

AGENDA

Meeting: Southern Area Planning Committee

Place: The Pump Room - The Old Fire Station Enterprise Centre, 2 Salt Lane, Salisbury, SP1 1DU

Date: Thursday 29 June 2023

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 Sam Charleston
Cllr Brian Dalton
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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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](#).

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AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 1 June 2023.

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 Thursday 22 June 2023 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 26 June 2023. 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.

Rights of Way/Village Green/Other Delete as Appropriate

6 Planning Appeals and Updates (Pages 11 - 12)

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

Planning Applications

To consider and determine the following planning applications.

7 Application Number: PL/2023/02118 - Land at Netherhampton Farm, Netherhampton, Salisbury, SP2 8PU (Pages 13 - 26)

Demolition of the existing building (unit 3) and erection of a detached 5-bedroom dwelling with associated landscaping.

8 Application Number: PL/2022/08374 - 26 Firs Road, Firsdawn, Salisbury SP5 1SQ (Pages 27 - 46)

Construction of single storey detached dwelling and associated PTP together with provision of replacement PTP for existing dwelling.

9 Urgent Items

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

Part II

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

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 1 JUNE 2023 AT THE PUMP ROOM - THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

Cllr Andrew Oliver (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Trevor Carbin, Cllr Sam Charleston, Cllr Brian Dalton, Cllr George Jeans, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Bridget Wayman, Cllr Rich Rogers and Cllr Kevin Daley (Substitute)

160 **Apologies**

Apologies were received from:

- Cllr Nabil Najjar, who was substituted by Cllr Kevin Daley
- Cllr Brian Dalton

161 **Minutes of the Previous Meeting**

The minutes of the meeting held on 27 April 2023 were presented.

Resolved:

To approve as a correct record and sign the minutes.

162 **Declarations of Interest**

There were none.

163 **Chairman's Announcements**

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

164 **Public Participation**

The committee noted the rules on public participation.

165 **Planning Appeals and Updates**

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

Resolved:

To note the Appeals update.

166 **Application Number: PL/2023/00563 - Unit 4, 53 The Borough, Downton**

Public Participation

Mr Glyn Parry spoke in objection to the application

Mr Tim Churchill (Agent) spoke in support of the application

Cllr Chris Hall of Downton Parish Council spoke in support of the application.

Attention was drawn to the late correspondence which was circulated at the meeting and summarised by the Officer. This related to a further 17 comments received since the report was completed, 14 in support and 2 expressions of concern. The first relating to noise, to which a response from Public Protection had been provided and rewording of condition 05. The second relating to the proximity of the site to residential dwellings, noise, opening hours, anti-social behaviour, parking, and drainage to which an officer response was provided.

The Planning Team Leader, Richard Hughes, introduced a report which recommended that the application be approved with conditions. Key details were stated to include the principle of development and impact upon neighbour amenity.

The issues noted in the case were:

- Principle of development
- Design, scale and impact on the amenity of the Conservation area/listed buildings
- Highway safety/parking provision
- Drainage
- Other matters

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the proposed location of the bin storage and that waste collection would be from the rear of the site.

The positioning of the flu had been set out in line with the requirements of the Environmental Health Officer, to minimize impact on residential neighbours.

It was confirmed that should the Committee be minded to approve the application, then it would be possible to include an additional condition of an odour review, similar to a noise review.

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

The Parish Council representative noted the huge response online to the application. Whilst it was keen to promote retail opportunity in Downton, it was noted that as the site was in a conservation area the Parish Council felt that

strict conditions were required. In addition to those within the report, a request for two additional conditions was made. These related to a restriction to the opening hours, requiring the premises to close at 09:00hrs Monday to Saturday and to restrict the planning permission to the named applicant only.

The unitary division member, Councillor Richard Clewer who was not in attendance, had provided a written copy of his comments which were read by the Chairman.

A motion to Approve, in line with the Officer recommendation was moved by Cllr Sven Hocking and seconded by Cllr Rich Rogers.

A debate followed where the position of the flu, proximity of neighbouring windows and the impact of potential for odours was discussed. The Officer highlighted that should a statutory nuisance be caused by the premises, then Environmental Health could act to resolve or reduce issues.

On the request for additional conditions, the Officer confirmed that it was not possible to restrict the Planning Permission to a single person, as the permission was for the building to be used in a certain way.

It was noted that there had already been a compromise regarding the opening hours on the application, as they had been reduced from a 22:00hr close on Monday to Saturday to 21:30hrs close, with 20:00hrs close on Sundays.

During discussion on whether the opening hours for Sundays should be reduced, the Applicant offered to remove Sunday opening hours completely as an offer of good will to mitigate the concerns of the neighbours.

At the close of debate, the Committee voted on the motion of Approval in line with the Officer recommendation, with the inclusion of a 3-month review on odours, and removal of Sunday opening hours.

It was;

Resolved

That application PL/2023/00563, Unit 4 53 The Borough, Downton, be Approved subject to the following (9) 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 and documents:

02 Unit 4, 53 The Borough Proposed Elevations Rev B submitted 22nd May 2023

01-Unit 4, 53 The Borough – Proposed HVAC Plan Rev B dated 2nd May 2023

405-02-002 Existing floor plan and roof plan dated 25th January 2023

405-02-005 B Proposed Roof plan submitted 22ND May 2023

405-02-001 Existing site plan dated 25th January 2023

405-02-003 Existing Elevations dated 25th January 2023 Odour Control Assessment Report (revised on 2nd May 2023)

Installation Report (revised on 2nd May 2023)

Noise Assessment report (revised on 2nd May 2023)

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

3 The use hereby permitted shall only take place between the hours of 1330-2130 from Mondays to Saturdays. The use shall not take place on Sundays.

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

4 The site shall be used solely for purposes of a food takeaway use within the Sui Generis Class(es) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2020 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: For the avoidance of doubt

5 Prior to the first use the Kitchen extract system, together with the specified noise attenuation to be fully installed in accordance with documentation submitted (Noise Impact Assessment, Odour Control Assessment, Installation Report all dated 2nd May 2023 and drawing: Fan Rescue 1) and maintained strictly in accordance with the cleaning and maintenance schedule at all times thereafter. A post installation noise and odour assessment shall be carried out by a competent consultant within 3 months of completion of the development and/or the approved takeaway use commencing, whichever is the sooner. The assessment shall confirm compliance with the noise and odour criteria approved as part of this permission, and shall detail any further additional steps required to achieve compliance with the approved noise and odour attenuation details. The noise and odour assessment shall be submitted to and agreed in writing by the Local Planning Authority before any additional works are undertaken. The agreed scheme and any adjustments shall be permanently retained for the lifetime of the approved use/development.

REASON: In the interest of residential amenity.

6 Plant associated with the kitchen extract system shall only operate during hours of opening: 1330hrs – 2130hrs Monday to Saturday.

REASON: In the interest of residential amenity

**7 Notwithstanding the approved details no supply deliveries shall be made to, or supply collections made from the development hereby approved except between the hours of:
0930hrs – 1800hrs (excluding normal school drop off/ collection times).**

REASON: In the interest of public and highways safety.

8 Before the takeaway use first opens for business, the external flue shall be finished in a dark Matt Grey/black colour, or other alternative colour agreed in writing by the Local Planning Authority.

REASON: In the interest of visual amenity.

9 Before the takeaway use hereby permitted first opens for business, at least two litter bin receptacles shall be provided on site for use by customers of the takeaway use. The bins shall be privately operated and maintained by the business occupying Unit 4 (the application site).

REASON: In the interests of amenity

INFORMATIVES:

1.The applicant is advised that separate approvals may need to be applied for and granted from Wessex Water. Please note that prior to the first use of the takeaway it appears that grease traps are required to be installed to comply with Wessex Water recommendations for food businesses. Trade effluent | Wessex Water

2.The applicant is advised that planning permission does not supersede any private covenants or legal bindings the premises may have.

3. The applicant is advised that any proposed alterations to any signage may need Advertisement Consent from the Local Planning Authority

167 Urgent Items

There were no urgent items

(Duration of meeting: 3.00 -3:45pm)

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

Wiltshire Council
Southern Area Planning Committee
29th June 2023

Planning Appeals Received between 19/05/2023 and 16/06/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2022/06380	Tre Oaks, Butts Lane, Kilmington, Warminster, BA12 6RB	Kilmington	Conversion of agricultural workshop/storage building to form a 2-bed dwelling with associated alterations, parking and amenity space, utilising a new vehicular access already granted planning permission under reference PL/2021/10977.	DEL	Written Representations	Refuse	22/05/2023	No
PL/2022/08185	Land Adjacent to Bramblings, Yarmley Lane, Middle Winterslow, Salisbury, SP5 1RB	Winterslow	Proposed dwelling	DEL	Written Representations	Refuse	24/05/2023	No

Planning Appeals Decided between 19/05/2023 and 16/06/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/02691	Bishop Wordsworth's School Playing Fields, Britford Lane, Salisbury, SP2 8AL	Salisbury	Proposed preconstructed toilet building to be provided	DEL	Written Reps	Refuse	Dismissed	14/06/2023	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	29 th June 2023
Application Number	PL/2023/02118
Site Address	Land at Netherhampton Farm, Netherhampton, Salisbury, SP2 8PU
Proposal	Demolition of the existing building (unit 3) and erection of a detached 5-bedroom dwelling with associated landscaping
Applicant	Hibberd Development Company
Town/Parish Council	Netherhampton Parish Council
Electoral Division	Cllr. P. Church
Grid Ref	
Type of application	Full
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee

Cllr Church has asked for the Committee to determine the application if officers recommend the application for refusal.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that the application should be **REFUSED** 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 development and site history for approved scheme
2. Evolution of the scheme and the impact on the character and setting of the Conservation Area
3. Other material planning considerations affecting the site
4. The planning balance

The application generated no response from the Parish Council and one letter of objection from the Salisbury Conservation area Panel.

3. Site description, site constraints and the proposals

The site was formerly a model farm and there were a number of historic buildings within the complex which have been converted and/or rebuilt for residential purposes. Unit 3 is the last remaining original C19th model farm building, which sits towards the north-western corner of the Netherhampton Farm development site. The site for Plot 3 is part of an ongoing development for 20 houses and lies within the Netherhampton Conservation Area.

There are also four existing semi-detached dwellings to the south of the site. The Victoria and Albert PH, Rest Harrow and St Catherine's Church lie to the south east of Netherhampton Farm and are grade II listed buildings. Old Netherhampton Road is an unclassified highway and runs to the south of the site.

This application seeks full planning permission for the demolition of the existing building and erection of a detached 5-bedroom dwelling with associated landscaping instead of the proposed conversion approved under 20/04743/FUL. The application has been submitted in response to ground investigations that were undertaken across the site. These investigations (Ground Investigation Report prepared by Ground Investigation Ltd) have apparently revealed a running sand condition which has resulted in the collapse of unit 11 during the hand demolition of sections approved for demolition under application 20/04743/FUL. The ground condition also affected units 4, 5, 9 and 10 of the originally approved scheme and therefore, permission was granted under application PL/2021/06457 for these units to be re-erected as new builds rather than conversions.

Vehicular and pedestrian access to the plot would be provided from the wider site's main entrance onto the highway. Parking space for the new dwelling would be provided on-site, on the driveway positioned in front of the house. The driveway incorporates a turning head at its westernmost point, to enable vehicles to enter and exit the plot in a forward gear. No other aspect of the development on the wider site is affected by this proposal.



Proposed Elevation

4. Planning Policy

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

National Planning Policy Framework (NPPF 2021) and the PPG

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Neighbourhood Plan status – area undesignated

Adopted Wiltshire Core Strategy

CP1 Settlement Strategy

CP2 Delivery Strategy

CP33 Spatial Strategy for Wilton Community Area

CP48 Supporting Rural Life

CP50 Biodiversity and Geodiversity

CP51 Landscape conservation

CP58 Conservation of the Historic Environment

CP57 Ensuring High Quality Design and Place Shaping

CP60 and 61 Transport and new developments

CP69 Protection of the River Avon SAC

Saved Policy C6 Special Landscape Area (Annex D of WCS)

Other:

- Wiltshire Local Transport Plan – Car Parking Strategy: Chapter 7: Parking Standards
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- The Community Infrastructure Levy Regulations 2010
- National Model Design Code July 2021
- Building for a Healthy Life - A Design Code for neighbourhoods, streets, homes, and public spaces (Homes England June 2020).
- The Community Infrastructure Levy Regulations 2010

5. Relevant Planning History:

18/00510/FUL 20 residential dwellings comprising the conversion of existing agricultural buildings and new build units; demolition of existing buildings; associated access, car parking and landscaping (Resubmission of 17/05945/FUL) AC

20/04743/FUL 20 residential dwellings comprising the re-erection of former farm buildings (units 7, 8 and 16-20), in addition to the other new builds and conversions. AC

PL/2021/06457 Variation of condition 1 of 20/04743/FUL to allow alterations to the approved drawings. (Replace 9410.114 Rev A with 9410.114 Rev B and 9410.115 Rev B with 9410.115 Rev C) AC

PL/2021/10665 Application to vary condition 1 of PL/2021/06457 (which varied 20/04743/FUL) by replacing the Proposed Site Plan (and approved red line for the site) ref 9410 104 Rev E with Proposed Site Plan 9410 104 Rev G. and to remove Condition 2. The amendment seeks planning permission for the attenuation pond and associated works only. *Undetermined - under consideration*

6. Consultations

Conservation – Objection

Highways – No objection

Public Protection – No objection subject to hours of construction condition. Cleanliness Certificate (asbestos) acceptable.

7. Publicity

The application was publicised by site notice and neighbour letters. Salisbury CAP objected.

Salisbury Conservation Area Panel - Object

I would like to register a strong objection to the application for demolition and rebuild of Unit 3 at Netherhampton Farm, on behalf of the Salisbury Conservation Advisory Panel. This body brings together representatives from various local and national organisations in order to give advice to Wiltshire Council on matters affecting the historic built environment.

The Panel is aware of the unfortunate way in which the main range of C19th farm buildings at Netherhampton Farm has been demolished and replaced by replicas, resulting in the effective loss of a major part of the Netherhampton conservation area. At its meeting on April 25th, the Panel considered the application for the further demolition, and rebuilding in replica form, of the one remaining part of the original complex, the farm office building now described as Unit 3.

The Panel is not aware of any adequate justification for this further loss to the farm complex, for which no reason appears to be advanced in the 'supplementary ground investigation report' included in the application. The Panel therefore takes the view that the removal of the first floor of the building, which has already taken place, should be remedied by re-using the

original stonework, and the reinstated building converted to residential use, in line with the approved application 20/04743.

The Panel does not believe that the regrettable loss of most of the original buildings on the site should be further compounded by the taking down of the one surviving C19th building, and therefore objects strongly to the current application.

Netherhampton Parish Council – None received

8. Main 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

The NPPF 2021 confirms in para 11 that plans and decisions should apply a presumption in favour of sustainable. For decision making, that means approving development proposals that accord with an up-to-date development plan without delay. The NPPF also states that the policies in the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.

The Council can demonstrate 4.6 years of housing land supply against Local Housing Need and therefore the tilted balance would normally be engaged under para 11 of the NPPF. However, the presumption in favour of sustainable development would not automatically apply to this site under footnote 7, as the site lies within the Conservation Area.

8.1 Principle for development and site history for approved scheme

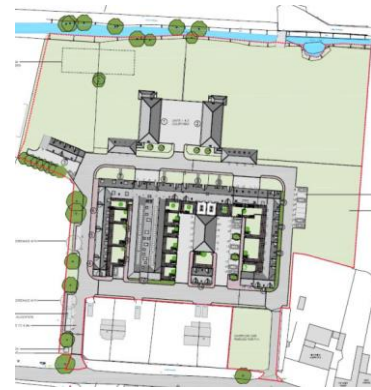
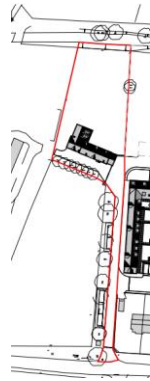
The principle for residential development on this site, which lies outside any settlement boundary, was established by the 2018 consent for the *conversion* of the existing model farm units. This consent has evolved through subsequent planning permissions granted on the site but the overall number and siting for the units has not changed. The *degree* of conversion and rebuilding taking place on the site has however changed significantly through the evolution of the scheme and the development is no longer considered to fully represent a *conversion* of the original model farm buildings and is more akin to fresh build with only some minor elements of conversion remaining:

18/00510/FUL:

This application secured consent for 20 residential dwellings comprising the conversion of existing agricultural buildings and new build units with the demolition of existing buildings.

20/04743/FUL:

In April 2021, planning permission was granted for 20 residential dwellings comprising the re-erection of former farm buildings (units 7, 8 and 16-20), in addition to the other new builds and conversions. The application was a resubmission of application 18/00510/FUL for 20 residential dwellings comprising the conversion of existing agricultural buildings and new build units; demolition of existing buildings; associated access, car parking and landscaping. The development proposed differed from the approved scheme as demolition had taken place on site and some of the existing units were to be re-erected instead of converted.



PL/2021/06457:

In June 2021, planning permission was granted to vary the previously approved development to allow for the demolition and re-building of previously consented units 4, 5, 9 and 10. These units had apparently been affected by the running sand ground condition which adversely prejudiced the retention of the affected existing buildings.

PL2021/10665:

In November 2021, an application seeking to vary the previously approved scheme was submitted to the LPA. The application sought permission for the creation of an attenuation pond and associated works. This application is currently live and undetermined, awaiting final drainage comments on the built scheme.

The permissions outlined above (PL2021/10665 is ongoing but the principle for residential use by *conversion* under CP48 is still accepted) have established the principles for residential development on the site. However, CP48 provides the main policy plank for the conversion of the existing historic rural buildings to residential use and Members will note that as the development no longer seeks to convert or even *partially* convert and rebuild Unit 3, the development cannot be considered as a conversion for the purposes of Core Policy 48. The proposal is effectively a new build in the countryside. The advanced stage of the residential development at Netherhampton Farm is also noteworthy.

The main issue for this application is the impact of the demolition and rebuilding of Unit 3 on the character and setting of the Conservation Area.

8.2 Evolution of the scheme and the impact on the character and setting of the Conservation Area

Core Policy 48 provides the policy principles for the conversion of rural buildings for residential purposes in the countryside. Core Policy 57 sets out the criteria for the design of new development in Wiltshire. CP51 seeks to enhance the landscape and ensure that development protects, conserves and where possible enhances landscape character and does not have a harmful impact upon landscape character, while any negative impacts are mitigated as far as possible through sensitive design and landscape measures.

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

72 (1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the planning Acts...

The revised NPPF states:

194. 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

195. 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.

199. 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.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

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

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

This application site is considered to be unique given that the site forms a large proportion of the Conservation Area designation. Redundant and dilapidated farm buildings cannot reasonably be argued to be a positive and enhancing feature of the conservation area and there is a strong planning policy drive within CP58 and the NPPF to support the enhancement of heritage assets and Conservation Areas. CP48 further supported conversion of buildings to residential use where the conversion or re-use of a heritage asset would lead to its viable long term safeguarding.

Whilst supporting the removal of modern farm structures to enhance the conservation area and supporting *conversion* of surviving historic buildings, the Conservation officer has consistently and clearly objected to the demolition of the *original* building fabric on the site.

2020

Following the apparent ground stability issues, the conservation officer assessed the revised scheme to rebuild the damaged buildings and provide new, and replacement buildings for the model farm under PL/2021/06457. He objected further:

Unit 3. The latest drawing has blue-shaded sections that raise new concerns about proposed (but unexplained) demolition. I remain thoroughly concerned with the proposed alterations to this fine building that damage its fabric and its appearance with oversized and unnecessary extensions.

Unit 3 was amended to simplify its appearance. Reclaimed stone from the original buildings would also be retained for reuse on the development. At that time, Unit 3 was to be largely retained and the applicant clarified:

Only the area marked on the front elevation of Unit 3 is proposed to be removed and rebuilt. The gable will be left as per the drawing. In terms of stone to be re-used, all demolition was undertaken carefully by hand. All stone which was still serviceable was stacked on pallets in one of the large barns on site to be reused in the reconstruction. Decorative stonework, such as the gothic arch in the southern elevation of unit 16 has also been retained and will be used in the rebuild.

2021

The Conservation officer further objected to the changes proposed under PL/2021/06457:

The proposal to amend the previously approved scheme is largely retrospective and most of the historic structures on the site have been completely demolished, those still remaining have been largely demolished with the exception of unit 3, which has had its roof removed leaving it rapidly deteriorating. The Planning statement states that frontage of the rebuilt elevation of the middle southern block (fig 4) 'utilising the existing stone creates high quality building', but the stone in the image is not salvaged and certainly does not match what was there previously. Bar a statement that a 'running sand' situation has made demolition inevitable, no explanation or detailed advice from a suitable professional has been provided. There was no obvious issue of movement with the existing standing buildings, and a number of previously involved professionals have raised no such concerns.

I object without reservation to the additional demolition, but it has already been done and so I have referred this to the enforcement team. The demolition elements of the application should not be approved as it would risk legitimising the unacceptable unauthorised works.

In approving the 2021 application for the scheme changes, the case officer concluded at that time that whilst it was highly regrettable that unauthorised demolition had taken place within the conservation area to the detriment of its character, the proposed rebuilding would reinstate the model farm within the Conservation Area and restore some of the character of the undesignated heritage assets.

2023 - present

The current 2023 scheme now seeks to completely demolish and rebuild Unit 3 and the Conservation officer has stated:

Unit 3, the former farm office building, stands between the former model farm and the farmhouse, and is the last remaining building of the site for which consent was given for conversion. All of the other buildings have been demolished and rebuilt. The basis for proposing demolition rather than conversion is that there is a running sand ground condition that makes it impossible to retain. The report submitted does not support the notion that the building is incapable of conversion, nor that it is suffering from significant movement or other issues. I have discussed this ground condition with others more familiar with such matters and no-one considers it at all likely to warrant demolition and rebuilding.

The building makes a positive contribution to the character of the CA and consent is required for its demolition. The LPA is required to pay special attention to the desirability of preserving or enhancing conservation areas by s72 of the PLBCA Act 1990, while the NPPF advises that all heritage harm should be avoided where possible. Where harm to a designated heritage asset is considered to be 'less than substantial', which I would say is the case here, public benefits may be weighed against the harm. Given that no justification has been offered for the harmful work, and that there are no benefits offered that weren't provided by the approved scheme, I can see nothing that supports the proposal. I am strongly of the view that the existing building (parts of which have already been removed without consent) should be repaired from its existing state to its original form using the stone salvaged and stored on site and repaired/extended as previously approved.

The design of the proposed replacement building has previously been considered unacceptable and revised to the approved version, but the total demolition of the existing building would render the whole site of no heritage interest other than as a poor pastiche of the original and amending this aspect of the scheme would not render it acceptable.

The applicant then submitted:

- Structural Report on Existing Stone Walls dated 2020 and
- Statement from HBPW Consulting Engineers dated May 2023 which stated:

We have reviewed the information provided comprising of photographs as well as the existing structural and ground investigation reports and outline the following conclusions:

Ground Conditions:

The trial hole dug along the north western end of Unit 3 confirms the ground conditions described in the ground investigation report (ref P1401.1.0 revision 0, dated 13th October 2020). These are typically described as soft brown slightly sandy slightly gravelly silty CLAY overlaying light brown and light grey to off-white slightly silty/clayey sandy angular to subrounded fine to coarse flint and rare chalk GRAVEL. Ground water was encountered around 1.5m depth. Based on the above, the recommendations in section 5.2.2 of the ground investigation report would apply along with the conclusions contained in the Craddys structural report (ref: 1179w0004) of Units 4 to 14. The nature of the ground conditions has dictated the requirement of an engineered foundation solution for the rest of the development. Units 4-14 have been constructed on a 'stiff' reinforced raft foundation in order to mitigate against soft spots or potential dissolution features in the ground. It is concluded that the existing foundations are not suitable.

Masonry:

Based on the photographs of the existing structure it is visible that the existing masonry is generally in poor condition. Extensive weathering, damp and staining is visible to the existing stone face. Although these are items that could generally be rectified, it is the extremely poor

bonding of the existing mortar on the existing brickwork inner leaf that is concerning. A video of the remediation of the brickwork indicated that these could simply be detached by hand and that the mortar did not key to the surface of the brickwork. This indicates that the structural integrity of the wall is questionable and cannot be relied upon.

It is therefore our conclusion that the reasons and conclusions highlighted in the Craddys report extend to this existing building (unit 3) also. It is also our view that due to the poor nature and bonding of the inner masonry that we propose that the existing structure be demolished and rebuilt. We suggest that the existing stone could be reused as part of the rebuild however allowing for a more modern cavity wall construction with the inclusion of wall insulation.

The Conservation Officer considered these documents and concluded:

I have seen the submission from structural engineers, which is a review of work by others and did not involve a site inspection. I note that this post-dates the extensive work to the building earlier this year, which was apparently based on the same argument. The authors consider that the conclusions of the Craddys report would equally apply to unit 3. The Craddy's conclusions were NOT that the buildings were incapable of retention, but that it would be difficult to carry out the approved scheme AND to provide guarantees for the new houses. I note that they refer to the condition of the stonework of unit 3, I have viewed it several times and the majority was clearly stable and sound - the only part that was not, the stone above the garage door, had been given consent for repairs as previously requested. I remain wholly unconvinced that it is not possible to restore the building from its current state without destroying it. Approval of demolition would cause significant harm to the character of the Netherhampton CA.



Conservation Area in context

In conclusion, Unit 3 is the last remaining C19th building on the site and the only surviving building from the model farm, from which the Conservation Area derives a significant proportion of its character in this part of Netherhampton. The harm arising from the loss is considered to be 'less than substantial' and a balancing exercise is required by the NPPF and the public benefits may be weighed against the harm. Given that no clear justification has been offered for the harmful work as required by the NPPF, and that there are no benefits offered by this proposal that weren't provided by the approved scheme, the harm is not considered to be outweighed.

Officers conclude that the existing building (parts of which have already been removed without consent) should be repaired from its existing state back to its original form using the stone salvaged and stored on site and repaired/extended as previously approved. The complete loss and demolition of this original building and its replacement with a modern structure would be detrimental to the character and setting of the Conservation Area, contrary to the NPPF, CP48 and CP58.

8.3 Other material planning considerations affecting the site

Highway safety: The highways officer has stated:

The proposal is to replace the conversion of an agricultural building known as unit 3, approved under planning ref: 20/04743, with a new build dwelling. The size of the proposed dwelling is comparable with the previous approved layout and from a highways perspective the amendment does not raise any concerns. I am aware that the roads, footways and junctions have been constructed and this application is just for the new dwelling, rather than the wider scheme. The dwelling will include parking provision in an integral double garage together with a driveway across the frontage, the proposed parking is satisfactory. There is no highway objection to this proposal.

Therefore, no highway safety or rights of way objections are raised under Core Policies CP57, 60 and 61.

Neighbouring and future amenities:

No new material planning considerations would arise in terms of neighbouring amenities and previous conditions to control hours of construction could be attached to any approval. The public protection team is satisfied that any contamination has been dealt with appropriately. No objection is raised under CP57.

Drainage, Flood Risk, Ecology and Biodiversity:

Matters relating to ecology, the watercourse, biodiversity, River Avon SAC and nutrients, drainage and flood risk have been appropriately considered under the previous applications and conditions would be reapplied appropriately to any permission to secure the agreed biodiversity enhancements. The development of the wider site is at an advanced stage and the built systems for the access roads and surface water disposal are still under consideration under PL/2021/10665. Any permission for Unit 3 would be subject to the completion of the drainage provisions being made for the wider site. No objection is raised under CP50, CP67 and CP69.

Community Infrastructure Levy:

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. All development containing at least 100 square metres of new build is chargeable, although residential extensions which are built by 'self builders' are exempt from CIL. An informative would be placed on any permission to advise the developer regarding CIL.

8.4 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.

However, the tilted balance envisaged by para 11 of the NPPF would not be engaged by this proposal as the application of policies in the NPPF that protect areas or assets of particular importance (the Conservation Area) provides a clear reason for refusing the development.

Only very modest weight can be attached to the provision of one additional housing unit on this site, particularly given the extant consent for a conversion of the existing structure to provide the unit.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Great weight must be attached to the heritage asset's conservation by the NPPF. CP48 further supports the conversion of existing rural buildings where this would safeguard heritage assets.

Unit 3 is the last remaining C19th building on the site and the only surviving building from the model farm, from which the Conservation Area derives a significant proportion of its character in this part of Netherhampton. The harm arising from the loss is considered to be 'less than substantial', and a balancing exercise is required by the NPPF and the public benefits may be weighed against the harm.

Given that no clear justification has been offered for the harmful work as required by the NPPF, and that there are no benefits offered by this proposal that weren't provided by the approved scheme, the harm arising from the loss of the last remaining original building is not considered to be outweighed.

On balancing all the material planning issues, this matter is considered to assume supremacy over other considerations. Officers conclude that the existing building (parts of which have already been removed without consent) should be repaired from its existing state back to its original form using the stone salvaged and stored on site and repaired/extended as previously approved.

For this reason, the application should be refused as the potential harm identified to areas and assets of particular importance (the Conservation Area) provides a clear reason for refusing the development as proposed.

The complete loss and demolition of this original building and its replacement with a modern structure would be detrimental to the significance, character and setting of the Conservation Area, contrary to the NPPF, CP48 and CP58.

9. RECOMMENDATION: REFUSE

For the following reasons:

Unit 3 is the last remaining C19th building on the site and the only surviving building from the model farm, from which the Conservation Area derives a significant proportion of its character in this part of Netherhampton. The harm arising from the loss and demolition of Unit 3 is considered to be 'less than substantial'. Given that no clear justification has been offered for the harmful work, and that there are no benefits offered by this proposal that weren't provided by the approved scheme, the harm arising from the loss of the last remaining original building is not outweighed. The complete loss and demolition of this original building and its replacement with a modern, new build structure would result in the loss of a heritage asset that would be detrimental to the significance, character and setting of the Conservation Area, contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework paras 200, 202 and 206 and Wiltshire Core Strategy Core Policies 48 and 58.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEE

Report No.

Date of Meeting	29 June 2023
Application Number	PL/2022/08374
Site Address	26 Firs Road, Firsdwn, Salisbury SP5 1SQ
Proposal	Construction of single storey detached dwelling and associated PTP together with provision of replacement PTP for existing dwelling
Applicant	Mr & Mrs Britten
Town/Parish Council	Firsdwn
Electoral Division	Winterslow & Upper Bourne Valley – Cllr Rich Rogers
Grid Ref	53.620291, -6.034224
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

At the request of the elected member Cllr Rich Rogers due to the proposed dwelling being situated in close proximity to the road junction of llynton Avenue and Firs Road with hazardous vehicular access for pedestrians and all road users, out of keeping with its surroundings and leading to cramped site for existing dwelling, precedent for further similar developments and pressure to existing residents by an increase in on-street parking.

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

1. Principle of development
2. Character of the area
3. Residential amenity
4. Highway issues
5. Drainage
6. Ecology (Nitrates)
7. Other issues raised

3. Site Description

The site is situated in the village of Firsdown, defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP23 (Southern Wiltshire Community Area). As a Small Village there is no defined village boundary for the settlement. The site lies outside any Conservation Area and there are no Listed Buildings in the immediate locality.

The application site is located on Firs Road, the main road through the settlement, and is currently developed with a detached bungalow which is set back from Firs Road and has an existing vehicular access from Ilynton Avenue, a residential development comprising of detached bungalows two-storey dwellings with a small number of single storey dwellings located on spacious plots. The access is situated close to the junction with Firs Road. The existing dwelling also has a garage to the north of the dwelling which is accessed directly from Ilynton Avenue further into the side road.

The plot of land currently forms part of the residential curtilage to 26 Firs Road. A timber panel timber fence has been erected between the dwelling and the plot. The retained garden for 26 Firs Road now comprises land to the west of the bungalow, which is enclosed from the pavement/public highway by a 1.8 metre height timber panel fence.

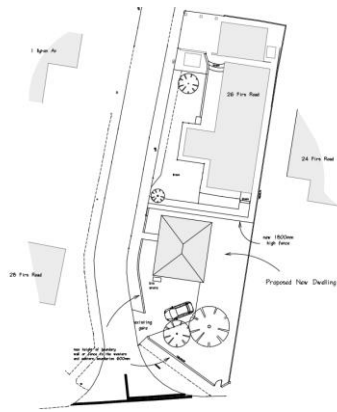
The application site has two immediately adjacent neighbouring properties, 24 Firs Road, a detached dormer style bungalow with substantial grounds to the front of the property, and 2A Ilynton Avenue, a detached bungalow.

4. Planning History

S/1985/1212 - Erection of car port – Approved with conditions

S/1987/1070 - Single storey extension – Approved with conditions

19/04304/FUL – Construction of single storey detached dwelling – Approved 28.6.2019



West Elevation



South Elevation



North Elevation



Floor Plan

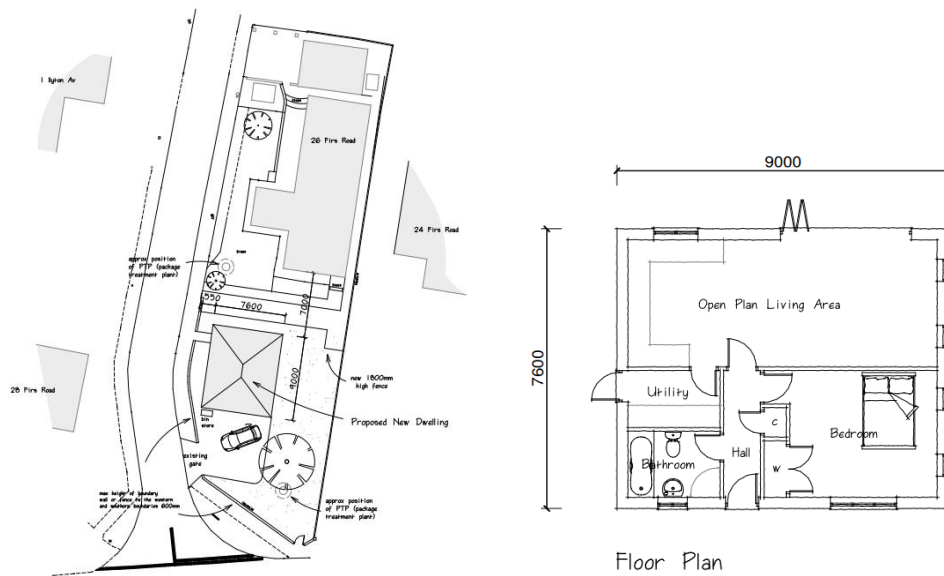


East Elevation

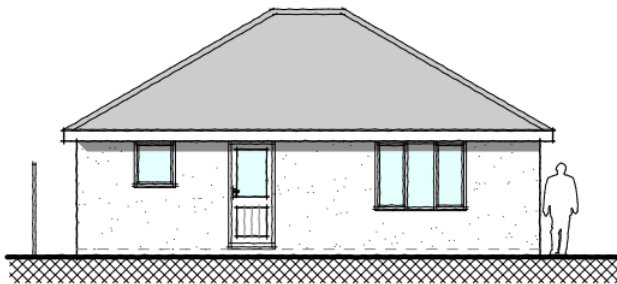
Approved Site Plan, Elevations and Floor Plan

5. The Proposal

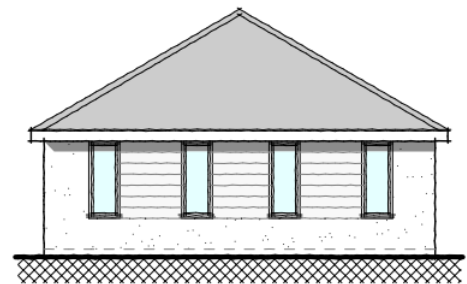
The proposal is a full application for the construction of a new detached single storey 1 bedroom dwelling which would be served by the existing vehicular access to the site and parking space . The design of the bungalow has a simple hipped roof form. The dwelling would be served by a new PTP and would also require a new PTP to serve the existing dwelling as a result of the location of the existing septic tank. Consequently the application has been revised to include drainage provision for both existing and proposed dwellings.



Proposed Site and Floor Plans



West Elevation



South Elevation

Elevations facing Ilynton Avenue (West) and Firs Road (South)

The site layout, elevations and floor plans, as shown above, are as previously approved other than the siting of the proposed dwelling and dividing boundary is now positioned approximately 2 metres further to the south than approved.

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 23 – Spatial Strategy for the South Wiltshire 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

Salisbury District Local Plan (2003)

Saved policy C6 – Special Landscape Area

National Planning Policy Framework 2019

In particular: Section 4 (decision making); Section 11 (making effective use of land); Section 12 (achieving well- designed places);

Government Planning Practice Guidance

National Design Guide

Habitat Regulations 2017

7. Summary of consultation responses

Firsdown Parish Council –

Firsdown Parish Council objects to this application, because of the proximity of the access to the junction of Ilynton Avenue & Firs Road and the bus stop on Firs Road, the impact on the sight lines for traffic leaving Ilynton Avenue, and the access requirements for the existing broadband infrastructure cabinets.

No comment to make about the amended plans, but continues to object to the overall planning proposal.

WC Highways –

The application is similar to 19/04304 and 22/03393 apart from the proposed new dwelling being moved slightly further away from the existing bungalow.

The proposal utilises an existing vehicle access and dropped kerb as the vehicle access into the site. The parking area has been adjusted accordingly as the building has been moved and therefore adequate off street parking is proposed for the development to meet Wiltshire's current parking standards.

I wish to raise no highway objection providing the following conditions are imposed:

The development hereby permitted shall not be occupied until the whole of the boundary treatment over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level, and maintained as such thereafter. REASON: In the interests of highway safety.

The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway and/or 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

Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway. REASON: To ensure that the highway is not inundated with private water.

The vehicle access and parking area shall remain ungated. REASON: In the interests of highway safety.

No part of the development hereby permitted shall be occupied until the access & parking area have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials. REASON: In the interests of highway safety.

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

The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk

WC Ecology -

There is no lab certificate with the brochure of the PTP so I have assumed PTP default in the calculation.

Existing – 1 house and 1 septic tank
Proposed – 2 houses and 2 ptps as brochure (default)

The mitigation budget is – proposed load minus existing so $17.9 - 11.9 = 6\text{kg}$

If they adopt a high spec PTP -

Existing – 1 house and 1 septic tank
Proposed – 2 houses and 2 ptps high spec

The mitigation budget is – proposed load minus existing so $2.02 - 11.9 = -9.88$ (so no mitigation needed)

If high spec PTPs are to be used instead of the proposed PTP, the following conditions are suggested:

Water efficiency condition

The overnight 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) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report 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 prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

PTP Condition

The proposed package treatment plant and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved (insert detail). Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development. REASON: To provide ongoing and adequate nutrient mitigation for the Solent Protected Sites catchment for the life of the development and to ensure that any future PTP is of an equivalent or improved standard.

Non Mains Drainage Informative:

A non-mains sewerage system is proposed. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality". Any installation of a Package Treatment Plant needs to meet approval of Environment Agency's requirements under their permitting role.

WC Drainage

The foul system proposed would require consent from the EA under their binding rules and comply with Building Regulations.

8. Publicity

The application was publicised by neighbour notification to properties immediately adjacent to the site. Re-consultation by neighbour notification has been undertaken following the receipt of revised plans with the amended red line site area to include the existing dwelling as a result of the need for a new package treatment plant. Representations from third parties have been received in objection to the proposal and comments are summarised as follows:

Objections:

- 26 Firs Road has a tiny front garden compared to many other properties in Firs Road
- If a dwelling is allowed it will possibly set a precedent and the whole look of Firs Road destroyed
- The new dwelling is tiny
- If small dwellings are needed planning permission could be granted on the Winterslow side of the village for single occupancy
- The village has no amenities, except for a play area, which would be of no use to someone living in a tiny one-bedroomed dwelling
- Anyone with an iota of common sense would immediately object to this application if they had visited Firsdown
- The entrance to Ilynton Avenue, where the access to and egress from this development would exist, is barely wide enough for two vehicles to pass
- There are four BT cabinets at entrance to Ilynton Avenue – vehicles are frequently parked there to deal with the broadband boxes
- The brick wall on the Firs Road boundary of No. 26 already makes it difficult to drive out of Ilynton Avenue
- No. 28 has retained the low boundary wall which enables a full view of traffic coming down Firs Road but it is quite difficult to see traffic coming up Firs Road when exiting Ilynton Avenue in a car
- The site is too small to provide a second property
- Drainage and traffic are particular problems
- Firsdown has no mains drainage/sewerage
- Provision has to be by septic tanks
- A second tank would be needed
- Question if land is sufficient for associated drainage pipework

- 26 Firs Road has a bus stop East bound - the rear of the bus protrudes across Ilynton Avenue which is a busy cul de sac
- This is a small plot - it is fantasy to suggest it is starter home
- Couples fearing pregnancy would have a problem putting in another room
- This is a very busy junction and the traffic dangers must not be ignored
- Some years back Wiltshire Council advised Firsdown Parish Council that infilling would not be permitted in Firsdown as it was considered an unsustainable village (their phrase not ours)
- This application is a mockery of this statement
- This new application occupies a small amount of land and the new building is likely to be tiny which suggests a lack of merit
- There are double gates currently and presumably continuously close to the junction of Firs Road and Ilynton Avenue, which is the busiest of the five cul-de-sacs in Firsdown
- When fully used these could cause serious traffic problems
- No attempt was made by applicant to consult nearby neighbours
- Site visit is needed.
- The proposed location of a packaged treatment plant in SE corner of new property would require a service vehicle to empty the tank parking on the corner of a very busy junction, almost on the corner itself.
- Service or fuel delivery vehicles could park where it would impede buses stopping at bus stop and expose children and elderly passengers to danger

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. At the Small Villages development will be limited to infill within the existing built area.

Core Policy 23 confirms that development in the South Wiltshire Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and growth in the South Wiltshire Community Area 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. Firsdown is designated as a small village under Core Policy 23. Under the core strategy there are no designated settlement boundaries to define the limits of 'the existing built area' for small villages or other small settlements. For small villages, therefore, development will be limited to infill development which:

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

Whilst the settlement boundaries for small villages contained within the Salisbury Local Plan have not been saved under the Wiltshire Core Strategy and therefore the presumption in favour of development within these smaller settlements is removed, the previous limits of development are useful for the assessment of whether the proposal site can be considered to be physically within the settlement or outside of it. The identified site was included within the previous limits of development for Firsdown and the existing dwelling is clearly within the existing built up area of the village, being in a central location of the settlement. It is therefore considered that the proposal can be considered in principle to represent an acceptable form of development in the curtilage of an existing dwelling within the built-up area of the settlement. There would clearly be no encroachment into the surrounding countryside and development would not elongate the small village settlement, as reflected in the former policy boundary area.

It is further noted that a dwelling on this site was approved in 2019 under the same development plan policies as the current application is to be considered. The current application is made as the siting of the bungalow and boundary with the host property has been repositioned approximately 2 metres further to the south (towards Firs Road), creating a smaller plot overall. Otherwise the layout, floor plan and elevations are as previously approved. The earlier permission lapsed in June 2022 and is no longer a fallback, however it established the principle acceptability of a dwelling on the site.

Whilst changes to the NPPF have been made in 2021, for example in respect of design, such changes do not fundamentally alter the consideration of principle of this proposal. There is no 'in principle' reason for refusal for the current application given that it is within the built-up area of an identified settlement having regard to Core Policies 1, 2 and 23 of the WCS and as confirmed by the fact that it was within the housing policy boundary of the Salisbury Local Plan, and having regard to the principle being established by the granting of permission as recently as 2019. In the absence of any relevant policy change since the earlier permission, a reason for refusal on principle could not now be argued and the principle of a dwelling remains capable of support subject to meeting the relevant criteria for small scale development in small villages. Whilst noting third party representations there are no grounds to suggest that infill development does not apply to small villages as defined by the WCS.

In view of the above, the principle of small-scale development of a single dwelling within the existing built-up area of a small village settlement can be considered acceptable in terms of the settlement strategy of the WCS. The acceptability of the scheme is subject to detailed

consideration of the site-specific constraints and impacts, in this case the access and parking arrangement, the visual impact of the proposed development and relationship with the existing built form and residential properties form the main considerations in the assessment of whether the site is capable of accommodating the proposed dwelling. Additionally, the means of drainage and impact on nitrates within the River Test catchment area, must be addressed.

9.2 Character of the area

The proposal is for a new dwelling to be sited on land to the south of an existing dwelling between the existing dwelling and main highway through the settlement, Firs Road. The site also has a boundary with Llynton Avenue where it would appear to the side of the host dwelling. As described above, the development of a dwelling on this site would not elongate the small village settlement or encroach into the surrounding countryside and is considered to constitute infill in this context.

From the vantage point of Llynton Avenue, a dwelling on this site would appear as a continuation of the existing development of bungalows, however from the vantage point of Firs Road, the dwelling would appear forward of the immediately adjacent property which fronts onto Firs Road due to the significant set back/front curtilage of that property and several other properties in an easterly direction from the site. On the opposite side of Llynton Avenue properties numbered 28 to 34 Firs Road are however sited noticeably closer to the highway. The proposed site layout indicates that whilst the dwelling is set further forward than the proposed dwelling it does not encroach further towards Firs Road than numbers 20, 28 and 34 Firs Road, and as such it cannot be demonstrated that the position of a single-storey dwelling in this position would be wholly out of character in the streetscene.

The proposed dwelling is positioned relatively close to the boundary with Llynton Avenue but retains some separation, as can be seen in the site plan extract earlier in the report.

It is considered that the simple design, modest scale and proposed materials would result in a visually acceptable form of development in the context of the locality.

Package treatment plants are below ground and would not result in a visual impact.

9.3 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 two residential properties, 26 Firs Road to the north and 24 Firs Road to the east. The west and southern boundaries are formed by public highways such that the distance to properties of the opposite side of the road is sufficient when considering that closer views are afforded from the public domain.

Whilst the host property has an address in Firs Road, it relates more closely to the development in Ilynton Avenue, as such the proposed dwelling would effectively be sited to the side of the host dwelling rather than its front. Due to the single storey nature of the building and its small mass with hipped roof, it is not considered that there would be any overbearing or overshadowing impacts to the host dwelling or the immediately adjacent property at No. 24 Firs Road. There would also be no loss of privacy resulting from ground floor windows and doors.

The proposed amenity space is proportionate to the size of the proposed dwelling. Whilst the retained garden area of the host dwelling is significantly reduced and the site area has been maintained as a garden/additional parking area, the private enclosed amenity space of this property is unaffected by the sub-division of the plot.

It is considered that the proposed dwelling can be provided without any demonstrable loss of amenity to the existing dwelling through overlooking, overshadowing or unacceptable loss of amenity space. The provision of individual septic tanks is acknowledged as necessary in this location and the proposed package treatment plants are not considered to result in amenity concerns.

9.4 Highways issues

The proposed dwelling would be accessed off Ilynton Avenue, close to its junction with Firs Road, as such the proposal does not necessitate the creation of a new or significantly altered access. Parish council and third-party objections have been received regarding the impact of an access in this location having regard to the position of a bus stop and BT broadband kiosks and the busy nature of the junction. However, it is noted that the access is existing and there is no limitation on its use for parking and access to the host dwelling. The existing access would be used solely by the proposed dwelling and would not be shared as the existing access would utilise its existing car port to the north with a separate pedestrian access gate provided.

Consultation has been undertaken with the Council's Highways Officer who has not raised any objection in principle to the additional dwelling and associated vehicle movements on the basis that it is an existing access, subject to suggested conditions.

The proposal is for a one bedroomed dwelling, the required parking provision for such is one parking space. The proposed layout confirms that sufficient parking space can be achieved to meet Wiltshire Council's parking standards for the proposed dwelling. It would not be reasonable to refuse permission on the grounds that the adopted car parking standards are met but on street parking could occur.

In terms of the location of the bus stop and BT equipment raised by third parties, there is no change in the relationship of these features with the existing vehicular access. Additionally with specific regard to the nature and frequency of emptying of the proposed package treatment plant, the usual frequency for this is annual. A reason for refusal on the grounds of risk to highway users and pedestrians cannot be sustained where there would be no new access or intensification of use of an existing access.

In view of the Highways Officer raising no objection on highway safety and the plans demonstrating that the parking standard can be met, conditions are considered appropriate and a reason for refusal would not be sustainable.

9.5 Drainage

It is acknowledged that there is no mains sewerage provision in Firsdow and therefore non-mains drainage can be accepted. The existing property is served by a septic tank which will need to be relocated for the dwelling to be constructed. The proposed dwelling will need its own, or shared, means of private foul drainage system. It is therefore proposed to install a new package treatment plant for the existing dwelling, to be located within the retained curtilage of the dwelling, with a separate PTP for the proposed dwelling. Whilst private means of drainage is accepted in principle where there is no mains provision, the Council's drainage officer has confirmed that the foul drainage scheme will need consent from the Environment Agency as well as compliance with the Building Regulations. These are separate consenting regimes which cannot be discharged by condition attached to the planning permission. An informative which sets out the requirement for these consents is therefore recommended.

9.6 Ecology

This development falls within the catchment of the River Test. WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

The Solent water environment is one of the most important for wildlife in the United Kingdom. It is protected under the Water Environment Regulations and the Habitats Regulations 2017 as well as through national legislation for many parts of the coastline and adjacent maritime areas. Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from waste water from existing housing and other development.

Under the Habitats Regulations, where a land use authorisation has the potential to adversely affect a European site, it is necessary for the "competent authority" to consider whether the activity being authorised would impact on any of the designated features and if so to undertake an appropriate assessment to determine whether there is a risk it could lead to a loss of the integrity of the site either alone or in combination with other plans and projects. The 'competent authority', for planning applications is 'the Local Planning Authority'.

Regulation 63 of the Habitats Regulations 2017 states the responsibilities for competent authorities thus:

- (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
 - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.
- (2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

The Local Planning Authority must therefore give greater scrutiny to the effects of development on such sites.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated March 2020). Whilst this application site is some distance from the European Sites, Natural England's advice applies to all new planning permissions for new residential development within the catchment, no matter how small. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and an Appropriate Assessment (AA) is required under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

Natural England has advised that the principal nutrient that drives excessive enrichment in the marine environment is nitrogen. In order to avoid impacts on the European sites, it advises that all development with the potential to give rise to additional nitrogen should achieve nitrogen neutrality before the development is occupied. The above explains how to prepare nutrient budgets before and after a new development is occupied.

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 nitrates in wastewater. Based on the installation of a default PTP system, as proposed, calculations indicate that there would need to be a significant offset of nitrates through the Council's credit scheme and the certificate provided by the system manufacture does not include a figure for nitrates to suggest that it can be treated other than a standard system for which the default calculations apply. However, the Council's ecologist has confirmed that the use of a higher efficiency model would enable the proposal to demonstrate nutrient neutrality. The applicant has therefore agreed to use a PTP model for which a certificate is available and which would not necessitate the provision of a Unilateral Undertaking for the purposes of purchasing mitigation credits to offset increased nutrients.

As the proposal has now been revised to utilise high spec PTPs (Solido Smart) which can demonstrate there would be a decrease in nitrates from the current situation of an existing septic tank serving the existing single dwelling. It is therefore concluded that the proposal can be screened out of the requirement for Appropriate Assessment on the basis that it can be demonstrated with sufficient certainty that there will be no adverse effects on the Solent SACs and SPAs, alone and in-combination with other plans and projects subject to conditions to ensure the use of the high spec PTPs and water usage.

9.7 Other considerations

The approval of the proposed development does not set a precedent for other such developments, the established Core Policy 2 allows for such development to be considered on its merits regardless of the outcome of the current application.

Concerns are raised that the property has a single bedroom. There is no policy reason that a small dwelling should be considered to be without merit.

10. Conclusion (The Planning Balance)

The principle of a single dwelling can be supported in a small village settlement having regard to the adopted development plan (WCS). Whilst now lapsed, a similar scheme for a dwelling on the site was approved in 2019 which established the principle of development. The proposed means of access and parking arrangement for the proposed dwelling does not raise any overriding highway safety concerns and no objection is raised by the highways officer on the basis that the access is existing and the existing dwelling retains a separate means of access to the car port which provides for the minimum parking standard of 2 spaces. The proposal is for a modest dwelling which is considered to be visually compatible with existing residential properties. The amenities of existing occupiers would not be materially harmed. Taking into account the objections to the proposal with regard to the nature of the existing access and parking provision in this locality and the visual impact/relationship with surroundings, it is concluded that there are no material considerations in the planning balance which would result in demonstrable harm or impacts that would weigh convincingly against approval of development having regard to the principle acceptability of development and paragraph 11 of the National Planning Policy Framework 2021.

RECOMMENDATION

Approve subject to the following conditions:

Conditions: (12)

- 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:

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

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

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

- 4 The proposed package treatment plants and associated drainage fields shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved, namely the Rewaltec Solido Smart system. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plants and drainage fields shall be installed, connected and available for use before the new dwelling is occupied and shall be maintained and operated thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the Solent Protected Sites catchment for the life of the development and to ensure that any future PTP is of an equivalent or improved standard.

- 5 The overnight 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) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report 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 prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 6 The development hereby permitted shall not be occupied until the whole of the boundary treatment over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level, and maintained as such thereafter.

REASON: In the interests of highway safety.

- 7 The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway and/or 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.

- 8 No part of the development hereby permitted shall be occupied until the access & parking area have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

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

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

- 10 The vehicle access and parking area shall remain ungated.

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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted above ground-floor ceiling height.

REASON: In the interests of residential amenity and privacy.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area and visibility.

- 14 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

Informatives: (6)

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.

If the application involves an alteration to the existing vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on

vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

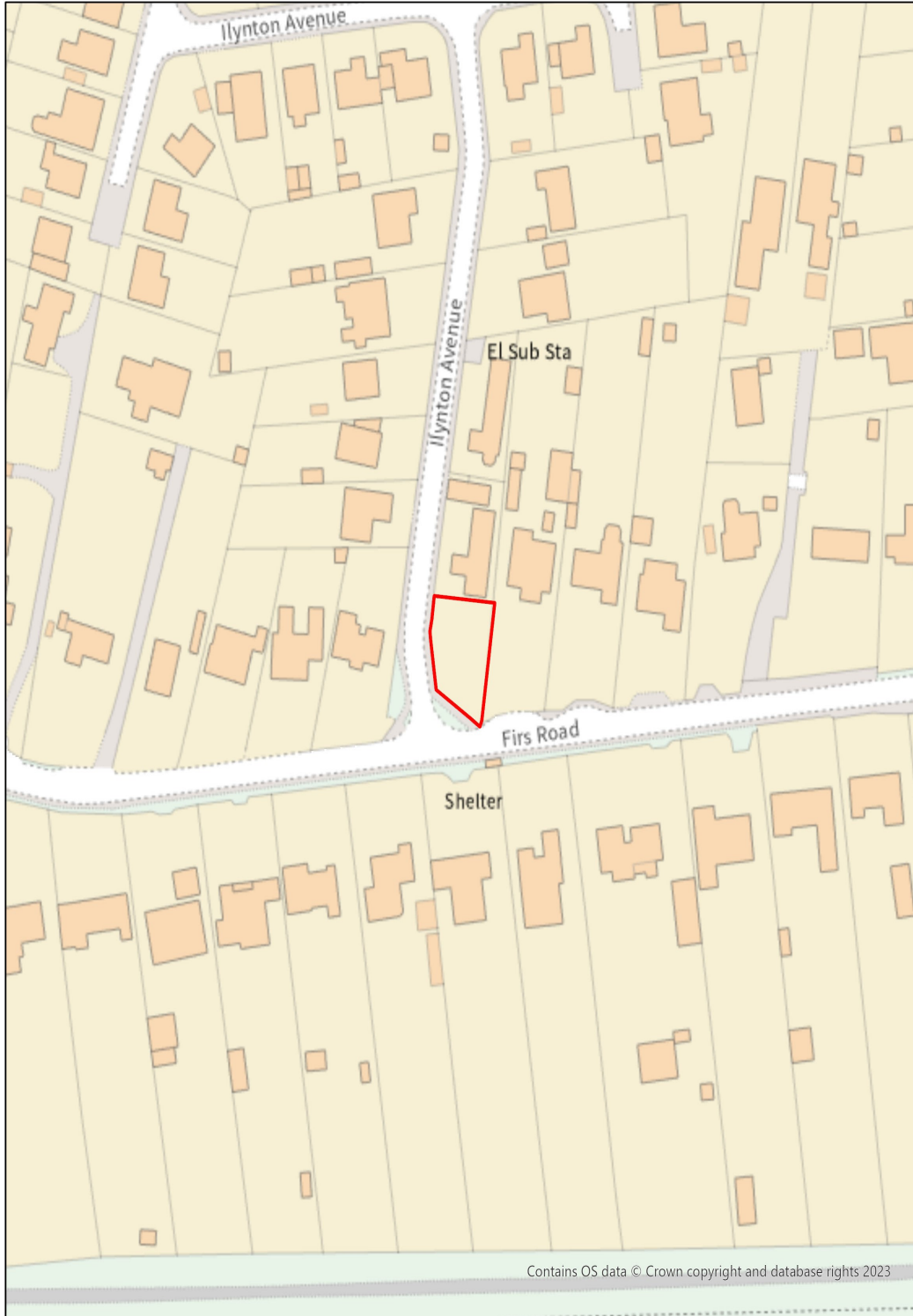
The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk

A non-mains sewerage system is proposed. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year and need for compliance with Building Regulations. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality". Any installation of a Package Treatment Plant also needs to meet approval of the Environment Agency's requirements under their permitting role.

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.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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