a fully worked up construction management plan to be submitted which will be agreed and adhered to during the construction phase. Conditions have been imposed on the recommendation accordingly and these should therefore address the majority of the concerns raised by local residents about this aspect of the proposals.

Other concerns raised about safety; asbestos; damage that may be caused during construction; and maintenance of shared boundary walls, are not planning matters. They are however covered by other legislation, such as the Health & Safety Executive; Environmental Health Legislation; and civil law/obligations between private landowners.

8.4 Highway Safety:

Much local concern has also been raised about the access/parking provision identified for this site. As is identified above, the site is situated within the middle of an existing residential area and is completely defined by neighbouring rear garden boundaries and thus benefits from limited street frontage. The access to the site is served via a long, narrow driveway that is accessed between 16 and 20 College Street to the south. The existing access is narrow and has poor visibility. The Highway Authority has historically therefore resisted any intensification of the use of this access.

The current scheme proposes the change of use of the existing office building into 6 self contained flats. Four of the flats will be provided in the form of 1 bedroom units and the remaining two flats will be provided in the form of 2 bedroom flats. In line with

the Council's adopted parking standards, this therefore provides a *maximum* requirement for 8 onsite parking spaces.

Highway safety and access was however a matter that could and was considered as part of the previous prior approval assessment. The previous fall back scheme originally proposed 6 onsite parking spaces to serve the 6 units, which were to be provided on the existing area of hardstanding on the eastern part of the site. It was suggested that this area previously provided 6 parking spaces for the previous office use and thus the proposed use of this parking area and continued use of the access to serve 6 properties would therefore be little different to how it would have been used when the building was in operation as offices. However whilst this parking arrangement may have worked for the former office use, under one ownership with full control over the parking; the parking layout originally shown would not work in reality for 6 apartments where each space needs to be accessed independently of the others. There was insufficient depth to park 6 vehicles; limited space was afforded to turn and manoeuvre on site; and it was considered highly likely that such an arrangement would result in vehicles having to be reversed out of the site onto College Street, creating issues for pedestrians and other users of the highway. The Highway Authority therefore originally raised an objection to the previous prior approval scheme

However amended plans were received during the previous application which only proposed 2 onsite parking spaces. It was confirmed that each of the 2 bedroom flats would benefit from 1 space each; while the four studio apartments would essentially be car free development. This was put forward due to the sustainable nature of the location of the site in close proximity to Salisbury City Centre, as confirmed by the Planning Inspectorate for a recent appeal decision in nearby Estcourt Road (PINS Ref: APP/Y3940/W/20/3251257; Local Planning Authority Ref: 20/01314/FUL). The Highway Authority therefore accepted the reduced parking provision having regard to the previous use/under provision of parking at the site historically; and the nearby appeal decision

The current scheme involves the same number/tenure of units; and the same level of onsite parking provision as the fall back scheme. A total of 6 cycle parking spaces are also to be provided. The Highway Authority maintains their previous position in this respect and has confirmed the on-street parking in the vicinity of the site is already subject to residents parking restrictions (Zone A). There is already high demand for this parking provision from the surrounding residents, many of whom do not benefit from any off street parking provision. Any future residents from this scheme would not be entitled to a parking permit and would not thus have access to any offsite parking provision. The site is however within walking distance of the city centre facilities; employment; shopping; leisure; health care; education; and good public transport links. This site is therefore considered to be in a sustainable location in transport terms. Given the size and nature of the 4x1 bed flats, the future occupiers are unlikely to be families. Therefore, given the sustainable location, the proposed car free arrangement for these four flats, with no allocated parking provision, is accepted. The provision of 1 space for each of the 2 bed apartments is also accepted. No objection has therefore been raised in this regard and the objections on this basis cannot be sustained.

8.5 Ecology:

An ecological survey and additional bat surveys accompanied the previous single dwelling scheme which identified that a small number of bats are roosting in the current building. On site mitigation was therefore secured as part of that scheme by condition.

The current application is not accompanied by an updated ecological report or mitigation plan. However the previous site survey was written less than 2 years ago and is therefore still considered to be up to date. The mitigation will need to be updated because the building is no longer being demolished but it is considered that this can be secured by condition. The proposals continue to be acceptable in this regard.

As is identified above, this proposal also 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 development therefore needs to be appraised in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations) and WCS policy CP69 (Protection of the River Avon SAC).

On that basis, 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 in this catchment area during this period.

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 7th January 2021.

As this application falls within the scope of the mitigation strategy and generic appropriate assessment, the Council can conclude that this development will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC. The proposals are therefore considered to be acceptable in this regard and satisfy the requirements of WCS policy CP69 (Protection of the River Avon SAC) and the Habitat Regulations.

8.6 Drainage/Flooding:

The application confirms that both foul and surface water drainage is to be dealt with by mains drainage. Both Wessex Water and the Council's Drainage Officers have raised some concerns about this intention and have set out a number of issues that will need to be resolved/addressed before this approach will be accepted.

However, as the development site is situated in Flood Zone 1; is under 1 hectare in size; and the proposals involve non major development (six flats), the development's detailed drainage strategy is a matter that is dealt with under building regulations. If changes are necessary to any final scheme, following the building regulation stage and as a result of the required drainage strategy, these may require a fresh planning application being submitted for consideration accordingly. An informative for the applicant is attached to the recommendation to that effect.

8.7 CIL/S106:

WCS policies CP3 (Infrastructure Requirements) and CP43 (Providing Affordable Housing); and SDLP policy R2 all require contributions towards affordable housing and public open space provision from any net gain in the number of dwellings in the area. However following subsequent ministerial advice and the updated NPPF, these policies now only apply to sites of 10 dwellings or more and therefore there is no

longer a requirement for such contributions from this application proposing only 6 new dwellings.

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

8.8 Other Matters:

Local representation has suggested that this land should be used as a wildlife nature area. However the Local Planning Authority cannot insist on this as it is not a publicly owned site; and in any event the site already has permission for residential development.

Concern has also been raised about site security given that the site access gates will be removed if the 6 flat scheme is implemented. However this is not strictly a planning matter either as the Local Planning Authority cannot insist that this site is never developed on this basis; and the removal of the gates at the site access does not need planning permission and so could occur at any point irrespective of the outcome of this application. The proposals will however bring the site back into use which will make it far more secure in the long term than the existing derelict site that has been left to deteriorate. With 6 households coming and going, the site will be more active and less attractive for anti social behaviour. In addition, the communal pathways proposed through the site are well overlooked by the ground floor flats and thus any opportunity for anti social behaviour will be appropriately mitigated.

Further concern has been raised that this proposal sets a precedent for further incremental changes to the scheme or site. However there is no such thing as a precedent as all applications are considered on their own merits. In addition, there is nothing in planning that stops a developer from applying for amendments to an existing scheme as many times as they wish; or applying for planning permission for new development. Flats do not however benefit from permitted development rights and thus any further changes will require planning permission and therefore any such changes will be considered on their merits and against planning policy accordingly.

9. Conclusion

The site is situated within a sustainable location; within the defined settlement boundary of the City; in an existing residential area; and it has a number of constraints that make it less suitable for alternative employment uses. The principle of its use for residential purposes has already been established; and the existing building's conversion to 6 flats has already been established to be permitted development. The proposed alterations to the fall back scheme and in particular the external alterations to the existing building are considered to represent a vast improvement not only to the appearance and design of the existing building; but also to the amenities of both the existing neighbouring residents as well as the future occupants of the site. In addition, it is not considered that the revisions raise any new concerns for highway safety; ecology; or drainage, over and above what has been accepted as part of the fall back scheme. The proposals are recommended for permission accordingly.

RECOMMENDATION:

Permission subject to 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:

Application Form & Certificate

Ref: 1344/01 Rev M – Proposed Floor Plans. Received – 06.05.2022

Ref: 1344/02 Rev C – Location and Block Plan. Received – 08.03.2022

Ref: 1344/05 Rev D – Proposed Elevations. Received – 08.03.2022

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

3. No development shall continue above slab level on site until the exact details and samples of the materials to be used for the external walls (including render colour) and roofs have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved plans, the mono pitch roofs on the building shall be finished with a slate or tile material. Development shall be carried out in accordance with the approved details.

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

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

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

5. 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 the following:
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure and boundary treatment;
 - car parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;

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

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

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

7. No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for use thereafter.

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

8. No part of the development hereby approved shall be first occupied until enough space for the parking of 2 vehicles; together with a vehicular access thereto; onsite turning provision; and 6 cycle parking spaces have been provided and laid out in accordance with the approved details. The parking spaces shall not be used other than for the parking of vehicles in perpetuity. The approved turning area shall always thereafter be retained and kept clear of obstruction.

REASON: To ensure that adequate provision is made for parking and turning within the site in the interests of highway safety; and to encourage travel by means other than the private car,

9. No development shall commence on site (including any works of demolition), until a Construction Management Statement (CMS), 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 CMS shall be adhered to throughout the construction period.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to 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. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

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

REASON: In the interests of residential amenity and privacy.

12. Before flat 6 hereby approved is first occupied, full details of the external staircase thereto, including details of screen walls and/or fences at least 1.7 metres above ground/stair tread level along the north eastern boundary, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to occupation of flat 6 and shall be retained and maintained in perpetuity.

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

13. No development shall commence on site until an ecological mitigation plan has been submitted to and agreed in writing by the Local Planning Authority, in line with and to address the issues raised/recommendations made in the Ecological Appraisal Report (Hampshire Ecological Services, October 2020) (submitted to accompany planning permission 20/04337/OUT). Prior to the first occupation of the development hereby approved, the approved mitigation measures shall be implemented in full on site in accordance with the approved details and shall be retained and maintained in place in perpetuity.

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

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

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

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

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

REASON: In the interests of neighbouring residential amenities

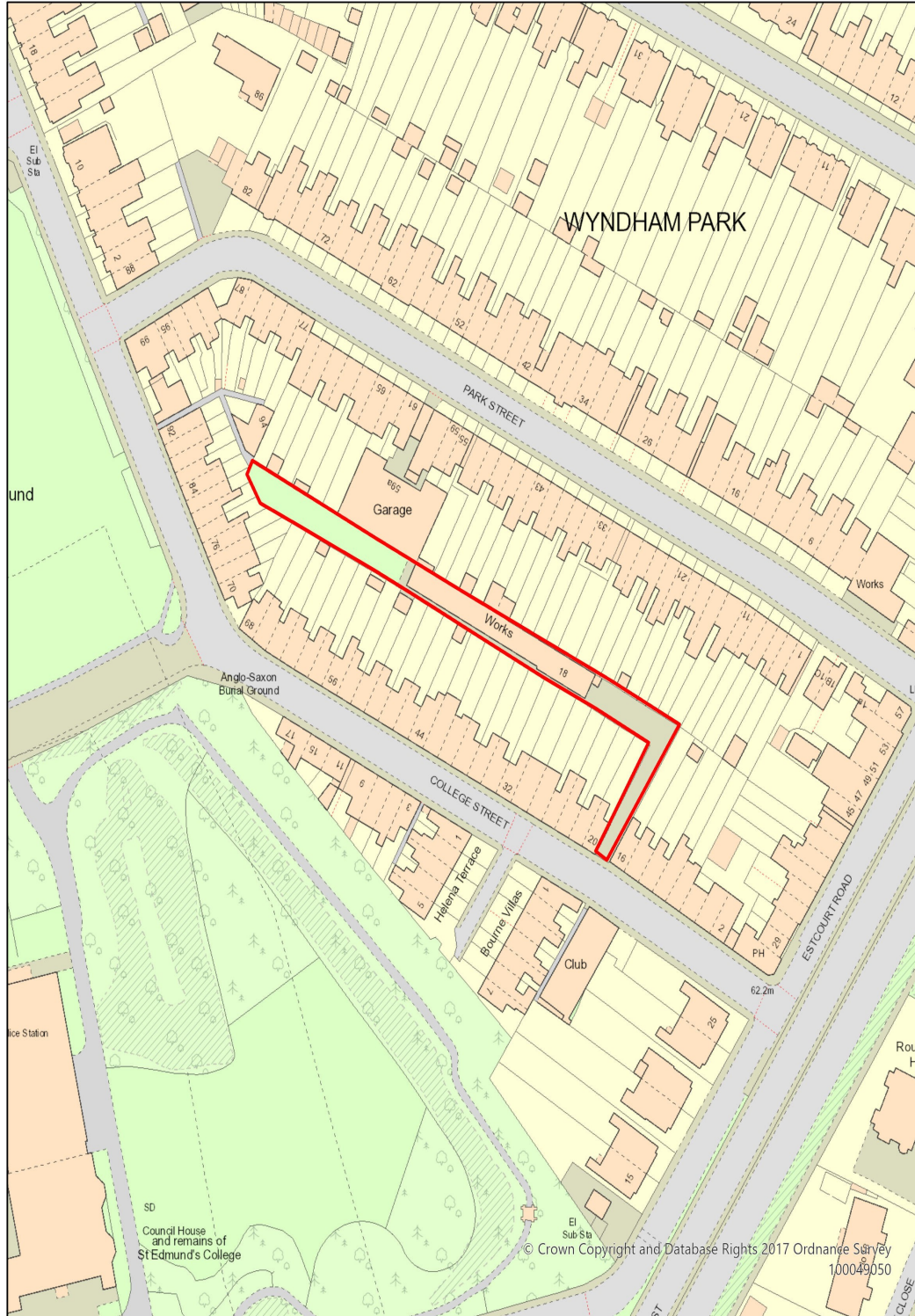
16. No development hereby approved shall commence on site until an asbestos management plan has been submitted to and approved in writing by the local planning Authority. The plan shall detail how any asbestos on site will be handled and disposed of in accordance with current regulations and guidance. The development shall be implemented in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVES

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 2) Please note that the proposed drainage strategy will be considered at the building regulation stage and has not been assessed as part of this planning application. The applicant's attention is drawn to the comments made by the Council's Drainage Officer and Wessex Water in response to this planning application, both of which contain details that will need to be resolved in order to achieve an acceptable drainage strategy for the site. Please note that should changes be required to the final approved scheme in order to achieve a satisfactory drainage strategy for the site, this may require the submission of a revised/amended scheme to be considered by the Local Planning Authority accordingly.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES Report No.

Date of Meeting	1 st June 2022
Application Number	PL/2022/01547
Site Address	The Drying Fields, Castle Hill Lane, Mere, BA12 6JH
Proposal	Demolition of existing garage and erection of a new 2 bedroom dwelling
Applicant	Miss F. Garner
Town/Parish Council	Mere Town Council
Electoral Division	Cllr George Jeans
Grid Ref	
Type of application	Full
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee

Cllr Jeans has called the application to committee to be determined if recommended for approval by officers, on the following grounds:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that the application should be **APPROVED** for the reasons detailed below.

2. Report Summary

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

1. Principle for the development, tilted balance and 5 year housing land supply
2. Visual impact on the character of the Conservation Area, impact on the streetscene.
3. Impact on neighbouring amenities
4. Highway safety
5. Biodiversity
6. The planning balance

The application generated 3 letters of objection and an objection from Mere Town Council.

3. Site Description

The site comprises an existing garage building, built on a narrow finger of land between Castle Hill Lane and Castle Street, within a residential area to the west of the town centre. To the east is a piece of land used as a parking area, which separates the site from Brimbles Cottages. The immediate boundary to the west is formed by a two storey stone outbuilding to Linden House. Opposite the site and Castle Hill Lane to the north is The Coach House (formerly a barn to the rear of Long Hill House) and to the south, on the opposite side of Castle Street is a dwelling known as Grandon.

The site is within the settlement boundary in the Special Landscape Area and Conservation Area. Castle Street and Castle Hill Lane are adopted highways. The site is within Flood Zone 1 of the River Stour catchment.

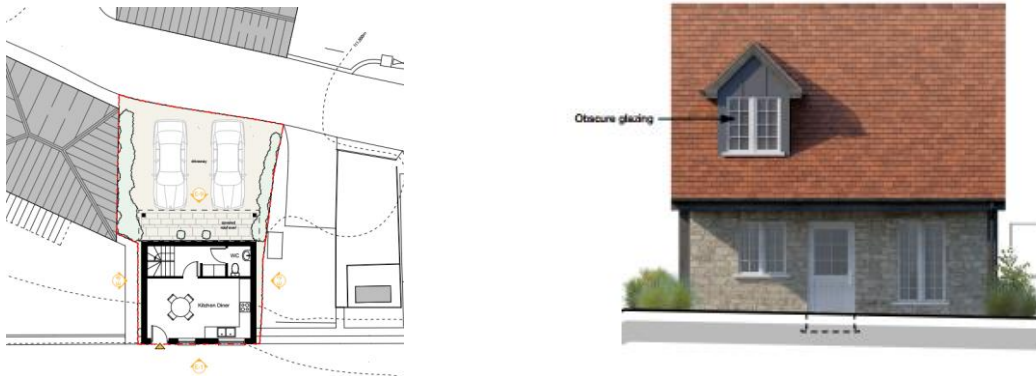
4. The Proposal



The applicant is seeking to demolish the single storey garage structures (measuring about 5.5m x 2.3m x 4.2m) and erect a detached two and a half storey dwelling positioned towards the south of the site, fronting onto Castle Street:



The two bedroom (master bed plus single/study) dwelling would be constructed from natural stone, with a clay tile roof and timber windows/dormer windows. When viewed from Castle Hill Lane, the dwelling would be pushed back from the road frontage into the site and whilst no defined amenity space is included, off street parking for two cars would be provided:



Quoin details would match the surrounding buildings. Traditional lime mortar will be used to match existing buildings in the area. The site would be dug down and the current retaining wall to the land would be removed. All stones from the demolition of both the existing

structures and retaining wall would be retained for construction of the proposed dwelling. The proposed Castle Street elevation wall would be carefully tied and blended into the retaining wall to either side of it.

5. Planning Policy

The following planning policies are considered to be relevant to the determination of this application:

National Planning Policy Framework (NPPF 2021) and Planning Practice Guidance

Wiltshire Core Strategy (WCS) adopted Jan 2015:

- CP1: Settlement Strategy
- CP2: Delivery Strategy,
- CP17: Spatial Strategy for the Mere Community Area
- CP51: Landscape
- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensuring Conserving the Historic Environment
- CP60: Sustainable Transport
- CP61: Transport and Development
- Saved Policy C6 (Special Landscape Area)

Wiltshire Local Transport Plan Car Parking Strategy: PS6 Residential parking standards

Planning (Listed Building and Conservation Areas) Act 1990 Section 72

Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022

Mere Neighbourhood Plan. Designated area Dec 2018, not being pursued at present.

6. Relevant Planning History: None

7. Consultations

Conservation – no objection in principle subject to conditions.

Highways – no objection subject to conditions

Mere Town Council – Objection

The Town Council is unable to support this planning application for the following reasons:

- 1) Members consider that it is overdevelopment of the site as it is an extremely small space to accommodate a 2-bedroom house with 2 parking spaces which will result in a cramped form of development with low-quality accommodation.*
- 2) Members felt that this house will look out of keeping with the character of the area and have a detrimental impact on existing properties and amenities in the conservation area and the change of street scene in Castle Street will have an impact on the immediate neighbourhood and their amenities.*
- 3) Members were extremely concerned about the accessibility and viability of the two parking spaces which would be accessed from an extremely narrow road just around the corner from a blind bend. Members felt that these parking spaces would be fairly difficult to manoeuvre in and out of and would present a hazard for other drivers using Castle Hill Lane and that, ultimately, occupiers and visitors to the proposed property would end up parking on Castle Street exacerbating the existing parking congestion problems on the main road through Mere.*

8. Publicity

The application was advertised by neighbour consultation, site notice and advertisement.

3 letters of **objection** were received on the following grounds:

- *A modern house between an ancient granary and old stone cottages would look a totally out of place eyesore. It is also a hideous place to have a two car space dwelling exiting on to a single track road on a blind corner.*
- *The aim of a Conservation Area is surely to conserve the character of an area as it is. This application aims to build what is perhaps the smallest most cramped house in Mere spoiling the Conservation Area. The double parking space is larger than the building. It will crowd an already narrow lane on a dangerously tight corner. Should this be allowed it will start a trend of building on tiny plots to the detriment of the character of the Conservation Area. Whilst housing is always needed Mere has sufficient in development to make this application unnecessary.*
- *This is a tiny awkward site on a blind bend in a notoriously narrow lane which residents already struggle to navigate. There is a history of mishap and accidents on this corner and the proposal will exacerbate an already problematic spot. A development here will have a detrimental impact on existing properties, since it is incongruous as well as unnecessary with other more suitable housing happening elsewhere in Mere. Construction will be a hazard to the lane and a potential structural danger to the 200 year old granary building it abuts onto. This old stone granary has no foundations and any excavation work will endanger it. The idea of juxtaposing a modern building within touching distance of such an old aesthetic one, especially in a conservation area, seems ill-conceived and inappropriate in the extreme.*

9. Planning Considerations

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

9.1 Principle for the development, tilted balance and 5 year housing land supply

The site lies within the settlement boundary for Mere, where the principle for new housing development is acceptable in principle under Core Policy 1 (settlement strategy) and Core Policy 2 (delivery strategy). There is no neighbourhood plan for Mere. However, CP17 sets out the spatial strategy for Mere and directs that development in the Mere Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1. The development is therefore acceptable in principle.

It can be noted from the Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022 that the Council cannot currently identify a five year housing land supply (currently 4.72 years supply). Therefore, under paragraph 11 of the NPPF, for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The site is within the Conservation Area, which is one of the protected policy areas identified under footnote 7, namely a designated heritage asset. Therefore, the tilted balance envisaged under para 11 of the NPPF (presumption in favour of sustainable development) would not automatically apply to this site if there are any clear reasons for refusing the development on Conservation Area grounds. However, it is noted that the Conservation officer considers that provided high-quality materials and the finish are secured by condition, then the proposals would preserve the setting of the 'The Barn' and the character of this part of the conservation area.

In policy conclusion, officers consider that in the absence of a five year housing land supply, and given that the proposal is supported in principle by the Conservation officer, the titled balance would apply to the proposal and appropriate weight should be attached to the proposal in the absence of a 5 year housing land supply.

9.2 Visual impact on the character of the Conservation Area, impact on the streetscene

There is a duty placed on the local planning authority under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. Development should protect, conserve and where possible enhance the historic environment. Heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The revised NPPF states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the NPPF requires that:

Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Section 12 of the revised NPPF also places a greater emphasis on the importance of good design and states:

126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Core Policy 57 sets out the criteria for new development. 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 complementary to the locality. This includes enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced. It also requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting. Criteria (iv) also requires schemes to be sympathetic to and conserve historic buildings and historic landscapes.

CP57 also seeks to make efficient use of land under criteria (vi) whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates to its setting and to the wider character of the area. It should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

Core Policy 51 of the WCS states:

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.

Saved Policy C6 also seeks to protect the landscape of the SLA and ensure that high standards of landscaping and design are achieved, using materials which are appropriate to the locality and reflect the character of the area.

The site is constrained in size with roads on two sides. However, the streetscene drawing indicates that the site could accommodate a modest dwelling. The Conservation officer has stated:

There have been discussions previously about the creation of a new residential unit in this location, in the recent past. And in past discussions, I have suggested that good views of 'The Barn' should be maintained as it is a key historic building in this part of the Mere CA. The topography of the site has made it difficult, thus far, to develop the site in a way that would not have an adverse impact on the setting of the above building and which in turn, would fail to preserve the character of the CA. This application proposes the demolition of the garage, to which I have no objection, it being a structure that arguably detracts from the CA in its current form.

The proposals are then for some excavation (I assume) on the south side of the plot so that a two and a half storey house (in part) can address Castle Street. The ground floor is subterranean at the rear such that the view from Castle Hill Lane is of a one and a half storey building. The rear garden is then converted to a parking area.

The elevation that faces Castle Street is traditional in design. The plans say Mere stone but it is no longer excavated so the source of natural stone is a critical aspect of the proposals and should be conditioned if minded to approve. It would also be nice if they could opt for a clay tile rather than the slate, as per the terrace to the left. Clay tiles are much more characteristic of Mere than slate. (**Officer note:** the materials have now been amended to this effect).

The front dormer is rather large and I suspect will not have the slenderness of profile that is suggested by the drawing. I suggest a greater detail is supplied at 1:10. (**Officer note:** the south dormer has since been reduced in scale from triple to double casement).

In conclusion, providing high-quality materials and finish, I consider the proposals would preserve the setting of the 'The Barn' and the character of this part of the conservation area.

Suggested conditions

- The source of the natural stone shall be approved by the LPA in writing. A stone panel shall be constructed for the approval of the LPA.
- Window details (brochure) and the front door detail (Brochure) should be supplied for approval
- A greater detail of the dormers should be supplied at 1:10 for approval.
- Natural slate for the roof. (**Officer note** – now superseded by clay tile)
- Rainwater goods to be approved (heritage style)

The height of the dwelling seeks to address the character of the area when viewed from Castle Street, as a two and a half storey dwelling with accommodation in the roof, and from the Castle Lane side, as a single storey unit with a dormer roof. The roof ridge would be set at the eaves level of The Barn. It is difficult for officers to argue that the development would look *out of place* or be an *eyesore*, given that the drawings appear to show a reasonable scale and form of resultant development within the streetscene. Neither is the development likely to appear cramped from either street view, given the context for the dwelling whichever viewpoint is considered:

Castle Street viewpoints:



Castle Hill Lane viewpoints:



The use of dormer windows is also featured elsewhere in the streetscene, closer to the centre and so this is not considered to be an uncharacteristic or unwelcome design feature:



The scale, design and siting for the development are considered to be acceptable and the dwelling would make efficient use of a site within the settlement boundary within an established residential area. Therefore, subject to suitable conditions to secure appropriate materials, windows and dormer details, the proposal is considered unlikely to harm the existing character of the area or to harm the setting of the Conservation Area and other heritage assets. The removal of the existing garage structure is likely to result in an improvement in the quality of the built form. No objection is raised under CP51, CP57, CP58, saved Policy C6, the NPPF and the 1990 Act.

9.3 Impact on neighbouring amenities

CP57 also states that the development should make a positive contribution to the character of Wiltshire through:

(vii) having 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

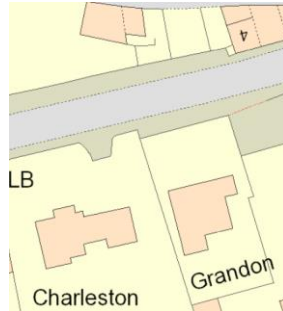
North: The nearest dwelling to the site is The Coach House, which lies to the north, opposite the site. The north elevation of the dwelling would be set back some 8m from the existing south elevation wall of The Coach House. This dwelling presents a stone wall with first and ground floor windows towards the site. The proposed dwelling would have one dormer window, with obscure glazing, facing towards this property:



Given this interrelationship, the absence of any private amenity areas or ground floor windows for The Coach House, the proposal is not considered to be harmful to the existing amenities of the existing occupiers, in terms of overlooking, loss of light or dominance.

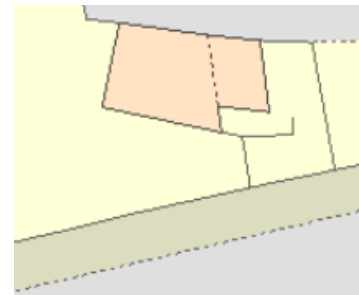
East: The site lies adjacent to existing areas used for parking. The dwelling has no windows facing these spaces and would not have a harmful impact on existing amenities.

South: The site for the proposed development lies opposite a dwelling known as Grandon. This house lies to the south of Castle Street and is at a lower level than the street. It is also set some 14m back from the edge of the road and there would be almost 24m distance between the front elevation of Grandon and the front elevation of the proposed dwelling and roof dormer:

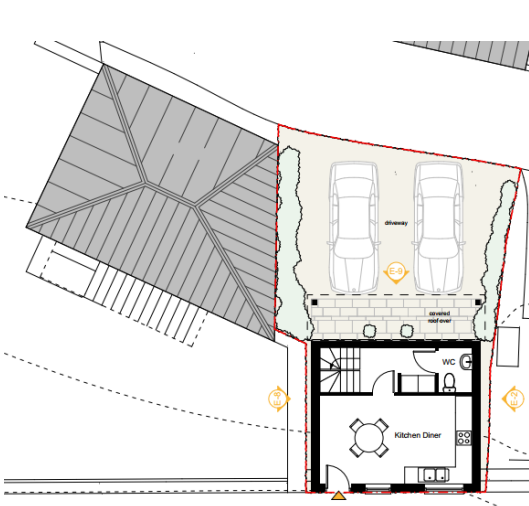


Therefore, the development is not considered likely to materially harm the existing amenities for the occupiers in terms of overlooking, dominance or loss of light.

West: The Barn for Linden House lies to the west of the site and the proposed dwelling would be sited adjacent and offset to this building. The building has no east-facing windows and it is also set at an angle away from the application site so the development should not harm the existing 45 degree outlook from the existing door and window:



Given the offset position for the dwelling in relation to the barn, the proposed dormer window would not result in any overlooking towards this building or the private garden in front of it:



The roof ridge for the proposed dwelling would also be lower in height than the eaves for The Barn as the above plan shows. Therefore, no harm has been identified under Core Policy 57(vii) and appropriate levels of amenity are considered to be achievable within the development.

9.4 Highway Safety

Core Policies CP57, 60 and 61 are relevant to the application and concerns have been expressed about the siting of the parking areas close to the road bend. The development seeks to provide a small 2 bed dwelling and 2 off street spaces are required. The highways officer has stated:

I note the proposed two bedroom dwelling, with pedestrian access provided from both Castle Hill Lane and Castle Street, with two car parking spaces accessed from Castle Hill Lane. The amount of manoeuvring space behind the parking spaces is tight, but the parking area is wider than a standard parking space and this will aid manoeuvrability.

It should be noted that the existing retaining wall that abuts the highway will be altered and essentially replaced by the new dwelling. Full engineering details of these retaining works will need to be approved in writing separately from this planning application (see below Informative).

Therefore, I recommend that no Highway objection is raised, subject to the following conditions and informatives being added to any consent granted.

Therefore, no highway safety objection is raised under Core Policies CP57, 60 and 61.

9.5 Biodiversity

Core Policy 50 of the WCS states:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.

All development should seek opportunities to enhance biodiversity.

The garage to be removed appears to have (at least in part) a corrugated iron roof, is likely to be single skinned and is therefore considered unlikely to provide any roosting opportunities for bats. Given the small size, construction and urban location of the building, it would not be reasonable to request a bat survey in this instance, but an informative would be added to any permission to remind the developer of their duties under the Wildlife and Countryside Act.

A condition would be attached to any planning application to secure measures such as bat and bird boxes/tiles/bricks to ensure biodiversity net gain for the site.

The site is within the River Stour catchment and this does not present a constraint to the development.

10. Conclusion and Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development

plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks consent for a modest dwelling within the settlement boundary of Mere, in the Conservation Area. The Conservation officer has raised no objection to the scheme subject to conditions and has not identified harm to the Conservation Area. The removal of the garage building is likely to result in a visual benefit to the CA, and this can be afforded weight in the determination. The provision of biodiversity net gain measures as part of the scheme can also be afforded modest weight.

Despite the small plot size, the dwelling has been carefully designed to suit both streetscapes, taking into account of the site levels. The development is unlikely to cause harm to neighbouring amenities. Local concerns have been expressed about the size and impact of the site and its location within the Conservation Area, on a tight bend. However, the highways officer is satisfied with the parking provisions for the development. The scheme has also been amended by removing a dormer window, to reduce its prominence on the corner.

The Wiltshire Core Strategy and the NPPF set out the policy considerations for the application and the LPA cannot currently demonstrate a 5 year housing land supply. Some weight may be attached to this slight shortfall of 4.72 years.

In the absence of identified harm to the Conservation Area (a footnote 7 designation) then the tilted balance would be engaged under para 11 of the NPPF. The presumption in favour of sustainable development and the provision of an additional dwelling within the settlement carries significant weight in the determination and therefore, officers consider that the planning balance weighs in favour of the development.

11. RECOMMENDATION

The application should be APPROVED subject to the following conditions:

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

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

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

Site and Location Plans received 15th March 2022

Proposed Streetscene ref 0901 Rev P02 dated 13/5/22

Proposed Plans & Elevations ref 0010 Rev P03 dated 13/5/22

Revised Heritage Impact Assessment and Design and Access Statement received 13/5/22

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

3. No development shall commence above slab level on the dwelling hereby approved until details of:
 - i) the materials (stone and clay tile) to be used on the walls and roof of the development and the source of natural stone to be used
 - ii) brochure details for the windows and front doors
 - iii) 1:10 details for the dormer windows
 - iv) rainwater goods (to be heritage style)
 - v) measures for biodiversity net gain (such as bat boxes / tiles and swift / bird bricks)

have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details before the dwelling is occupied and the agreed details shall be maintained on site thereafter.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences above slab level in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the Conservation Area and to secure biodiversity net gain for the site.

4. No external stonework shall be constructed on site (either on the dwelling or the external stone finish for the retaining wall on Castle Street), until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

5. The development hereby permitted shall not be first occupied until the whole of the parking area has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

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

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

7. No part of the development hereby permitted shall be first occupied until the access & parking spaces [2 No] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall
be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy and the character of the Conservation Area.

INFORMATIVES:

Highways: The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall alterations/works for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980.

(For information, this relates to retaining walls which are wholly or partly within 4 yards (3.65metres) of a street and which is at any point of a greater height than 4'6"(1.40 metres) above the level of the ground at the boundary of the street nearest that point.)

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

CIL: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community

Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

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



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