

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	14/11/2019
Application Number	19/00211/FUL
Site Address	124 Wilton Road Salisbury Wiltshire SP2 7JZ
Proposal	Demolition of existing unused building and erection of 5 residential dwellings with associated access, parking and amenity
Applicant	Mr Will Gray
Town/Parish Council	SALISBURY CITY
Electoral Division	Cllr John Walsh
Grid Ref	412655 130681
Type of application	Full Planning
Case Officer	Lucy Minting

Reason for the application being considered by Committee

Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations and a third party representation of objection has been received.

1. Purpose of Report

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

2. Report Summary

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

- Principle of development
- Impact to the living conditions of proposed and nearby properties
- The impact on the character and appearance of the area
- Highway safety
- Ecology:
 - Mining bee habitat
 - River Avon Special Area of Conservation - Appropriate Assessment & Phosphate Neutral Development
- Sustainable construction
- S106 contributions & CIL
- Other issues

The application has generated 1 third party representation of objection, 1 third party representation from the Salisbury and Wilton Swifts (SAWS) and No comments from Salisbury City Council

3. Site Description

The site is located on the corner of Wilton Road and New Zealand Avenue. It is currently occupied by an existing building which takes up the majority of the site area with vehicular access from New Zealand Avenue.

The topography of the site has considerable level changes with the site sloping downhill towards Wilton Road, with banks, steps and retaining walls to the site boundaries.

The surrounding area contains a mix of uses, but comprises primarily two storey residential properties (a mix of detached, semi-detached and terraced dwellings):



The Local Planning Authority records do not include an original planning consent for the building, as it is likely to pre-date planning. Old OS maps list the building as a Territorial Army Centre and The Royal Yeomanry Drill Hall.

The building was previously in use as a Youth Centre; and as such it is considered to constitute a D1 Non-residential institution Use Class. The existing building is not a listed building, although the existing building frontage to the two roads provides interest to Wilton Road and New Zealand Avenue with its mansard roofs, numerous dormers, openings and fenestration.

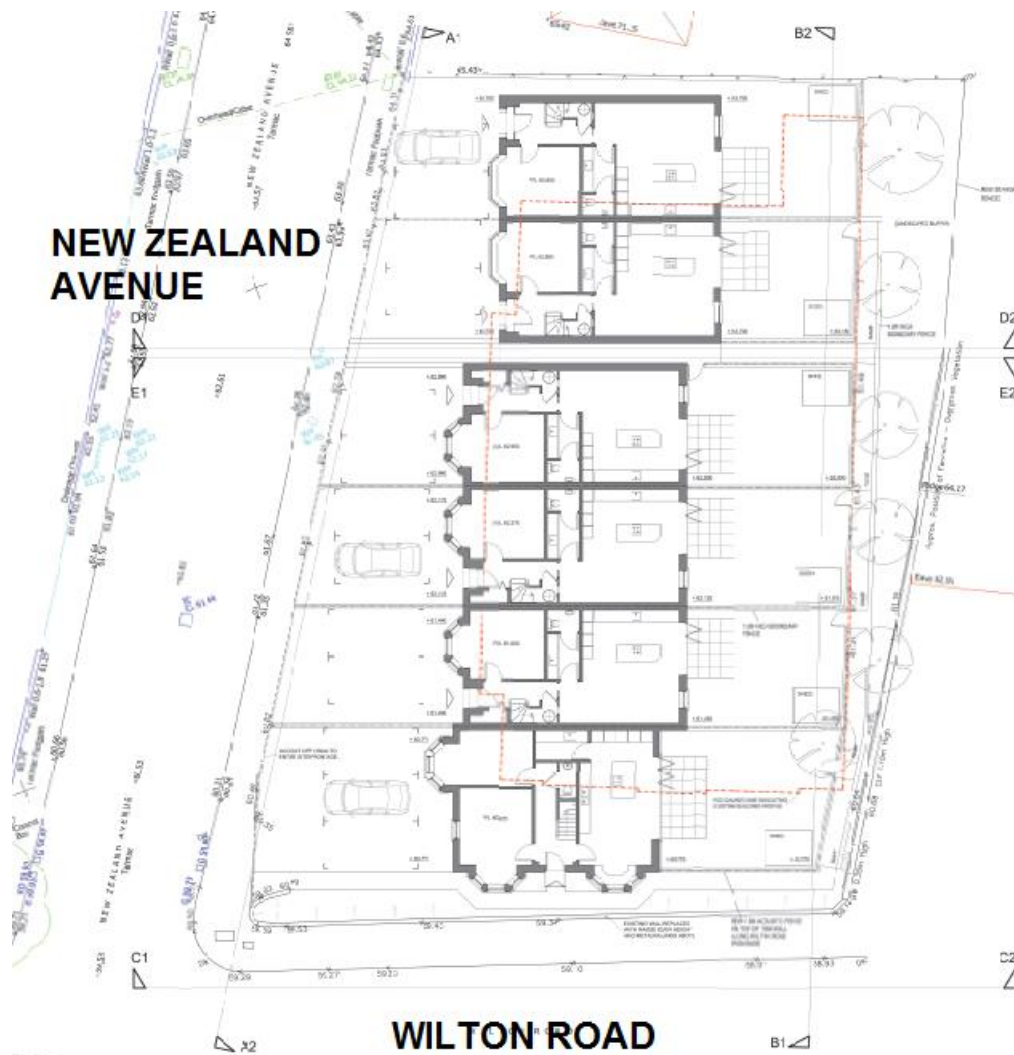
4. Planning History

Application Ref	Proposal	Decision
17/04675/FUL	Demolition of the existing building and erection of six new homes, with associated parking and hard and soft landscaping.	Refused 16/11/2017
S/2009/1217	Insert 3 windows at first floor level on east side elevation	Approved 09/10/2009
S/1990/1442	Change of use of former caretaker's flat from residential to use by the activity centre as storage space and project rooms	Approved 14/11/1990

5. The Proposal

Background:

Full planning consent was refused for a scheme for to demolish all existing buildings and replace with 6 dwellings on the site under 17/04675/FUL. This proposed the removal of the bank to Wilton Road, the creation of forecourt parking across the entirety of the New Zealand Avenue frontage and a 3m high acoustic fence to the Wilton Road frontage.



Site plan extract of refused scheme

The application was refused on impact to highway safety grounds, impact to the character and appearance of the area and loss of Mining Bee habitat in the bank to the Wilton Road frontage:

1 Vehicles resulting from the southernmost Plot 6 entering and leaving the site close to the A36 trunk road junction at a point where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety, contrary to Core Policies 57 and 61 of the Adopted Wiltshire Core Strategy, the aims of the Wiltshire Local Transport Plan 2011-2026, and guidance within the National Planning Policy Framework and Planning Practice Guidance.

2 The area has a general overall feeling of openness and spaciousness and characterised by soft landscaping. The proposals involve the loss of existing substantial grass banks to Wilton Road and New Zealand Road frontages. The amount of development proposed and loss of landscaping/the extent of frontage/forecourt parking proposed along New Zealand Avenue and hard landscaping means that the development would be vehicle and hard landscaping dominated. The addition of a 3m high fence to the boundary of plot 1 with Wilton Road (recommended as necessary for noise mitigation for the dwellings) is also considered to result in an incongruous and prominent feature within the street scene. Overall it is considered that the proposal will amount to an overdevelopment of the site to the detriment

of the character and appearance of the area and will not respond positively to or integrate into its setting within the existing townscape.

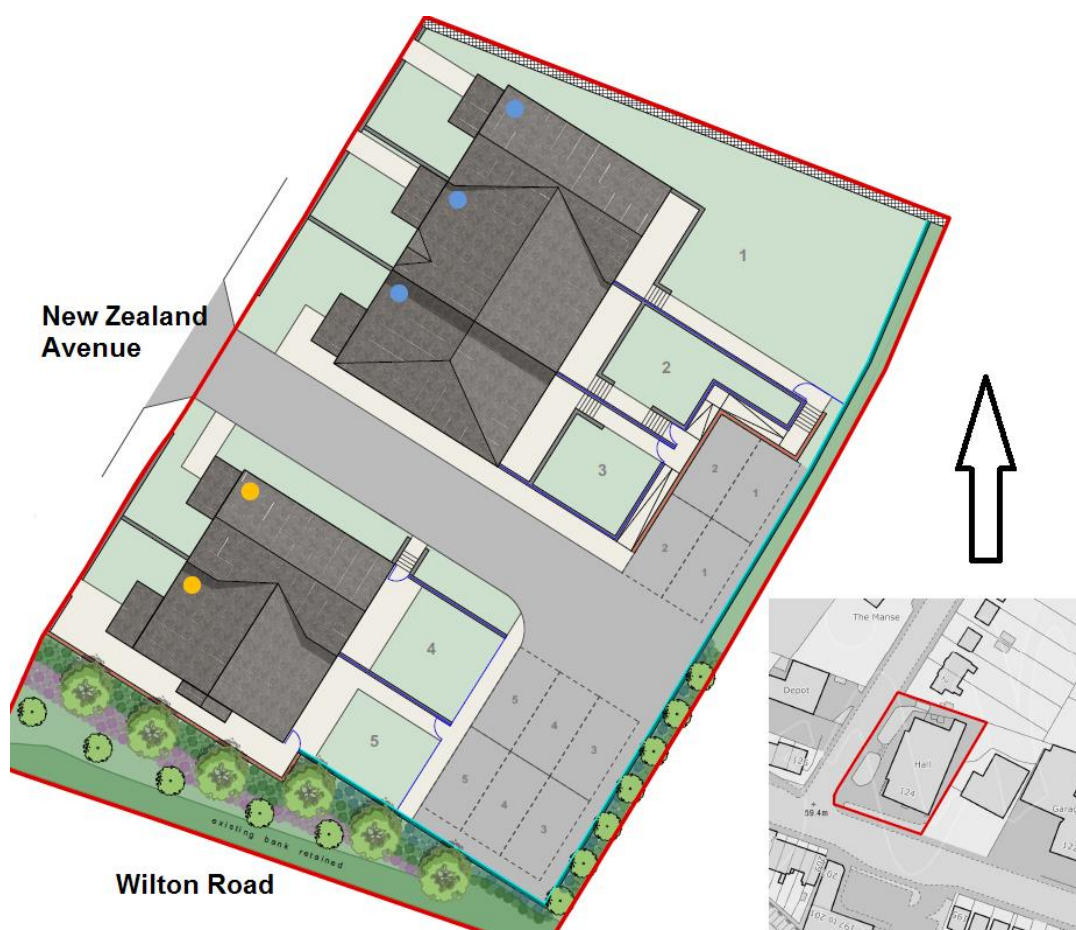
Notwithstanding the harm caused to the character of the site, the southern and western areas of grassy slope are also habitat to Mining Bees. Whilst Mining Bees are not a species strictly protected in its own right, Core Policy 50 seeks to protect and enhance areas important for wildlife, regardless of the conservation status of the habitat or species. It is not considered that replacement with domestic gardens is sufficient mitigation because there is no control over the individual owners' treatment of their gardens.

The development is therefore considered to be contrary to Core Policy 50, 51, & 57 of the Wiltshire Core Strategy, guidance within the National Planning Policy Framework and Planning Practice Guidance (in particular paragraph 17 of the NPPF), and Objective 16 of the Council's Design Guide 'Creating Places'.

This scheme:

The proposal now under consideration involves the demolition of all existing buildings on the site and replacement with a terrace of four 3 bedroom dwellings and a pair of 2 bedroom semi-detached dwellings with a single vehicular access from New Zealand Avenue to a parking area to the rear of the site.

8 car parking spaces are proposed (2 for each of the dwellings):



Site plan extract of proposed scheme

6. Local Planning Policy

Wiltshire Core Strategy:

Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 3 - Infrastructure Requirements
Core Policy 20 - Salisbury Community Area
Core Policy 41 - Sustainable Construction and Low Carbon Energy
Core Policy 50 - Biodiversity & Geodiversity
Core Policy 55 - Air Quality
Core Policy 56 - Contaminated land
Core Policy 57 - Ensuring high quality design and place shaping
Core Policy 60 - Sustainable Transport
Core Policy 61 -Transport and New Development
Core Policy 62 -Development Impacts on the Transport Network
Core Policy 63 - Transport Strategies
Core Policy 64 -Demand Management
Core Policy 66 - Strategic Transport Network
Core Policy 68 - Water resources
Core Policy 69 - Protection of the River Avon SAC

Adopted Salisbury District Local Plan saved policies listed in Appendix D, of the Wiltshire Core Strategy:

R2 - Open space provision
H8 – Salisbury Housing Policy Boundary

Wiltshire Local Transport Plan (3) 2011-2026.

Car Parking Strategy
Cycling Strategy

Government Guidance:

National Planning Policy Framework (NPPF)
Planning Practice Guidance
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019

Supplementary Planning Guidance:

Councils Adopted Supplementary Planning Document 'Creating Places'.
Conservation of Habitats and Species Regulations

7. Summary of consultation responses

Highways England: No objections

We have reviewed the new information and are content that these will not have any detrimental effect on the Strategic Road Network.

WC Highways: Comments

Whilst the proposed layout is generally acceptable in highway terms, I would make the following initial comments:

Current parking standards require 1 unallocated visitor parking space (0.2 spaces per dwelling) which has not been provided.

It is not clear from the submitted details what boundary treatment is proposed along the New Zealand Road site frontage. In the interests of highway safety I would expect nothing over 600mm in height above the adjoining carriageway level, to be planted, erected or

maintained in front of a line measured from a point 2.0m back from the carriageway edge, extending across the whole site frontage in the form of a parallel strip.

Public Protection: No objections

Noise

The application site is located immediately next to the busy A36 and a number of noisy businesses including Bathwick Tyres, Hyundai Garage and the Co-op Store which may all impact on the amenity of the proposed residential properties. A noise impact assessment has been carried out and an updated report submitted.

In order to meet internal amenity levels in habitable rooms, windows on properties should be closed, therefore mitigation including the installation of MVHR has been recommended. In addition a 3m high acoustic fence, with 1.8m high internal acoustic fence has also been recommended to achieve the lowest practicable levels for the outside amenity spaces. Even with this mitigation the projected external noise levels will still exceed WHO/ BS8233:2014 guidelines of an upper limit of 55dB daytime and 50dB night time. The applicant has commented that *'if deemed permissible; (visual and construction constraints) then the screen height could be raised which would further improve external amenity noise levels'*.

It is recognised that the guideline values are not achievable in all circumstances where development might be desirable particularly in higher noise areas. In such situations development should be designed to achieve the lowest practicable levels in external amenity spaces but should not be prohibited. You may therefore have a view as to whether the acoustic barrier should be raised to further improve external amenity noise levels.

Air Quality

It is noted that the development is below the threshold for which an Air Quality Assessment or Screening Assessment would be required, however we are keen to promote contributions towards reducing vehicle emissions across Wiltshire in keeping with our current Air Quality Strategy and Core Policy 55. In this regard we are keen to see the uptake of Ultra Low Energy Vehicle (ULEV) Infrastructure and to this end would ask that the applicant consider what ULEV infrastructure could be incorporated at this development e.g. Electric Vehicle Charging. This is being done at other developments currently and should serve to enhance their environmental image and marketability.

I recommend the following conditions are applied to any approval of this application (noise attenuation measures for the dwellings and external space, hours of construction/demolition, construction management plan, contaminated land investigation and no burning of waste.

Urban Design: No objections subject to conditions

Boundary Treatments - Additional drawings submitted establish the design quality and overall appearance of enclosure to the site boundaries which are now acceptable to respect the characteristic quality of neighbouring historic plot frontages along Wilton Road (subject to proper oversailing, cappings to piers and oversailing copings to plinth wall and a timber top rail to vertical close boarded fence face for quality of appearance):

- The high boundary has been set back on drawing 5832-P-12F to follow through with the Wilton Road building line of house 5.
- A detailed Landscape Plan and specification is necessary to establish the quality and likely effectiveness of the landscaping strip to visually mitigate frontage in the context and setting of Wilton Road particularly as this is a prominent frontage to a major highway. This may be subject of a planning condition and need to indicate how new

planting or regrading does not intrude on the ecologically significant existing Mining Bee area.

- There is information on P83 to establish appearance and effect of east boundary with garage.
- The revised elevation drawings now show a regular stepped mid height boundary wall along the back edge of pavement of the New Zealand Avenue boundary and this also indicates that front door thresholds would not be significantly raised above the height of the wall forward of these.
- A detail is necessary to show an oversailing capping to deter staining of these walls over time and also to the top of the retaining wall across the Wilton Road face of house 5 - for example a two course tile creasing below the brick on edge indicated. This is a small but significant eye level detail in respect of the quality of the street scene. This may be a planning condition.

Design - The window design has been adjusted as shown on elevation drawings 5832-P-70c,71c,82F and 83: notably an enlargement of windows to house 5 facing Wilton Road, larger ground floor windows to the New Zealand elevation of all houses and, and the introduction of a vertical subdivision between first floor bedroom windows to front and rear elevations. It should be identified that this subdivision is in masonry i.e. cast/reconstituted stone as shown for the window cills and head which it appears to be on the elevations and not part of the Upvc window frame if it is to satisfactorily reflect this characteristic of neighbouring buildings streets (a large scale detail is therefore advised for these windows). While the first floor windows would have benefitted visually from more height overall these changes would satisfactorily address my concerns.

Materials and finishes to be conditioned (including the 'slate roof tiles' and not incongruous concrete roof tiles in this setting and Oatmeal coloured render not a stark white render)

Ecology: No objections

Please see and retain previous comments submitted by Fiona Elphick on 17/04675/FUL. I have no alternative ecology comments to make in relation to the amended plans I note that the current application also retains the grassed bank for mining bees.

Previous comments –

I note that I am quoted within the Ecology Statement supporting information as having visited the site and stated that bat survey of the building is not required in respect of this proposal. When I inspected the exterior of the building it was apparent that there were no access points since all fascias and soffits are well sealed. The roof is in reasonable condition with no displaced or crooked tiles and the ridge tiles are tightly located with no gaps underneath. In general, the building has been well maintained and has not developed features associated with deterioration that might offer roosting opportunities (e.g. rotten fascia's etc). In addition, the building is in an exposed location subject to bright street lighting. While individual crevice dwelling bats may be able to find limited shelter within the external features of the building, there are no features that would support free-hanging bats and since there is no realistic access to the interior, therefore no potential to support any of the species that require indoor flying space within the roost. I am satisfied that further bat survey would not produce further information. If a bat were to be found roosting opportunistically within the external features, during the demolition works, alternative roosting provision can be easily made without necessitating any alteration to the planning permission. I would be grateful if you would include the informative paragraph set out at the end of this response, in any permission you are minded to give this application.

The majority of the remainder of the site is concrete and tarmac hard standing, together with banks covered with short-mown amenity grass to the southern and western edges of the site. I note, however that a member of the public has observed a substantial colony of mining bees in the bank at the edge of the site facing Wilton Road. A substantial colony such as this is likely to be important to pollination of plants within the local area. There is strong local feeling that the habitat for these bees should be retained and I would request that the bank is retained undisturbed for continued use by bees and other invertebrates.

Archaeology: No objections

Wessex Water: No objections, but information provided which can be added as an informative.

8. Publicity

The application was advertised by press / site notice and neighbour consultation letters.

Salisbury City Council: Has no comment to make

2 third party representations have been received commenting on the application prior to submission of revised plans (*No third party representations have been received commenting on the revised plans*), summarised as follows:

- Welcome redevelopment of the Community Hall which has fallen into disrepair and prone to fly-tipping into high quality detached homes to enhance the setting and context of New Zealand Avenue but current proposal does not achieve this:
- Terrace massing and density is inappropriate for site and context (New Zealand Avenue comprises detached and semi-detached units)
- Communal rear parking area contrary to Secure by Design and will create opportunities for antisocial behaviour (parking to the New Zealand site frontage would be in keeping with neighbouring properties and provide greater amenity space for proposed dwellings)
- Proposed dwellings are too close to the street and not aligned with the frontage of all other existing properties on New Zealand Avenue (existing development should be shown on site layout)
- Poor appearance lacks architectural quality (tiny windows and lean to entrances are not in keeping with neighbouring 1930s high quality properties e.g. missing large bay windows, recessed entrance porches), neither is the proposal of contemporary high quality appearance to stand in its own right
- 2017 refused scheme had appearance in keeping with the context
- Proposed render should be omitted - prone to staining through weathering
- Trees and planting welcomed fronting Wilton Road but no trees proposed to New Zealand Avenue site frontage
- Letter from Salisbury and Wilton Swifts (SAWS) which requests the use of integral 'swift bricks' for the development to enhance biodiversity and support the Council's biodiversity enhancement policy. Reference is made to at least two pairs of swifts nesting within 200m of this site and swifts being an 'amber-listed' species (expected to be classified as 'red listed' species in 2021) and need to protect and enhance biodiversity (Core Policy 50 and NPPF paragraph 170)

9. Planning Considerations

Principle:

The National Planning Policy Framework (NPPF) came into force on 27th March

2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the 'NPPF does not change the statutory status of the development plan as the starting point for decision making' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The proposals are therefore to be considered in the context of the National Planning Policy Framework (NPPF) which sets out Central Government's planning policies, and the adopted Wiltshire Core Strategy (WCS) which also includes some saved policies of the Salisbury District Local Plan (SDLP); and the Wiltshire Local Transport Plan (3) 2011-2026.

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

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

Core Policy 1 of the WCS 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. Within the Settlement Strategy, Salisbury is identified as being a Principal Settlement. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the WCS sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The site is within the Limits of Development for Salisbury (the Housing Policy Boundary of Salisbury under saved policy H8), and therefore the principle of the residential development is acceptable, subject to compliance with other relevant planning policies.

As the site is located within the limits of development of a Principal Settlement there is no need to consider loss of a community facility as Core Policy 49 (Protection of rural services and community facilities) only applies to rural settlements.

In addition to considering the acceptability of the proposals in principle; it is also necessary to consider the other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts considered below.

Impact to the living conditions of proposed and nearby properties:

Core Policy 57 requires new development to have '*regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution*'.

The NPPF (para 127) states that planning decisions should ensure that developments ‘f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces (which should be regarded as extensions to the living space of a house). The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

The properties opposite comprise the side elevation of 126 Wilton Road (which only has door and single first floor facing towards the site) and a depot building. The site is set at a lower level to the residential dwelling to the north (No 2 New Zealand Avenue). This dwelling has been extended to the side with a two storey extension (S/2006/1524). The side elevation of the two storey extension has two high level circular windows in the south elevation although from the application plans for the extension these are secondary windows to bedrooms at the front and rear of the extension.

Given the difference in levels and as the dwellings have been designed with outlook to the front and rear elevations (no side windows are proposed on the north elevation of the northernmost unit adjacent to No 2 New Zealand Avenue); it is not considered that the proposals will have any significant overlooking, overshadowing or overbearing impacts to neighbouring dwellings.

Consideration must also be given to the amenity of the future occupiers. The site is located immediately adjacent to the A36 and a number of commercial businesses including Bathwick Tyres (adjoining the east boundary), Hyundai Garage and the Co-op store which may all impact on the amenity of the proposed dwellings.

Paragraph 170 of the NPPF in particular states planning decisions should ‘e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*’

Paragraph 180 is also relevant ‘*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*⁶⁰;’

Paragraph 006 of the NPPG (Reference ID: 30-006-20141224) advises that noise impact will depend on a combination of factors including:

‘*The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and subject to enforcement action. To help*

avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope. In the case of an established business, the policy set out in paragraph 182 of the Framework should be followed.

•Some commercial developments including fast food restaurants, night clubs and public houses can have particular impacts, not least because activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity.'

'182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

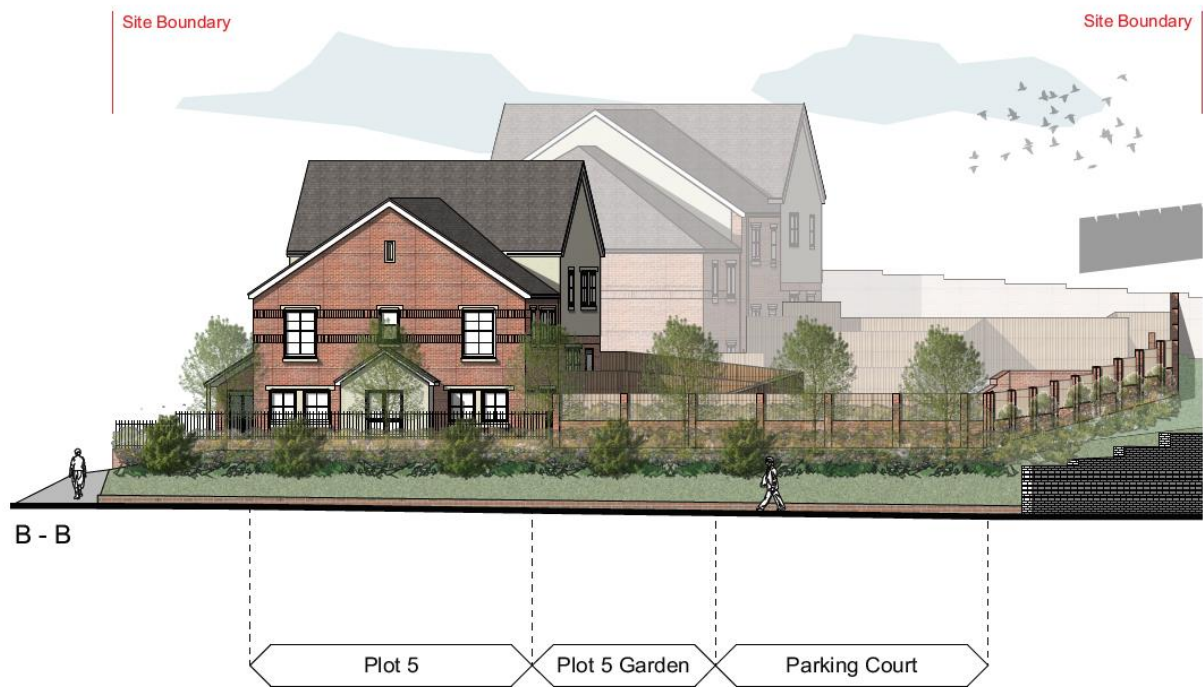
The application includes a Noise Impact Assessment which assesses the impact of noise from traffic from the A36 and from nearby businesses including Bathwick Tyres, Hyundai Garage, fish and chip shop and the Co-op Store on the amenity of the proposed residential properties. This concludes that subject to noise mitigation measures the standards detailed then British Standard 8233:2014 can be met. The public protection team have raised no objections to the proposals subject to conditions including that the development should be completed in accordance with the noise mitigation measures listed in the assessment. These include window glazing specifications and a mechanical ventilation system to ensure internal noise levels are acceptable internally; and noise attenuation measures for external amenity space including 2.5m high acoustic fencing along the east boundary with Bathwick Tyres and part way along the Wilton Road frontage to the rear garden of plot 5 and 1.8m high internal fencing (to reduce the potential disturbance in external areas of the site).

The acoustic consultant and public protection team have suggested the fencing could be higher which would further improve external amenity noise levels, although this must be balanced against visual impact from a higher boundary treatment in this prominent location on one of the main roads into Salisbury.

The design of the necessary acoustic boundary treatments to the east and south boundaries have been revised during the course of the application and now comprise timber acoustic fencing set behind brick plinth walls with brick piers which subject to conditioning details are now considered to be in keeping with the character and appearance of the area. Street scene plans have also been provided showing how the dwellings will sit within the site when considering levels and boundary treatments.

The proposals also include a landscaping strip (taking into account the need to maintain the Mining Bee Bank to Wilton Road – considered further below) with high, medium and low level planting to the front of the fence which can be dealt with in detail under a landscaping planning condition:

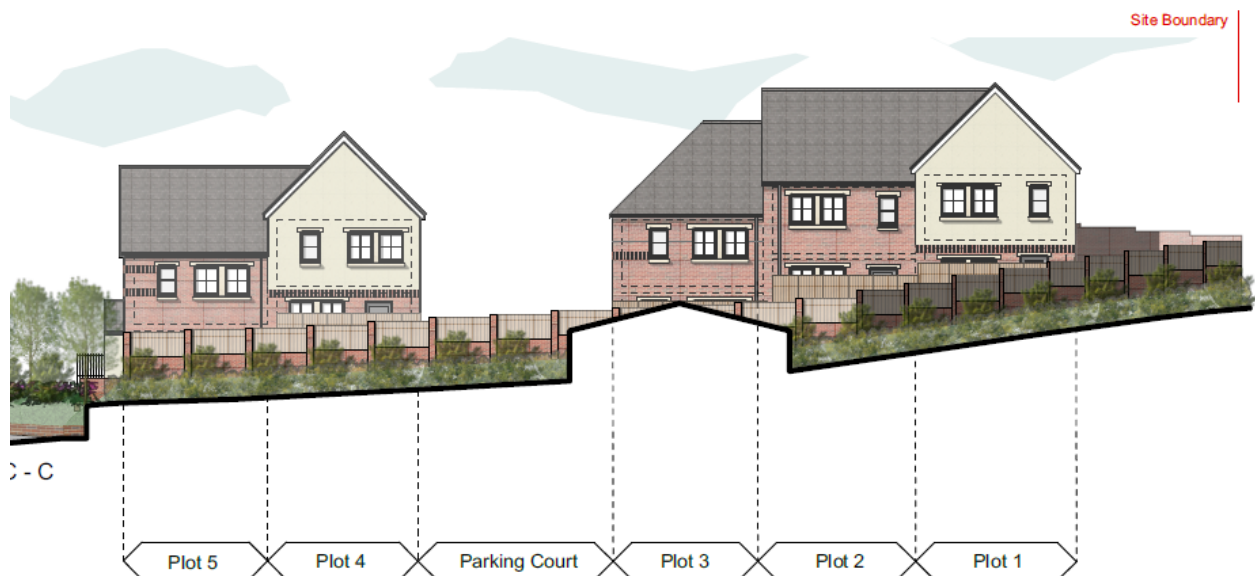
Street Scene Elevation from Wilton Road:



Street Scene elevation from New Zealand Avenue:



Street scene elevation from boundary with Bathwick Tyres (east boundary):



It is considered necessary to withdraw otherwise permitted development rights for additional windows above ground floor level to the side elevations of the dwellings to prevent undue overlooking between themselves and to also maintain the character and appearance of the development.

It is also considered necessary to withdraw permitted development rights for extensions.

The impact on the character and appearance of the area:

The National Planning Policy Framework sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should be genuinely plan-led, should always seek to secure high quality design.

Core Policy 57 requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses.

Criteria (i), (iii) and (vi) specifically refer to development making a positive contribution to the character of Wiltshire through:

i. 'Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the exiting pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.'

iii 'Responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate the building into its setting.'

vi. 'Making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.'

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit 'How the new dwelling(s) will relate to the context and to each other to create a particular place'.

Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality and applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire. Development is expected to meet a number of related place shaping and design criteria in the policy and new development should enhance/bring a sense of character to the area as a whole.

The previous scheme was refused including on the grounds of overdevelopment of the site and the loss of landscaping/extent of frontage/forecourt parking along New Zealand Avenue such that the scheme would have been vehicle dominated incongruous within the streetscene and therefore detrimental to visual amenity.

Whilst dwellings in New Zealand Avenue to the north of the site include off-street car parking, they are not in general open forecourt parking characterised by hard landscaping, but have a variety of boundary treatments including hedge/walling/picket fencing to the street. This scheme retains front gardens to the dwellings fronting New Zealand Avenue.

The revised layout with rear parking court and individual front gardens with brick boundary walls is now considered to result in a layout in keeping with the character and appearance of the area. The scheme has been amended to push the line of dwellings back eastwards in keeping with the building line of existing dwellings in New Zealand Avenue.

Third party objections include that the layout and specifically the rear parking area is contrary to Secure by Design principles and will encourage anti-social behaviour. However, this parking area is overlooked by the rear windows of the proposed dwellings and unit 4 has also been designed with the ground floor kitchen and hall way windows overlooking the entrance drive to the parking area providing passive surveillance.

The design and access statement explains that existing neighbouring properties located on New Zealand Avenue are primarily two storey houses with large windows and hipped roofs with small gables over windows. These properties are further characterised by variations of brick, painted brick and render which create interest in their facades.

Along Wilton Road the residential properties use similar variations in materials with traditional sash windows and slate gable roofs. Decorative gables and render quoins provide detail to the facades.

Local distinctiveness also includes pitched roofs, bay windows and significant degree of detailing such as expressed heads, stone cills and surrounds to openings.

The design and access statement explains *'It has been our aim to provide an attractive and appropriate scheme reflecting the scale of the surrounding built form. It is our intention to produce a crisp, clean design elevationally whilst reacting sensitively to the design cues of the buildings in and around the site.*

As designers, it is not our intention to copy the appearance of the local surroundings, but to borrow from it and enhance the positive aspects.'

The application as originally submitted was not considered acceptable in terms of the design as the dwellings were not considered to be suitably detailed given the existing context (these concerns were also raised in the third party objections).

The scheme has been amended during the course of the application revising the elevations of the proposed dwellings changing the window sizes and openings and adding details.

Overall, subject to further details being agreed via conditions (and in particular the large scale details of the boundary treatments and windows) it is considered that the scheme responds to the existing townscape, local distinctiveness and character and appearance of development in the locality.

Highway safety:

Wiltshire Core Policy 60 seeks to help reduce the need to travel, particularly by car, and support and encourage the sustainable, safe and efficient movement of people and good within and through Wiltshire through a series of initiatives and together with Core Policy 62 seeks to mitigate any adverse impact on the transport network on transport users, local communities and the environment. Wiltshire Core Policy 61 requires proposals to demonstrate that the proposal is capable of being served by safe access to the highway network. Core Policy 66 seeks to develop and improve the strategic transport network to support the objectives and policies in the Core Strategy and Local Transport Plan. In promoting demand management measures, Core Strategy policy 64 includes a requirement for traffic management measures to promote sustainable transport alternatives, reduce reliance on the car and lower the risks of accidents and improve the environment.

As part of the transport strategy for the county, the Wiltshire Local Transport Plan (3) 2011-2026 contains a number of local strategic objectives, including:

- SO2 To provide, support and promote a choice of sustainable transport alternatives.
- SO3 To reduce the impact of traffic on people's quality of life and Wiltshire's built and natural environment.
- SO7 To enhance Wiltshire's public realm and streetscene.
- SO8 To improve safety for all road users and to reduce the number of casualties on Wiltshire's roads.
- SO11 To reduce the level of air pollutant and climate change emissions from transport.
- SO12 To support planned growth in Wiltshire and ensure that new developments adequately provide for their sustainable transport requirements and mitigate their traffic impacts.
- SO13 To reduce the need to travel, particularly by private car.
- SO14 To promote travel modes that are beneficial to health.
- SO18 To enhance the journey experience of transport users.

The supporting text to Core Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas. The reviewed LTP3 Car Parking Strategy was adopted by the council in March 2015 and includes policy PS6 – Residential parking standards.

The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy:

Table 7.1 Minimum parking standards (allocated parking)

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

Based on the current parking standards, the proposed scheme generates a need for 8 parking spaces, plus 1 visitor space:

Plots 1 - 3 (3 bedroom terrace)	6 spaces
Plots 4-5 (2 bedroom semi)	4 spaces
Unallocated visitor parking	1 spaces
Total	11 spaces

The A36 is a trunk road maintained by Highways England (HE) who have raised no objections to the scheme. The local highways authority (who has jurisdiction over non trunk roads and onto which the access onto New Zealand Avenue is proposed) has noted that the proposed scheme includes parking for each of the dwellings in accordance with the parking standards but does not propose visitor parking.

The minimum cycle parking standards will also apply and are included at appendix 4 of the Cycling Strategy and are as follows:

- 1 covered space per bedroom for up to 3 bedroom dwellings.
- 3 covered spaces per unit for 4 bedroom dwellings.
- 4 covered spaces per unit for 5 + bedroom dwellings

Each dwelling has an area of private external amenity space and cycle parking details can be agreed via condition.

Given the site is located within a Principal Settlement with access to alternative modes of transport other than the private car; there are sufficient parking spaces to meet parking standards for each of the dwellings; and that there is space within plot to accommodate cycle parking, it is considered that the lack of an onsite visitor parking space is not sufficient to recommend refusal of the application.

Ecology:

- Mining Bee Habitat:

Core Policy 50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development.

The layout of the scheme now retains the Wilton Road frontage bank which is a habitat for Mining Bees. Whilst Mining Bees are not a species strictly protected in its own right, Core Policy 50 seeks to protect and enhance areas important for wildlife, regardless of the conservation status of the habitat or species. The bank is to be retained in the proposed development and details of its protection and retention can be conditioned.

It is noted that a request has been made in a letter from Salisbury and Wilton Swifts (SAWS) to use 'swift bricks' for the development to enhance biodiversity, noting that SAWS is aware of at least two pairs of swifts nesting within 200m of the site. Whilst in principle there would be no objection to this, to make this a conditional requirement of the planning permission would not be considered reasonable in terms of being necessary to mitigate direct harm from the proposal. However, an Informative can be added to the decision notice to bring the letter from SAWS to the attention of the applicant. It would also be subject to Building Regulations.

- River Avon Special Area of Conservation (SAC) - Appropriate Assessment & Phosphate Neutral Development

Special Areas of Conservation (SACs) are protected under The Conservation of Habitats and Species Regulations. These are a network of sites designated for supporting habitats or species of high nature conservation importance in the European context. Any activity that has a detrimental effect on these European sites is made an offence under the Regulations.

The River Avon SAC qualifies as a European site on account of its Annex I habitat type, which comes under the category of 'watercourses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachium* vegetation. It also qualifies on the basis of its internationally important populations of the following Annex II species; Desmoulin's whorl snail, sea lamprey, brook lamprey, Atlantic salmon and bullhead.

It is necessary to assess whether the proposed development would impact on any of the designated features before consent is granted. This assessment work is governed by the Habitats Regulations and is undertaken by the "competent authority", which for planning applications is "the planning authority".

The local planning authority needs to decide whether the plan or project, as proposed, alone or in-combination would adversely affect the integrity of the site, in the light of its conservation objectives. That is, whether the plan or project would adversely affect the coherence of the site's ecological structure and function, across its whole area or the habitats, complex of habitats and/or populations of species for which the site is classified.

In practice this process has two stages. The first stage is a preliminary 'screening' to determine whether the plan or project is likely to have a significant effect on a protected site (called the 'screening stage'). If a plan or project is 'screened in' (i.e. because significant effects cannot be ruled out) the second stage is for an assessment to be undertaken to determine the impact of development proposals on the site's conservation objectives (called an 'appropriate assessment').

The River Avon SAC has mitigation strategies in place which are intended to address impacts from the large numbers of planning applications coming forward in the River catchment. As a result of the 'People over Wind' ruling these mitigation strategies cannot be taken account of in Habitats Regulation Assessment (HRA) at the stage of considering likely significant effects (screening stage) and an Appropriate Assessment is therefore required.

An Appropriate Assessment has been undertaken (attached at appendix 1) which concludes beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the River Avon.

Wiltshire Council, along with other local planning authorities, the Environment Agency, Natural England and Wessex Water, have also signed a Memorandum of Understanding,

to ensure that development is “phosphate neutral” and will not have adverse effects upon the integrity of the River Avon SAC, an internationally important wildlife site.

The signatory local planning authorities commit to each putting in place effective and proportionate measures to remove, mitigate or offset the phosphate load from qualifying development within their planning jurisdictions. The phosphate load is calculated on the basis that residential development will be built to the highest water efficiency standards provided by the building regulations.

Qualifying development is all planning permissions granted post 09/03/18 that result in a net increase in dwellings within the River Avon Catchment Area (the approach applies to local plans with a plan area that involves land within the catchment area - as such all planning permissions granted by Wiltshire Council that result in a net increase in dwellings will qualify).

Each local planning authority will impose the following planning condition on all qualifying planning permissions:

“The dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied with.”

Sustainable Construction:

The WCS’ key strategic objective is to address climate change. It requires developers to meet this objective under Core Policy 41- Sustainable Construction which specifies sustainable construction standards required for new development.

For new build residential development the local planning authority is now seeking energy performance at “or equivalent to” Level 4 of the Code for Sustainable Homes via planning condition.

S106 obligations and CIL

The number of units proposed does not generate the need for S106 contributions.

However, the Community Infrastructure Levy (CIL) came into effect on the 18th May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply.

CIL is separate from the planning decision process, and is administered by a separate department.

The site is in CIL Charging Zone 1. The CIL charges are £85 per square metre for residential development.

Other issues:

The public protection team have recommended conditions including hours of demolition/construction, and no burning of waste. Given the site is in a residential area with existing properties surrounding the site; it is considered reasonable to condition the hours of demolition/construction as recommended by the public protection team; although burning of waste is an issue covered under separate legislation and an informative can be added advising the applicant of this.

10. Conclusion (The Planning Balance)

The site is within the defined settlement boundary of Salisbury (where the principle of new housing development is acceptable) and subject to conditions it is considered that the proposed development of the site will not have adverse impacts to the character and appearance of the area, residential amenity or highway safety.

RECOMMENDATION

(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:

Plan Reference: 5832-P091 Rev A Site Location Plan dated 22/01/2019, received by this office 07/02/2019

Plan Reference: 5832-P-11 Demolition Plan dated 19/10/2019, received by this office 07/02/2019

Plan Reference: 5832-P-30 Rev C Proposed Site Section dated 22/01/2019, received by this office 07/02/2019

Plan Reference: 5832-P-20 Rev C Proposed Floor Plans Plots 1, 2 & 3 dated 30/05/2019, received by this office 11/09/2019

Plan Reference: 5832-P-21 Rev C Proposed Floor Plans 4 & 5 dated 30/05/2019, received by this office 11/09/2019

Plan Reference: 5832-P-83 Rev D Street Scene B-B C-C dated 30/09/2019, received by this office 30/09/2019

Plan Reference: 5832-P-70 Rev C Proposed Elevations Plots 1, 2, & 3 dated 30/05/2019, received by this office 17/06/2019

Plan Reference: 5832-P-12 Rev G Proposed Site Layout dated 22/08/2019, received by this office 17/06/2019

Plan Reference: 5832-P-71 Rev C Proposed Elevations Plots 4 & 5 dated 30/05/2019, received by this office 17/06/2019

Plan Reference: 5832-P-82 Rev F Indicative Street Scene A-A dated 12/06/2019, received by this office 17/06/2019

Environmental Noise Impact Assessment (Reference IMP4922-4), received by this office 18/04/2019

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

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

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

(4) No development shall commence on site until large scale details of all window frames (1:5 scale elevations and 1:2 scale sections) including vertical and horizontal cross-sections through openings to show the positions of window frames within openings (the depth of reveal) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

(5) No development shall commence on site until large scale details (1:5 scale elevations and 1:2 scale sections) of proposed boundary treatments (to include details of railings and brickwork cappings to piers, oversailing coping to plinth walls and a timber top rail to the vertical close boarded fence) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and shall be maintained in perpetuity.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and to ensure the creation and retention of an environment free from intrusive levels of traffic noise; commercial premises and activity, in the interests of the amenities of future occupiers.

(6) There shall be no occupation of the dwellings hereby approved until the development has been completed in accordance with the agreed scheme of works for noise attenuation to include:

- Noise attenuation measures, including the installation of glazing and a Mechanical Ventilation with Heat Recovery (MVHR) Ventilation System as detailed in Section 9 of the Impact Acoustic Environmental Noise Impact Assessment (ref IMP4922-4) received by this office 18/04/2019

- Noise attenuation measures for external amenity space as detailed in Section 10.2 of Impact Acoustic Environmental Noise Impact Assessment (ref IMP4922-4) received by this office 18/04/2019

The approved attenuation works shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure internal noise levels are acceptable to British Standard 8233:2014 and in order to ensure the creation and retention of an environment free from intrusive levels of traffic noise; commercial premises and activity, in the interests of the amenities of future occupiers.

(7) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)

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

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

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

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

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

(9) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- full details of the extent of the bank to Wilton Road to be retained undisturbed, together with measures for its protection in the course of development (to include works of demolition);
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities; and
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and in the interests of retaining the bank to Wilton Road undisturbed for continued use by Mining bees and other invertebrates.

(10) The development including works of demolition shall be completed in accordance with the agreed details for the protection of the bank to Wilton Road to be submitted pursuant to condition no 9.

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

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

(11) No development shall commence on site until details of secured covered cycle parking on the site have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the dwellings hereby permitted and shall be retained for use at all times thereafter.

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

(12) The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire New Zealand Road site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level (other than the details of the boundary walls agreed under condition 5). That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

(13) No dwelling hereby permitted shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

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

(14) The dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied with.

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

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

REASON: To protect the amenity of nearby residents.

(16) 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.

(17) 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, or other forms of openings shall be inserted above first floor level in the roofslopes or elevations of all plots; or above ground floor level to the gable elevations of plots 1, 3 and 4 of the development hereby permitted.

REASON: In the interests of residential amenity and privacy and visual amenity to maintain the character and appearance of the development.

INFORMATIVE TO APPLICANT: Community Infrastructure Levy

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.

INFORMATIVE: Private Property/Access Rights

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

The applicant is advised to consider the third party comments re private rights and the developers should satisfy themselves/resolve matters before development commences. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT: Material Samples

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.

To be acceptable to the local planning authority it is considered that 'slate roof tiles' will need to be of slate and not incongruous concrete roof tiles and Oatmeal coloured render not a stark white render in this setting.

INFORMATIVE TO APPLICANT: Wessex Water

The applicant has indicated that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via the main sewer.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

Is the surface water strategy acceptable to Wessex Water?

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via the main sewer. The strategy is currently acceptable to Wessex Water. We will support measures, such as permeable paving and rain butts, which reduce surface water run off into the existing surface water sewer, to improve water quality and reduce flood risk. Detailed application must prove a minimum 30% reduction in total flow from site to account for climate change.

INFORMATIVE TO APPLICANT: Bats

There is a very small risk that bats may occur at the development site. The council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the particular proposals for the site, the council considers that if bats were found, mitigation would probably not require further planning permission and a Natural England Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to engage a professional ecologist to provide a watching brief during the demolition works. If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

INFORMATIVE TO APPLICANT: Swifts

The applicant's attention is drawn to the letter from Salisbury and Wilton Swifts (SAWS) dated 24/02/2019 regarding at least two pairs of swifts nesting within 200m of the site and urging the developer to install swift bricks into the fabric of the new building during the construction phase of the development in the interests of biodiversity enhancement.

INFORMATIVE TO APPLICANT: Air Quality

The development is below the threshold for which an Air Quality Assessment or Screening Assessment is required, however the Council is keen to promote contributions towards reducing vehicle emissions across Wiltshire in keeping with our current Air Quality Strategy and Core Policy 55. In this regard we are keen to see the uptake of Ultra Low Energy Vehicle (ULEV) Infrastructure and to this end would ask that the applicant consider what ULEV infrastructure could be incorporated at this development e.g. Electric Vehicle Charging. This is being done at other developments currently and should serve to enhance their environmental image and marketability.

INFORMATIVE TO APPLICANT: Environmental Protection Act 1990

The applicant should be aware that Councils must investigate complaints about issues that could be a 'statutory nuisance' (a nuisance covered by the Environmental Protection Act 1990). If a complaint of statutory nuisance is justified an Abatement Notice can be served upon the person responsible, occupier or owner of the premises requiring that the nuisance be abated.

In light of this legislation, the Public Protection team recommend the following:

- No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.*
- Measures should be taken to reduce and manage the emission of dust during the demolition and/or construction phase of the development.*

APPENDIX 1: Appropriate assessment for the River Avon SAC

The River Avon SAC has mitigation strategies in place which are intended to address impacts from the large volumes of applications coming forward in the River Avon catchment. As a result of the People over Wind ruling¹ these mitigation strategies cannot be taken account of in HRA at the stage of considering likely significant effects. The following text aims to ensure the LPA complies with this ruling in a proportionate way.

Elevated levels of phosphorus in the River Avon are preventing the conservation objectives from being achieved causing the river to be in unfavourable condition. Development contributes to this through phosphorus inputs from sewage treatment works and package treatment plants.

Local Authorities in the Avon catchment have entered into a Memorandum of Understanding (MoU) with Natural England, Wessex Water and the Environment Agency² agreeing to deploy a range of measures to ensure that the development between March 2018 and March 2025 will be phosphate neutral. The MoU focusses on residential development down to single dwellings as the impacts arise from the in-combination effects of all developments in the catchment. So far the parties have agreed to an Interim Delivery Plan (IDP) which aims to secure a trajectory of phosphorus reductions in line with the spatial and temporal pattern of housing delivery. Work is progressing on; establishing an online trading platform for purchasing interventions to reduce phosphorus runoff; seeking opportunities for strategically located wetlands, and; recruiting a project officer post to oversee delivery of the IDP. The MoU is reviewed annually to ensure the housing trajectory matches phosphorus reductions achieved on the ground and to ensure it remains fit for purpose as a result of the growing scientific evidence base.

In Wiltshire mitigation, management and monitoring will be funded through the Community Infrastructure Levy (CIL). Where measures would not come under the definition of 'relevant infrastructure' the Council may pool s106 developer contributions for 4 or fewer developments.

At the current time, the above work enables the Council to conclude, beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the River Avon SAC.

¹ Court of Justice of the European Union, Case C 323/17 "People Over Wind" v Coillte Teoranta (Appendix 4)

² Memorandum of Understanding, River Avon Special Area of Conservation, Phosphate Neutral Development – Interim Mitigation, 29 May 2018